

By the Committee on Criminal Justice; and Senators Perry, Pizzo, Braynon, Harrell, and Gruters

591-02252-20

2020700c1

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 a contingent 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 on the same date that
42 SB 1292 or similar legislation takes effect, if such legislation
43 is adopted in the same legislative session or an extension
44 thereof and becomes law.