

By Senator Braynon

36-01058-15

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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; reenacting s.  
 8 985.125(3), F.S., to incorporate the amendment made to  
 9 s. 943.0582, F.S., in a reference thereto; providing  
 10 an effective date.

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

13  
 14 Section 1. Paragraphs (c) and (e) of subsection (3) of  
 15 section 943.0582, Florida Statutes, are amended to read:

16 943.0582 Prearrest, postarrest, or teen court diversion  
 17 program expunction.—

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

21 (c) Submits to the department, with the application, an  
 22 official written statement from the state attorney for the  
 23 county in which the arrest occurred certifying that he or she  
 24 has:

- 25 1. Successfully completed that county's prearrest or  
 26 postarrest diversion program., ~~that his or her participation~~  
 27 2. Participated in the program based on an arrest resulting  
 28 in one or more charges unrelated to: was based on an arrest for  
 29 a. A violent ~~nonviolent~~ misdemeanor;

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30        b. A felony violation of s. 393.135, s. 394.4593, s.  
31 787.025, s. 787.06, chapter 794, s. 800.04, s. 810.14, s.  
32 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
33 847.0135, s. 847.0145, s. 893.135, or s. 916.1075;

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

35        d. A violation specified as a predicate offense for  
36 registration as a sexual predator pursuant to s. 775.21, without  
37 regard to whether that offense alone is sufficient to require  
38 such registration, or for registration as a sexual offender  
39 pursuant to s. 943.0435., and that he or she has

40        3. Not otherwise been charged by the state attorney with or  
41 found to have committed any criminal offense or comparable  
42 ordinance violation.

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

47        Section 2. Subsection (3) of s. 985.125, Florida Statutes,  
48 is reenacted for the purpose of incorporating the amendment made  
49 by this act to s. 943.0582, Florida Statutes, in a reference  
50 thereto.

51        Section 3. This act shall take effect July 1, 2015.