

ENROLLED

HB 197

2022 Legislature

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An act relating to public records; amending s. 943.0582, F.S.; providing an exemption from public records requirements for a nonjudicial record of the arrest of a minor who has successfully completed a diversion program; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsection (5) is added to section 943.0582, Florida Statutes, to read:

943.0582 Diversion program expunction.—

(5) A nonjudicial record of the arrest of a minor who has successfully completed a diversion program which is sealed or expunged under this section and which is retained by the department is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the record may be made available to criminal justice agencies only for the purposes specified in subparagraph (2)(b)1. The exemption under this subsection applies to records held by the department before, on, or after July 1, 2022. This subsection is subject to

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26 | the Open Government Sunset Review Act in accordance with s.
27 | 119.15 and shall stand repealed on October 2, 2027, unless
28 | reviewed and saved from repeal through reenactment by the
29 | Legislature.

30 | Section 2. The Legislature finds that it is a public
31 | necessity that the nonjudicial record of the arrest of a minor
32 | who successfully completed a diversion program for minors which
33 | is sealed or expunged pursuant to s. 943.0582, Florida Statutes,
34 | be made confidential and exempt from s. 119.07(1), Florida
35 | Statutes, and s. 24(a), Article I of the State Constitution. The
36 | purpose of diversion programs is to redirect youth from the
37 | justice system with opportunities for programming,
38 | rehabilitation, and restoration. This purpose is undermined if
39 | the nonjudicial record of arrest is not confidential and exempt.
40 | The presence of a nonjudicial record of arrest of a minor who
41 | completed a diversion program can jeopardize his or her ability
42 | to obtain education, employment, and other opportunities
43 | necessary to become a productive, contributing, self-sustaining
44 | member of society. Such negative consequences are unwarranted in
45 | cases in which the minor was successfully diverted from further
46 | delinquency proceedings through the completion of a diversion
47 | program. For these reasons, the Legislature finds that it is a
48 | public necessity that the criminal history records of minors
49 | which have received an expunction due to the successful
50 | completion of a diversion program be confidential and exempt

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51 | from public records requirements.

52 | Section 3. This act shall take effect on the same date
53 | that HB 195 or similar legislation takes effect, if such
54 | legislation is adopted in the same legislative session or an
55 | extension thereof and becomes a law.