

By Senator Perry

8-00508-19

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1                   A bill to be entitled  
2       An act relating to juvenile diversion expungement;  
3       amending s. 943.0582, F.S.; deleting a requirement  
4       that limits diversion program expunction to programs  
5       for misdemeanor offenses; amending s. 985.126, F.S.;  
6       conforming a provision to changes made by the act;  
7       providing an effective date.

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

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11       Section 1. Subsection (1) and paragraph (b) of subsection  
12       (3) of section 943.0582, Florida Statutes, are amended to read:  
13       943.0582 Diversion program expunction.—

14       (1) Notwithstanding any law dealing generally with the  
15       preservation and destruction of public records, the department  
16       shall adopt rules to provide for the expunction of a nonjudicial  
17       record of the arrest of a minor who has successfully completed a  
18       diversion program ~~for a misdemeanor offense.~~

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

22       (b) Submits to the department, with the application, an  
23       official written statement from the state attorney for the  
24       county in which the arrest occurred certifying that he or she  
25       has successfully completed that county's diversion program, ~~that~~  
26       ~~his or her participation in the program was based on an arrest~~  
27       ~~for a misdemeanor,~~ and that he or she has not otherwise been  
28       charged by the state attorney with, or found to have committed,  
29       any criminal offense or comparable ordinance violation.

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30 Section 2. Subsection (5) of section 985.126, Florida  
31 Statutes, is amended to read:

32 985.126 Diversion programs; data collection; denial of  
33 participation or expunged record.—

34 (5) A minor who successfully completes a diversion program  
35 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail  
36 to acknowledge his or her participation in the program and an  
37 expunction of a nonjudicial arrest record under s. 943.0582,  
38 unless the inquiry is made by a criminal justice agency, as  
39 defined in s. 943.045, for a purpose described in s.  
40 943.0582(2)(b)1.

41 Section 3. This act shall take effect July 1, 2019.