

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Ahern offered the following:

**Amendment (with title amendment)**

5 Remove lines 201-287 and insert:

6 (3) The department shall expunge the nonjudicial arrest  
 7 record of a minor who has successfully completed a ~~prearrest or~~  
 8 ~~postarrest~~ diversion program if that minor:

9 (a) Submits an application for ~~prearrest or postarrest~~  
 10 diversion expunction, on a form prescribed by the department,  
 11 signed by the minor's parent or legal guardian, or by the minor  
 12 if he or she has reached the age of majority at the time of  
 13 applying.

14 (b) Submits to the department, with the application, an  
 15 official written statement from the state attorney for the  
 16 county in which the arrest occurred certifying that he or she

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17 has successfully completed that county's prearrest or postarrest  
18 diversion program, that his or her participation in the program  
19 was based on an arrest for a ~~nonviolent~~ misdemeanor, and  
20 that he or she has not otherwise been charged by the state  
21 attorney with, or found to have committed, any criminal offense  
22 or comparable ordinance violation.

23 ~~(c) Participated in a prearrest or postarrest diversion~~  
24 ~~program that expressly authorizes or permits such expunction.~~

25 ~~(d) Participated in a prearrest or postarrest diversion~~  
26 ~~program based on an arrest for a nonviolent misdemeanor that~~  
27 ~~would not qualify as an act of domestic violence as that term is~~  
28 ~~defined in s. 741.28.~~

29 (c)~~(e)~~ Has never been, before filing the application for  
30 expunction, charged by the state attorney with, or found to have  
31 committed, any criminal offense or comparable ordinance  
32 violation.

33 ~~(4) The department is authorized to charge a \$75~~  
34 ~~processing fee for each request received for prearrest or~~  
35 ~~postarrest diversion program expunction, for placement in the~~  
36 ~~Department of Law Enforcement Operating Trust Fund, unless such~~  
37 ~~fee is waived by the executive director.~~

38 (4)~~(5)~~ Expunction or sealing granted under this section  
39 does not prevent the minor who receives such relief from  
40 petitioning for the expunction or sealing of a later criminal  
41 history record as provided for in ss. 943.0583, 943.0585, and

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42 943.059, if the minor is otherwise eligible under those  
43 sections.

44 Section 3. Subsection (3) of section 985.125, Florida  
45 Statutes, is amended to read:

46 985.125 Prearrest or postarrest diversion programs.—

47 ~~(3) The prearrest or postarrest diversion program may,~~  
48 ~~upon agreement of the agencies that establish the program,~~  
49 ~~provide for the expunction of the nonjudicial arrest record of a~~  
50 ~~minor who successfully completes such a program pursuant to s.~~  
51 ~~943.0582.~~

52 Section 4. Section 985.126, Florida Statutes, is created  
53 to read:

54 985.126 Diversion programs; data collection; denial of  
55 participation or expunged record.—

56 (1) As used in this section, the term "diversion program"  
57 has the same meaning as provided in s. 943.0582.

58 (2) Upon issuance of documentation requiring a minor to  
59 participate in a diversion program, before or without an arrest,  
60 the issuing law enforcement officer shall send a copy of such  
61 documentation to the entity designated to operate the diversion  
62 program and to the department, which shall enter such  
63 information into the Juvenile Justice Information System  
64 Prevention Web.

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**T I T L E   A M E N D M E N T**

Remove lines 53-61 and insert:

certain nonjudicial arrest records; amending s. 985.125, F.S.;  
conforming a provision to changes made by the act; creating s.  
985.126, F.S.; defining the term "diversion program"; requiring  
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