

By Senator Perry

8-00575-21

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1                   A bill to be entitled  
2       An act relating to juvenile diversion program  
3       expunction; amending s. 943.0582, F.S.; requiring the  
4       Department of Law Enforcement to expunge the  
5       nonjudicial arrest record of certain minors who have  
6       successfully completed a diversion program for any  
7       offense, rather than only a misdemeanor offense;  
8       amending s. 985.126, F.S.; authorizing a minor who  
9       successfully completes a diversion program for any  
10      offense, rather than only for a first-time misdemeanor  
11      offense, to lawfully deny or fail to acknowledge  
12      certain information; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. Subsection (1) and paragraph (b) of subsection  
17      (3) of section 943.0582, Florida Statutes, are amended to read:  
18       943.0582 Diversion program expunction.—

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

24       (3) The department shall expunge the nonjudicial arrest  
25      record of a minor who has successfully completed a diversion  
26      program if that minor:

27       (b) Submits to the department, with the application, an  
28      official written statement from the state attorney for the  
29      county in which the arrest occurred certifying that he or she

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30 has successfully completed that county's diversion program, ~~that~~  
31 ~~his or her participation in the program was based on an arrest~~  
32 ~~for a misdemeanor,~~ and that he or she has not otherwise been  
33 charged by the state attorney with, or found to have committed,  
34 any criminal offense or comparable ordinance violation.

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

37 985.126 Diversion programs; data collection; denial of  
38 participation or expunged record.—

39 (5) A minor who successfully completes a diversion program  
40 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail  
41 to acknowledge his or her participation in the program and an  
42 expunction of a nonjudicial arrest record under s. 943.0582,  
43 unless the inquiry is made by a criminal justice agency, as  
44 defined in s. 943.045, for a purpose described in s.  
45 943.0582(2)(b)1.

46 Section 3. This act shall take effect July 1, 2021.