

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to criminal history records; amending
3 s. 943.0585, F.S.; revising the requirements of
4 petitioning for expunction of a criminal history
5 record to include a sworn statement that the
6 petitioner seeks the expunction of one or more
7 criminal history records for which no charging
8 document was filed or issued, for which all related
9 charges were dismissed before trial, for which if a
10 charging document was filed or issued in a case, it
11 was dismissed or nolle prosequi by the prosecutor or
12 was dismissed by a court, or for which a judgment of
13 acquittal or a verdict of not guilty was rendered;
14 amending s. 943.059, F.S.; revising the requirements
15 of petitioning for sealing of a criminal history
16 record to include a sworn statement that the
17 petitioner seeks the sealing of one or more criminal
18 history records for which no charging document was
19 filed or issued, for which all related charges were
20 dismissed before trial, for which if a charging
21 document was filed or issued in a case, it was
22 dismissed or nolle prosequi by the prosecutor or was
23 dismissed by a court, or for which a judgment of
24 acquittal or a verdict of not guilty was rendered;
25 prohibiting a clerk of the court from charging a
26 filing fee for the sealing of criminal history records
27 if the clerk of the court determines that such
28 petitioner is indigent; reenacting ss. 948.08(6)(b)
29 and (7)(b), 948.16(1)(b) and (2)(b), and 985.345(1)(b)

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30 and (2) (c), F.S., relating to pretrial intervention
31 programs, misdemeanor pretrial intervention programs,
32 and delinquency pretrial intervention programs,
33 respectively, to incorporate the amendment made to s.
34 943.0585, F.S., in references thereto; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Subsections (1) and (2) of section 943.0585,
40 Florida Statutes, are amended to read:

41 943.0585 Court-ordered expunction of criminal history
42 records.—The courts of this state have jurisdiction over their
43 own procedures, including the maintenance, expunction, and
44 correction of judicial records containing criminal history
45 information to the extent such procedures are not inconsistent
46 with the conditions, responsibilities, and duties established by
47 this section. Any court of competent jurisdiction may order a
48 criminal justice agency to expunge the criminal history record
49 of a minor or an adult who complies with the requirements of
50 this section. The court shall not order a criminal justice
51 agency to expunge a criminal history record until the person
52 seeking to expunge a criminal history record has applied for and
53 received a certificate of eligibility for expunction pursuant to
54 subsection (2) or subsection (5). A criminal history record that
55 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
56 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
57 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
58 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in

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59 s. 907.041, or any violation specified as a predicate offense
60 for registration as a sexual predator pursuant to s. 775.21,
61 without regard to whether that offense alone is sufficient to
62 require such registration, or for registration as a sexual
63 offender pursuant to s. 943.0435, may not be expunged, without
64 regard to whether adjudication was withheld, if the defendant
65 was found guilty of or pled guilty or nolo contendere to the
66 offense, or if the defendant, as a minor, was found to have
67 committed, or pled guilty or nolo contendere to committing, the
68 offense as a delinquent act. The court may only order expunction
69 of a criminal history record pertaining to one arrest or one
70 incident of alleged criminal activity, except as provided in
71 this section. The court may, at its sole discretion, order the
72 expunction of a criminal history record pertaining to more than
73 one arrest if the additional arrests directly relate to the
74 original arrest. If the court intends to order the expunction of
75 records pertaining to such additional arrests, such intent must
76 be specified in the order. A criminal justice agency may not
77 expunge any record pertaining to such additional arrests if the
78 order to expunge does not articulate the intention of the court
79 to expunge a record pertaining to more than one arrest. This
80 section does not prevent the court from ordering the expunction
81 of only a portion of a criminal history record pertaining to one
82 arrest or one incident of alleged criminal activity.
83 Notwithstanding any law to the contrary, a criminal justice
84 agency may comply with laws, court orders, and official requests
85 of other jurisdictions relating to expunction, correction, or
86 confidential handling of criminal history records or information
87 derived therefrom. This section does not confer any right to the

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88 expunction of any criminal history record, and any request for
89 expunction of a criminal history record may be denied at the
90 sole discretion of the court.

91 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
92 petition to a court to expunge a criminal history record is
93 complete only when accompanied by:

94 (a) A valid certificate of eligibility for expunction
95 issued by the department pursuant to subsection (2).

