

Happy weekend and thank you again for volunteering to help us with the juvenile seal/expunge event.

Time: 5pm-7:30pm

Where: Ed Ball Building (Hogan Street) in the 1st floor conference room

JSO will be there fingerprinting the children for free to submit with their application (as required) and we have received all certified dispositions from the clerk's office.

If anyone asks you how long it takes, there is currently a 7.5 month wait for FDLE to process applications.

We are expecting between 40-60 kids and their parents to be there. All of these are kids who successfully completed the diversion program. All of the kids have previously been screened by myself and the SAO so we know which expungement they qualify for. You may hear us to refer to them as the "yellow" and "green" kids.

Yellow kids: These kids qualify for the juvenile expungement. This statute required a child to successfully complete diversion for a non-violent misdemeanor (and can have no priors). Simple assault and battery are considered non-violent, but domestic crimes do not qualify for this. The benefit with this one is the child does not burn their one and only chance to get their record seal/expunged which is the case under the other statute. Also, it is very limited on what agencies can access the expunged record. The statute states only for law enforcement purposes. These forms are sent to FDLE and it is administratively done. The normal \$75 fee is waived and no subsequent petitions/orders have to be filed in court. This is the best one, but only some will qualify. The diversion staff will already have filled out these forms. For these kids, I just need assistance going through the form with the child/guardian to make sure it is correct and then assist with directing the child to get fingerprints and have the ASA in the room fill out Section B on their form.

Green kids: These are kids that went through diversion on either a violent misdemeanor or a felony. This is the group that I need help counseling. For these kids, they are not eligible for the juvenile expunction so they can only file for the regular one that applies to adults too. This is called the certificate of eligibility-although the form is very similar to the juvenile expungement form. This form is sent to FDLE as well as \$75, fingerprints and a certified disposition. We have a grant that will pay for the fees. After approximately 7 months, if these come back approved, then a petition has to be filed before the court. Once that is granted and an order is generated, then the order is sent to the various agencies to expunge or seal the record. Your representation will be limited to the 17th only, I will handle the second part of the petitions being drafted and filed (unless you want to take case pro bono). Why I need help with this is-someone only gets one chance to file this-adult of child. I call it the "one and done." For some of these kids, it may not be in their best interest to use that one and done now. For majority of these kids, that record could be expunged once they turn 21 (I copied this statute below) so they may not want to use their one chance now. Some will chose to have it done for college, jobs, military, etc. More agencies can also have access to this record or request further information on it: any healthcare, working with children, government jobs, military, immigration, Florida Bar.

Expungement at 21: I copied the relevant part of the statute:

943.0515 Retention of criminal history records of minors.—

(1)(a) The Criminal Justice Information Program shall retain the criminal history record of a minor who is classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985 for 5 years after the date the offender reaches 21 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

(b)1. If the minor is not classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison under chapter 985, the program shall retain the minor's criminal history record for 2 years after the date the minor reaches 19 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

2. A minor described in subparagraph 1. may apply to the department to have his or her criminal history record expunged before the minor reaches 21 years of age. To be eligible for expunction under this subparagraph, the minor must be 18 years of age or older and less than 21 years of age and have not been charged by the state attorney with or found to have committed any criminal offense within the 5-year period before the application date. The only offenses eligible to be expunged under this subparagraph are those that the minor committed before the minor reached 18 years of age. A criminal history record expunged under this subparagraph requires the approval of the state attorney for each circuit in which an offense specified in the criminal history record occurred. A minor seeking to expunge a criminal history record under this subparagraph shall apply to the department for expunction in the manner prescribed by rule. An application for expunction under this subparagraph shall include:

- a. A processing fee of \$75 to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.
- b. A full set of fingerprints of the applicant taken by a law enforcement agency for purposes of identity verification.
- c. A sworn, written statement from the minor seeking relief that he or she is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application to expunge pertains and that he or she has not been charged with or found to have committed a criminal offense, in any jurisdiction of the state or within the United States, within the 5-year period before the application date. A person who knowingly provides false information on the sworn statement required by this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

3. A minor who applies, but who is not approved for early expunction in accordance with subparagraph 2., shall have his or her criminal history record expunged at age 21 if eligible

HERE ARE ALL OF THE RELEVANT STATUTES BUT DEF NOT NECESSARY TO READ FOR THIS EVENT.

Juvenile Expunction Statute: 943.0582

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0582.html

Juvenile Retention of Records: 943.0515

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0515.html

General Expunction Statute: 943.0585

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0943/Sections/0943.0585.html

General Seal Statute: 943.059

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0943/Sections/0943.059.html

FDLE Seal/Expunge Website:

<http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

Serious Habitual Juvenile Offender Designation: 985.047

<http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>