

By Senator Detert

28-00488-16

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1 A bill to be entitled
2 An act relating to expunction of records of minors;
3 amending s. 943.0515, F.S.; decreasing the period of
4 time that a minor's criminal history record must be
5 retained before expunction; amending s. 943.0582,
6 F.S.; deleting a limitation on the period of time
7 within which a minor must submit an application for
8 prearrest or postarrest diversion expunction to the
9 Department of Law Enforcement after successful
10 completion of the diversion program; reenacting s.
11 985.125(3), F.S., relating to prearrest and postarrest
12 diversion programs, to incorporate the amendment made
13 to s. 943.0582, F.S., in a reference thereto;
14 providing an effective date.

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

17
18 Section 1. Paragraph (b) of subsection (1) of section
19 943.0515, Florida Statutes, is amended to read:

20 943.0515 Retention of criminal history records of minors.—

21 (1)

22 (b) If the minor is not classified as a serious or habitual
23 juvenile offender or committed to a juvenile correctional
24 facility or juvenile prison under chapter 985, the program shall
25 retain the minor's criminal history record for 2 5 years after
26 the date the minor reaches 19 years of age, at which time the
27 record must ~~shall~~ be expunged unless it meets the criteria of
28 paragraph (2) (a) or paragraph (2) (b).

29 Section 2. Subsection (3) of section 943.0582, Florida

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30 Statutes, is amended to read:

31 943.0582 Prearrest, postarrest, or teen court diversion
32 program expunction.—

33 (3) The department shall expunge the nonjudicial arrest
34 record of a minor who has successfully completed a prearrest or
35 postarrest diversion program if that minor:

36 (a) Submits an application for prearrest or postarrest
37 diversion expunction, on a form prescribed by the department,
38 signed by the minor's parent or legal guardian, or by the minor
39 if he or she has reached the age of majority at the time of
40 applying.

41 ~~(b) Submits the application for prearrest or postarrest~~
42 ~~diversion expunction no later than 12 months after completion of~~
43 ~~the diversion program.~~

44 (b)~~(e)~~ Submits to the department, with the application, an
45 official written statement from the state attorney for the
46 county in which the arrest occurred certifying that he or she
47 has successfully completed that county's prearrest or postarrest
48 diversion program, that his or her participation in the program
49 was based on an arrest for a nonviolent misdemeanor, and that he
50 or she has not otherwise been charged by the state attorney
51 with, or found to have committed, any criminal offense or
52 comparable ordinance violation.

53 (c)~~(d)~~ Participated in a prearrest or postarrest diversion
54 program that expressly authorizes or permits such expunction ~~to~~
55 ~~occur.~~

56 (d)~~(e)~~ Participated in a prearrest or postarrest diversion
57 program based on an arrest for a nonviolent misdemeanor that
58 would not qualify as an act of domestic violence as that term is

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59 defined in s. 741.28.

60 (e)~~(f)~~ Has never been, prior to filing the application for
61 expunction, ~~been~~ charged by the state attorney with, or ~~been~~
62 found to have committed, any criminal offense or comparable
63 ordinance violation.

64 Section 3. For the purpose of incorporating the amendment
65 made by this act to section 943.0582, Florida Statutes, in a
66 reference thereto, subsection (3) of section 985.125, Florida
67 Statutes, is reenacted to read:

68 985.125 Prearrest or postarrest diversion programs.—

69 (3) The prearrest or postarrest diversion program may, upon
70 agreement of the agencies that establish the program, provide
71 for the expunction of the nonjudicial arrest record of a minor
72 who successfully completes such a program pursuant to s.
73 943.0582.

74 Section 4. This act shall take effect July 1, 2016.