

By the Committee on Criminal Justice; and Senators Perry and Taddeo

591-01004-22

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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 and is granted an expunction for any  
11 offense, rather than only for a first-time misdemeanor  
12 offense, to lawfully deny or fail to acknowledge  
13 certain information; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:  
16

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 and who has been granted an expunction under s. 943.0582 ~~for a~~  
44 ~~first-time misdemeanor offense~~ may lawfully deny or fail to  
45 acknowledge his or her participation in the program and such an  
46 expunction of a nonjudicial arrest record ~~under s. 943.0582,~~  
47 unless the inquiry is made by a criminal justice agency, as  
48 defined in s. 943.045, for a purpose described in s.  
49 943.0582(2)(b)1.

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