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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2012	.	
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	.	
	.	

The Committee on Criminal Justice (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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



664734

13 (b) Submits the application for prearrest or postarrest
14 diversion expunction no later than 12 ~~6~~ months after completion
15 of the diversion program.

16 (c) Submits to the department, with the application, an
17 official written statement from the state attorney for the
18 county in which the arrest occurred certifying that he or she
19 has successfully completed that county's prearrest or postarrest
20 diversion program, ~~and that he or she participated~~ participation
21 in the program based on an arrest is strictly limited to minors
22 arrested for a nonviolent misdemeanor, or for a felony that does
23 not relate to a violation of s. 393.135, s. 394.4593, s.
24 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s.
25 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.
26 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation
27 enumerated in s. 907.041, or any violation specified as a
28 predicate offense for registration as a sexual predator pursuant
29 to s. 775.21, without regard to whether that offense alone is
30 sufficient to require such registration, or for registration as
31 a sexual offender pursuant to s. 943.0435, and that he or she
32 has ~~who have~~ not otherwise been charged with or found to have
33 committed any criminal offense or comparable ordinance
34 violation.

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

39 ~~(e)-(f)~~ Has never, before ~~prior to~~ filing the application
40 for expunction, been charged with or been found to have
41 committed any criminal offense or comparable ordinance



664734

42 violation.

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

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

53

54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56

57 Delete everything before the enacting clause
58 and insert:

59

A bill to be entitled

60 An act relating to juvenile expunction; amending s.
61 943.0582, F.S.; allowing minors who have certain
62 felony arrests to have the Department of Law
63 Enforcement expunge their nonjudicial arrest record
64 upon successful completion of a prearrest or
65 postarrest diversion program; extending the
66 application submission period for minors who have
67 successfully completed a prearrest or postarrest
68 diversion program; extending the application
69 submission date for minors who completed the program
70 before a certain date; providing an effective date.