

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 under the Open Government  
 9           Sunset Review Act; providing a statement of public  
 10          necessity; providing a contingent effective date.

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

13  
 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, 2021. 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27 | 119.15 and shall stand repealed on October 2, 2026, unless  
28 | reviewed and saved from repeal through reenactment by the  
29 | Legislature.

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 will be undermined  
39 | if the nonjudicial record of arrest is not confidential and  
40 | exempt. The presence of a nonjudicial record of arrest of a  
41 | minor who completed a diversion program can jeopardize his or  
42 | her ability to obtain education, employment, and other  
43 | opportunities necessary to become a productive, contributing,  
44 | self-sustaining member of society. Such negative consequences  
45 | are unwarranted in cases in which the minor was successfully  
46 | diverted from further delinquency proceedings through the  
47 | completion of a diversion program. For these reasons, the  
48 | Legislature finds that it is a public necessity that the  
49 | criminal history records of minors which have received an  
50 | expunction due to the successful completion of a diversion

HB 95

2021

51 program be confidential and exempt from public records  
52 requirements.

53 Section 3. This act shall take effect on the same date  
54 that HB 93 or similar legislation takes effect, if such  
55 legislation is adopted in the same legislative session or an  
56 extension thereof and becomes a law.