

Tab 1	SB 226 by Powell (CO-INTRODUCERS) Burgess, Perry ; (Identical to H 00025) Care for Retired Law Enforcement Dogs
Tab 2	CS/SB 342 by CJ, Perry (CO-INTRODUCERS) Taddeo ; (Similar to H 00195) Juvenile Diversion Program Expunction
Tab 3	CS/SB 344 by CJ, Perry ; (Identical to H 00197) Public Records/Nonjudicial Record of the Arrest of a Minor

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Perry, Chair
Senator Wright, Vice Chair

MEETING DATE: Wednesday, December 1, 2021
TIME: 4:30—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Perry, Chair; Senator Wright, Vice Chair; Senators Baxley, Bracy, Gainer, Pizzo, Rodriguez, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 226 Powell (Identical H 25)	Care for Retired Law Enforcement Dogs; Citing this act as the "Care for Retired Law Enforcement Dogs Program Act"; creating the Care for Retired Law Enforcement Dogs Program within the Department of Law Enforcement; requiring the department to contract with a nonprofit corporation to administer and manage the program; specifying requirements for the disbursement of funds for the veterinary care of eligible retired law enforcement dogs, etc. CJ 11/02/2021 Favorable ACJ 12/01/2021 Favorable AP	Favorable Yeas 8 Nays 0
2	CS/SB 342 Criminal Justice / Perry (Similar H 195, Compare H 197, Linked CS/S 344)	Juvenile Diversion Program Expunction; Requiring the Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses, rather than only for misdemeanor offenses; authorizing a minor who successfully completes a diversion program and is granted an expunction for any offense, rather than only for a first-time misdemeanor offense, to lawfully deny or fail to acknowledge certain information, etc. CJ 11/02/2021 Fav/CS ACJ 12/01/2021 Favorable AP	Favorable Yeas 8 Nays 0
3	CS/SB 344 Criminal Justice / Perry (Identical H 197, Compare H 195, Linked CS/S 342)	Public Records/Nonjudicial Record of the Arrest of a Minor; Providing an exemption from public records requirements for a nonjudicial record of the arrest of a minor who has successfully completed a diversion program; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CJ 11/02/2021 Fav/CS ACJ 12/01/2021 Favorable AP	Favorable Yeas 8 Nays 0

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA
Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, December 1, 2021, 4:30—6:00 p.m.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 226

INTRODUCER: Senators Powell and Burgess

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: November 30, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 226 creates the Care for Retired Law Enforcement Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired law enforcement dog by the former handler or adopter who incurs the costs. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with the Florida Department of Law Enforcement (FDLE) after a competitive grant award process.

The bill requires valid documentation of the dog's retirement from a law enforcement agency the dog served for 5 years or more. If the dog served more than one agency during its career, documentation from two or more agencies showing a total of at least 5 years of service is acceptable. A valid paid invoice from the veterinarian for veterinary care is required in order for reimbursement of veterinary costs to occur.

The bill includes an appropriation of \$300,000 in recurring funds from the General Revenue Fund for the purpose of implementing and administering the program.

The bill is effective July 1, 2022.

II. Present Situation:

Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and

bomb detection, and search and rescue operations.¹ Law enforcement dogs cannot work forever and are faced with natural aging conditions and may have sustained injuries in the line of duty.²

When it is time for a law enforcement dog to retire, the dog typically lives with their law enforcement officer partner. Tarpon Springs Police Department K-9 officer, Dobies, retired on his birthday, after seven years of service.³ In 2017, two dogs who had both served the Flagler County Sheriff's Office for eight years retired from duty in apprehending suspects and sniffing for narcotics, with a combined 190 deployments.⁴ All three of the dogs were to stay at home with their handlers as pets.⁵ The veterinary expenses due to complications from law enforcement K-9's injuries, joint problems, or other job-related health problems may be too costly for the former handler.⁶

III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the FDLE to provide a stable funding source for veterinary care for retired law enforcement dogs. The FDLE is directed to contract with a not-for-profit corporation, organized under ch. 617, F.S., to administer and manage the program.⁷ The corporation will be selected through a competitive grant award process and must:

- Be dedicated to the protection or care of retired law enforcement dogs.
- Hold tax-exempt status under the Internal Revenue code as an s. 501(c)(3) organization.⁸
- Have held tax-exempt status for at least five years.
- Agree to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with the bill.

¹ See e.g., Hillsborough County Sheriff's Office, Operational Support Department, K-9 Unit, *Meet Our Team*; available at <https://www.teamhscso.com/SpecialtyTeamMember> (last visited October 20, 2021); Pasco County Sheriff's Office, K-9 Association, available at <https://www.pascosheriffcharities.org/k-9-association/k-9-meet-the-teams/> (last visited October 20, 2021); Gainesville Police Department, *Patrol Support Bureau, K-9*, available at <http://www.gainesvillepd.org/About-GPD/Operations-Bureau/Patrol-Support-Bureau/K-9> (last visited October 20, 2021).

² For example, in September 2021, three different Law Enforcement K-9s acting in the line of duty were shot by suspects in Florida. *Officials: Florida K-9s shot by carjacking suspect*, September 11, 2021, AP News, available at <https://apnews.com/article/police-florida-carjacking-dogs-02ad82fce042d444f7d067151a3aeb30> (last visited October 20, 2021); *JSO K-9 recovering after being shot during Nassau County manhunt*, Carianne Luter, Social Media Producer, September 27, 2021, News4Jax, available at <https://www.news4jax.com/news/local/2021/09/27/jso-k-9-recovering-after-being-shot-during-nassau-county-manhunt/> (last visited October 20, 2021).

³ Fox 35 Orlando, *Florida K-9 retires on his birthday, officers pay tribute with heartwarming final sign-off*, January 17, 2020, available at <https://www.fox35orlando.com/news/florida-k-9-retires-on-his-birthday-officers-pay-tribute-with-heartwarming-final-sign-off> (last visited October 20, 2021).

⁴ FlaglerLive.com, *Retirement of Two K-9s, Repo and Reno, Highlights Sheriff's Award Ceremony*, April 26, 2017, available at <https://flaglerlive.com/107363/sheriffs-awards-2017/> (last visited October 20, 2021).

⁵ *Supra* note 3 and 4.

⁶ South Florida Fund for Retired Law Enforcement K-9's, *Who We Help, The Fund*, available at <https://soflretiredk9fund.com/about/who-we-help/> (last visited October 20, 2021); The Canine Bible, *Police Dog Lifespan: How Long K9 Work, Live? Retirement & Adoption*, May 8, 2021, available at <https://www.caninebible.com/police-dog-lifespan/> (last visited October 21, 2021).

