

# MEMORANDUM

Agenda Item No. 11(A)(17)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** December 1, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution supporting Senate Bill (SB) 342, House Bill (HB) 195, or similar legislation that would expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



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Geri Bonzon-Keenan  
County Attorney

GBK/jp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(17)  
12-1-21

RESOLUTION NO. \_\_\_\_\_

RESOLUTION SUPPORTING SENATE BILL (SB) 342, HOUSE BILL (HB) 195, OR SIMILAR LEGISLATION THAT WOULD EXPUNGE THE NONJUDICIAL ARREST RECORD OF CERTAIN MINORS WHO SUCCESSFULLY COMPLETE A DIVERSION PROGRAM FOR SPECIFIED FELONY OFFENSES

**WHEREAS**, Miami-Dade County has a long history of supporting and working with other governmental agencies and community stakeholders to not only promote the creation of civil citation or criminal diversion programs but also encourage the seal and expungement of criminal records for eligible individuals; and

**WHEREAS**, diversion programs and the expungement of criminal records can have a positive, life-altering impact in terms of employment, education, loans, and housing for individuals who merit a second chance and are able to take advantage of these programs; and

**WHEREAS**, these benefits are amplified in the case of minors who, in the absence of diversion programs and a process to expunge criminal records, could otherwise have a mistake from their youth follow them for life; and

**WHEREAS**, under current Florida law, the Florida Department of Law Enforcement is required to provide for the expunction of the nonjudicial record of arrest of a minor who has successfully completed a diversion program for a misdemeanor offense; and

**WHEREAS**, identical Senate and House Bills, Senate Bill (SB) 342 by Senator Keith Perry (R – Gainesville) and House Bill (HB) 195 by Representative David Smith (R – Winter Springs), have been filed for consideration during the 2022 session of the Florida Legislature; and

**WHEREAS**, SB 342 and HB 195 would expand current law to require the Florida Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for misdemeanors and specified felony offenses; and

**WHEREAS**, during the 2021 Legislative Session, the Florida Legislature unanimously passed SB 274, which would have required the Florida Department of Law Enforcement to expunge the nonjudicial arrest record of certain minors who successfully completed a diversion program for any offense; and

**WHEREAS**, Governor Ron DeSantis vetoed SB 274 over concerns that the legislation would have provided the ability to expunge serious felonies; and

**WHEREAS**, SB 342 and HB 195 attempt to address those concerns by not allowing for the expungement of any forcible felonies, which include any felony that involves the use or threat of physical force or violence against any individual; and

**WHEREAS**, in recognition of the great benefit that such legislation could provide to the youth of Miami-Dade County, this Board would like to urge the Florida Legislature to enact SB 342, HB 195, or similar legislation that would expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact Senate Bill (SB) 342, House Bill (HB) 195, or similar legislation that would expunge the nonjudicial arrest record of certain minors who successfully complete a diversion program for specified felony offenses.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Keith Perry, Representative David Smith, all cosponsors of SB 342 and HB 195, the Chair and Members of the Miami-Dade State Legislative Delegation, and Florida Department of Law Enforcement Commissioner Richard L Swearingen.

**Section 3.** Directs the County’s state lobbyists to advocate for the passage of the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                      |                                       |
|----------------------|---------------------------------------|
|                      | Jose “Pepe” Diaz, Chairman            |
|                      | Oliver G. Gilbert, III, Vice-Chairman |
| Sen. René García     | Keon Hardemon                         |
| Sally A. Heyman      | Danielle Cohen Higgins                |
| Eileen Higgins       | Joe A. Martinez                       |
| Kionne L. McGhee     | Jean Monestime                        |
| Raquel A. Regalado   | Rebeca Sosa                           |
| Sen. Javier D. Souto |                                       |

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of December, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Michael B. Valdes