
**FEES FOR FILING A PETITION TO SEAL/EXPUNGE
\$4.20 FEE TO PURCHASE A SEAL/EXPUNGE PACKET**

At the time of filing the notarized Petition to Seal/Expunge Criminal History Record and the notarized Affidavit, a filing fee of \$62.00 shall be paid to the Clerk of Court. Our office includes the charges of \$1.00 per page for copies, and \$2.00 per page for certification.

Instructions for Applying for a Juvenile Diversion

The laws and rules, which govern juvenile diversion expunction of criminal history record (s), include: Section 943.0582, Florida Statutes, and Chapter 11C-7.009, Florida Administrative Code.

* For authorized juvenile diversion programs completed on or after October 1, 2001, the law requires the application to be submitted to FDLE no later than six months after completion of the diversion program.

In order to obtain a juvenile diversion expunction of a criminal history record, the following documents must be provided to FDLE pursuant to s. 943.0582, F.S.

- Section A must be completed by the applicant and signed by the applicant or the applicant's parent or legal guardian if the applicant is under 18 years of age at the time of signing, and the applicable signature must be notarized.
- A **NONREFUNDABLE** money order, or Cashier's check, in the amount of \$75.00 made payable to the Florida Department of Law Enforcement.
- The applicant must be fingerprinted by authorized personnel with a law enforcement or criminal justice agency.
- You must have the state attorney complete Section B, certifying that you have successfully completed a prearrest or postarrest diversion program that allows for the expunction of the record upon the completion as authorized by s. 943.0582, F.S.
- You should be aware that eligibility for a juvenile diversion expunction is conditioned upon timely and successful completion of a prearrest or postarrest diversion program authorized by s. 985.3065, F.S., which program **must** be limited to first-time minor offenders charged with a nonviolent misdemeanor as the term "nonviolent misdemeanor" is defined in s. 943.0582, F.S. You should also be aware that the term "expunction" as used in s. 943.0582, F.S., **differs significantly** in operation and effect from the term "expunction" as used in s. 943.0585, F.S.

State Attorney Information

Section 943.0582, Florida Statutes, states that an applicant seeking a juvenile diversion expunction of a criminal history record must obtain an official written statement from the appropriate state attorney as reflected in Section B on the application.

Mailing Instructions

Once you have completed all applicable requirements as stated above, mail this application, all documents, and the \$75.00 processing fee to:

The Florida Department of Law Enforcement
Attn: Expunge/Seal Section
Post Office Box 1489
Tallahassee, Florida 32302-1489

If the application is not complete and all of the necessary documents are not provided, the FDLE will return your package unprocessed. Any questions should be directed to the FDLE's Expunge Section at (850) 410-7870.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
 APPLICATION FOR JUVENILE DIVERSION EXPUNCTION
 PLEASE TYPE OR PRINT ALL INFORMATION

SECTION A - APPLICANT

Last Name		First Name		Middle Name	
Other Names (Maiden Name or Alias)		Residence Phone ()		Business Phone ()	
Date of Birth (DOB) MONTH DAY YEAR		Race	Sex	Social Security No.	
Mailing Address		City		State	Zip
Permanent Address		City		State	Zip
Arresting or Detaining Agency	Date(s) of Arrest or Detention	Date of Completion of Prearrest or Postarrest Diversion Program			
Charge(s) 1. _____ 2. _____		NOTARY (Signature of Parent or Guardian must be notarized if Applicant is under 18 years of age) Sworn to and subscribed before me This _____ Day of _____, 20____ _____ (Signature of Notary Public) _____ (Print, Type, or Stamp Commissioned Name of Notary) Personally Known _____ or Produced Identification _____ Type of Identification Produced: _____			
I hereby certify that the information contained herein is true and correct to the best of my knowledge.					
Applicant Signature _____ Date _____					
Parent/Legal Guardian Signature _____ Date _____ (Required if Applicant is under 18 years of age)					

SECTION B - STATE ATTORNEY

State Attorney	County	Circuit	Reviewing Officer
Charge(s) Description	Statute Violation	Case Number	Action
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

FOR EXPUNCTION APPLICATIONS ONLY

I certify that the person named above has successfully completed a prearrest or postarrest diversion program in the above-named County as authorized by s.985.3065, that participation in this program is strictly limited to minors arrested for a nonviolent misdemeanor (as that term is defined in s.943.0582), and that to my knowledge and based on the information available to me this person has not otherwise been charged with or found to have committed any criminal offense or comparable ordinance violation. Therefore, pursuant to s.943.0582, this person is eligible to have his or her criminal history record expunged with the intent of and as limited by s.943.0582.		Date of completion of prearrest or postarrest diversion program (To be filled in by Prosecuting Authority) _____ (Month) (Day) (Year)
Signature _____	Title (Prosecuting Authority) _____	Date _____

