

HB 93

2021

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 have
6 successfully completed a diversion program for any
7 offense, rather than only a misdemeanor offense;
8 amending s. 985.126, F.S.; authorizing a minor who
9 successfully completes a diversion program for any
10 offense, rather than only for a first-time misdemeanor
11 offense, to lawfully deny or fail to acknowledge
12 certain information; providing an effective date.

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

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16 Section 1. Subsection (1) and paragraph (b) of subsection
17 (3) of section 943.0582, Florida Statutes, are amended to read:
18 943.0582 Diversion program expunction.—

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

24 (3) The department shall expunge the nonjudicial arrest
25 record of a minor who has successfully completed a diversion

26 | program if that minor:

27 | (b) Submits to the department, with the application, an
28 | official written statement from the state attorney for the
29 | county in which the arrest occurred certifying that he or she
30 | has successfully completed that county's diversion program, ~~that~~
31 | ~~his or her participation in the program was based on an arrest~~
32 | ~~for a misdemeanor,~~ and that he or she has not otherwise been
33 | charged by the state attorney with, or found to have committed,
34 | any criminal offense or comparable ordinance violation.

35 | Section 2. Subsection (5) of section 985.126, Florida
36 | Statutes, is amended to read:

37 | 985.126 Diversion programs; data collection; denial of
38 | participation or expunged record.—

39 | (5) A minor who successfully completes a diversion program
40 | ~~for a first-time misdemeanor offense~~ may lawfully deny or fail
41 | to acknowledge his or her participation in the program and an
42 | expunction of a nonjudicial arrest record under s. 943.0582,
43 | unless the inquiry is made by a criminal justice agency, as
44 | defined in s. 943.045, for a purpose described in s.
45 | 943.0582(2)(b)1.

46 | Section 3. This act shall take effect July 1, 2021.