

By Senator Perry

8-01761-20

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.0582, F.S.; providing an exemption from public
4 records requirements for a nonjudicial record of the
5 arrest of a minor who has successfully completed a
6 diversion program; providing for retroactive
7 application; providing for future legislative review
8 and repeal of the exemption under the Open Government
9 Sunset Review Act; providing a statement of public
10 necessity; providing a contingent effective date.

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

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14 Section 1. Subsection (5) is added to section 943.0582,
15 Florida Statutes, to read:

16 943.0582 Diversion program expunction.—

17 (5) A nonjudicial record of the arrest of a minor who has
18 successfully completed a diversion program which is sealed or
19 expunged under this section and which is retained by the
20 department is confidential and exempt from s. 119.07(1) and s.
21 24(a), Art. I of the State Constitution, except that the record
22 may be made available to criminal justice agencies only for the
23 purposes specified in subparagraph (2)(b)1. The exemption under
24 this subsection applies to records held by the department
25 before, on, or after July 1, 2020. This subsection is subject to
26 the Open Government Sunset Review Act in accordance with s.
27 119.15 and shall stand repealed on October 2, 2025, unless
28 reviewed and saved from repeal through reenactment by the
29 Legislature.

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30 Section 2. The Legislature finds that it is a public
31 necessity that the nonjudicial record of the arrest of a minor
32 who successfully completed a diversion program for minors, which
33 is sealed or expunged pursuant to s. 943.0582, Florida Statutes,
34 be made confidential and exempt from s. 119.07(1), Florida
35 Statutes, and s. 24(a), Article I of the State Constitution. The
36 purpose of diversion programs is to redirect youth from the
37 justice system with opportunities for programming,
38 rehabilitation, and restoration. This purpose will be undermined
39 if the nonjudicial record of arrest is not confidential and
40 exempt. The presence of a nonjudicial record of arrest of a
41 minor who completed a diversion program can jeopardize his or
42 her ability to obtain education, employment, and other
43 opportunities necessary to become a productive, contributing,
44 self-sustaining member of society. Such negative consequences
45 are unwarranted in cases in which the minor was successfully
46 diverted from further delinquency proceedings through the
47 completion of a diversion program. For these reasons, the
48 Legislature finds that it is a public necessity that the
49 criminal history records of minors which have received an
50 expunction due to the successful completion of a diversion
51 program be confidential and exempt from public records
52 requirements.

53 Section 3. This act shall take effect on the same date that
54 SB 700 or similar legislation takes effect, if such legislation
55 is adopted in the same legislative session or an extension
56 thereof and becomes a law.