CS/HB 195

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				
6	successfully complete a diversion program for				
7	specified felony offenses, rather than only for				
8	misdemeanor offenses; amending s. 985.126, F.S.;				
9	authorizing a minor who successfully completes a				
10	) diversion program and is granted an expunction for any				
11	covered offense, rather than only for a first-time				
12	misdemeanor offense, to lawfully deny or fail to				
13	acknowledge certain information; providing an				
14	effective date.				
15					
16	Be It Enacted by the Legislature of the State of Florida:				
17					
18	Section 1. Subsection (1) and paragraph (b) of subsection				
19	(3) of section 943.0582, Florida Statutes, are amended to read:				
20	943.0582 Diversion program expunction				
21	(1) Notwithstanding any law dealing generally with the				
22	preservation and destruction of public records, the department				
23	shall adopt rules to provide for the expunction of a nonjudicial				
24	record of the arrest of a minor who has successfully completed a				
25	diversion program <del>for a misdemeanor offense</del> .				
	Page 1 of 3				

CODING: Words stricken are deletions; words underlined are additions.

2022

## CS/HB 195

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

29 (b) Submits to the department, with the application, an 30 official written statement from the state attorney for the county in which the arrest occurred certifying that the minor he 31 32 or she has successfully completed that county's diversion 33 program;  $\tau$  that the minor's his or her participation in the 34 program was based on an arrest for a misdemeanor offense or for 35 a felony offense, other than a forcible felony as defined in s. 776.08 or a felony involving the manufacture, sale, purchase, 36 37 transport, possession, or use of a firearm or weapon as those terms are defined in s. 790.001;  $_{\tau}$  and that the minor he or she 38 39 has not otherwise been charged by the state attorney with, or found to have committed, any criminal offense or comparable 40 41 ordinance violation.

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

44 985.126 Diversion programs; data collection; denial of 45 participation or expunged record.-

(5) A minor who successfully completes a diversion program and who has been granted an expunction under s. 943.0582 for a first-time misdemeanor offense may lawfully deny or fail to acknowledge his or her participation in the program and <u>such</u> an expunction of a nonjudicial arrest record under s. 943.0582,

## Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

2022

FLORIDA	HOUSE	OF REPR	R E S E N T A T I V E S
---------	-------	---------	-------------------------

## CS/HB 195

52 defined in s. 943.045, for a purpose described in s.

- 53 943.0582(2)(b)1.
- 54 Section 3. This act shall take effect July 1, 2022.

Page 3 of 3

CODING: Words stricken are deletions; words underlined are additions.

2022