

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 specified 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 the minor ~~he~~  
 30 ~~or she~~ has:

31 1. Successfully completed that county's prearrest or  
 32 postarrest diversion program. ~~and that participation~~

33 2. Participated in the program based on an arrest  
 34 resulting in one or more charges unrelated to: ~~is strictly~~  
 35 ~~limited to minors arrested for~~

36 a. A ~~violent nonviolent~~ misdemeanor; ~~who have~~

37 b. A felony violation of s. 393.135, s. 394.4593, s.  
 38 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s.  
 39 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
 40 847.0135, s. 847.0145, s. 893.135, or s. 916.1075;

41 c. A violation enumerated in s. 907.041; or

42 d. A violation specified as a predicate offense for  
 43 registration as a sexual predator pursuant to s. 775.21, without  
 44 regard to whether that offense alone is sufficient to require  
 45 such registration, or for registration as a sexual offender  
 46 pursuant to s. 943.0435.

47 3. Not otherwise been charged with or found to have  
 48 committed any criminal offense or comparable ordinance  
 49 violation.

50 ~~(c) Participated in a prearrest or postarrest diversion~~  
 51 ~~program based on an arrest for a nonviolent misdemeanor that~~  
 52 ~~would not qualify as an act of domestic violence as that term is~~  
 53 ~~defined in s. 741.28.~~

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

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57 | violation.

58 |         (5) This section operates retroactively to permit the  
59 | expunction of any nonjudicial record of the arrest of a minor  
60 | who has successfully completed a prearrest or postarrest  
61 | diversion program on or after July 1, 2000; however, in the case  
62 | of a minor whose completion of the program occurred before July  
63 | 1, 2013 ~~the effective date of this section~~, the application for  
64 | prearrest or postarrest diversion expunction must be submitted  
65 | within 12 ~~6~~ months after July 1, 2013 ~~the effective date of this~~  
66 | ~~section~~.

67 |         Section 2. This act shall take effect July 1, 2013.