SECTION C
FDLE

Acct/Budget _____ Date Received _____ Check _____ Processed By _____	Expunge Section I.D.# _____ ORI _____ Application Status Approved Denied Expunge <input type="checkbox"/> <input type="checkbox"/>	Expunge Section Date Received _____ Date Entered _____ Date Mailed _____
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FINGERPRINTS FOR APPLICATION FOR JUVENILE DIVERSION EXPUNCTION

Name: Last _____ First _____ Middle _____

Alias(aka) Name: Last _____ First _____ Middle _____

RACE: __ SEX: __ DOB: _____ * SOCIAL SECURITY NUMBER (SOC): _____

Please mail completed application and fingerprints to:
FDLE, P.O. Box 1489, Tallahassee, FL 32302, Attn: Expunge/Seal Section

Signature of official taking fingerprints: _____ ORI: _____

Signature of person fingerprinted: _____ Date: _____

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
6. L. Thumb	7. L. Index	8. L. Middle	9. L. Ring	10. L. Little
Left Four Fingers Taken Simultaneously	L. Thumb	R. Thumb	Right Four Fingers Taken Simultaneously	

- This information is voluntary, failure to disclose may delay the processing time of your application.

Entities That Get Sealed And Expunged Records

The subject of a criminal history record sealed or expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed or expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under section 943.0585 or section 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and (13), s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school or any local governmental entity that licenses child care facilities.

When the record is expunged the agency will only receive the subject's demographic information and a caveat statement stating that criminal history information has been expunged, but will be unable to receive the details.

DISQUALIFYING CHARGES FOR EXPUNCTION/SEALING

A request for a certificate of eligible for an expunction or sealing of a criminal history record will be denied if the defendant was found guilty or pled guilty or nolo contendere, even if the adjudication was withheld, on any violation of the following:

Offenses listed in S.907.041, F.S.

1. Arson
2. Aggravated Assault
3. Aggravated Battery
4. Illegal use of explosives
5. Child abuse or Aggravated Child Abuse
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult
7. Aircraft piracy
8. Kidnapping
9. Homicide
10. Manslaughter
11. Sexual Battery
12. Robbery
13. Carjacking
14. Lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of a person in familial or custodial authority
16. Burglary of a dwelling
17. Stalking of Aggravated Stalking
18. Act of Domestic Violence, as defined in s.741.28
19. Home-invasion Robbery
20. Act of Terrorism as defined by s.775.30
21. Attempting or conspiring to commit any of the above crimes
22. Manufacturing any substances in violation of chapter 893

S.393.135, F.S.

Sexual misconduct with developmentally disabled person and related offenses

S.394.4593, F.S.

Sexual misconduct with mentally ill person and related offenses

S.787.025, F.S.

Luring or enticing a child

Chapter 794, F.S.

Sexual Battery and related offense

S.796.03, F.S.

Procuring person under 18 for prostitution

S.800.04, F.S.

Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age

S.810.14, F.S.

Voyeurism

S.817.034, F.S.

Florida Communication Fraud Act

(Scheme to Defraud or Organized Fraud, as defined in s.817.034, F.S.)

S.825.1025, F.S.

Lewd or lascivious offense upon or in presence of elderly person or disabled adult

S.827.071, F.S.

Sexual performance by a child

Chapter 839, F.S.

Offenses by Public Officers and Employees

S.847.0133, F.S.

Showing, etc., obscene literature to minor

S.847.0135, F.S.

Computer pornography

S.847.0145, F.S.

Selling or buying of minors

S.893.135, F.S.

Trafficking in controlled substances

S.916.1075

Sexual misconduct with mentally deficient or mentally ill defendant and related offenses

A violation of any offense qualify for registration as a sexual predator under s.775.21 or for registration as a sexual offender under s.943.0435.

All references are from Florida Statutes

Frequently Asked Questions About Expunge and Sealed Records:

1. How do I have a criminal history record sealed or expunged?
2. Where can I find the application for Certification of Eligibility?
3. Why do I have a criminal history record when the charges against me were dropped/dismissed?
4. Should I obtain a copy of my criminal history record prior to applying for a Certificate of Eligibility?
5. What is the difference between having a criminal history record sealed vs. expunged?
6. When is my criminal history record sealed or expunged?
7. How many dates of arrest can I have sealed or expunged?
8. What charges may not be sealed?
9. What charges may be expunged?
10. Can I appeal the denial of my application for a Certificate of Eligibility to seal or expunge my criminal history record?
11. If I receive a full pardon can I have my criminal history record sealed or expunged?
12. Do I have to apply for a Certificate of Eligibility to have my juvenile criminal history record sealed or expunged?
13. If I have a criminal history record sealed or expunged in another state or jurisdiction, am I still eligible to have a criminal history record sealed or expunged within the State of Florida?

