

ENROLLED
 HB 41, Engrossed 1

2006 Legislature

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

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

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

20 943.0581 Administrative expunction.--

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

26 (2) A law enforcement agency shall apply to the department
 27 in the manner prescribed by rule for the administrative

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28 expunction of any nonjudicial record of any arrest of a minor or
29 an adult who is subsequently determined by the agency, at its
30 discretion, or by the final order of a court of competent
31 jurisdiction, to have been arrested contrary to law or by
32 mistake.

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

41 (4) An application for administrative expunction shall
42 include an affidavit executed by the chief of the law
43 enforcement agency, sheriff, or department head of the state law
44 enforcement agency in which the affiant verifies that he or she
45 has reviewed the record of the arrest and that the arrest was
46 contrary to law or was a mistake. The affidavit shall include
47 the date and time of the arrest, the name of the arresting
48 officer, the name of the person arrested, and the crime or
49 crimes charged.

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

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