

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

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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.

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, 2020.