14. If I had a criminal history record sealed or expunged, and then had it vacated, could I apply to have a new date of arrest sealed or expunged?
15. Will FDLE notify the agencies involved with my case that the record has been sealed or expunged?
16. What type of background check is conducted by FDLE to determine my eligibility to have a criminal history record sealed or expunged?
17. Why is the Florida Department of Highway Safety and Motor Vehicles checked to determine my eligibility to have my criminal history record sealed or expunged?
18. Who should receive a copy of the order to seal or expunge a criminal history record?
19. What do I do with my Certificate of Eligibility?
20. What information is required to complete the application for Certification of Eligibility?

Important Note: This information is no substitute for reading and understanding the governing statutes and applicable rules, or for seeking legal advice. It does not constitute the giving of legal advice and may not reflect recent amendments to the law or the latest interpretations of the law by the courts. You should seek the guidance of an attorney if you have questions about the law as it applies to, or affects, your individual situation. This information is offered in the public interest, and does not purport to be a comprehensive or exhaustive guide to the process for sealing or expunging a criminal history record or to the consequences of sealing or expunging a criminal history record.

How do I have a criminal history record sealed or expunged?

Florida Statutes, s.943.0585 and s.943.059, set forth the criteria that must be met in order to be eligible to have a criminal history record sealed or expunged. In addition, these statutes also state that in order to have a criminal history record sealed or expunged within the State of Florida, an individual must first make application to the FDLE for a Certificate of Eligibility. Please note that the issuance of a Certificate of Eligibility does not mean that your criminal history record will be ordered sealed or expunged. It merely indicates that you are statutorily eligible for the type of relief that is

being requested.

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Where can I find the application for Certification of Eligibility?

The FDLE provides applications for Certification of Eligibility to the Clerk of Courts in all sixty-seven (67) counties throughout the State of Florida. These application packages may be obtained from the Clerk of the Courts within each county courthouse. Please contact your local county Clerk's office for additional information. If you reside outside the State of Florida, you may request that an application package be mailed to you.

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Why do I have a criminal history record when the charges against me were dropped/dropped?

The Florida Legislature has determined that Florida criminal history records are public unless the record is sealed or expunged. See Section 943.053(3), Florida Statutes, which provides for public access to criminal history records. The term "criminal history information" is defined, tracking the federal definition, at Section 943.045(4), Florida Statutes. A criminal history record is created when a person is arrested and fingerprinted, and includes the disposition of that arrest, whether it is a conviction, acquittal, dismissal of charges before trial, or other disposition.

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Should I obtain a copy of my criminal history record prior to applying for a Certificate of Eligibility?

Under Florida and federal law, an individual has the right to request a copy of his or her criminal history record for purposes of review, to ensure that it is both accurate and complete. This process is known as a Personal Review. The requestor may examine the record obtained through Personal Review for accuracy and to challenge any information contained within the criminal history record that the record subject believes is inaccurate or incomplete. No charge is assessed by FDLE for this service. See s.943.056, Florida Statutes. A Personal Review allows an individual to determine which, if any, date(s) of arrest he or she will be eligible to have sealed or expunged. However, obtaining a personal review is not a prerequisite to applying for a certificate of eligibility to seal or expunge a criminal history record. The fee will not be refunded if the application is denied, even if the applicant asserts that he or she would not have applied had he or she been aware that the application would be denied.

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What is the difference between having a criminal history record sealed vs. expunged?

When a criminal history record is sealed, the public will not have access to it. Certain governmental or related entities, primarily those listed in s. 943.059(4)(a), Florida Statutes, have access to sealed record information in its entirety.

When a record has been expunged, those entities which would have access to a sealed record will be informed that the subject of the record has had a record expunged, but would not have access to the record itself without a court order. Such entities would receive only a caveat statement indicating that **"Criminal Information has been Expunged from this Record"**.

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When is my criminal history record sealed or expunged?

Once an order has been issued by the court of competent jurisdiction to seal or expunge your criminal history record and a certified copy of this order has been received by the FDLE, it will be complied with in accordance with state statutes. If the order is not in compliance with applicable law, however, it will be returned to the State Attorney to be set aside by the court. You or your attorney will be given notice of this action, if this occurs.