⁷ Section 617.01401(5), F.S., defines "corporation not for profit" as a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under ch. 617, F.S.

⁸ See 26 U.S.C. s. 501(c)(3).

The program will provide up to \$1,500 annually, per dog, to any former handler or adopter of a retired law enforcement dog for reimbursement of veterinary care for the dog. In order to receive these funds, valid documentation must be received from the agency from which the dog retired verifying the dog's service of 5 years or more with the agency or service of a total of 5 years or more with two or more law enforcement agencies.

The former handler or adopter must submit a valid invoice from a veterinarian for care provided in Florida and proof of payment for reimbursement to occur. The former handler or adopter may not accumulate unused funds for the current year for use in a future year. When the annual funding for the program is depleted, reimbursements must be discontinued for the remainder of the year.

“Retired law enforcement dog” is defined as a dog who has been in the service of or employed by a law enforcement agency in this state for the principle purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders. The retired law enforcement dog must have received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association, Inc.⁹

The bill defines “law enforcement agency” as a state or local public agency that has primary responsibility for the prevention and detection of crime or the enforcement of the penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

The bill adopts the term “veterinarian” from s. 474.202(11), F.S., which defines “veterinarian” as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of ch. 474, F.S.¹⁰ The bill also defines “veterinary care” as the practice, by a veterinarian, of veterinary medicine as defined in s. 474.202(13), F.S. “Veterinary medicine” includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine.¹¹ The bill specifies that the term also includes:

- Annual wellness examinations;
- Vaccinations;
- Internal and external parasite prevention treatments;
- Testing and treatment of illnesses and diseases;
- Medications;
- Emergency care and surgeries;

⁹ National Police Canine Association, available at <http://www.npca.net/> (last visited October 20, 2021). The National Police Canine Association is one of many such organizations in the country, including The Florida Law Enforcement Canine Association (FLECA) dedicated to the training and certification of Florida's Law Enforcement Canine Teams. Florida Law Enforcement Canine Association, FLECA, available at <http://www.flecak9.com/> (last visited October 20, 2021).

¹⁰ Section 474.202(9), F.S., defines “practice of veterinary medicine” to mean diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

¹¹ Section 474.202(13), F.S.

- Veterinary oncology or other specialty care; and
- Euthanasia and cremation services.

The bill specifies that the not-for-profit corporation is the disbursing authority for the funds appropriated by the Legislature to the FDLE for the program. The FDLE must pay the not-for-profit corporation up to 10 percent of appropriated funds for administrative expenses, including salaries and benefits.

The bill contains legislative findings related to the value of law enforcement dogs to the residents of Florida.

The bill includes an appropriation of \$300,000 for Fiscal Year 2022-2023 in recurring funds from the General Revenue Fund to the FDLE for the purpose of implementing and administering the program. The funds will be used to reimburse a former handler or an adopter for the cost of the retired law enforcement dog's veterinary care and to pay the contract with the not-for-profit corporation.

The FDLE is required to adopt rules to implement the program.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill includes an appropriation of \$300,000 for FY 2022-2023 in recurring funds from the General Revenue Fund to the FDLE for the purpose of implementing and administering the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.69 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Powell

30-00301-22

2022226__

A bill to be entitled

An act relating to care for retired law enforcement dogs; providing a short title; creating s. 943.69, F.S.; providing legislative findings; providing definitions; creating the Care for Retired Law Enforcement Dogs Program within the Department of Law Enforcement; requiring the department to contract with a nonprofit corporation to administer and manage the program; specifying requirements for the nonprofit corporation; specifying requirements for the disbursement of funds for the veterinary care of eligible retired law enforcement dogs; limiting annual funding available for an eligible dog; prohibiting the accumulation of unused funds from a current year for use in a future year; prohibiting reimbursement in certain circumstances; providing for use of appropriated funds for administrative expenses; requiring the department to adopt rules; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Care for Retired Law Enforcement Dogs Program Act."

Section 2. Section 943.69, Florida Statutes, is created to read:

943.69 Care for Retired Law Enforcement Dogs Program.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Law enforcement dogs are an integral part of many law

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

30-00301-22

2022226__

enforcement efforts statewide, including the apprehension of suspects through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations.

(b) Law enforcement agencies agree that the use of law enforcement dogs is an extremely cost-effective means of crime control and that these dogs possess skills and abilities that frequently exceed those of existing technology.

(c) The service of law enforcement dogs is often dangerous and can expose them to injury at a rate higher than that of nonservice dogs.

(d) Law enforcement dogs provide significant contributions to the residents of this state.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Law enforcement agency" means a lawfully established state or local public agency having primary responsibility for the prevention and detection of crime or the enforcement of penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

(b) "Retired law enforcement dog" means a dog that was previously in the service of or employed by a law enforcement agency in this state for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders and that received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association, Inc., or other certifying organization.

(c) "Veterinarian" has the same meaning as in s. 474.202.

(d) "Veterinary care" means the practice, by a veterinarian, of veterinary medicine as defined in s. 474.202.

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

30-00301-22 2022226__

59 The term includes annual wellness examinations, vaccinations,
60 internal and external parasite prevention treatments, testing
61 and treatment of illnesses and diseases, medications, emergency
62 care and surgeries, veterinary oncology or other specialty care,
63 euthanasia, and cremation.

64 (3) ESTABLISHMENT OF PROGRAM.—The Care for Retired Law
65 Enforcement Dogs Program is created within the department to
66 provide a stable funding source for the veterinary care for
67 retired law enforcement dogs.

68 (4) ADMINISTRATION.—The department shall contract with a
69 nonprofit corporation organized under chapter 617 to administer
70 and manage the Care for Retired Law Enforcement Dogs Program.
71 Notwithstanding chapter 287, the department shall select the
72 nonprofit corporation through a competitive grant award process.
73 The nonprofit corporation must meet all of the following
74 criteria:

75 (a) Be dedicated to the protection or care of retired law
76 enforcement dogs.

77 (b) Be exempt from taxation under s. 501(a) of the Internal
78 Revenue Code as an organization described in s. 501(c)(3) of
79 that code.

80 (c) Have maintained such tax-exempt status for at least 5
81 years.

82 (d) Agree to be subject to review and audit at the
83 discretion of the Auditor General in order to ensure accurate
84 accounting and disbursement of state funds.

85 (e) Demonstrate the ability to effectively and efficiently
86 disseminate information and to assist former handlers and
87 adopters of retired law enforcement dogs in complying with this

30-00301-22 2022226__

88 section.

