

SEAL/EXPUNGE INFORMATION



CLAY COUNTY CLERK OF THE CIRCUIT COURT,
TARA S. GREEN

GENERAL INFORMATION – SEAL/EXPUNGE

If you are seeking to seal or expunge your record and a Felony charge has originated out of a Misdemeanor arrest/incident or vice versa, you will need to include both case numbers on the Petition and the Order for the Judge. Refer to Florida Statutes 943.0585 and 943.059.

Send ONLY the FDLE Application, fingerprint card, certified disposition and \$75.00 money order to:

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ATTN: CRIMINAL HISTORY RECORD MAINTENANCE SECTION
P.O. Box 1489
Tallahassee,
Florida 32302-1489**

If the application is approved, you will receive a Certificate of Eligibility from FDLE.

Upon receipt of your Certificate of Eligibility, complete the Petition to Expunge or Seal, Affidavit and Judge's Order.

MAKE SURE YOU SIGN THE PETITION IN THE PRESENCE OF A NOTARY.

Make a copy of the application package for your records (Affidavit, Petition to Expunge or Seal, Judge's Order and Certificate of Eligibility).

MAIL OR HAND DELIVER ORIGINAL DOCUMENTS TO THE COURTHOUSE:

CLAY COUNTY COURTHOUSE – CLERK OF THE CIRCUIT COURT

**825 North Orange Avenue
Green Cove Springs,
Florida 32043
Monday – Friday
8:30 A.M. – 4:30 P.M.
(904) 269-6302**

MAIL OR HAND DELIVER COPY OF FDLE APPLICATION – ONLY FOR EXPUNGEMENT:

OFFICE OF THE STATE ATTORNEY

**825 North Orange Avenue
Green Cove Springs,
Florida 32043
Monday – Friday
8:00 A.M. – 5:00 P.M.
(904) 269-6319**

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

Florida Statutes, 943.0585 and 943.059, set forth the criteria that must be met in order to be eligible to have an adult 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.

2. Where can I find the Application for Certificate 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 criminal division within each county courthouse. Please contact your local county Clerk's Office for additional information. If you reside outside of the State of Florida, you may request that an application package be mailed to you.

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

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.

4. 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 943.056, Florida Statutes. A Personal Review allows an individual to determine which, if any, date(s) of arrest the applicant 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.

5. 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 943.059(4)(a), Florida Statutes, have access to sealed record information in its entirety.

When a criminal 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. All they would receive is a caveat statement indicating that "Criminal Information has been Expunged from this Record."

6. When is my criminal history 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, the order will be in compliance with State Statutes.

7. How many dates of an 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 of the court, in its sole discretion, if the court 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 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, 943.0582(8), Florida Statutes, a juvenile diversion expunction does not prevent the record subject from seeking a judicial expunction or sealing under 943.0585 or 943.059, Florida Statutes.

8. What charges may not be sealed?

A list of charges that may not be sealed when adjudication is withheld is included with the application package, and is also enumerated in 943.059, Florida Statutes. (The same listing is found in 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 and the application will be denied.

9. 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 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.

10. 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 may appeal the denial, i.e., ask the court which would hear the petition to expunge or seal to review the decision of FDLE.

11. If I have civil rights restored, will my criminal history record disappear?

No. In order to have your civil rights restored you had to have been convicted (adjudicated guilty) of a felony that was the basis for your loss of civil rights. Persons who have been convicted (adjudicated guilty) of a felony are not eligible for a seal or expunge of their criminal history under Florida law, regardless of whether their civil rights have been restored.

12. If I have 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?

Yes – effective July 1, 2013, a previous seal or expunction of a criminal record in a jurisdiction outside the state of Florida will not disqualify an applicant to seal or expunge a Florida criminal history record.

13. How long does it typically take to receive a response from my application for a Certificate of Eligibility?

The current processing time is approximately ninety (90) working days or less from the date the application is received, processed, and mailed back to the customer.

NOTE: If the application is not complete at the time of submission the application will be returned. This will cause the application process to be delayed beyond the ninety (90) working day period.

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?

943.0582(2)(f) and 943.059(2)(e), Florida Statutes require that an applicant has 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.

15. 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.

16. 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), local Court databases, and driving history checks through the Florida Department of Highway Safety and Motor Vehicles (DHSMV). These databases are utilized to determine the eligibility of an individual 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 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.