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How many dates of arrest can I have sealed or expunged?

The eligibility criteria for an applicant to have a record sealed or expunged include the requirement that the applicant be able to attest that he or she has never previously had a record sealed or expunged in Florida or in another jurisdiction. This means, in effect, that a person may only seal or expunge one arrest record in one proceeding. More than one record may be sealed or expunged in the same proceeding if the court, in its sole discretion, finds the arrests to be directly related.

A record that is initially ineligible for expunction (e.g., where adjudication is withheld) may become eligible after it has been sealed for 10 years. However, a person may not seal or expunge one arrest record and then, later and in a different proceeding, ask to have a different arrest record sealed or expunged. An expunction or sealing which occurs automatically or by operation of law, without any action on the part of the record subject, is not considered a prior expunction or sealing for this purpose. By law, s. 943.0582(8), Florida Statutes, a juvenile diversion expunge does not prevent the record subject from seeking a judicial expunction or sealing under s. 943.0585 or s. 943.059, Florida Statutes.

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What charges may not be sealed when adjudication is withheld?

A list of charges that may not be sealed when adjudication is withheld is included with the application package, and is also enumerated in s. 943.059, Florida Statutes. (The same listing is found in s. 943.0585, because the specified offenses may not be expunged either.) In addition, if a person has been adjudicated guilty of any criminal offense in any jurisdiction (or adjudicated delinquent for any felony or for certain specified misdemeanors), whether or not related to the charge(s) that the person is applying for, the record is ineligible for sealing or expunction and the application will be denied.

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What charges may be expunged?

The same eligibility requirements which apply to sealing also apply to expunction, with certain additional requirements. Any charge, which resulted in a withholding of adjudication or in an acquittal (not guilty verdict) after trial, may not be expunged unless and until it has first been sealed for at least 10 years. See s. 943.0585(2)(h), Florida Statutes. A charge which was dismissed before trial (e.g., no information, nolle prosequi, no bill, etc.) may be expunged immediately provided all charges related to the arrest were so disposed of, and the record is otherwise eligible.

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Can I appeal the denial of my application for a Certificate of Eligibility to seal or expunge my criminal history record?

If you believe that the denial of your application for Certification of Eligibility is in error, you may ask that the denial be reviewed. If the denial is based on information in your criminal history record that is believed to be in error or incomplete, the procedure for reviewing and correcting that record is given in Rule 11C-8.001, Florida Administrative Code. If you agree that the criminal history information is correct, but believe that the law has been incorrectly applied or interpreted in your case, you should file a motion or petition with a court of competent jurisdiction and send a copy to:

Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, FL 32302

Attention: Office of General Council.

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If I receive a full pardon can I have my criminal history record sealed or expunged?

Unless the pardon indicates on its face that it entitles the record subject to seal or expunge his or her criminal history record, the granting of a full pardon does not remove any condition of ineligibility for sealing or expunging a criminal history record imposed by the disposition of the pardoned offense. See R.V.L.V.

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Does the sealing or expunction of a juvenile criminal history record differ from the sealing or expunction of an adult criminal history record?

Juvenile criminal history records may be sealed or expunged in the same manner as adult criminal history records, by applying for a certificate of eligibility and, if eligible, petitioning a court for sealing or expunction. However, the following considerations are relevant to the decision whether to seek the judicial sealing or expunction of a juvenile criminal history record. Prior to October 1, 1994 (for felonies), and July 1, 1996 (for specified misdemeanors), juvenile arrest records were not maintained by FDLE in the criminal history record system and would not be available to the general public unless the juvenile were treated as an adult. Juvenile records are subject to an abbreviated retention schedule, if certain qualifications are met, which results in the automatic expunction of the record after a specified period, under s. 943.0515, Florida Statutes. Juvenile defendants who successfully complete a qualified diversion program, as set out in s. 943.0582, Florida Statutes, may be eligible for expunction of their record as the term is defined therein. If a person wishes to pursue the judicial sealing or expunction of his or her juvenile record, the eligibility criteria and procedure, which are similar to those for adults, are found in s. 943.059 and s. 943.0585, Florida Statutes. The treatment of juvenile criminal history records maintained by other agencies and by the courts is a matter on which the applicant may wish to seek legal advise.

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If I have a criminal history record sealed or expunged in another state or jurisdiction, am I still eligible to have a criminal history record sealed or expunged within the State of Florida?

If the other record were sealed or expunged by operation of law (administratively or automatically, without intervention or action by the subject of the record), then the out-of-state sealing or expunction would not prevent you from being eligible to have a record in Florida sealed or expunged. However, if the record was sealed or expunged because you petitioned to have it done by a court order, or otherwise actively sought the sealing or expunction, then you would not be eligible to have another record sealed or expunged.

