

ENROLLED

CS/HB 195

2022 Legislature

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An act relating to juvenile diversion program expunction; amending s. 943.0582, F.S.; requiring the Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses, rather than only for misdemeanor offenses; amending s. 985.126, F.S.; authorizing a minor who successfully completes a diversion program and is granted an expunction for any covered offense, rather than only for a first-time misdemeanor offense, to lawfully deny or fail to acknowledge certain information; providing an effective date.

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

Section 1. Subsection (1) and paragraph (b) of subsection (3) of section 943.0582, Florida Statutes, are amended to read:

943.0582 Diversion program expunction.—

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

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

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

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

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

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

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51 | unless the inquiry is made by a criminal justice agency, as
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.