18. 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 individual if they did not hire private counsel. Additionally, the State Attorney's Office, the arresting agency, FDLE, the Clerk of Court's Record's Department, and the individual's private counsel, if applicable, will receive a certified copy of the order. 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.

19. 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 the original documents (petition for relief, along with the Certificate of Eligibility and the required affidavit), in the court of the county where the arrest took place. The issuance of the Certificate of Eligibility is not the final step in the Seal/Expunging 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.

20. 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 943.0585(2) and 943.059(2) Florida Statutes:

- A. Section A of the application must be completed and signed in the presence of a notary public.
- 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 with jurisdiction over your case must complete Section B of the application. (If not completed, the application will be processed as a sealing of your criminal history record.)

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.

DOCUMENTS TO SEAL



FLORIDA DEPARTMENT OF LAW ENFORCEMENT
APPLICATION FOR CERTIFICATION OF ELIGIBILITY
 PLEASE TYPE OR PRINT ALL INFORMATION

SECTION A - ALL APPLICANT

Last Name		First Name		Middle Name	
Alias Last Name (Maiden, Divorce, etc.) (More names on page 2)		Alias First Name (Maiden, Divorce, etc.)		Alias Middle Name (Maiden, Divorce, etc.)	
Date of Birth (MM/DD/YYYY)	Race	Sex	Social Security No.(optional)		
Residence Phone ()		Business Phone ()			
Mailing Address				City	State Zip
Permanent Address				City	State Zip
Arresting Agency	Florida Driver's License No.	Email Address			

Request Type Seal		NOTE: For Expunction applications, the State Attorney or Statewide Prosecutor must complete Section B.	
Date(s) of Arrest 1. _____ 2. _____ 3. _____ 4. _____ I hereby certify that the information contained herein is true and correct to the best of my knowledge. Signature _____ Date _____		NOTARY (PLEASE STAMP WITH SEAL) Sworn to and subscribed before me This _____ Day of _____, 20 _____ _____ (Signature of Notary Public) _____ (Print, Type, or Stamp Commissioned Name of Notary or Deputy Clerk of the Court) Personally Known _____ or Produced Identification _____ Type of Identification Produced: _____	

FOR EXPUNCTION APPLICATION ONLY				
State Attorney/Statewide Prosecutor		County	Circuit	Reviewing Officer
Charge(s) Description 1. _____ 2. _____ 3. _____ 4. _____		Statute Violation _____ _____ _____ _____	Case Number _____ _____ _____ _____	Action _____ _____ _____ _____
If one of paragraphs below is checked, my signature below indicates that, based on the disposition of all charges related to the above-referenced case, that case is eligible to be expunged, if the applicant is otherwise eligible to have his or her record expunged under law. My signature does not imply that the applicant has satisfied all other statutory eligibility criteria, or that this Office would not oppose a petition to expunge the above-referenced case. By checking paragraph 1, 2, or 3, I certify that the above-referenced case is presently eligible to be expunged, assuming that the applicant is otherwise eligible, because: <input type="checkbox"/> 1. An indictment, information, or other charging document was not filed or issued in the case; OR <input type="checkbox"/> 2. 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; OR <input type="checkbox"/> 3. (a) None of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency; AND (b) The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has been sealed for at least 10 years; AND (c) None of the charges (if any) for which adjudication of guilt or of delinquency was withheld relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s.796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071 chapter 839, s.847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s.907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s.943.0435.		The above-referenced case is not eligible to be expunged because: <input type="checkbox"/> One or more of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency; OR, BECAUSE OF ONE OR MORE OF THE FOLLOWING REASONS: <input type="checkbox"/> The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has not been sealed for at least 10 years; <input type="checkbox"/> One or more of the charges for which an adjudication of guilt or of delinquency was withheld relate to a violation of s. 393.135, s. 394.4593, s.787.025, chapter 794, s.796.03, s.800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s.775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s.943.0435; <input type="checkbox"/> Records available to this Office disclose some other ground of statutory ineligibility (e.g., adjudication of guilt in a different case; previous expunction or sealing).		
Signature _____ Title(Prosecuting Authority) _____ Date _____		Signature _____ Title(Prosecuting Authority) _____ Date _____		

IMPORTANT: A CERTIFICATE OF ELIGIBILITY IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE. AFTER THAT TIME, A NEW CERTIFICATE MUST BE APPLIED FOR.

SECTION B - STATE ATTORNEY FOR EXPUNCTION APPLICATION ONLY

SECTION A - SUPPLEMENTAL INFORMATION

FOR SEAL/EXPUNGE

Last Name	First Name	Middle Name
Date of Birth (MM/DD/YYYY)	Race	Sex
		Social Security No.(optional)

Aliases:(Maiden, Divorce, etc.)