89 (5) FUNDING.—

90 (a) The nonprofit corporation shall be the disbursing
91 authority for funds the Legislature appropriates to the
92 department for the Care for Retired Law Enforcement Dogs
93 Program. These funds must be disbursed to the former handler or
94 the adopter of a retired law enforcement dog that served for 5
95 years or more as a law enforcement dog upon receipt of:

96 1. Valid documentation from the law enforcement agency from
97 which the dog retired which verifies that the dog was in the
98 service of or employed by that agency; and

99 a. That the dog served 5 years or more with that agency; or
100 b. Documentation showing that the dog served a total of 5
101 years or more with two or more law enforcement agencies; and

102 2. A valid invoice from a veterinarian for veterinary care
103 provided in this state to a retired law enforcement dog and
104 documentation establishing payment of the invoice by the former
105 handler or the adopter of the retired law enforcement dog.

106 (b) Annual disbursements to a former handler or an adopter
107 to reimburse him or her for the cost of the retired law
108 enforcement dog's veterinary care may not exceed \$1,500 per dog.
109 A former handler or an adopter of a retired law enforcement dog
110 may not accumulate unused funds from a current year for use in a
111 future year.

112 (c) A former handler or an adopter of a retired law
113 enforcement dog who seeks reimbursement for veterinary care may
114 not receive reimbursement if funds appropriated for the Care for
115 Retired Law Enforcement Dogs Program are depleted in the year
116 for which the reimbursement is sought.

30-00301-22 2022226__

117 (6) ADMINISTRATIVE EXPENSES.—The department shall pay to
118 the nonprofit corporation, and the nonprofit corporation may
119 use, up to 10 percent of appropriated funds for its
120 administrative expenses, including salaries and benefits.

121 (7) RULEMAKING.—The department shall adopt rules to
122 implement this section.

123 Section 3. For the 2022-2023 fiscal year, and each fiscal
124 year thereafter, the sum of \$300,000 in recurring funds is
125 appropriated from the General Revenue Fund to the Department of
126 Law Enforcement for the purpose of implementing and
127 administering the Care for Retired Law Enforcement Dogs Program.

128 Section 4. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

Senator Bobby Powell
2715 North Australian Avenue, Suite 105
West Palm Beach Florida 33407

To: Senator Keith Perry, Chair
Appropriations Subcommittee on Criminal and Civil Justice

Subject: Committee Agenda Request

Date: November 2, 2021

I respectfully request that **Senate Bill #226**, relating to **CARE FOR RETIRED LAW ENFORCEMENT DOGS**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Bobby Powell".

Senator Bobby Powell
Florida Senate, District 30

12/1/21

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 226

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Approps Sub on C + CJ
Committee

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508-1001

Address 1206 Walter Dr.
Street

Email kmacfall@humane.society.org

Tallahassee FL 32312
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Humane Society of the United States

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/2021

226

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 342

INTRODUCER: Criminal Justice Committee and Senator Perry and others

SUBJECT: Juvenile Diversion Program Expunction

DATE: November 30, 2021 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 342 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, this bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

This bill may have a negative fiscal impact on the Florida Department of Law Enforcement (FDLE). See Section V. Fiscal Impact Statement.

This bill is effective on July 1, 2022.

II. Present Situation:

Juvenile Criminal History Records

In contrast to adult criminal history records,¹ which are generally accessible to the public, Florida law treats juvenile offender records that are in the jurisdiction of juvenile courts differently, making such records confidential and exempt from public disclosure.²

Such records that contain confidential and exempt information may be disclosed only to:

- Authorized personnel of the court;
- The Department of Juvenile Justice (DJJ) and its designees;
- The Department of Corrections;
- The Florida Commission on Offender Review;
- Law enforcement agents;
- School superintendents and their designees;
- Any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile; and
- Others entitled under ch. 985, F.S., to receive that information, or upon order of the court.³

However, the following exceptions apply:

- The name, photograph, address, and crime or arrest report of a juvenile is not considered confidential and exempt if the juvenile has been:
 - Taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;
 - Charged with a violation of law which, if committed by an adult, would be a felony;
 - Found to have committed an offense which, if committed by an adult, would be a felony;
 - or
 - Transferred to adult court pursuant to part X of ch. 985, F.S.;
- A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense;⁴
- A law enforcement agency must notify the superintendent of schools that a juvenile is alleged to have committed a delinquent act when a juvenile of any age is taken into custody for an offense that would have been a felony if committed by an adult, or a crime of violence;⁵

¹ “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information. Section 943.045(6), F.S.

² Section 985.04(1)(a), F.S. Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.

³ Section 985.04(1)(b), F.S.

⁴ Information gained by the victim pursuant to ch. 985, F.S., including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies. Section 985.04(3), F.S.

⁵ When a juvenile of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney must notify the superintendent of the juvenile’s school that the juvenile has been charged with such felony or delinquent act. The information obtained by the superintendent of schools must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the juvenile and the director of transportation. The principal must immediately notify the juvenile’s classroom teachers, the juvenile’s assigned bus driver, and any other school personnel whose duties include direct supervision of the juvenile. Section 985.04(4)(b), F.S.

- Records maintained by the DJJ, including copies of records maintained by the court, which pertain to a juvenile found to have committed a delinquent act which, if committed by an adult, would be a crime specified in s. 435.04, F.S., may not be destroyed for 25 years after the juvenile's final referral to the DJJ, except in cases of the death of the juvenile; and
- Records in the custody of the DJJ may be inspected only upon order of the Secretary or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper.⁶

In these instances, the criminal history information⁷ of a juvenile will be available to:

- A criminal justice agency for criminal justice purposes on a priority basis and free of charge;
- The person to whom the record relates, or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in s. 943.0585(6), F.S., or s. 943.059(6), F.S., for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.⁸

Records pertaining to juveniles committed to or supervised by the DJJ are retained until a juvenile reaches the age of 24 years or 26 years in the case of a serious or habitual delinquent child, and the destruction of such records are governed by ch. 943, F.S.⁹

Juvenile Diversion Program Expunction

The exceptions to accessibility of a criminal history record do not apply if the record has been sealed¹⁰ or expunged.¹¹ The expunction of a criminal history record is the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody of the record.¹² The following are authorized expungement processes for the criminal history record of a juvenile:

- Juvenile diversion;¹³
- Automatic juvenile;¹⁴ and

⁶ Section 985.04, F.S.

⁷ "Criminal history information" means information collected by criminal justice agencies on persons, which information consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges and the disposition thereof. The term does not include identification information, such as biometric records, if the information does not indicate involvement of the person in the criminal justice system. Section 943.045(5), F.S.

⁸ Section 943.053(3)(c)1.a.-d., F.S.

⁹ Section 985.04(7)(b), F.S.

¹⁰ "Sealing of a criminal history record" means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein. Section 943.045(19), F.S.

