

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WITHDRAWN	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>	

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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