

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; requiring an affidavit;
 11 providing that an application, endorsement, or affidavit
 12 may not be admitted into evidence or construed as an
 13 admission of liability; providing an effective date.

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

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 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 department
 26 in the manner prescribed by rule for the administrative
 27 expunction of any nonjudicial record of any arrest of a minor or
 28 an adult who is subsequently determined by the agency, at its

29 discretion, or by the final order of a court of competent
30 jurisdiction, to have been arrested contrary to law or by
31 mistake.

32 (3) An adult or, in the case of a minor child, the parent
33 or legal guardian of the 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 the application is supported by the endorsement of
38 the head of the arresting agency or the state attorney of the
39 judicial circuit in which the arrest occurred.

40 (4) An application for administrative expunction shall
41 include an affidavit executed by the chief of the law
42 enforcement agency, sheriff, or department head of the state law
43 enforcement agency in which the affiant verifies that he or she
44 has reviewed the record of the arrest and that the arrest was
45 contrary to law or was a mistake.

46 (5) No application, endorsement, or affidavit made under
47 this section shall be admissible as evidence in any judicial or
48 administrative proceeding or otherwise be construed in any way
49 as an admission of liability in connection with an arrest.

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