## Florida Senate - 2006

By Senator Haridopolos

26-1425-06 See HB 41 1 A bill to be entitled 2 An act relating to administrative expunction of nonjudicial arrest records; amending s. 3 4 943.0581, F.S.; requiring the arresting law 5 enforcement agency to apply to the Department б of Law Enforcement for the administrative 7 expunction of certain nonjudicial records of 8 arrest; authorizing certain persons to apply directly to the department for administrative 9 10 expunction in certain circumstances; requiring such persons to support such application with 11 12 an endorsement; requiring an affidavit; 13 providing that an application, endorsement, or affidavit may not be admitted into evidence or 14 construed as an admission of liability; 15 providing an effective date. 16 17 Be It Enacted by the Legislature of the State of Florida: 18 19 Section 1. Section 943.0581, Florida Statutes, is 20 21 amended to read: 22 943.0581 Administrative expunction.--23 (1) Notwithstanding any law dealing generally with the preservation and destruction of public records, the department 2.4 may provide, by rule adopted pursuant to chapter 120, for the 25 administrative expunction of any nonjudicial record of an 26 27 arrest of a minor or an adult made contrary to law or by 2.8 mistake. 29 (2) A law enforcement agency shall apply to the department in the manner prescribed by rule for the 30 administrative expunction of any nonjudicial record of any 31

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1 arrest of a minor or an adult who is subsequently determined by the agency, at its discretion, or by the final order of a 2 court of competent jurisdiction, to have been arrested 3 4 contrary to law or by mistake. 5 (3) An adult or, in the case of a minor child, the б parent or legal quardian of the minor child, may apply to the 7 department in the manner prescribed by rule for the administrative expunction of any nonjudicial record of an 8 arrest alleged to have been made contrary to law or by 9 10 mistake, provided that the application is supported by the endorsement of the head of the arresting agency or the state 11 12 attorney of the judicial circuit in which the arrest occurred. 13 (4) An application for administrative expunction shall include an affidavit executed by the chief of the law 14 enforcement agency, sheriff, or department head of the state 15 law enforcement agency in which the affiant verifies that he 16 17 or she has reviewed the record of the arrest and that the 18 arrest was contrary to law or was a mistake. (5) No application, endorsement, or affidavit made 19 under this section shall be admissible as evidence in any 20 21 judicial or administrative proceeding or otherwise be 2.2 construed in any way as an admission of liability in 23 connection with an arrest. Section 2. This act shall take effect upon becoming a 2.4 25 law. 26 27 2.8 29 30 31

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