	Last Name	First Name	Middle Name
1.			
2.			
3.			
4.			

Additional Charges

	Date of Arrest	Charge Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

GENERAL INSTRUCTIONS & INFORMATION:

1. **Applicable Law:** Sections 943.0585 and 943.059, Florida Statutes, and Chapter 11C-7, Florida Administrative Code (FAC), govern the use of this application, for the expunction or sealing of non-judicial criminal history records by criminal justice agencies. These statutes and the implementing rules require that you obtain a **Certificate of Eligibility** from the Florida Department of Law Enforcement (FDLE) **prior** to requesting a court for an order to seal or expunge your non-judicial criminal history records, and that you provide the information required by this application process.
2. Please type or print all information, except signatures. Complete all required portions of the application and submit all required documents and the processing fee noted below under Section A. Failure to disclose your social security number (SSN) may delay the processing time of your application. **If your application is submitted without all the required information, documentation, or the processing fee, FDLE may reject your application.**
3. **Mailing Information:** Mail your completed application package and fee to the following address:

**Florida Department of Law Enforcement
ATTN: Expunge/Seal Section
P.O. BOX 1489
Tallahassee, Florida 32302-1489**
4. **Contact Information:** FDLE's Expunge/Seal Section - (850) 410-7870
5. **Optional Personal Review of your Florida Criminal History Record:** If you have questions about what appears in your Florida criminal history record maintained by FDLE, you may wish to obtain a Personal Review of your record from FDLE, pursuant to Chapter 11C-8, FAC, before submitting this application form. The Personal Review is **optional** and is not required for FDLE to process your Application for Certification of Eligibility for expunction or sealing of your record. To obtain a Personal Review, please complete and submit the enclosed FDLE **fingerprint form** and a **letter** to FDLE at the address above. If you submit the fingerprint form and a letter for your Personal Review, please **DO NOT** send in the APPLICATION or the \$75.00 processing fee until the Personal Review is completed; the results of your personal review may influence your decision to request the expunction or sealing of your criminal history record.

SECTION A: FOR ALL APPLICANTS

1. Complete **every part** of **SECTION A**. Make sure your **signature**, as the applicant, is **notarized**.
2. If you were given a **Notice to Appear** and **not** physically arrested for the charge(s), indicate the date of the Notice to Appear in the box marked "Date of Arrest."
3. **NON-REFUNDABLE Processing Fee:** Submit with your application a **money order or Cashier's check** in the amount of **\$75.00**, made payable to the Florida Department of Law Enforcement (FDLE).
4. Submit the attached **fingerprint form** with your fingerprints, as part of your application packet. **This form must be completed by authorized personnel at a law enforcement or criminal justice agency**, using **only** the attached FDLE fingerprint form. (If you have obtained a **Personal Review**, **send the fingerprint card back** with the enclosed fingerprint form, please resubmit the same for the Expunge/Seal "Certificate of Eligibility" application.)
5. Provide a **certified copy of the final disposition(s)** for **each** of the charges you list in your application. Dispositions can usually be obtained from the office of the Clerk of Courts in the county where you were charged. For pretrial intervention and other diversion programs, a **certified letter of completion** from the State Attorney or Statewide Prosecutor may substitute for a certified disposition. If you received probation for any of the charges, you must also submit a **a certified copy of your probation**.

SECTION B: FOR EXPUNCTION APPLICANTS ONLY

1. **Submit the application to the State Attorney or Statewide Prosecutor for completion of SECTION B only if you are applying to have your records EXPUNGED.** NOTE: In addition to proper completion of Section B, you must also submit the certified copies of disposition(s) and termination of probation required under Section A.