96 (b) The petitioner's sworn statement attesting that the
97 petitioner:

98 1. Has never, before ~~prior to~~ the date on which the
99 petition is filed, been adjudicated guilty of a criminal offense
100 or comparable ordinance violation, or been adjudicated
101 delinquent for committing any felony or a misdemeanor specified
102 in s. 943.051(3)(b).

103 2. Has not been adjudicated guilty of, or adjudicated
104 delinquent for committing, any of the acts stemming from the
105 arrest or alleged criminal activity to which the petition
106 pertains.

107 3.a. Has never secured a prior sealing or expunction of a
108 criminal history record under this section, s. 943.059, former
109 s. 893.14, former s. 901.33, or former s. 943.058, unless
110 expunction is sought of a criminal history record previously
111 sealed for 10 years pursuant to paragraph (2)(h) and the record
112 is otherwise eligible for expunction;

113 b. Seeks the expunction of one or more criminal history
114 records for which an indictment, information, or other charging
115 document was not filed or issued in the case or for which all
116 charges related to the arrest or alleged criminal activity to

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117 which the petition pertains were dismissed before trial, and the
118 record is otherwise eligible for expunction; or

119 c. Seeks the expunction of one or more criminal history
120 records for which an indictment, information, or other charging
121 document, if filed or issued in the case, was dismissed or nolle
122 prosequi by the state attorney or statewide prosecutor or was
123 dismissed by a court of competent jurisdiction, for which a
124 judgment of acquittal was rendered by a judge, or for which a
125 verdict of not guilty was rendered by a judge or jury, and the
126 record is otherwise eligible for expunction.

127 4. Is eligible for such an expunction to the best of his or
128 her knowledge or belief and does not have any other petition to
129 expunge or any petition to seal pending before any court.

130
131 Any person who knowingly provides false information on such
132 sworn statement to the court commits a felony of the third
133 degree, punishable as provided in s. 775.082, s. 775.083, or s.
134 775.084.

135 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—~~Before~~ ~~Prior~~
136 ~~to~~ petitioning the court to expunge a criminal history record, a
137 person seeking to expunge a criminal history record shall apply
138 to the department for a certificate of eligibility for
139 expunction. The department shall, by rule adopted pursuant to
140 chapter 120, establish procedures pertaining to the application
141 for and issuance of certificates of eligibility for expunction.
142 A certificate of eligibility for expunction is valid for 12
143 months after the date stamped on the certificate when issued by
144 the department. After that time, the petitioner must reapply to
145 the department for a new certificate of eligibility. Eligibility

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146 for a renewed certification of eligibility must be based on the
147 status of the applicant and the law in effect at the time of the
148 renewal application. The department shall issue a certificate of
149 eligibility for expunction to a person who is the subject of a
150 criminal history record if that person:

151 (a) Has obtained, and submitted to the department, a
152 written, certified statement from the appropriate state attorney
153 or statewide prosecutor which indicates:

154 1. That an indictment, information, or other charging
155 document was not filed or issued in the case.

156 2. That an indictment, information, or other charging
157 document, if filed or issued in the case, was dismissed or nolle
158 prosequi by the state attorney or statewide prosecutor or was
159 dismissed by a court of competent jurisdiction, that a judgment
160 of acquittal was rendered by a judge, or that a verdict of not
161 guilty was rendered by a judge or jury.

162 3. That the criminal history record does not relate to a
163 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
164 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
165 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
166 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
167 or any violation specified as a predicate offense for
168 registration as a sexual predator pursuant to s. 775.21, without
169 regard to whether that offense alone is sufficient to require
170 such registration, or for registration as a sexual offender
171 pursuant to s. 943.0435, where the defendant was found guilty
172 of, or pled guilty or nolo contendere to any such offense, or
173 that the defendant, as a minor, was found to have committed, or
174 pled guilty or nolo contendere to committing, such an offense as

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175 a delinquent act, without regard to whether adjudication was
176 withheld.

177 (b) Remits a \$75 processing fee to the department for
178 placement in the Department of Law Enforcement Operating Trust
179 Fund, unless such fee is waived by the executive director.

180 (c) Has submitted to the department a certified copy of the
181 disposition of the charge to which the petition to expunge
182 pertains.

