

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 197 — Pub. Rec./Nonjudicial Arrest Record of a Minor

by Rep. Smith, D. and others (CS/SB 344 by Criminal Justice Committee and Senator Perry)

The bill is the public records exemption linked to CS/HB 195. The 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/HB 195 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 or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon, 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/HB 195 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.

The bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2027, unless reviewed and saved from the repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect on the same date that CS/HB 195 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Vote: Senate 38-0; House 115-0