

By Senator Haridopolos

26-735-05

See HB 111

1                                   A bill to be entitled

2           An act relating to administrative expunction of

3           nonjudicial arrest records; amending s.

4           943.0581, F.S.; requiring the arresting law

5           enforcement agency to apply to the Department

6           of Law Enforcement for the administrative

7           expunction of certain nonjudicial records of

8           arrest; authorizing certain persons to apply

9           directly to the department for administrative

10          expunction in certain circumstances; requiring

11          such persons to support such application with

12          an endorsement; providing that an application

13          or endorsement may not be admitted into

14          evidence or construed as an admission of

15          liability; providing an effective date.

17 Be It Enacted by the Legislature of the State of Florida:

19           Section 1. Section 943.0581, Florida Statutes, is  
20 amended to read:

21           943.0581 Administrative expunction.--

22           (1) Notwithstanding any law dealing generally with the

23 preservation and destruction of public records, the department

24 may provide, by rule adopted pursuant to chapter 120, for the

25 administrative expunction of any nonjudicial record of an

26 arrest of a minor or an adult made contrary to law or by

27 mistake.

28           (2) A law enforcement agency shall apply to the

29 department in the manner prescribed by rule for the

30 administrative expunction of any nonjudicial record of any

31 arrest of a minor or an adult who is subsequently determined

1 by the agency, at its discretion, or by the final order of a  
2 court of competent jurisdiction, to have been arrested  
3 contrary to law or by mistake.

4 (3) An adult or, in the case of a minor child, the  
5 parent or legal guardian of the minor child, may apply to the  
6 department in the manner prescribed by rule for the  
7 administrative expunction of any nonjudicial record of an  
8 arrest alleged to have been made contrary to law or by  
9 mistake, provided that the application is supported by the  
10 endorsement of the head of the arresting agency or the state  
11 attorney of the judicial circuit in which the arrest occurred.

12 (4) No application or endorsement made under this  
13 section shall be admissible as evidence in any judicial or  
14 administrative proceeding or otherwise be construed in any way  
15 as an admission of liability in connection with an arrest.

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