183 (d) Has never, before ~~prior to~~ the date on which the
184 application for a certificate of eligibility is filed, been
185 adjudicated guilty of a criminal offense or comparable ordinance
186 violation, or been adjudicated delinquent for committing any
187 felony or a misdemeanor specified in s. 943.051(3)(b).

188 (e) Has not been adjudicated guilty of, or adjudicated
189 delinquent for committing, any of the acts stemming from the
190 arrest or alleged criminal activity to which the petition to
191 expunge pertains.

192 (f) 1. Has never secured a prior sealing or expunction of a
193 criminal history record under this section, s. 943.059, former
194 s. 893.14, former s. 901.33, or former s. 943.058, unless
195 expunction is sought of a criminal history record previously
196 sealed for 10 years pursuant to paragraph (h) and the record is
197 otherwise eligible for expunction;

198 2. Seeks the expunction of one or more criminal history
199 records for which an indictment, information, or other charging
200 document was not filed or issued in the case or for which all
201 charges related to the arrest or alleged criminal activity to
202 which the petition pertains were dismissed before trial, and the
203 record is otherwise eligible for expunction; or

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204 c. Seeks the expunction of one or more criminal history
205 records for which an indictment, information, or other charging
206 document, if filed or issued in the case, was dismissed or nolle
207 prosequi by the state attorney or statewide prosecutor or was
208 dismissed by a court of competent jurisdiction, for which a
209 judgment of acquittal was rendered by a judge, or for which a
210 verdict of not guilty was rendered by a judge or jury, and the
211 record is otherwise eligible for expunction.

212 (g) Is no longer under court supervision applicable to the
213 disposition of the arrest or alleged criminal activity to which
214 the petition to expunge pertains.

215 (h) Has previously obtained a court order sealing the
216 record under this section, former s. 893.14, former s. 901.33,
217 or former s. 943.058 for a minimum of 10 years because
218 adjudication was withheld or because all charges related to the
219 arrest or alleged criminal activity to which the petition to
220 expunge pertains were not dismissed before trial, without regard
221 to whether the outcome of the trial was other than an
222 adjudication of guilt. The requirement for the record to have
223 previously been sealed for a minimum of 10 years does not apply
224 when a plea was not entered or all charges related to the arrest
225 or alleged criminal activity to which the petition to expunge
226 pertains were dismissed before trial or a judgment of acquittal
227 was rendered by a judge or a verdict of not guilty was rendered
228 by a judge or jury.

229 Section 2. Present subsection (5) of section 943.059,
230 Florida Statutes, is redesignated as subsection (6) of that
231 section, a new subsection (5) is added to that section, and
232 subsections (1) and (2) of that section are amended, to read:

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233 943.059 Court-ordered sealing of criminal history records.-
234 The courts of this state shall continue to have jurisdiction
235 over their own procedures, including the maintenance, sealing,
236 and correction of judicial records containing criminal history
237 information to the extent such procedures are not inconsistent
238 with the conditions, responsibilities, and duties established by
239 this section. Any court of competent jurisdiction may order a
240 criminal justice agency to seal the criminal history record of a
241 minor or an adult who complies with the requirements of this
242 section. The court shall not order a criminal justice agency to
243 seal a criminal history record until the person seeking to seal
244 a criminal history record has applied for and received a
245 certificate of eligibility for sealing pursuant to subsection
246 (2). A criminal history record that relates to a violation of s.
247 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
248 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
249 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
250 s. 916.1075, a violation enumerated in s. 907.041, or any
251 violation specified as a predicate offense for registration as a
252 sexual predator pursuant to s. 775.21, without regard to whether
253 that offense alone is sufficient to require such registration,
254 or for registration as a sexual offender pursuant to s.
255 943.0435, may not be sealed, without regard to whether
256 adjudication was withheld, if the defendant was found guilty of
257 or pled guilty or nolo contendere to the offense, or if the
258 defendant, as a minor, was found to have committed or pled
259 guilty or nolo contendere to committing the offense as a
260 delinquent act. The court may only order sealing of a criminal
261 history record pertaining to one arrest or one incident of

