

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

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

16
 17 Section 1. Subsection (1) and paragraph (b) of subsection
 18 (3) of section 943.0582, Florida Statutes, are amended to read:
 19 943.0582 Diversion program expunction.—

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

25 (3) The department shall expunge the nonjudicial arrest

26 record of a minor who has successfully completed a diversion
 27 program if that minor:

28 (b) Submits to the department, with the application, an
 29 official written statement from the state attorney for the
 30 county in which the arrest occurred certifying that the minor ~~he~~
 31 ~~or she~~ has successfully completed that county's diversion
 32 program; ~~that~~ the minor's his or her participation in the
 33 program was based on an arrest for a misdemeanor offense or for
 34 a felony offense other than a forcible felony as defined in s.
 35 776.08; ~~and that~~ the minor ~~he or she~~ has not otherwise been
 36 charged by the state attorney with, or found to have committed,
 37 any criminal offense or comparable ordinance violation.

38 Section 2. Subsection (5) of section 985.126, Florida
 39 Statutes, is amended to read:

40 985.126 Diversion programs; data collection; denial of
 41 participation or expunged record.—

42 (5) A minor who successfully completes a diversion program
 43 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail
 44 to acknowledge his or her participation in the program and an
 45 expunction of a nonjudicial arrest record under s. 943.0582,
 46 unless the inquiry is made by a criminal justice agency, as
 47 defined in s. 943.045, for a purpose described in s.
 48 943.0582(2)(b)1.

49 Section 3. This act shall take effect July 1, 2022.