

By Senator Hill

1-00279A-11

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

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

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23           Section 1. Subsections (2), (3), and (4) of section  
24           943.0581, Florida Statutes, are amended to read:

25           943.0581 Administrative expunction.—

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

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

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

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