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262 alleged criminal activity, except as provided in this section.
263 The court may, at its sole discretion, order the sealing of a
264 criminal history record pertaining to more than one arrest if
265 the additional arrests directly relate to the original arrest.
266 If the court intends to order the sealing of records pertaining
267 to such additional arrests, such intent must be specified in the
268 order. A criminal justice agency may not seal any record
269 pertaining to such additional arrests if the order to seal does
270 not articulate the intention of the court to seal records
271 pertaining to more than one arrest. This section does not
272 prevent the court from ordering the sealing of only a portion of
273 a criminal history record pertaining to one arrest or one
274 incident of alleged criminal activity. Notwithstanding any law
275 to the contrary, a criminal justice agency may comply with laws,
276 court orders, and official requests of other jurisdictions
277 relating to sealing, correction, or confidential handling of
278 criminal history records or information derived therefrom. This
279 section does not confer any right to the sealing of any criminal
280 history record, and any request for sealing a criminal history
281 record may be denied at the sole discretion of the court.

282 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
283 petition to a court to seal a criminal history record is
284 complete only when accompanied by:

285 (a) A valid certificate of eligibility for sealing issued
286 by the department pursuant to subsection (2).

287 (b) The petitioner's sworn statement attesting that the
288 petitioner:

289 1. Has never, before ~~prior to~~ the date on which the
290 petition is filed, been adjudicated guilty of a criminal offense

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291 or comparable ordinance violation, or been adjudicated
292 delinquent for committing any felony or a misdemeanor specified
293 in s. 943.051(3)(b).

294 2. Has not been adjudicated guilty of or adjudicated
295 delinquent for committing any of the acts stemming from the
296 arrest or alleged criminal activity to which the petition to
297 seal pertains.

298 3.a. Has never secured a prior sealing or expunction of a
299 criminal history record under this section, s. 943.0585, former
300 s. 893.14, former s. 901.33, or former s. 943.058;

301 b. Seeks the sealing of one or more criminal history
302 records for which an indictment, information, or other charging
303 document was not filed or issued in the case or for which all
304 charges related to the arrest or alleged criminal activity to
305 which the petition pertains were dismissed before trial, and the
306 record is otherwise eligible for sealing; or

307 c. Seeks the sealing of one or more criminal history
308 records for which an indictment, information, or other charging
309 document, if filed or issued in the case, was dismissed or nolle
310 prosequi by the state attorney or statewide prosecutor or was
311 dismissed by a court of competent jurisdiction, for which a
312 judgment of acquittal was rendered by a judge, or for which a
313 verdict of not guilty was rendered by a judge or jury, and the
314 record is otherwise eligible for sealing.

315 4. Is eligible for such a sealing to the best of his or her
316 knowledge or belief and does not have any other petition to seal
317 or any petition to expunge pending before any court.

318
319 Any person who knowingly provides false information on such

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320 sworn statement to the court commits a felony of the third
321 degree, punishable as provided in s. 775.082, s. 775.083, or s.
322 775.084.

323 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
324 petitioning the court to seal a criminal history record, a
325 person seeking to seal a criminal history record shall apply to
326 the department for a certificate of eligibility for sealing. The
327 department shall, by rule adopted pursuant to chapter 120,
328 establish procedures pertaining to the application for and
329 issuance of certificates of eligibility for sealing. A
330 certificate of eligibility for sealing is valid for 12 months
331 after the date stamped on the certificate when issued by the
332 department. After that time, the petitioner must reapply to the
333 department for a new certificate of eligibility. Eligibility for
334 a renewed certification of eligibility must be based on the
335 status of the applicant and the law in effect at the time of the
336 renewal application. The department shall issue a certificate of
337 eligibility for sealing to a person who is the subject of a
338 criminal history record provided that such person:

339 (a) Has submitted to the department a certified copy of the
340 disposition of the charge to which the petition to seal
341 pertains.

342 (b) Remits a \$75 processing fee to the department for
343 placement in the Department of Law Enforcement Operating Trust
344 Fund, unless such fee is waived by the executive director.

