

1 A bill to be entitled
 2 An act relating to juvenile expunction; amending s.
 3 943.0582, F.S.; allowing minors who have certain
 4 felony arrests to have the Department of Law
 5 Enforcement expunge their nonjudicial arrest record
 6 upon successful completion of a prearrest or
 7 postarrest diversion program; extending the
 8 application submission date for minors who complete
 9 the program before a certain date; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:
 13

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

17 943.0582 Prearrest, postarrest, or teen court diversion
 18 program expunction.—

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

22 (c) Submits to the department, with the application, an
 23 official written statement from the state attorney for the
 24 county in which the arrest occurred certifying that he or she
 25 has successfully completed that county's prearrest or postarrest
 26 diversion program, and that he or she participated ~~participation~~
 27 in the program based on an arrest ~~is strictly limited to minors~~
 28 ~~arrested~~ for a nonviolent misdemeanor, or for a felony that does

29 not relate to a violation of s. 393.135, s. 394.4593, s.
30 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s.
31 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.
32 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation
33 enumerated in s. 907.041, or any violation specified as a
34 predicate offense for registration as a sexual predator pursuant
35 to s. 775.21, without regard to whether that offense alone is
36 sufficient to require such registration, or for registration as
37 a sexual offender pursuant to s. 943.0435, and that he or she
38 has ~~who have~~ not otherwise been charged with or found to have
39 committed any criminal offense or comparable ordinance
40 violation.

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

45 (e) ~~(f)~~ Has never, prior to filing the application for
46 expunction, been charged with or been found to have committed
47 any criminal offense or comparable ordinance violation.

48 (5) This section operates retroactively to permit the
49 expunction of any nonjudicial record of the arrest of a minor
50 who has successfully completed a prearrest or postarrest
51 diversion program on or after July 1, 2000; however, in the case
52 of a minor whose completion of the program occurred before July
53 1, 2012 ~~the effective date of this section~~, the application for
54 prearrest or postarrest diversion expunction must be submitted
55 within 12 ~~6~~ months after July 1, 2012 ~~the effective date of this~~
56 ~~section~~.

CS/HB 497

2012

57

Section 2. This act shall take effect July 1, 2012.