¹¹ Section 943.053(3)(b), F.S.

¹² Criminal history records in the custody of the FDLE must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction. Section 943.045(16), F.S.

¹³ Section 943.0582, F.S.

¹⁴ Section 943.0515, F.S.

- Early juvenile.¹⁵

Diversion refers to a program that is designed to keep a juvenile from entering the juvenile justice system through the legal process.¹⁶ The term diversion has been broadly used over the years, but typically refers to the placement of an individual on a track that is less restrictive and affords more opportunities for rehabilitation and restoration. Whether it is a prearrest or postarrest diversion program, the goal of the program is to maximize the opportunity for success and minimize the likelihood of recidivism.¹⁷

There are certain enumerated diversion programs eligible for diversion expunction under s. 943.0582, F.S. The following eligible programs are:

- Civil citation or similar pre-arrest diversion, *see* s. 985.12, F.S.
- Pre-arrest or post-arrest diversion programs, *see* s. 985.125, F.S.
- Neighborhood restorative justice programs, *see* s. 985.155, F.S.
- Community arbitration programs, *see* s. 985.16, F.S.
- Another program to which a referral is made by the state attorney, *see* s. 985.15, F.S.

The decision to refer a juvenile to a diversion program is at the discretion of either the law enforcement officer that confronted the juvenile at the time of the incident or the state attorney that has been referred the case. While participation in a diversion program may be restricted to misdemeanor offenses, there are some programs that enable a juvenile who has committed a felony to participate. In Fiscal Year 2019-20, 2,770 juveniles were referred to diversion programs for felony offenses.¹⁸

After completing an eligible diversion program, a juvenile seeking to have his or her nonjudicial arrest record expunged must:

- Submit an application for diversion expunction to the FDLE.
- Submit, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that:
 - He or she has completed the diversion program;
 - The arrest was for a misdemeanor; and
 - He or she has not otherwise been charged by the state attorney with or have been found to have committed, any criminal offense or comparable ordinance violation.
- Have not, before the application for expunction, been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.¹⁹

¹⁵ Section 943.0515(1)(b)2., F.S.

¹⁶ Florida Department of Juvenile Justice, *Glossary*, available at <http://www.djj.state.fl.us/youth-families/glossary> (last accessed October 21, 2021).

¹⁷ Center for Health & Justice at TASC, *A National Survey of Criminal Justice Diversion Programs and Initiatives*, pg. 6, (December 2013), available at https://www.centerforhealthandjustice.org/chjweb/tertiary_page.aspx?id=77&title=No-Entry:-A-National-Survey-of-Criminal-Justice-Diversion-Programs-and-Initiatives (last accessed October 21, 2021).

¹⁸ Florida Department of Juvenile Justice, *Delinquency Profile 2020, Statewide Diversion – Felony Youth*, available at <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile/delinquency-profile-dashboard> (last accessed October 21, 2021).

¹⁹ Section 943.0582(3), F.S.

If the juvenile meets such criteria and submits the appropriate documentation, the FDLE must expunge the nonjudicial arrest record of the juvenile.²⁰

A criminal history record that is expunged under this section is only available to criminal justice agencies²¹ for the purpose of determining eligibility for diversion programs, a criminal investigation, or making a prosecutorial decision.²² Records maintained by local criminal justice agencies in the county where the arrest occurred that are eligible for expunction under this section must be sealed.²³ A record sealed under s. 943.059, F.S., is available only to specified persons or entities, including criminal justice agencies for their respective purposes and when the subject of the record is a candidate for employment with a criminal justice agency.²⁴ A juvenile who successfully completes a diversion program for a first time misdemeanor offense may lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record, unless the inquiry is made by a criminal justice agency for one of the purposes stated above.²⁵

A juvenile who receives an expunction under this section is not prevented from petitioning for the expunction or sealing of a later criminal history record for human trafficking victim expunction,²⁶ court ordered expunction,²⁷ or court ordered sealing,²⁸ if the juvenile is otherwise eligible for relief under those sections.²⁹

Forcible Felonies

Section 776.08, F.S., provides that a forcible felony is:

- Treason;
- Murder;
- Manslaughter;
- Sexual battery;
- Carjacking;
- Home-invasion robbery;
- Robbery;
- Burglary;
- Arson;
- Kidnapping;
- Aggravated assault;

²⁰ Section 943.0582(3), F.S.

²¹ “Criminal justice agency” means: a court; the FDLE; the DJJ; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; and any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 943.045(11), F.S.

²² Section 943.0582(2)(b)1., F.S.

²³ Section 943.0582(2)(b)2., F.S.

²⁴ Section 943.059(6), F.S.

²⁵ Section 985.126(5), F.S.

²⁶ Section 943.0583, F.S.

²⁷ Section 943.0585, F.S.

²⁸ Section 943.059, F.S.

²⁹ Section 943.0582, F.S.

- Aggravated battery;
- Aggravated stalking;
- Aircraft piracy;
- Unlawful throwing, placing, or discharging of a destructive device or bomb; and
- Any other felony which involves the use or threat of physical force or violence against any individual.

III. Effect of Proposed Changes:

This bill amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, this bill amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

This bill is effective on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE may see an increase in applications for diversion expunction from juveniles who have completed diversion for a permissible felony offense. The FDLE is requesting two positions (Criminal Justice Information Analyst I and II) totaling \$142,011 (\$132,921 recurring) to address the increased workload. Additionally, the FDLE estimates a \$24,050 nonrecurring cost to make modifications to existing IT systems.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0582 and 985.126.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on November 2, 2021:

The committee substitute clarifies that only a minor who has completed a diversion program and who has been granted an expunction under s. 943.0582, F.S., may lawfully deny participation in the diversion program and such expunction.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁰ Florida Department of Law Enforcement, *2022 Agency Analysis of SB 342* (October 27, 2021), at 3 (on file with the Senate Committee on Criminal Justice).