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If I had a criminal history record sealed or expunged, and then had it vacated, could I apply to have a new date of arrest sealed or expunged?

As s. 943.0585(2)(f) and s. 943.059(2)(e), Florida Statutes require that an applicant have never secured a prior sealing or expunction of a criminal history record under current or former law; having an earlier seal or expunge order vacated does not remove this disqualification.

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Will FDLE notify the agencies involved with my case that the record has been sealed or expunged?

If the record is eligible and the court grants relief, FDLE will comply with the certified court order and seal or expunge the appropriate criminal history record. Once FDLE seals or expunges the criminal history record, a notification letter will be sent by FDLE to the arresting agency or agencies involved with your case. The notification letter is to inform the agencies that FDLE has received and has complied with the order in accordance with the seal or expunge statutes.

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What type of background check is conducted by FDLE to determine my eligibility to have a criminal history record sealed or expunged?

FDLE conducts criminal history record checks in Florida through the Florida Crime Information Center (FCIC), national record checks through the National Crime Information Center (NCIC), and driving history checks through the Florida Department of Highway Safety and Motor Vehicles (DHSMV). These databases are searched to determine the eligibility of an individual to have a criminal history record sealed or expunged.

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Why is the Florida Department of Highway Safety and Motor Vehicles checked to determine my eligibility to have my criminal history record sealed or expunged?

A criminal offense such as DUI, Driving While License Suspended/canceled/revoked, or reckless driving may appear in the DHSMV database even though it may not be entered in the criminal history record system maintained by FDLE. Although non-criminal traffic offenses (such as careless driving) have no effect on eligibility to seal or expunge a criminal history record, an adjudication of guilty for any criminal offense renders the

record ineligible for either form of relief.

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Who should receive a copy of the order to seal or expunge a criminal history record?

If the record is eligible and the court grants relief, the Clerk of the Court by statute is responsible to certify a copy of the court order to the State Attorney's Office or the Statewide Prosecutors Office and the arresting agency or agencies. The arresting agency is then responsible for sending a certified copy of the court order to all agencies that are known to have received the criminal history information. In addition to FDLE, these agencies may include the Department of Corrections, Teen Courts, and Department of Juvenile Justice.

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What do I do with my Certificate of Eligibility?

Once FDLE has issued the Certificate of Eligibility to seal or expunge a criminal history record, the next step is to file a petition for relief, along with the Certificate of Eligibility and the required affidavit, in the court in the county of the arrest. **The issuance of the Certificate of Eligibility is not the final step in the Sealing/Expunction process**, nor does it guarantee that a criminal history record will be sealed or expunged. The final decision to Seal/Expunge your criminal history is placed by law in the sound discretion of the court.

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What information is required to complete the application for Certification of Eligibility?

In order to obtain a Certificate of Eligibility to petition the court to seal or expunge a criminal history record, the following requirements must be met pursuant to s.943.0585 (2) and s.943.059(2), Florida Statutes:

A. Section A of the application must be completed and signed in the presence of a notary public.
(SSN is optional)

B. The applicant must be fingerprinted by authorized law enforcement personnel or a criminal justice agency. The fingerprint card must include the applicant's name, race, sex, date of birth, social security number, and signature, prior to submission to FDLE.

C. The applicant must provide a certified disposition of the case that he/she is applying to have sealed or expunged.

D. A **NONREFUNDABLE** money order or cashier's check for \$75.00 made payable to the FDLE must accompany the application.

E. If you are requesting an expunction of a criminal history record, the State Attorney or Statewide Prosecutor with jurisdiction over your case must complete Section B of the application. (If not completed, the application will be processed as requesting a sealing of your criminal history record.)

*Special Note: All of the items listed above are required at the time that the application is submitted. If an item is missing or the application or fingerprint card is not completed, the application will be returned unprocessed.

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Contact Us

Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489
Attention: Expunge Section

(850) 410-7870 Expunge Section

[Expunge Mailbox](#)

FLORIDA RULES OF CRIMINAL PROCEDURE

RULE 3.692 PETITION TO SEAL OR EXPUNGE

(a) Requirements of Petition. All relief sought by reason of sections 943.0585-943.059, Florida Statutes, shall be by petition in writing, filed with the clerk. The petition shall state the grounds on which it is based and the official records to which it is directed and shall be supported by an affidavit of the party seeking relief, which affidavit shall state with particularity the statutory grounds and the facts in support of the motion. A copy of the completed petition and affidavit shall be served on the prosecuting attorney, the arresting authority, and the Florida Department of Law Enforcement. Unless the state indicates that it has no objection to the requested relief, no petition may be granted until at least 30 days after service of the copies of the petition and affidavit. Notice and hearing shall be as provided in rule 3.590(c).

