

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Porth offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (c), (e), and (f) of subsection (3)
8 and subsection (5) of section 943.0582, Florida Statutes, are
9 amended to read:

10 943.0582 Prearrest, postarrest, or teen court diversion
11 program expunction.—

12 (3) The department shall expunge the nonjudicial arrest
13 record of a minor who has successfully completed a prearrest or
14 postarrest diversion program if that minor:

15 (c) Submits to the department, with the application, an
16 official written statement from the state attorney for the
17 county in which the arrest occurred certifying that he or she
18 has successfully completed that county's prearrest or postarrest
19 diversion program and that he or she participated in the program

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20 based on an arrest for participation in the program is strictly
21 limited to minors arrested for a nonviolent misdemeanor, or for
22 a felony that does not relate to a violation of s. 393.135, s.
23 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s.
24 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.
25 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a
26 violation enumerated in s. 907.041, or any violation specified
27 as a predicate offense for registration as a sexual predator
28 pursuant to s. 775.21, without regard to whether that offense
29 alone is sufficient to require such registration, or for
30 registration as a sexual offender pursuant to s. 943.0435, who
31 have not otherwise been charged with or found to have committed
32 any criminal offense or comparable ordinance violation.

33 ~~(e) Participated in a prearrest or postarrest diversion~~
34 ~~program based on an arrest for a nonviolent misdemeanor that~~
35 ~~would not qualify as an act of domestic violence as that term is~~
36 ~~defined in s. 741.28.~~

37 (e)-(f) Has never, prior to filing the application for
38 expunction, been charged with or been found to have committed
39 any criminal offense or comparable ordinance violation.

40 (5) This section operates retroactively to permit the
41 expunction of any nonjudicial record of the arrest of a minor
42 who has successfully completed a prearrest or postarrest
43 diversion program on or after July 1, 2000; however, in the case
44 of a minor whose completion of the program occurred before the
45 effective date of this section, the application for prearrest or
46 postarrest diversion expunction must be submitted within 12 ~~6~~
47 months after the effective date of this section.

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48 Section 2. This act shall take effect July 1, 2012.
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51 **T I T L E A M E N D M E N T**

52 Remove the entire title and insert:

53 An act relating to juvenile expunction; amending s. 943.0582,
54 F.S.; allowing minors who have certain felony arrests to have
55 the Department of Law Enforcement expunge their nonjudicial
56 arrest record upon successful completion of a prearrest or
57 postarrest diversion program; extending the application
58 submission date for minors who complete the program before the
59 effective date of this section; providing an effective date.