REASONS AN APPLICATION FOR CERTIFICATE OF ELIGIBILITY TO SEAL OR EXPUNGE A CRIMINAL HISTORY RECORD WILL BE DENIED

Pursuant to Sections s.943.0585 and s.943.059 , Florida Statutes, a Certificate of Eligibility to expunge or seal a criminal history record **cannot** be issued under any of the following circumstances:

1. The criminal history record reflects that you have been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing any felony or a misdemeanor specified in s.943.051(3)b. **Certain driving violations are classified as criminal, such as DUI, reckless driving, and (with some exceptions) driving while license is suspended /canceled/revoked.**
2. The criminal history record reflects that you have been adjudicated guilty of or adjudicated delinquent for committing one or more of the acts stemming from the arrest or alleged criminal activity to which the application pertains.
3. The criminal history record reflects that you have received a prior sealing or expunction of a criminal history record under s.943.0585 , s.943.059 , former s.893.14, former s.901.33, former s.943.058, or from any jurisdiction outside the state.
4. The criminal history record to which the application pertains relates to a violation of s.393.135, s.394.4593, s.787.025, chapter 794, s.796.03, s.800.04, s.810.14, s.817.034, s.825.1025, s.827.071, chapter 839, s.847.0133, s.847.0135, s.847.0145, s.893.135, s.916.1075, a violation enumerated in s.907.041, or a violation of any offense qualifying for registration as a sexual predator under s.775.21 or for registration as a sexual offender under s.943.0435, Fla. Stat., with a finding of guilt, or a plea or guilty or nolo contendere (without regard to whether adjudication was withheld).
5. The criminal history record reflects that you have another petition to seal or expunge pending before a court of competent jurisdiction.
6. The criminal history record reflects that the court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains has not been completed.
7. **[For expunction only]** The criminal history record reflects that some or all of the charges related to the arrest or criminal activity to which the application pertains were not dismissed prior to trial, adjudication, or the withholding of adjudication, If no other disqualification applies, the record would be eligible to sealed.

PLEASE NOTE: The Governor and Cabinet of Florida, acting in the capacity of the Board of Executive Clemency, declared on June 10, 1999, that the granting of a full pardon does not remove any condition of ineligibility for sealing or expunging a criminal history record which would otherwise be imposed by a conviction or withholding of adjudication pursuant to Sections 943.0585 and 943.059 , Florida Statutes, and, acting in the capacity of agency head of the Department of Law Enforcement, the Board directed FDLE to deny a Certificate of Eligibility to any person receiving a pardon who is otherwise ineligible for the sealing or expunging of the person's criminal history record.

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.

Voyuerism

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

FINGERPRINTS FOR APPLICATION FOR CERTIFICATION OF ELIGIBILITY

Name:
Last _____ First _____ Middle _____

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

RACE: __ **SEX:** __ **DOB:** ____ ***SOC:** _____ **Place of Birth:** _____

**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	

**** Social Security Number, this information is voluntary; failure to disclose may delay the processing time of your application.**

☒ **DID YOU REMEMBER TO:**

- ☐ Complete the application? Did you sign and date the application in front of a notary?
- ☐ Provide a certified (stamped copy) disposition of your case you want to have sealed/expunged?
- ☐ Include your name, race/sex, date of birth, social security number (optional) and signature on the fingerprint form?
- ☐ Provide a \$75.00 check or money order made payable to FDLE? Did you sign and completely fill out the check or money order?
- ☐ Include an Attorney's letterhead, if you (applicant) are represented by an attorney?
- ☐ Make copies of your application and documents for your records?
- ☐ For Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?
- ☐ For Juvenile Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?

FDLE asks that you provide your social security number (SSN). The decision to provide your SSN is at your option, and if you provide your SSN, FDLE will use it for purposes of identification, and may share the information with other agencies for the same purpose. FDLE's request for your SSN is authorized by state law because use of it is imperative for FDLE to fulfill its lawful duties and responsibilities. Your failure to provide your SSN may result in delay in processing your application or request.

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.:

DIVISION:

_____,
Defendant.

PETITION TO SEAL

The Petitioner, by and through the undersigned attorney, petitions this honorable court, pursuant to Florida Rule of Criminal Procedure 3.692 and Section 943.059, Florida Statutes, to seal all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the Petitioner's arrest on the _____ day of _____, 20____, by _____ (arresting agency), for _____ (charges), and as grounds therefor shows:

1. On the _____ day of _____, 20____, the Petitioner, _____, a _____(race)/_____ (sex), whose date of birth is _____, was arrested by _____ and charged with _____.
2. The Petitioner has not been previously adjudicated guilty of any of the charges stemming from this arrest or alleged criminal activity.
3. The Petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation.
4. The Petitioner has not secured a prior record expunction or sealing under section 943.0585, or 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statutes, or former section 901.33, Florida Statutes, or any other law, rule or authority.
5. The Petitioner has applied for and been issued a Certificate of Eligibility, Number _____, by the Florida Department of Law Enforcement.

WHEREFORE, the Petitioner moves to seal any criminal history record information and any official court records regarding his/her arrest by _____ (agency) for _____ (charges) on the _____ day of _____, 20____.

