

CHAPTER 2022-111

Committee Substitute for House Bill No. 195

An act relating to juvenile diversion program expunction; amending s. 943.0582, F.S.; requiring the Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses, rather than only for misdemeanor offenses; amending s. 985.126, F.S.; authorizing a minor who successfully completes a diversion program and is granted an expunction for any covered offense, rather than only for a first-time misdemeanor offense, to lawfully deny or fail to acknowledge certain information; 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 the minor he or she has successfully completed that county's diversion program; ~~that the minor's his or her~~ participation in the program was based on an arrest for a misdemeanor ~~offense or for a felony offense, other than a forcible felony as defined in s. 776.08 or a felony involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon as those terms are defined in s. 790.001;~~ and that the minor 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 and who has been granted an expunction under s. 943.0582 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail to acknowledge his or her participation in the program and such ~~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, 2022.

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.