

TO OBTAIN SEALING/EXPUNGING
CERTIFICATION PACKAGES, TO REVIEW
FREQUENTLY ASKED QUESTIONS, AND FOR
CONTACT INFORMATION PLEASE GO TO
THE FDLE WEBSITE AT:

<http://www2.duvalclerk.com/links/florida-department-of-law-enforcement-expunge/>

FORMS AND INSTRUCTIONS CAN ALSO
BE PRINTED FROM THE CLERK OF
COURTS WEBSITE AT:

www.duvalclerk.com

FORMS PROVIDED AS A COURTESY OF THE
STATE ATTORNEYS OFFICE.

Fourth Judicial Circuit of Florida
Duval County Courthouse
Jacksonville, Florida 32202

STATE ATTORNEY
Tel: (904)255-2500
Email: sao4duvalcriminal@coj.net

RONNIE FUSSELL
CLERK OF COURT
Tel: (904)255-2000
Fax: (904)255-2247

INSTRUCTIONS

If 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 Statute 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: Quality Control Section 2331
Phillips Road PO Box 1489 Tallahassee,
Florida 32302-1489

If approved, you will receive a blue Certificate of Eligibility from FDLE.

Once you have the certificate, fill out the blanks on the Petition to Expunge or seal, Affidavit, and Judge's Order. MAKE SURE YOU SIGN THE PETITION. (You may want to retype these forms but it is not mandatory. If you choose to write them, please make it legible! NOTE: MOST JUDGES WILL NOT ACCEPT FILLED IN COPY OF RULE OF CRIMINAL PROCEDURE).

Make a copy of each document (Affidavit, Petition to Expunge or Seal, judge's Order and Certificate of Eligibility). Mail or hand deliver the ORIGINAL documents to the Courthouse:

Duval County Courthouse
501 West Adams Street
Jacksonville, Florida 32202
(Misdemeanor-Room 1223; Felony-Room 2136)

Mail or hand deliver the COPIES to:

State Attorney's Office
C/O Seal/Expunge Division
311 W. Monroe Street, 1st Floor
Jacksonville, Florida 32202

BE ADVISED THIS PROCESS TAKES SEVERAL MONTHS

1. 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 **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. **The criminal history record of a minor may also be eligible for other forms of expunction, as noted at Question No. 14, below.**

2. 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 criminal division 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.

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

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

6. 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.

7. 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.

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 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 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 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.

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 decision of the FDLE. The appeal of a denial is to be handled within the court of competent jurisdiction.

11. 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.J.L. v. State**, 887 So.2d 1268 (Fla. 2004).

12. If I receive clemency, will my record be automatically expunged?

No. Neither a full pardon, nor any other type of clemency, will automatically expunge or facilitate the expungement of your criminal record. You should contact the Florida Department of Law Enforcement at seal-expunge@fdle.state.fl.us for information on the expungement or sealing of records.

13. If I have my 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.

14. Do I have to apply for a Certificate of Eligibility to have my juvenile criminal history record sealed or expunged?

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, juvenile arrest records were not maintained by FDLE in the criminal history record system. Juvenile arrests for felonies prior to October 1, 1994, and juvenile arrests for misdemeanors prior to July 1, 1996, are not available to the general public unless the juvenile was 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.

15. 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?

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.

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

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

Special 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.

17. 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.

18. 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.

19. 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.

20. 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 affect 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.

21. 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.

22. 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.

23. 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.

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 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.

**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 be 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.

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

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 (SOC) 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 form 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 on 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 **certified copy of the termination 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.

SECTION C: FOR FDLE USE ONLY

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
	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 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 a delay in processing your application or request.

**DOCUMENTS FOR EXPUNGING
A CASE:**

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

CASE NO.: _____

DIVISION _____

STATE OF FLORIDA,

Plaintiff,

vs.