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on Melissa Nelson, State Attorney of the Fourth Judicial Circuit, in and for Clay County, 825 North Orange Ave., Green Cove Springs, FL 32043; _____ (arresting agency); and the Clay County Sheriff's Office, Records Section, 901 North Orange Avenue, Green Cove Springs, FL 32043, this _____ day of _____, 20____.

Signature

Print Name

Address

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.:

DIVISION:

_____,
Defendant.

AFFIDAVIT IN SUPPORT OF PETITION TO SEAL

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 in 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 _____, 20____, by _____
(arresting agency), and I have not been adjudicated guilty of any 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.

Petitioner

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

Notary Public

Printed Name

Personally Known

Produced Identification

Type of Identification Produced _____

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.:

DIVISION:

_____,
Defendant.

**ORDER TO SEAL PURSUANT TO SECTION 943.059, FLORIDA STATUTES,
AND FLORIDA RULES OF CRIMINAL PROCEDURE 3.692**

This cause having come on to be heard before me this ___ day of _____, 20____, by _____ (arresting agency), for _____ (charges), and the Court having heard argument of counsel and being otherwise fully advised in the premises, the Court hereby finds the following:

1. The Petitioner has never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation.
2. The Petitioner was not adjudicated guilty of charges stemming from the arrest or criminal activity to which this petition pertains.
3. The Petitioner has not secured a prior records expunction or sealing.
4. That a Certificate of Eligibility, Number _____, has been issued to the Petitioner by the Florida Department of Law Enforcement. Whereupon it is

ORDERED AND ADJUDGED that the petition to seal is hereby granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the Clerk of this Court shall forward a certified copy of this order to the ☐ State Attorney ☐ Special Prosecutor ☐ Statewide Prosecutor, _____, (arresting agency), and the sheriff of Clay County, who will comply with the procedures set forth in section 943.059, Florida Statutes, 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 AND ADJUDGED that _____ (arresting agency) shall seal all information concerning indicia of arrest or criminal history information regarding this petitioner in accordance with the procedures set forth in section 943.059, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

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

DONE AND ORDERED in Chambers/Open Court Clay County Courthouse, Florida, this ___ day of _____, 20____.

JUDGE

DOCUMENTS TO EXPUNGE



FLORIDA DEPARTMENT OF LAW ENFORCEMENT
APPLICATION FOR CERTIFICATION OF ELIGIBILITY
 PLEASE TYPE OR PRINT ALL INFORMATION

SECTION A - ALL APPLICANT

Last Name		First Name		Middle Name	
Alias Last Name (Maiden, Divorce, etc.) (More names on page 2)		Alias First Name (Maiden, Divorce, etc.)		Alias Middle Name (Maiden, Divorce, etc.)	
Date of Birth (MM/DD/YYYY)	Race	Sex		Social Security No.(optional)	
Residence Phone ()		Business Phone ()			
Mailing Address				City	State Zip
Permanent Address				City	State Zip
Arresting Agency	Florida Driver's License No.	Email Address			
Request Type Expunge NOTE: For Expunction applications, the State Attorney or Statewide Prosecutor must complete Section B.					

Date(s) of Arrest 1. _____ 2. _____ 3. _____ 4. _____ I hereby certify that the information contained herein is true and correct to the best of my knowledge. Signature _____ Date _____	Charge(s) (add additional dates of arrest/charges on page 2) 	NOTARY (PLEASE STAMP WITH SEAL) Sworn to and subscribed before me This _____ Day of _____, 20 _____ _____ (Signature of Notary Public) _____ (Print, Type, or Stamp Commissioned Name of Notary or Deputy Clerk of the Court) Personally Known _____ or Produced Identification _____ Type of Identification Produced: _____
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FOR EXPUNCTION APPLICATION ONLY

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

If one of paragraphs below is checked, my signature below indicates that, based on the disposition of all charges related to the above-referenced case, that case is eligible to be expunged, if the applicant is otherwise eligible to have his or her record expunged under law. My signature does not imply that the applicant has satisfied all other statutory eligibility criteria, or that this Office would not oppose a petition to expunge the above-referenced case. By checking paragraph 1, 2, or 3, I certify that the above-referenced case is presently eligible to be expunged, assuming that the applicant is otherwise eligible, because:

- ☐ 1. An indictment, information, or other charging document was not filed or issued in the case; OR
- ☐ 2. 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; OR
- ☐ 3. (a) None of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency; AND
 (b) The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has been sealed for at least 10 years; AND
 (c) None of the charges (if any) for which adjudication of guilt or of delinquency was withheld relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s.796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071 chapter 839, s.847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s.907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s.943.0435.