(b) State's Response; Evidence. The state may traverse or demur to the petition and affidavit. The court may receive evidence on any issue of fact necessary to the decision of the petition.

(c) Written Order. If the petition is granted the court shall enter its order in writing so stating and further setting forth the records and agencies or departments to which it is directed.

(d) Copies of Order. On the receipt of the order the clerk shall furnish a certified copy thereof to each agency or department named therein excepting the court.

(e) Clerk's Duties. In regard to the official records of the court including the court file of the cause, the clerk shall:

(1) remove from the official records of the court, excepting the court file, all entries and records subject to the order, provided that if it shall not be practical to remove the entries and records, then to make certified copies thereof and thereafter expunge by appropriate means the original entries and records;

(2) seal the entries and records, or certified copies thereof, together with the court file and retain the same in a non-public index subject to further order of the court (see *Johnson v. State*, 336 So.2d 93 (Fla.1976));

(3) in multi-defendant cases, make a certified copy of the contents of the court file that shall be sealed pursuant to subdivision (2). Thereafter all references to the petitioner shall be expunged from the original court file.

(f) Costs. All costs of certified copies involved herein shall be borne by the movant, unless the movant is indigent.

943.0585 Court-ordered expunction of criminal history records.--The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071; chapter 839, s. 893.135, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld; if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.--Each petition to a court to expunge a criminal history record is complete only when accompanied by:

(a) A certificate of eligibility for expunction issued by the department pursuant to subsection (2).

(b) The petitioner's sworn statement attesting that the petitioner:

1. Has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).
2. Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition pertains.
3. Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058, or from any jurisdiction outside the state.
4. Is eligible for such an expunction to the best of his or her knowledge or belief and does not have any other petition to expunge or any petition to seal pending before any court.

Any person who knowingly provides false information on such sworn statement to the court commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to petitioning the court to expunge a criminal history record, a person seeking to expunge a criminal history record shall apply to the department for a certificate of eligibility for expunction. The department shall, by rule adopted pursuant to chapter 120, establish procedures pertaining to the application for and issuance of certificates of eligibility for expunction. The department shall issue a certificate of eligibility for expunction to a person who is the subject of a criminal history record if that person:

(a) Has obtained, and submitted to the department, a written, certified statement from the appropriate state attorney or statewide prosecutor which indicates:

1. That an indictment, information, or other charging document was not filed or issued in the case.
2. That an indictment, information, or other charging document, if filed or issued in the case, was dismissed

or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction.

3. That the criminal history record does not relate to a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839, s. 893.135, or a violation enumerated in s. 907.041, where the defendant was found guilty of, or pled guilty or nolo contendere to any such offense, or that the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act, without regard to whether adjudication was withheld.

(b) Remits a \$75 processing fee to the department for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.

(c) Has submitted to the department a certified copy of the disposition of the charge to which the petition to expunge pertains.

(d) Has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing a felony or a misdemeanor specified in s. 943.051(3)(b).

(e) Has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition to expunge pertains.

(f) Has never secured a prior sealing or expunction of a criminal history record under this section, former s. 893.14, former s. 901.33, or former s. 943.058.

(g) Is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the petition to expunge pertains.

(h) Is not required to wait a minimum of 10 years prior to being eligible for an expunction of such records because all charges related to the arrest or criminal activity to which the petition to expunge pertains were dismissed prior to trial, adjudication, or the withholding of adjudication. Otherwise, such criminal history record must be sealed under this section, former s. 893.14, former s. 901.33, or former s. 943.058 for at least 10 years before such record is eligible for expunction.

(3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

(b) If relief is granted by the court, the clerk of the court shall certify copies of the order to the appropriate state attorney or the statewide prosecutor and the arresting agency. The arresting agency is responsible for forwarding the order to any other agency to which the arresting agency disseminated the criminal history record information to which the order pertains. The department shall forward the order to expunge to the Federal Bureau of Investigation. The clerk of the court shall certify a copy of the order to any other agency which the records of the court reflect has received the criminal history record from the court.

(c) For an order to expunge entered by a court prior to July 1, 1992, the department shall notify the appropriate state attorney or statewide prosecutor of an order to expunge which is contrary to law because the person who is the subject of the record has previously been convicted of a crime or comparable ordinance violation or has had a prior criminal history record sealed or expunged. Upon receipt of such notice, the appropriate state attorney or statewide prosecutor shall take action, within 60 days, to correct the record and petition the court to void the order to expunge. The department shall seal the record until such time as the order is voided by the court.

