

HB 0969

2004

1 A bill to be entitled

2 An act relating to administrative expunction of  
3 nonjudicial arrest records; amending s. 943.0581, F.S.;  
4 requiring the arresting law enforcement agency to apply to  
5 the Department of Law Enforcement for the administrative  
6 expunction of certain nonjudicial records of arrest;  
7 authorizing certain persons to apply directly to the  
8 department for administrative expunction in certain  
9 circumstances; requiring such persons to support such  
10 application with an endorsement; providing that an  
11 application or endorsement may not be admitted into  
12 evidence or construed as an admission of liability;  
13 providing an effective date.

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

16  
17 Section 1. Section 943.0581, Florida Statutes, is amended  
18 to read:

19 943.0581 Administrative expunction.--

20 (1) Notwithstanding any law dealing generally with the  
21 preservation and destruction of public records, the department  
22 may provide, by rule adopted pursuant to chapter 120, for the  
23 administrative expunction of any nonjudicial record of an arrest  
24 of a minor or an adult made contrary to law or by mistake.

25 (2) A law enforcement agency shall apply to the  
26 department, in the manner prescribed by rule, for the  
27 administrative expunction of any nonjudicial record of any  
28 arrest of a minor or an adult who is subsequently determined by  
29 the agency, at its discretion, or by the final order of a court

HB 0969

2004

30 of competent jurisdiction, to have been arrested contrary to law  
31 or by mistake.

32 (3) An adult or, in the case of a minor child, the parent  
33 or legal guardian of such minor child may apply to the  
34 department, in the manner prescribed by rule, for the  
35 administrative expunction of any nonjudicial record of an arrest  
36 alleged to have been made contrary to law or by mistake,  
37 provided that such application is supported by the endorsement  
38 of the head of the arresting agency or the state attorney of the  
39 judicial circuit in which the arrest occurred.

40 (4) No application or endorsement made under this section  
41 shall be admissible as evidence in any judicial or  
42 administrative proceeding, or otherwise be construed in any way  
43 as an admission of liability in connection with an arrest.

44 Section 2. This act shall take effect upon becoming a law.