The above-referenced case is not eligible to be expunged because:

- ☐ One or more of the charges (acts) related to the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency;

OR, BECAUSE OF ONE OR MORE OF THE FOLLOWING REASONS:

- ☐ The record of the arrest or alleged criminal activity to which the application for certificate of eligibility to expunge pertains has not been sealed for at least 10 years;

- ☐ One or more of the charges for which an adjudication of guilt or of delinquency was withheld relate to a violation of s. 393.135, s. 394.4593, s.787.025, chapter 794, s.796.03, s.800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s.775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s.943.0435;

- ☐ Records available to this Office disclose some other ground of statutory ineligibility (e.g., adjudication of guilt in a different case; previous expunction or sealing).

Signature _____ Title(Prosecuting Authority) _____ Date _____

Signature _____ Title(Prosecuting Authority) _____ Date _____

IMPORTANT: A CERTIFICATE OF ELIGIBILITY IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE. AFTER THAT TIME, A NEW CERTIFICATE MUST BE APPLIED FOR.

SECTION B - STATE ATTORNEY FOR EXPUNCTION APPLICATION ONLY

SECTION A - SUPPLEMENTAL INFORMATION

FOR SEAL/EXPUNGE

Last Name	First Name	Middle Name
Date of Birth (MM/DD/YYYY)	Race	Sex
		Social Security No.(optional)

Aliases:(Maiden, Divorce, etc.)

	Last Name	First Name	Middle Name
1.			
2.			
3.			
4.			

Additional Charges

	Date of Arrest	Charge Details
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

GENERAL INSTRUCTIONS & INFORMATION:

1. **Applicable Law:** Sections 943.0585 and 943.059, Florida Statutes, and Chapter 11C-7, Florida Administrative Code (FAC), govern the use of this application, for the expunction or sealing of non-judicial criminal history records by criminal justice agencies. These statutes and the implementing rules require that you obtain a **Certificate of Eligibility** from the Florida Department of Law Enforcement (FDLE) **prior** to requesting a court for an order to seal or expunge your non-judicial criminal history records, and that you provide the information required by this application process.
2. Please type or print all information, except signatures. Complete all required portions of the application and submit all required documents and the processing fee noted below under Section A. Failure to disclose your social security number (SSN) may delay the processing time of your application. **If your application is submitted without all the required information, documentation, or the processing fee, FDLE may reject your application.**
3. **Mailing Information:** Mail your completed application package and fee to the following address:

**Florida Department of Law Enforcement
ATTN: Expunge/Seal Section
P.O. BOX 1489
Tallahassee, Florida 32302-1489**
4. **Contact Information:** FDLE's Expunge/Seal Section - (850) 410-7870
5. **Optional Personal Review of your Florida Criminal History Record:** If you have questions about what appears in your Florida criminal history record maintained by FDLE, you may wish to obtain a Personal Review of your record from FDLE, pursuant to Chapter 11C-8, FAC, before submitting this application form. The Personal Review is **optional** and is not required for FDLE to process your Application for Certification of Eligibility for expunction or sealing of your record. To obtain a Personal Review, please complete and submit the enclosed FDLE **fingerprint form** and a **letter** to FDLE at the address above. If you submit the fingerprint form and a letter for your Personal Review, please **DO NOT** send in the APPLICATION or the \$75.00 processing fee until the Personal Review is completed; the results of your personal review may influence your decision to request the expunction or sealing of your criminal history record.

SECTION A: FOR ALL APPLICANTS

1. Complete **every part** of **SECTION A**. Make sure your **signature**, as the applicant, is **notarized**.
2. If you were given a **Notice to Appear** and **not** physically arrested for the charge(s), indicate the date of the Notice to Appear in the box marked "Date of Arrest."
3. **NON-REFUNDABLE Processing Fee:** Submit with your application a **money order or Cashier's check** in the amount of **\$75.00**, made payable to the Florida Department of Law Enforcement (FDLE).
4. Submit the attached **fingerprint form** with your fingerprints, as part of your application packet. **This form must be completed by authorized personnel at a law enforcement or criminal justice agency**, using **only** the attached FDLE fingerprint form. (If you have obtained a **Personal Review**, **send the fingerprint card back** with the enclosed fingerprint form, please resubmit the same for the Expunge/Seal "Certificate of Eligibility" application.)
5. Provide a **certified copy of the final disposition(s)** for **each** of the charges you list in your application. Dispositions can usually be obtained from the office of the Clerk of Courts in the county where you were charged. For pretrial intervention and other diversion programs, a **certified letter of completion** from the State Attorney or Statewide Prosecutor may substitute for a certified disposition. If you received probation for any of the charges, you must also submit a **a certified copy of your probation**.

