

By Senator Perry

8-00333-22

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       943.0582, F.S.; providing an exemption from public  
4       records requirements for a nonjudicial record of the  
5       arrest of a minor who has successfully completed a  
6       diversion program; providing for retroactive  
7       application; providing for future legislative review  
8       and repeal of the exemption; providing a statement of  
9       public necessity; providing a contingent effective  
10      date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

16       943.0582 Diversion program expunction.—

17       (5) A nonjudicial record of the arrest of a minor who has  
18 successfully completed a diversion program which is sealed or  
19 expunged under this section and which is retained by the  
20 department is confidential and exempt from s. 119.07(1) and s.  
21 24(a), Art. I of the State Constitution, except that the record  
22 may be made available to criminal justice agencies only for the  
23 purposes specified in subparagraph (2)(b)1. The exemption under  
24 this subsection applies to records held by the department  
25 before, on, or after July 1, 2022. This subsection is subject to  
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27 119.15 and shall stand repealed on October 2, 2027, unless  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.

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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  
51 from public records requirements.

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