By the Committee on Criminal Justice; and Senators Perry and Taddeo

591-01004-22

2022342c1

1 A bill to be entitled
 2 An act relating to juvenile diversion program
 3 expunction; amending s. 943.0582, F.S.; requiring the
 4 Department of Law Enforcement to expunge the
 5 nonjudicial arrest record of certain minors who
 6 successfully complete a diversion program for
 7 specified felony offenses, rather than only for
 8 misdemeanor offenses; amending s. 985.126, F.S.;
 9 authorizing a minor who successfully completes a
 10 diversion program and is granted an expunction for any
 11 offense, rather than only for a first-time misdemeanor
 12 offense, to lawfully deny or fail to acknowledge
 13 certain information; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Subsection (1) and paragraph (b) of subsection
 18 (3) of section 943.0582, Florida Statutes, are amended to read:
 19 943.0582 Diversion program expunction.—
 20 (1) Notwithstanding any law dealing generally with the
 21 preservation and destruction of public records, the department
 22 shall adopt rules to provide for the expunction of a nonjudicial
 23 record of the arrest of a minor who has successfully completed a
 24 diversion program ~~for a misdemeanor offense~~.
 25 (3) The department shall expunge the nonjudicial arrest
 26 record of a minor who has successfully completed a diversion
 27 program if that minor:
 28 (b) Submits to the department, with the application, an
 29 official written statement from the state attorney for the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01004-22

2022342c1

30 county in which the arrest occurred certifying that the minor ~~he~~
 31 ~~or she~~ has successfully completed that county's diversion
 32 program; ~~;~~ that the minor's ~~his or her~~ participation in the
 33 program was based on an arrest for a misdemeanor offense or for
 34 a felony offense other than a forcible felony as defined in s.
 35 776.08; ~~;~~ and that the minor ~~he or she~~ has not otherwise been
 36 charged by the state attorney with, or found to have committed,
 37 any criminal offense or comparable ordinance violation.
 38 Section 2. Subsection (5) of section 985.126, Florida
 39 Statutes, is amended to read:
 40 985.126 Diversion programs; data collection; denial of
 41 participation or expunged record.—
 42 (5) A minor who successfully completes a diversion program
 43 and who has been granted an expunction under s. 943.0582 ~~for a~~
 44 ~~first-time misdemeanor offense~~ may lawfully deny or fail to
 45 acknowledge his or her participation in the program and such an
 46 expunction of a nonjudicial arrest record ~~under s. 943.0582,~~
 47 unless the inquiry is made by a criminal justice agency, as
 48 defined in s. 943.045, for a purpose described in s.
 49 943.0582(2)(b)1.
 50 Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

12/1/21

Meeting Date

342

Bill Number or Topic

CCT Approps

Committee

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

407 376 4801

Address

134 E. Colonial Dr.

Street

Email

ida.eskamani@gmail.com

Orlando

City

FL

State

32801

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Rising
Florida Immigrant Coalition

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

12/1/2021

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 342

Bill Number or Topic

Approp Criminal & Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Megan Turetsky

Phone 954-551-0735

Address 3032 N 35 Terrace

Email Mturetsky@CSO.Broward.fl.gov

Street

Hollywood

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Children's Services Council of Broward County

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

This form is part of the public record for this meeting.

12/1/21

The Florida Senate APPEARANCE RECORD

342

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Approps Sub C / Justice

Committee

Amendment Barcode (if applicable)

Name Carrie Boyd

Phone 850 570 9560

Address 106 E. College St.

Email carrie.boyd@splcenter.org

Street

JLH

FL

32306

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

This form is part of the public record for this meeting.

12/1/21

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 342

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Approps - Crim + Civ Justice

Committee

Amendment Barcode (if applicable)

Name

Neisha-Rose Hines

Phone

768-363-1104

Address

4343 W. Flagler St

Email

Street

Miami

FL

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ACLU FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/2021

342

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

12/1/21
Meeting Date

SB 342
Bill Number or Topic

Approps. Subcomm. on Crim & Civ Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Dr. Dianne Clarke Phone 727-545-7864

Address 6655 66th St. North Email dclarke@oper.par.org
Street

Pinellas Park FL 33781
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Operation PAR

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Approps. Subcommittee on Crim & Civ Justice

Committee

Amendment Barcode (if applicable)

Name JODI STEVENS

Phone (904) 383-9403

Address 311 East Jennings St. #4422

Email Jodi.Stevens

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

PAGE CENTER FOR GIRLS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Approps. Subcomm. on Crim & Civ. Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Vicki Waytowich

Phone (904) 860-8530

Address 910 N Jefferson St.

Email Vicki.w@cojnet

Street

Jacksonville

City

FL

State

32209

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Partnership For Child Health

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Approps. Subcomm. on Comm. & Civ. Justice

Committee

Amendment Barcode (if applicable)

Name Michael Cantrell

Phone (402) 679-9347

Address 41091 Outlaw Lane
Street

Email Michael.Cantrell@rep.com

Weirsdale

City

FL

State

31940

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Rite of Passage

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

12/1/21
Meeting Date

SB 342

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Approps. Subcomm. on Crim & Civ Justice
Committee

Amendment Barcode (if applicable)

Name Donnie Read Phone (850) 643-7698

Address 2930 Kerry Forest Drwy, Suite 101 Email dread@twinoaksfl.org
Street

Tallahassee FL 32309
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Twin Oaks Juvenile Development

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21
Meeting Date

SB 342
Bill Number or Topic

Approps. Subcomm. on Crim & Cr. Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Dale Thompson Phone (941) 730-3411

Address 13010 Rambicwood Trail Email Dale.Thompson1mhc@gmail.com
Street

Bradenton FL 34211
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Psy-Care

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Approps. Subcomm. on Crim. & Civ. Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Linda Durrance

Phone

Address 2533 Remington Green Circle

Email ldurrance@hrwhite.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Henry Rilla White Foundation

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Approps. Subcommittee on Crim & Civ. Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Jim Hill

Phone (727) 639-2399

Address 701 94th Ave N. Suite 100

Email jim.hill@youthopportunity.com

Street

St. Petersburg

City

FL

State

33702

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Youth Opportunity Investments, Inc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 342

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Approps. Subcommittee on Crim & Civ Justice
Committee

Amendment Barcode (if applicable)

Name Christian Minor

Phone (321) 223-4232

Address 2850 PARLO AVENUE
Street

Email CMINOR@FJJA.ORG

TALLAHASSEE
City

FL
State

32308
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Juvenile Justice Assoc.

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

342

Bill Number or Topic

Comm + Civ - Justice Appoint

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Candice Brower for Regional Counsel (1st Region) Phone

Address _____ Email _____
Street

City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

342

Bill Number or Topic

Crim + Civ Justice Approps

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Candice Brower for Public Interest Law Section of Florida Bar Phone

Address Street Email

City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/11/21

Meeting Date

342

Bill Number or Topic

Appropri. Sub. on Criminal Jus
Committee Civil Justice

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Philip Susbromm

Phone

Address

Email

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Americans for
Prosperity

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

12/1/21
Meeting Date

342
Bill Number or Topic

App. Sub Ag. Env + GC
Committee

Amendment Barcode (if applicable)

Name Ed Chase

Phone 561 628-4447

Address 301 N. Olive Ave.
Street

Email ECHASE@PBCGOV.ORG

West Palm Beach FL 33410
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Palm Beach County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.cdf flsenate.gov](https://www.flsenate.gov)

This form is part of the public record for this meeting.

