

1 A bill to be entitled
 2 An act relating to expunging and sealing criminal
 3 history records of minors; amending s. 943.0515, F.S.;
 4 providing for the nonjudicial expunction of the
 5 criminal history of an offense after a specified
 6 period for a minor who is not a serious or habitual
 7 juvenile offender; providing an exception for
 8 specified minors to apply for expunction before
 9 attaining 21 years of age; amending s. 943.0582, F.S.;
 10 eliminating a deadline for submission of an
 11 application by a minor for a prearrest or postarrest
 12 diversion expunction; amending s. 790.23, F.S.;
 13 conforming provisions to changes made by the act;
 14 providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Paragraph (b) of subsection (1) of section
 19 943.0515, Florida Statutes, is amended to read:

20 943.0515 Retention of criminal history records of minors.—

21 (1)

22 (b)1. If the minor is not classified as a serious or
 23 habitual juvenile offender or committed to a juvenile
 24 correctional facility or juvenile prison under chapter 985, the
 25 program shall retain the minor's criminal history record for 2 ~~5~~
 26 years after the date the minor reaches 19 years of age, at which

27 | time the record shall be expunged unless it meets the criteria
 28 | of paragraph (2) (a) or paragraph (2) (b) .

29 | 2. A minor described in subparagraph 1. may apply to the
 30 | department to have his or her criminal history record expunged
 31 | before the minor reaches 21 years of age. To be eligible for
 32 | expunction under this subparagraph, the minor must be 18 years
 33 | of age or older but less than 21 years of age and have not been
 34 | charged by the state attorney with or found to have committed a
 35 | criminal offense within the 5-year period before the application
 36 | date. The only offenses eligible for expunction under this
 37 | subparagraph are those that the minor committed before reaching
 38 | 18 years of age. Expunction of a criminal history record under
 39 | this subparagraph requires the approval of the state attorney
 40 | for each circuit in which an offense specified in the criminal
 41 | history record occurred.

42 | Section 2. Subsections (3) and (4) of section 943.0582,
 43 | Florida Statutes, are amended to read:

44 | 943.0582 Prearrest, postarrest, or teen court diversion
 45 | program expunction.—

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

49 | (a) Submits an application for prearrest or postarrest
 50 | diversion expunction, on a form prescribed by the department,
 51 | signed by the minor's parent or legal guardian, or by the minor
 52 | if he or she has reached the age of majority at the time of

53 applying.

54 ~~(b) Submits the application for prearrest or postarrest~~
55 ~~diversion expunction no later than 12 months after completion of~~
56 ~~the diversion program.~~

57 (b)~~(e)~~ Submits to the department, with the application, an
58 official written statement from the state attorney for the
59 county in which the arrest occurred certifying that he or she
60 has successfully completed that county's prearrest or postarrest
61 diversion program, that his or her participation in the program
62 was based on an arrest for a nonviolent misdemeanor, and that he
63 or she has not otherwise been charged by the state attorney with
64 or found to have committed any criminal offense or comparable
65 ordinance violation.

66 (c)~~(d)~~ Participated in a prearrest or postarrest diversion
67 program that expressly authorizes or permits such expunction to
68 occur.

69 (d)~~(e)~~ Participated in a prearrest or postarrest diversion
70 program based on an arrest for a nonviolent misdemeanor that
71 would not qualify as an act of domestic violence as that term is
72 defined in s. 741.28.

73 (e)~~(f)~~ Has never, prior to filing the application for
74 expunction, been charged by the state attorney with or been
75 found to have committed any criminal offense or comparable
76 ordinance violation.

77 (4) The department may ~~is authorized to~~ charge a \$75
78 processing fee for each request received for prearrest or

79 postarrest diversion program expunction, for placement in the
80 Department of Law Enforcement Operating Trust Fund, unless such
81 fee is waived by the executive director.

82 Section 3. Subsection (2) of section 790.23, Florida
83 Statutes, is amended to read:

84 790.23 Felons and delinquents; possession of firearms,
85 ammunition, or electric weapons or devices unlawful.-

86 (2) This section does ~~shall~~ not apply to a person:

87 (a) Convicted of a felony whose civil rights and firearm
88 authority have been restored.

89 (b) Whose criminal history record has been expunged
90 pursuant to s. 943.0515(1)(b).

91 Section 4. This act shall take effect July 1, 2016.