345 (c) Is not seeking to seal a criminal history record that
346 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
347 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
348 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,

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349 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
350 s. 907.041, or any violation specified as a predicate offense
351 for registration as a sexual predator pursuant to s. 775.21,
352 without regard to whether that offense alone is sufficient to
353 require such registration, or for registration as a sexual
354 offender pursuant to s. 943.0435, where the defendant was found
355 guilty of, or pled guilty or nolo contendere to any such
356 offense, or that the defendant, as a minor, was found to have
357 committed, or pled guilty or nolo contendere to committing, such
358 an offense as a delinquent act, without regard to whether
359 adjudication was withheld.

360 (d) Has never, prior to the date on which the application
361 for a certificate of eligibility is filed, been adjudicated
362 guilty of a criminal offense or comparable ordinance violation,
363 or been adjudicated delinquent for committing any felony or a
364 misdemeanor specified in s. 943.051(3)(b).

365 (e) Has not been adjudicated guilty of or adjudicated
366 delinquent for committing any of the acts stemming from the
367 arrest or alleged criminal activity to which the petition to
368 seal pertains.

369 (f)1. Has never secured a prior sealing or expunction of a
370 criminal history record under this section, s. 943.0585, former
371 s. 893.14, former s. 901.33, or former s. 943.058;

372 2. Seeks the sealing of one or more criminal history
373 records for which an indictment, information, or other charging
374 document was not filed or issued in the case or for which all
375 charges related to the arrest or alleged criminal activity to
376 which the petition pertains were dismissed before trial, and the
377 record is otherwise eligible for sealing; or

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378 3. Seeks the sealing of one or more criminal history
379 records for which an indictment, information, or other charging
380 document, if filed or issued in the case, was dismissed or nolle
381 prosequi by the state attorney or statewide prosecutor or was
382 dismissed by a court of competent jurisdiction, for which a
383 judgment of acquittal was rendered by a judge, or for which a
384 verdict of not guilty was rendered by a judge or jury, and the
385 record is otherwise eligible for sealing.

386 (g) Is no longer under court supervision applicable to the
387 disposition of the arrest or alleged criminal activity to which
388 the petition to seal pertains.

389 (5) A clerk of the court may not change a filing fee for
390 any action under this section if the clerk of the court
391 determines under s. 27.52 that the applicant is indigent.

392 Section 3. For the purpose of incorporating the amendment
393 made by this act to section 943.0585, Florida Statutes, in a
394 reference thereto, paragraph (b) of subsection (6) and paragraph
395 (b) of subsection (7) of section 948.08, Florida Statutes, is
396 reenacted to read:

397 948.08 Pretrial intervention program.—

398 (6)

399 (b) While enrolled in a pretrial intervention program
400 authorized by this subsection, the participant is subject to a
401 coordinated strategy developed by a drug court team under s.
402 397.334(4). The coordinated strategy may include a protocol of
403 sanctions that may be imposed upon the participant for
404 noncompliance with program rules. The protocol of sanctions may
405 include, but is not limited to, placement in a substance abuse
406 treatment program offered by a licensed service provider as

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407 defined in s. 397.311 or in a jail-based treatment program or
408 serving a period of incarceration within the time limits
409 established for contempt of court. The coordinated strategy must
410 be provided in writing to the participant before the participant
411 agrees to enter into a pretrial treatment-based drug court
412 program or other pretrial intervention program. Any person whose
413 charges are dismissed after successful completion of the
414 treatment-based drug court program, if otherwise eligible, may
415 have his or her arrest record and plea of nolo contendere to the
416 dismissed charges expunged under s. 943.0585.

417 (7)

418 (b) While enrolled in a pretrial intervention program
419 authorized by this subsection, the participant shall be subject
420 to a coordinated strategy developed by a veterans' treatment
421 intervention team. The coordinated strategy should be modeled
422 after the therapeutic jurisprudence principles and key
423 components in s. 397.334(4), with treatment specific to the
424 needs of servicemembers and veterans. The coordinated strategy
425 may include a protocol of sanctions that may be imposed upon the
426 participant for noncompliance with program rules. The protocol
427 of sanctions may include, but need not be limited to, placement
428 in a treatment program offered by a licensed service provider or
429 in a jail-based treatment program or serving a period of
430 incarceration within the time limits established for contempt of
431 court. The coordinated strategy must be provided in writing to
432 the participant before the participant agrees to enter into a
433 pretrial veterans' treatment intervention program or other
434 pretrial intervention program. Any person whose charges are
435 dismissed after successful completion of the pretrial veterans'

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436 treatment intervention program, if otherwise eligible, may have
437 his or her arrest record of the dismissed charges expunged under
438 s. 943.0585.