(d) On or after July 1, 1992, the department or any other criminal justice agency is not required to act on an order to expunge entered by a court when such order does not comply with the requirements of this section. Upon receipt of such an order, the department must notify the issuing court, the appropriate state attorney or statewide prosecutor, the petitioner or the petitioner's attorney, and the arresting agency of the reason for noncompliance. The appropriate state attorney or statewide prosecutor shall take action within 60 days to correct the record and petition the court to void the order. No cause of action, including contempt of court, shall arise against any criminal justice agency for failure to comply with an order to expunge when

the petitioner for such order failed to obtain the certificate of eligibility as required by this section or such order does not otherwise comply with the requirements of this section.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, ¹s. 402.302(8), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.1075(4), s. 985.407, or chapter 400; or
6. Is seeking to be employed or licensed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education, any district school board, or any local governmental entity that licenses child care facilities.

(b) Subject to the exceptions in paragraph (a), a person who has been granted an expunction under this section, former s. 893.14, former s. 901.33, or former s. 943.058 may not be held under any provision of law of this state to commit perjury or to be otherwise liable for giving a false statement by reason of such person's failure to recite or acknowledge an expunged criminal history record.

(c) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes, and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment or licensure decisions. Any person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 92-73; s. 43, ch. 93-39; s. 1, ch. 94-127; s. 19, ch. 94-134; s. 95, ch. 94-209; s. 140, ch. 95-418; s. 3, ch. 95-427; s. 52, ch. 96-169; s. 7, ch. 96-402; s. 443, ch. 96-406; s. 1847, ch. 97-102; s. 57, ch. 98-280.

¹Note.—Redesignated as s. 402.302(3) by s. 1, ch. 97-63.

State of Florida,
Plaintiff
Vs.

Case # _____

Defendant/Petitioner

AFFIDAVIT

State of Florida
County of Walton

I, _____ am the defendant/petitioner in the above styled cause and I do hereby swear or affirm that:

1. I fully understand the meaning of all of the terms of this affidavit.
2. I have never been adjudicated guilty of a criminal offense or a comparable ordinance violation.
3. I was arrested on the _____ day of _____, _____, by _____ (arresting agency), and I have not been adjudicated guilty of the charges stemming from that arrest or the alleged criminal activity surrounding my arrest.
4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.
5. I have never secured a prior records expunction or sealing under any law.
6. (For use in expunction petitions only.) My record of arrest for this date has been sealed for at least 10 years; or an indictment or information was not filed against me for the above criminal transaction; or an indictment or information filed against me was dismissed by the prosecutor or the Court.

Petitioner

Sworn to and subscribed before me this _____ day of _____,
20_____.

Notary Public

Printed, typed or stamped commissioned name
of Notary Public.

STATE OF FLORIDA,
Plaintiff,

VS.

CASE NO: _____

Defendant.

PETITION TO SEAL/EXPUNGE CRIMINAL HISTORY RECORD

COMES NOW the Defendant, _____, and petitions this Honorable Court, pursuant to Florida Rule of Criminal Procedure 3.692, and Florida Statute 943.059 to SEAL / EXPUNGE (circle one) all criminal history record information concerning his/her arrest on the _____ day of _____, 20_____, by the

_____ (arresting agency), for _____ (charges), and as grounds therefore would show by the following sworn statement attesting:

1. That on the _____ day of _____, 20_____, the Defendant, _____, a _____ (race/sex), whose date of birth is _____, was arrested and charged with _____.
2. That the Defendant has never previously been adjudicated guilty of a criminal offense or an ordinance having all the essential elements of a statutory misdemeanor or felony.
3. That the defendant has not been adjudicated guilty of any of the charges stemming from the arrest or alleged criminal activity to which this petition pertains.
4. That the Defendant has not secured a prior records expunction or sealing under this Section, former Section 893.14, former Section 901.33, or former Section 943.058, or from any jurisdiction outside the state.
5. That the Defendant is eligible to the best of his or her knowledge or belief and does not have any other petition to seal or petition to expunge pending before any court.

6. That prior to filing this petition, the Defendant has applied to and received from the Department of Law Enforcement, a certificate of eligibility for sealing. The certificate of eligibility (FDLE Form 40-022) is attached to this petition.

WHEREFORE, the Defendant, _____, moves this Honorable Court to seal / expunge any criminal history record information concerning his/her arrest by _____ (arresting agency) for _____ (charges) on the _____ day of _____, 20 ____.

