

By Senator Wise

5-00767-12

2012940__

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 Corrections
5 expunge their nonjudicial arrest record upon
6 successful completion of a prearrest or postarrest
7 diversion program; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

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

13 943.0582 Prearrest, postarrest, or teen court diversion
14 program expunction.—

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

18 (c) Submits to the department, with the application, an
19 official written statement from the state attorney for the
20 county in which the arrest occurred certifying that he or she
21 has successfully completed that county's prearrest or postarrest
22 diversion program and that participation in the program is
23 strictly limited to minors arrested for a nonviolent
24 misdemeanor, or for a felony that does not relate to a violation
25 of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03,
26 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
27 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
28 s. 916.1075, a violation enumerated in s. 907.041, or any
29 violation specified as a predicate offense for registration as a

5-00767-12

2012940__

30 sexual predator pursuant to s. 775.21, without regard to whether
31 that offense alone is sufficient to require such registration,
32 or for registration as a sexual offender pursuant to s.
33 943.0435, who have not otherwise been charged with or found to
34 have committed any criminal offense or comparable ordinance
35 violation.

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

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

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