12/01/21

The Florida Senate
APPEARANCE RECORD

342

Meeting Date
Approps Subcmte on Criminal & Civil Justice

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee
Name **Pamela Burch Fort**

Amendment Barcode (if applicable)
Phone **850-425-1344**

Address **104 S. Monroe Street**

Email **TcgLobby@aol.com**

Street
Tallahassee **FL** **32301**
City State Zip

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

<input type="checkbox"/> I am appearing without compensation or sponsorship.	<input checked="" type="checkbox"/> I am a registered lobbyist, representing: NAACP Florida State Conference	<input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
--	--	---

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

12/1/2021

Meeting Date

342

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Approps Sub Criminal & Civil Justice Committee

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.

Email fcfc@yahoo.com

Tallahassee FL 32301

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Florida Center for Fiscal & Economic Policy

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SAB 342

Bill Number or Topic

Approp. Subcomm. on Crim. & Civ. Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Nick Millar

Phone 850-508-2971

Address 1385 Hogback Mountain Road

Email NJM@amikids.org

Street

Troyon

City

NC

State

28782

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AMI KIDS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flisenate.gov\)](https://www.flisenate.gov/2020-2022JointRules.pdf)

This form is part of the public record for this meeting.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

12/1/21

Meeting Date

SB342

Bill Number or Topic

Approps CS

Committee

Amendment Barcode (if applicable)

Name Chelsea Murphy

Phone 954 557 0016

Address 605 MITCHELL BROOKS CR

Email cmurphy@rightoncrime.com

City TH

State FL

Zip 32312

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Right on Crime

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

12-1-2021

Meeting Date

CS/SB 342

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name DAWN STEWARD

Phone 407-645-0273

Address 2130 Blossom Lane

Email stu2130@aol.com

Street

Winter Park FL 32789

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Dec. 1, 2021
Meeting Date

SB 342
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Apprap. Sub committee
Criminal & Civil Justice
Committee

Amendment Barcode (if applicable)

Name ANN SALAMONE

Phone 561-866-0930

Address 4228 NW 68 Terrace
Street

Email ABSALAMONE@ROCHAL
INDUSTRIES.COM

City State Zip
Carnerville FL 32606

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

SB 342

12/01/2021

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jorge Chamzior Chamizo

Phone 850-681-0024

Address 108 S. Monroe Street

Email jorge@flapartners.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Florida Association of Criminal Defense Lawyers

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules pdf (flsenate.gov)

This form is part of the public record for this meeting.

December 1, 2021

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Committee

Name **Frank Mayernick**

Phone **(850) 251-8898**

Address **110 E. Jefferson Street**

Email **Frank@themayernickgroup.com**

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Network of Youth and Family Services

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 344

INTRODUCER: Criminal Justice Committee and Senator Perry

SUBJECT: Public Records/Nonjudicial Record of the Arrest of a Minor

DATE: November 30, 2021 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stokes</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 344 is the public records exemption linked to CS/SB 342. This bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes.

CS/SB 342 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, CS/SB 342 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

Because this bill creates a public records exemption, it will require a two-thirds vote of each house in order to pass.

This bill takes effect on the same date as CS/SB 342 or similar legislation takes effect. CS/SB 342 is effective on July 1, 2022.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2020-2022).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." Custodians of records designated as "exempt" are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as "confidential and exempt" may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Juvenile Diversion Program Expunction

The exceptions to accessibility of a criminal history record do not apply if the record has been sealed²⁷ or expunged.²⁸ The expunction of a criminal history record is the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ "Sealing of a criminal history record" means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein. Section 943.045(19), F.S.

²⁸ Section 943.053(3)(b), F.S.

having custody of the record.²⁹ The following are authorized expungement processes for the criminal history record of a juvenile:

- Juvenile diversion;³⁰
- Automatic juvenile;³¹ and
- Early juvenile.³²

Diversion refers to a program that is designed to keep a juvenile from entering the juvenile justice system through the legal process.³³

The decision to refer a juvenile to a diversion program is at the discretion of either the law enforcement officer that confronted the juvenile at the time of the incident or the state attorney that has been referred the case. While participation in a diversion program may be restricted to misdemeanor offenses, there are some programs that enable a juvenile who has committed a felony to participate. In Fiscal Year 2019-20, there were 2,770 juveniles who were referred to diversion programs for felony offenses.³⁴

After completing an eligible diversion program, a juvenile seeking to have his or her nonjudicial arrest record expunged must:

- Submit an application for diversion expunction to the Florida Department of Law Enforcement (FDLE).
- Submit, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that:
 - He or she has completed the diversion program;
 - The arrest was for a misdemeanor; and
 - He or she has not otherwise been charged by the state attorney with or have been found to have committed, any criminal offense or comparable ordinance violation.
- Have not, before the application for expunction, been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.³⁵

If the juvenile meets such criteria and submits the appropriate documentation, the FDLE must expunge the nonjudicial arrest record of the juvenile.³⁶

²⁹ Criminal history records in the custody of the FDLE must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction. Section 943.045(16), F.S.

³⁰ Section 943.0582, F.S.

³¹ Section 943.0515, F.S.

³² Section 943.0515(1)(b)2., F.S.

³³ Florida Department of Juvenile Justice, *Glossary*, available at <http://www.djj.state.fl.us/youth-families/glossary> (last accessed October 21, 2021).

³⁴ Florida Department of Juvenile Justice, *Delinquency Profile 2020, Statewide Diversion – Felony Youth*, available at <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/delinquency-profile/delinquency-profile-dashboard> (last accessed October 21, 2021).

³⁵ Section 943.0582(3), F.S.

³⁶ Section 943.0582(3), F.S.

A criminal history record that is expunged under this section is only available to criminal justice agencies³⁷ for the purpose of determining eligibility for diversion programs, a criminal investigation, or making a prosecutorial decision. Records maintained by local criminal justice agencies in the county where the arrest occurred that are eligible for expunction under this section must be sealed.³⁸ A record sealed under s. 943.059, F.S., is available only to specified persons or entities, including criminal justice agencies for their respective purposes and when the subject of the record is a candidate for employment with a criminal justice agency.³⁹ A juvenile who successfully completes a diversion program for a first-time misdemeanor offense may lawfully deny or fail to acknowledge his or her participation in the program and the expunction of the nonjudicial arrest record, unless the inquiry is made by a criminal justice agency for one of the purposes stated above.⁴⁰

A juvenile who receives an expunction under this section is not prevented from petitioning for the expunction or sealing of a later criminal history record for human trafficking victim expunction,⁴¹ court ordered expunction,⁴² or court ordered sealing,⁴³ if the juvenile is otherwise eligible for relief under those sections.⁴⁴

III. Effect of Proposed Changes:

CS/SB 344 is the public records exemption linked to CS/SB 342. This bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure, except that the record must be made available only to criminal justice agencies for specified purposes.