439 Section 4. For the purpose of incorporating the amendment
440 made by this act to section 943.0585, Florida Statutes, in a
441 reference thereto, paragraph (b) of subsection (1) and paragraph
442 (b) of subsection (2) of section 948.16, Florida Statutes, is
443 reenacted to read:

444 948.16 Misdemeanor pretrial substance abuse education and
445 treatment intervention program; misdemeanor pretrial veterans'
446 treatment intervention program; misdemeanor pretrial mental
447 health court program.—

448 (1)

449 (b) While enrolled in a pretrial intervention program
450 authorized by this section, the participant is subject to a
451 coordinated strategy developed by a drug court team under s.
452 397.334(4). The coordinated strategy may include a protocol of
453 sanctions that may be imposed upon the participant for
454 noncompliance with program rules. The protocol of sanctions may
455 include, but is not limited to, placement in a substance abuse
456 treatment program offered by a licensed service provider as
457 defined in s. 397.311 or in a jail-based treatment program or
458 serving a period of incarceration within the time limits
459 established for contempt of court. The coordinated strategy must
460 be provided in writing to the participant before the participant
461 agrees to enter into a pretrial treatment-based drug court
462 program or other pretrial intervention program. Any person whose
463 charges are dismissed after successful completion of the
464 treatment-based drug court program, if otherwise eligible, may

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465 have his or her arrest record and plea of nolo contendere to the
466 dismissed charges expunged under s. 943.0585.

467 (2)

468 (b) While enrolled in a pretrial intervention program
469 authorized by this section, the participant shall be subject to
470 a coordinated strategy developed by a veterans' treatment
471 intervention team. The coordinated strategy should be modeled
472 after the therapeutic jurisprudence principles and key
473 components in s. 397.334(4), with treatment specific to the
474 needs of veterans and servicemembers. The coordinated strategy
475 may include a protocol of sanctions that may be imposed upon the
476 participant for noncompliance with program rules. The protocol
477 of sanctions may include, but need not be limited to, placement
478 in a treatment program offered by a licensed service provider or
479 in a jail-based treatment program or serving a period of
480 incarceration within the time limits established for contempt of
481 court. The coordinated strategy must be provided in writing to
482 the participant before the participant agrees to enter into a
483 misdemeanor pretrial veterans' treatment intervention program or
484 other pretrial intervention program. Any person whose charges
485 are dismissed after successful completion of the misdemeanor
486 pretrial veterans' treatment intervention program, if otherwise
487 eligible, may have his or her arrest record of the dismissed
488 charges expunged under s. 943.0585.

489 Section 5. For the purpose of incorporating the amendment
490 made by this act to section 943.0585, Florida Statutes, in a
491 reference thereto, paragraph (b) of subsection (1) and paragraph
492 (c) of subsection (2) of section 985.345, Florida Statutes, is
493 reenacted to read:

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494 985.345 Delinquency pretrial intervention programs.—

495 (1)

496 (b) While enrolled in a delinquency pretrial intervention
497 program authorized by this subsection, a child is subject to a
498 coordinated strategy developed by a drug court team under s.
499 397.334(4). The coordinated strategy may include a protocol of
500 sanctions that may be imposed upon the child for noncompliance
501 with program rules. The protocol of sanctions may include, but
502 is not limited to, placement in a substance abuse treatment
503 program offered by a licensed service provider as defined in s.
504 397.311 or serving a period of secure detention under this
505 chapter. The coordinated strategy must be provided in writing to
506 the child before the child agrees to enter the pretrial
507 treatment-based drug court program or other pretrial
508 intervention program. A child whose charges are dismissed after
509 successful completion of the treatment-based drug court program,
510 if otherwise eligible, may have his or her arrest record and
511 plea of nolo contendere to the dismissed charges expunged under
512 s. 943.0585.

513 (2)

514 (c) A child whose charges are dismissed after successful
515 completion of the delinquency pretrial mental health court
516 intervention program, if otherwise eligible, may have his or her
517 criminal history record for such charges expunged under s.
518 943.0585.

519 Section 6. This act shall take effect July 1, 2019.