

HB 193

2011

1 A bill to be entitled
2 An act relating to administrative expunction of arrest
3 records; amending s. 943.0581, F.S.; deleting language
4 pertaining to discretion of a law enforcement agency as to
5 whether to apply to the Department of Law Enforcement for
6 the administrative expunction of any nonjudicial record of
7 any arrest of a minor or an adult who is subsequently
8 determined to have been arrested contrary to law or by
9 mistake; providing for application for such expunction by
10 the arrestee, or parent or legal guardian of a minor child
11 arrestee, in the absence of such a determination by the
12 law enforcement agency without the endorsement of the
13 request by the agency; requiring submission of specified
14 documentation with such a request for administrative
15 expunction; limiting the requirements that requests be
16 submitted on agency letterhead and contain certain
17 signatures to those requests made by law enforcement
18 agencies; providing an effective date.

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

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22 Section 1. Subsections (2), (3), and (4) of section
23 943.0581, Florida Statutes, are amended to read:

24 943.0581 Administrative expunction.—

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~~

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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 documentation from
38 the department stating that the arrest was contrary to law or by
39 mistake ~~the endorsement of the head of the arresting agency or~~
40 ~~his or her designee or the state attorney of the judicial~~
41 ~~circuit in which the arrest occurred or his or her designee.~~

42 (4) An application for administrative expunction shall
43 include the date and time of the arrest, the name of the person
44 arrested, the offender-based tracking system (OBTS) number, and
45 the crime or crimes charged. An ~~The~~ application under subsection
46 (2) must ~~shall~~ be on the submitting agency's letterhead and
47 ~~shall be~~ signed by the head of the submitting agency or his or
48 her designee.

49 Section 2. This act shall take effect July 1, 2011.