

By the Committee on Criminal Justice; and Senator Wise

591-03791-12

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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 period for minors who have
9 successfully completed a prearrest or postarrest
10 diversion program; extending the application
11 submission date for minors who completed the program
12 before a certain date; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

19 943.0582 Prearrest, postarrest, or teen court diversion
20 program expunction.—

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

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

27 (c) Submits to the department, with the application, an
28 official written statement from the state attorney for the
29 county in which the arrest occurred certifying that he or she

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30 has successfully completed that county's prearrest or postarrest
31 diversion program, and that he or she participated ~~participation~~
32 in the program based on an arrest is strictly limited to minors
33 ~~arrested~~ for a nonviolent misdemeanor, or for a felony that does
34 not relate to a violation of s. 393.135, s. 394.4593, s.
35 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s.
36 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.
37 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation
38 enumerated in s. 907.041, or any violation specified as a
39 predicate offense for registration as a sexual predator pursuant
40 to s. 775.21, without regard to whether that offense alone is
41 sufficient to require such registration, or for registration as
42 a sexual offender pursuant to s. 943.0435, and that he or she
43 has ~~who have~~ not otherwise been charged with or found to have
44 committed any criminal offense or comparable ordinance
45 violation.

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

50 (e)-(f) Has never, before ~~prior~~ to filing the application
51 for expunction, been charged with or been found to have
52 committed any criminal offense or comparable ordinance
53 violation.

54 (5) This section operates retroactively to permit the
55 expunction of any nonjudicial record of the arrest of a minor
56 who has successfully completed a prearrest or postarrest
57 diversion program on or after July 1, 2000; however, in the case
58 of a minor whose completion of the program occurred before July

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59 1, 2012 ~~the effective date of this section,~~ the application for
60 prearrest or postarrest diversion expunction must be submitted
61 within 12 ~~6~~ months after July 1, 2012 ~~the effective date of this~~
62 ~~section.~~

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