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served upon William Eddins, State Attorney for the First Judicial Circuit, in and for Walton County, _____ (arresting agency), and the Sheriff of Walton County this ____ day of _____, 20 ____.

Name:
Address:
City/State/Zip:
Phone Number:

STATE OF FLORIDA
COUNTY OF Walton County

Sworn to and subscribed before me this ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

NOTICE: Any person who knowingly provides false information on this sworn petition commits a felony of the third degree.

STATE OF FLORIDA,
Plaintiff,

Vs.

CASE NO. _____

_____,
Defendant/Petitioner.

**ORDER TO EXPUNGE CRIMINAL HISTORY RECORDS PURSUANT TO FLORIDA
STATUTE SECTION 943.0585 AAND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date upon a
Petition to Expunge certain records of the petitioner's arrest on the _____ day of
_____, 20____, by the _____ (arresting
agency) for _____ (charges), and the Court having heard argument
of counsel and being otherwise advised in the premises, the Court hereby finds the following:

1. The petitioner has never been adjudicated guilty of a criminal offense or comparable ordinance violation.
2. The petitioner was not adjudicated guilty of charges stemming from the arrest or criminal activity to which this expunction petition pertains.
3. The petitioner has not secured a prior records expunction or sealing.
4. This record has been sealed for at least 10 years and/or the indictment or information filed (if any) against the petitioner was dismissed by the prosecutor or the Court. Whereupon it is

ORDERED that the Petition to Expunge is granted. All Court records pertaining to the above-styled case shall be expunged in accordance with the procedures set forth in Florida Rules of Criminal Procedure 3.692; and it is further

ORDERED that the Clerk of this Court shall forward a certified copy of this Order to the State Attorney (or if applicable, the statewide prosecutor), _____
_____ (arresting agency), and the Sheriff of Walton County,
who will comply with the procedures set forth in the authorities cited above and appropriate regulations of the Department of Law Enforcement, and who will further forward a copy of this Order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED that _____ (arresting agency) and the Florida Department of Law Enforcement shall expunge all information concerning indicia of arrest or criminal history record information regarding this petitioner in accordance with the procedures set forth in the authorities cited above.

All costs of certified copies involved herein are to be borne by the Petitioner.

DONE AND ORDERED in DeFuniak Springs, Walton County, Florida this _____ day of _____, 20 _____.

County Judge / Circuit Judge

Copies to: State Attorney
Defendant/Petitioner
Arresting Agency
Sheriff of Walton County
Florida Department of Law Enforcement

STATE OF FLORIDA,
Plaintiff,

Vs.

CASE NO. _____

Defendant/Petitioner.

ORDER TO SEAL CRIMINAL HISTORY RECORDS PURSUANT TO FLORIDA STATUTE SECTION 943.0585 AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692

THIS CAUSE having come on to be heard before me this date upon a Petition to Seal certain records of the petitioner's arrest on the _____ day of _____, 20____, by the _____ (arresting agency) for

_____ (charges), and the Court having heard argument of the petitioner and being otherwise advised in the premises, the court hereby finds the following:

1. The petitioner has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation.
2. The petitioner was not adjudicated guilty of charges stemming from the arrest or criminal activity to which this Petition to Seal pertains.
3. The petitioner has not secured a prior records expunction or sealing; whereupon it is

ORDERED that the clerk of this court shall forward a certified copy of this Order to the State Attorney (or if applicable, the statewide prosecutor),

_____ (arresting agency), and the Sheriff of Walton County, who will comply with the procedures set forth in the authorities cited above and appropriate regulations of the Department of Law Enforcement, and who will further forward a copy of this Order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED that the clerk of this Court shall forward a certified copy of this Order to the State Attorney (or if applicable, the statewide prosecutor), _____ (arresting agency), and the Sheriff of Walton County, who will comply with the procedures set forth in the authorities cited above and appropriate regulations of the Department of Law Enforcement, and who will further forward a copy of this Order to any agency that their records reflect has received the instant criminal history information; and it is further

ORDERED that the _____ (arresting agency)
and the Florida Department of Law Enforcement shall seal all information concerning indicia of
arrest or criminal history record information regarding this petitioner in accordance with the
procedures set forth in the authorities cited above. All costs of certified copies involved herein
are to be borne by the Petitioner.

DONE AND ORDERED in DeFuniak Springs, Walton County, Florida, this ____ day of
_____, 20 ____.

County Judge / Circuit Judge

Copies to: State Attorney
Defendant/Petitioner
Arresting Agency
Sheriff of Walton County
Florida Department of Law Enforcement