A bill to be entitled An act relating to juvenile diversion expungement; amending s. 943.0582, F.S.; deleting a requirement that limits diversion program expunction to programs for misdemeanor offenses; amending s. 985.126, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

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

943.0582 Diversion program expunction.—

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

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

(b) Submits to the department, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that he or she has successfully completed that county’s diversion program, that his or her participation in the program was based on an arrest for a misdemeanor, and that he or she has not otherwise been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.
Section 2. Subsection (5) of section 985.126, Florida Statutes, is amended to read:

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

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

Section 3. This act shall take effect July 1, 2019.