CS/SB 342 amends s. 943.0582, F.S., to permit a juvenile who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony, to apply to have the nonjudicial arrest record expunged. This expands the current law, which only permits juvenile diversion expunction for a misdemeanor offense.

Additionally, CS/SB 342 amends s. 985.126, F.S., to permit a juvenile who completes a diversion program and who has been granted an expunction under s. 943.0582, F.S., to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This expands the current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

³⁷ “Criminal justice agency” means: a court; the FDLE; the DJJ; the protective investigations component of the Department of Children and Families, which investigates the crimes of abuse and neglect; and any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice. Section 942.045(11), F.S.

³⁸ Section 943.0582(2)(b)2., F.S.

³⁹ Section 943.059(6), F.S.

⁴⁰ Section 985.126(5), F.S.

⁴¹ Section 943.0583, F.S.

⁴² Section 943.0585, F.S.

⁴³ Section 943.059, F.S.

⁴⁴ Section 943.0582, F.S.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

This bill provides a public necessity statement as required by Article I, s. 24(c) of the State Constitution. The public necessity statement provides that:

The Legislature finds that it is a public necessity that the nonjudicial record of the arrest of a minor who successfully completed a diversion program for minors, which is sealed or expunged pursuant to s. 943.0582, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The purpose of diversion programs is to redirect youth from the justice system with opportunities for programming, rehabilitation, and restoration. This purpose will be undermined if the nonjudicial record of arrest is not confidential and exempt. The presence of a nonjudicial record of arrest of a minor who completed a diversion program can jeopardize his or her ability to obtain education, employment, and other opportunities necessary to become a productive, contributing, self-sustaining member of society. Such negative consequences are unwarranted in cases in which the minor was successfully diverted from further delinquency proceedings through the completion of a diversion program. For these reasons, the Legislature finds that it is a public necessity that the criminal history records of minors which have received an expunction due to the successful completion of a diversion program be confidential and exempt from public records requirements.

This bill takes effect on the same date as CS/SB 342 or similar legislation takes effect. As filed, CS/SB 342 is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records or public meeting exemption. The bill creates a public record exemption for a nonjudicial record of arrest of a juvenile who has successfully completed a diversion program that is sealed or expunged and therefore requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public exemption. The bill creates a public record exemption for a nonjudicial record of arrest of a juvenile who has successfully completed a diversion program that is sealed or expunged. Section 2 of the bill provides a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill makes confidential and exempt limited types of nonjudicial arrest records. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**C. None. Government Sector Impact:**

There are no costs directly related to this bill; however, the FDLE estimates a fiscal impact in SB 342 related to the expunction of juvenile records, which are addressed in the fiscal analysis of SB 342 (see SB 342 Section V. Fiscal Impact Statement).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0582 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on November 2, 2021:
The committee substitute links this bill to CS/SB 342.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Perry

591-01003-22

2022344c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 943.0582, F.S.; providing an exemption from public
 4 records requirements for a nonjudicial record of the
 5 arrest of a minor who has successfully completed a
 6 diversion program; providing for retroactive
 7 application; providing for future legislative review
 8 and repeal of the exemption; providing a statement of
 9 public necessity; providing a contingent effective
 10 date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) is added to section 943.0582,
 15 Florida Statutes, to read:

16 943.0582 Diversion program expunction.—

17 (5) A nonjudicial record of the arrest of a minor who has
 18 successfully completed a diversion program which is sealed or
 19 expunged under this section and which is retained by the
 20 department is confidential and exempt from s. 119.07(1) and s.
 21 24(a), Art. I of the State Constitution, except that the record
 22 may be made available to criminal justice agencies only for the
 23 purposes specified in subparagraph (2)(b)1. The exemption under
 24 this subsection applies to records held by the department
 25 before, on, or after July 1, 2022. This subsection is subject to
 26 the Open Government Sunset Review Act in accordance with s.
 27 119.15 and shall stand repealed on October 2, 2027, unless
 28 reviewed and saved from repeal through reenactment by the
 29 Legislature.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

591-01003-22

2022344c1

30 Section 2. The Legislature finds that it is a public
 31 necessity that the nonjudicial record of the arrest of a minor
 32 who successfully completed a diversion program for minors which
 33 is sealed or expunged pursuant to s. 943.0582, Florida Statutes,
 34 be made confidential and exempt from s. 119.07(1), Florida
 35 Statutes, and s. 24(a), Article I of the State Constitution. The
 36 purpose of diversion programs is to redirect youth from the
 37 justice system with opportunities for programming,
 38 rehabilitation, and restoration. This purpose is undermined if
 39 the nonjudicial record of arrest is not confidential and exempt.
 40 The presence of a nonjudicial record of arrest of a minor who
 41 completed a diversion program can jeopardize his or her ability
 42 to obtain education, employment, and other opportunities
 43 necessary to become a productive, contributing, self-sustaining
 44 member of society. Such negative consequences are unwarranted in
 45 cases in which the minor was successfully diverted from further
 46 delinquency proceedings through the completion of a diversion
 47 program. For these reasons, the Legislature finds that it is a
 48 public necessity that the criminal history records of minors
 49 which have received an expunction due to the successful
 50 completion of a diversion program be confidential and exempt
 51 from public records requirements.

52 Section 3. This act shall take effect on the same date that
 53 SB 342 or similar legislation takes effect, if such legislation
 54 is adopted in the same legislative session or an extension
 55 thereof and becomes a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
APPEARANCE RECORD

11/1/2021

SB 344

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Appropriations Subcommittee on
Criminal and Committee Civil Justice

Amendment Barcode (if applicable)

Name Christie Arnold

Phone 850-205-6826

Address 201 W. Park Ave

Email carhold@flaccb.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing: Florida Conference
of Catholic Bishops

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

12/1/21

Meeting Date

344

Bill Number or Topic

CG Apprp

Committee

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

407 376 4801

Address

134 E. Colonial Dr

Email

ida.eskamani@gmail.com

Street

Orlando

FL

32801

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Rising
Florida Immigrant Coalition ☺

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

This form is part of the public record for this meeting.