SECTION B: FOR EXPUNCTION APPLICANTS ONLY

1. **Submit the application to the State Attorney or Statewide Prosecutor for completion of SECTION B only if you are applying to have your records EXPUNGED.** NOTE: In addition to proper completion of Section B, you must also submit the certified copies of disposition(s) and termination of probation required under Section A.

REASONS AN APPLICATION FOR CERTIFICATE OF ELIGIBILITY TO SEAL OR EXPUNGE A CRIMINAL HISTORY RECORD WILL BE DENIED

Pursuant to Sections s.943.0585 and s.943.059 , Florida Statutes, a Certificate of Eligibility to expunge or seal a criminal history record **cannot** be issued under any of the following circumstances:

1. The criminal history record reflects that you have been adjudicated guilty of a criminal offense or comparable ordinance violation or adjudicated delinquent for committing any felony or a misdemeanor specified in s.943.051(3)b. **Certain driving violations are classified as criminal, such as DUI, reckless driving, and (with some exceptions) driving while license is suspended /canceled/revoked.**
2. The criminal history record reflects that you have been adjudicated guilty of or adjudicated delinquent for committing one or more of the acts stemming from the arrest or alleged criminal activity to which the application pertains.
3. The criminal history record reflects that you have received a prior sealing or expunction of a criminal history record under s.943.0585 , s.943.059 , former s.893.14, former s.901.33, former s.943.058, or from any jurisdiction outside the state.
4. The criminal history record to which the application pertains relates to a violation of s.393.135, s.394.4593, s.787.025, chapter 794, s.796.03, s.800.04, s.810.14, s.817.034, s.825.1025, s.827.071, chapter 839, s.847.0133, s.847.0135, s.847.0145, s.893.135, s.916.1075, a violation enumerated in s.907.041, or a violation of any offense qualifying for registration as a sexual predator under s.775.21 or for registration as a sexual offender under s.943.0435, Fla. Stat., with a finding of guilt, or a plea or guilty or nolo contendere (without regard to whether adjudication was withheld).
5. The criminal history record reflects that you have another petition to seal or expunge pending before a court of competent jurisdiction.
6. The criminal history record reflects that the court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains has not been completed.
7. **[For expunction only]** The criminal history record reflects that some or all of the charges related to the arrest or criminal activity to which the application pertains were not dismissed prior to trial, adjudication, or the withholding of adjudication, If no other disqualification applies, the record would be eligible to sealed.

PLEASE NOTE: The Governor and Cabinet of Florida, acting in the capacity of the Board of Executive Clemency, declared on June 10, 1999, that the granting of a full pardon does not remove any condition of ineligibility for sealing or expunging a criminal history record which would otherwise be imposed by a conviction or withholding of adjudication pursuant to Sections 943.0585 and 943.059 , Florida Statutes, and, acting in the capacity of agency head of the Department of Law Enforcement, the Board directed FDLE to deny a Certificate of Eligibility to any person receiving a pardon who is otherwise ineligible for the sealing or expunging of the person's criminal history record.

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.

Voyuerism

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

FINGERPRINTS FOR APPLICATION FOR CERTIFICATION OF ELIGIBILITY

Name:
Last _____ First _____ Middle _____

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

RACE: __ **SEX:** __ **DOB:** ____ ***SOC:** _____ **Place of Birth:** _____

**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

**** Social Security Number, this information is voluntary; failure to disclose may delay the processing time of your application.**

☒ **DID YOU REMEMBER TO:**

- ☐ Complete the application? Did you sign and date the application in front of a notary?
- ☐ Provide a certified (stamped copy) disposition of your case you want to have sealed/expunged?
- ☐ Include your name, race/sex, date of birth, social security number (optional) and signature on the fingerprint form?
- ☐ Provide a \$75.00 check or money order made payable to FDLE? Did you sign and completely fill out the check or money order?
- ☐ Include an Attorney's letterhead, if you (applicant) are represented by an attorney?
- ☐ Make copies of your application and documents for your records?
- ☐ For Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?
- ☐ For Juvenile Expunge Applicants only: Is Section B completed and signed by the State Attorney's Office?

