

By Senator Perry

8-00370B-22

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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  
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 for any offense, rather than only  
11      for a first-time misdemeanor offense, to lawfully deny  
12      or fail to acknowledge certain information; providing  
13      an effective date.

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

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

19       943.0582 Diversion program expunction.—

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

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

28       (b) Submits to the department, with the application, an  
29      official written statement from the state attorney for the

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30 county in which the arrest occurred certifying that the minor ~~he~~  
31 ~~or she~~ has successfully completed that county's diversion  
32 program;~~;~~ that the minor's ~~his or her~~ participation in the  
33 program was based on an arrest for a misdemeanor offense or for  
34 a felony offense other than a forcible felony as defined in s.  
35 776.08;~~;~~ and that the minor ~~he or she~~ has not otherwise been  
36 charged by the state attorney with, or found to have committed,  
37 any criminal offense or comparable ordinance violation.

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

40 985.126 Diversion programs; data collection; denial of  
41 participation or expunged record.—

42 (5) A minor who successfully completes a diversion program  
43 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail  
44 to acknowledge his or her participation in the program and an  
45 expunction of a nonjudicial arrest record under s. 943.0582,  
46 unless the inquiry is made by a criminal justice agency, as  
47 defined in s. 943.045, for a purpose described in s.  
48 943.0582(2)(b)1.

49 Section 3. This act shall take effect July 1, 2022.