5-001 (08/10/2021)

12/1/21

The Florida Senate
APPEARANCE RECORD

344

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Approps Sub Civil Crim Justice
Committee

Amendment Barcode (if applicable)

Name

Carrie Boyd

Phone

850 570 9560

Address

106 E. College

Email

carrieboyd@splcenter.org

Street

TLH

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/2021

344

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Sheriffs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

SB 344

Bill Number or Topic

Approps. Subcommittee on Crime & Civ. Justice

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Christian Minor

Phone (321) 223-4232

Address 2850 Pablo Avenue

Email cminor@fjjac.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Florida Juvenile Justice Association

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

12/1/21 Meeting Date

344 Bill Number or Topic

Crim + Civ. Justice Approps Committee

Amendment Barcode (if applicable)

Name Candice Brower for Public Interest + Law Section of the Florida Be Phone

Address Street

Email

City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

344

Bill Number or Topic

Crim + Civ. Justice Approps

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Candice Brower for Regional Council (1st Region)

Phone

Address

Street

Email

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

344

Bill Number or Topic

Approps. Sub. on Community and CIWY

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee Justice

Amendment Barcode (if applicable)

Name Phillip Suderman

Phone

Address

Email

Street

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Amendments for Prosperity

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](https://www.flsenate.gov/legistics/2020/2020-2022-Joint-Rules.pdf) [flsenate.gov](https://www.flsenate.gov)

This form is part of the public record for this meeting.

December 1, 2021

Meeting Date

Appropriations Subcommittee on Criminal and Civil Justice

Committee

Name **Frank Mayernick**

Phone **(850) 251-8898**

Address **110 E. Jefferson Street**

Email **Frank@themayernickgroup.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Network of Youth and Family Services

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 344

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

The Florida Senate

APPEARANCE RECORD

12/1/21

Meeting Date

344

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

App. Sub - Ag, ENV + GL
Committee

Amendment Barcode (if applicable)

Name

Ed Chase

Phone

561 628 4447

Address

301 N. Olive Ave

Email

ECHASE@PBCGOV.ORG

Street

West Palm Beach FL 33401

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Palm Beach County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022/JointRules.pdf)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

344

12/1/2021
Meeting Date

Bill Number or Topic

Approps Criminal & Civil Justice
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcsep@yahoo.com

Tallahassee FL 32301
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
FI Center for Fiscal & Economic Policy

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

12-12-2021

Meeting Date

CS/SB 344

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name DAWP Steward/Florida PTA

Phone 407-645-0223

Address 2130 Blossom Lane

Email stu2130@aol.com

Street

Winter Park FL 32789

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 12/1/2021 4:30:29 PM

Ends: 12/1/2021 4:45:07 PM

Length: 00:14:39

4:30:28 PM Sen. Perry (Chair)
4:31:00 PM S 226
4:31:05 PM Sen. Burgess
4:32:08 PM Kate MacFall, Humane Society of the United States (waives in support)
4:32:09 PM Matt Dunagan, Florida Sheriffs Association (waives in support)
4:32:26 PM Sen. Pizzo
4:32:40 PM Sen. Burgess
4:32:51 PM Marti Harkness, Staff Director, Senate Appropriations
4:33:04 PM Sen. Pizzo
4:33:10 PM Sen. Perry
4:33:16 PM Sen. Wright
4:33:51 PM Sen. Torres
4:34:04 PM Sen. Perry
4:34:05 PM Sen. Torres
4:34:18 PM Sen. Burgess
4:35:19 PM Sen. Wright (Chair)
4:35:26 PM S 342
4:35:35 PM Sen. Perry
4:36:17 PM Jorge Chamizo, Florida Association of Criminal Defense Lawyers (waives in support)
4:36:18 PM Dawn Steward, Florida PTA (waives in support)
4:36:19 PM Nick Millar, AMI Kids (waives in support)
4:36:20 PM Chelsea Murphy, Right on Crime (waives in support)
4:36:21 PM Karen Woodall, Florida Center for Fiscal and Economic Policy (waives in support)
4:36:22 PM Ed Chase, Palm Beach County (waives in support)
4:36:23 PM Frank Mayernick, Florida Network of Youth and Family Services (waives in support)
4:36:24 PM Pamela Burch Fort, NAACP Florida State Conference (waives in support)
4:36:25 PM Candice Brower, Public Interest Law Section of the Florida Bar; Regional Counsel- 1st Region (waives in support)
4:36:26 PM Phillip Sunderman, Americans for Prosperity (waives in support)
4:36:27 PM Christian Minor, Florida Juvenile Justice Association (waives in support)
4:36:28 PM Jim Hill, Youth Opportunit Investments, Inc. (waives in support)
4:36:29 PM Linda Durrance, Henry Rilla White Foundation (waives in support)
4:36:30 PM Dale Thompson, Psy-Care (waives in support)
4:36:31 PM Donnie Read, Twin Oaks Juvenile Development (waives in support)
4:36:32 PM Michael Cantrell, Rite of Passage (waives in support)
4:36:33 PM Vicki Waytowich, Partnership for Child Health (waives in support)
4:36:34 PM Jodi Stevens, Pace Center for Girls (waives in support)
4:36:35 PM Dr. Diane Clarke, Operation PAR (waives in support)
4:36:36 PM Matt Dunagan, Florida Sheriffs Association (waives in support)
4:36:37 PM Neisha-Rose Hines, ACLU Florida (waives in support)
4:36:38 PM Ida V. Eskamani, Florida Rising; Florida Immigrant Coalition (waives in support)
4:36:39 PM Carrie Boyd, SPCC Action Fund (waives in support)
4:36:40 PM Megan Turetsky, Children's Services Council of Broward County (waives in support)
4:36:41 PM Ann Salamone (waives in support)
4:40:16 PM Sen. Pizzo
4:40:42 PM Sen. Perry
4:41:52 PM S 344
4:42:00 PM Sen. Perry
4:42:25 PM Dawn Steward, Florida PTA (waives in support)
4:42:26 PM Karen Woodall, Florida Center for Fiscal and Economic Policy (waives in support)
4:42:27 PM Ed Chase, Palm Beach County (waives in support)
4:42:28 PM Frank Mayernick, Florida Network of Youth and Family Services (waives in support)

4:42:29 PM Candice Brower, Public Interest Law Section of the Florida Bar; Regional Counsel- 1st Region (waives in support)

4:42:35 PM Phillip Suderman, Americans for Prosperity (waives in support)

4:42:36 PM Christian Minor, Florida Juvenile Justice Association (waives in support)

4:42:37 PM Matt Dunagan, Florida Sheriffs Association (waives in support)

4:42:38 PM Ida V. Eskamani, Florida Rising; Florida Immigrant Coalition (waives in support)

4:42:39 PM Christie Arnold, Florida Conference of Catholic Bishops (waives in support)

4:42:40 PM Carrie Boyd, SPLC Action Fund (waives in support)

4:43:37 PM Sen. Perry

4:44:29 PM Sen. Bracy