FDLE asks that you provide your social security number (SSN). The decision to provide your SSN is at your option, and if you provide your SSN, FDLE will use it for purposes of identification, and may share the information with other agencies for the same purpose. FDLE's request for your SSN is authorized by state law because use of it is imperative for FDLE to fulfill its lawful duties and responsibilities. Your failure to provide your SSN may result in delay in processing your application or request.

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.:

DIVISION:

_____,
Defendant.

PETITION TO EXPUNGE

The Petitioner, by and through the undersigned attorney, petitions this honorable court, pursuant Florida Rule of Criminal Procedure 3.692 and section 943.0585, Florida Statutes, to expunge all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the Petitioner's arrest on the ____ day of _____, 20____, by _____ (arresting agency), for _____ (charges), and as grounds therefore shows:

1. On the ____ day of _____, 20____, the Petitioner, _____, a _____ (race) _____ (sex), whose date of birth is _____, was arrested by _____ and charged with _____.
2. The Petitioner has not been previously adjudicated guilty of any of the charges stemming from this arrest or alleged criminal activity.
3. The Petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation.
4. The Petitioner has not secured a prior records expunction or sealing under section 943.0585, or 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statutes, or former section 910.33, Florida Statutes, or any other law, rule or authority.
5. Such record has been sealed under section 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statutes, or former section 901.33, Florida Statutes, for at least 10 years; or there has not been an indictment or information filed against the petitioner who is the subject of this criminal history information; or an indictment or information filed against the Petitioner who is the subject of this criminal history information was dismissed by the Prosecutor or the Court.
6. The Petitioner has applied for and been issued a Certificate of Eligibility, Number _____, by the Florida Department of Law Enforcement.

WHEREFORE, the Petitioner moves to expunge any criminal history record information and any official court records regarding his/her arrest by _____ (agency) for _____ (charges) on the ____ day of _____, 20____.

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on Melissa Nelson, State Attorney for the Fourth Judicial Circuit, in and for Clay County, Florida, 825 North Orange Avenue, Green Cove Springs, Florida 32043; _____ (arresting agency); and the Clay County Sheriff's Department, Records Section, 901 North Orange Avenue, Green Cove Springs, Florida 32043, this ____ day of _____, 20____.

Signature

Printed Name

Address

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA _____,

Plaintiff,

vs.

CASE NO.:

DIVISION:

Defendant.

AFFIDAVIT IN SUPPORT OF PETITION TO EXPUNGE

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 in 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 _____, 20____, by _____,
(arresting agency), and I have not been adjudicated guilty of any 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. 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 Name

_____ Personally Known

_____ Produced Identification

_____ Type of Identification Produced _____

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

THE STATE OF FLORIDA _____,

Plaintiff,

vs.

CASE NO.:

DIVISION:

Defendant.

**ORDER TO EXPUNGE PURSUANT TO SECTION 943.0585, FLORIDA STATUTES,
AND FLORIDA RULES 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 _____, (arresting agency), for _____, (charges), and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

1. The Petitioner has never previously been adjudicated guilty of a criminal offense or a comparable ordinance violation.
2. The Petitioner was not adjudicated guilty of charges stemming from the arrest or criminal activity to which this petition pertains.
3. The Petitioner has not secured a prior records expunction or sealing.
4. This record has either been sealed for the last 10 years; or no indictment or information was ever filed in this case against the Petitioner; or an indictment or information filed against the Petitioner was dismissed by the prosecutor or the court.
5. That a Certificate of Eligibility, Number _____, has been issued to the Petitioner by the State of Florida Department of Law Enforcement. Whereupon it is

ORDERED AND ADJUDGED that the Petition to Expunge is hereby granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in the Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the Clerk of this Court shall forward a certified copy of this order to the (check one) ☐ State Attorney ☐ Special Prosecutor ☐ Statewide Prosecutor, _____ (arresting agency), and the sheriff of Clay County, who will comply with the procedures set forth in section 943.0585, Florida Statutes, 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 AND ADJUDGED that _____ (arresting agency) shall expunge all information concerning indicia of arrest or criminal history information regarding this Petitioner in accordance with the procedures set forth in section 943.0585, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

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

DONE AND ORDERED in Chambers/Open Court at Clay County, Florida, this _____ day of _____, 20____.

JUDGE