(Name) _____,

Petitioner/Defendant

PETITION TO EXPUNGE

The Petitioner, (Name) _____, petitions this honorable court, under Florida Rules 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 _____, ____ by the Jacksonville Sheriff's Office for (Charge) _____ and as grounds therefore shows:

1. On _____, the petitioner, (Name) _____ a (race/sex) _____, whose date of birth is _____, was arrested by the Jacksonville Sheriff's Office for (Charge) _____.
2. The petitioner has not been adjudicated guilty of nor guilty of committing any of the acts stemming from this arrest or alleged criminal activity.
3. The petitioner has not been previously adjudicated guilty of criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.0151(3)(b), Florida Statutes.
4. The petitioner has not secured a prior expunction or sealing under section 943.0585 or 943.058, 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's 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, information or other charging document filed against the petitioner who is the subject of this criminal history record information; or an indictment, information or other charging document filed against the petitioner who is the subject of this criminal history information was dismissed by the prosecutor or the court.

6. A certificate of Eligibility for expunge of nonjudicial criminal history record issued by the Florida Department of Law Enforcement accompanies this petition.

WHEREFORE, the petitioner moves to expunge any criminal history record information and any official court records regarding this arrest by the Jacksonville Sheriff's Office for (Charge)

_____.

CERTIFICATE OF SERVICE

*I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on the State Attorney's Office, Forth Judicial Circuit, in and for Duval County, Florida, Jacksonville Sheriff's Office; and the Florida Department of Law Enforcement on this _____ day of _____, _____.

Signature

Print Name:

Address:

City/State:

Zip:

Telephone:

Cc: State Attorney's Office
Jacksonville Sheriff's Office
Florida Department of Law Enforcement
Clerk of Courts

You must give a copy of the Petition, Affidavit, Order and Certificate of Eligibility to the State Attorney's Office, City Hall Annex, 11th Floor. Your petition will not be processed unless the State Attorney's Office has copies of the legal documents.

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

CASE NO.: _____

DIVISION: _____

STATE OF FLORIDA,

Plaintiff,

vs.

(Name) _____,

Petitioner.

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF DUVAL)

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 nor adjudicated delinquent for committing a felony or misdemeanor specified in section 943.051(3)(b), Florida Statutes.
3. I was arrested on _____, by the Jacksonville Sheriff's Office, and I have not been adjudicated guilty of, nor adjudicated delinquent, for committing any of the acts stemming from that arrest or the alleged criminal activity surrounding my arrest.
4. I am eligible for the relief request, 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 record expunction or sealing under any law.
6. An indictment, Information, or other charging document was not filed against me for the above criminal transaction.

Signature of Affiant

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

NOTARY PUBLIC

Printed, typed or stamped
Commissioned name of Notary Public

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

CASE NO.: _____

DIVISION _____

STATE OF FLORIDA,

vs.

(Name) _____,

Petitioner

ORDER TO EXPUNGE RECORDS PURSUANT TO SECTION 943.0585
FLORIDA STATUTES AND FLORIDA RULES OF CRIMINAL PROCEDURES 3.692

THIS CAUSE, having come to be heard before me this date upon petitioner's Petition to Expunge records concerning this arrest on (date) _____, by the Jacksonville Sheriff's Office, and the court being 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 the petition pertains.
3. The petitioner has not secured a prior records expunction or sealing.

ORDERED AND ADJUDGED that the petition to expunge records is hereby granted. All court records pertaining to the above-styled case shall be expunged in accordance with the procedures set forth in the Florida Rules of Criminal Procedures 3.692, and it is further

ORDERED AND ADJUDGED that the clerk shall forward a certified copy of this order to the State Attorney's Office and the Jacksonville Sheriff's Office, 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 the Jacksonville Sheriff's Office shall expunge all information concerning indicia of arrest or criminal history record information regarding this petitioner in accordance with the procedures set forth in section 943.0585, Florida Statutes and 3.692 FRCP.

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

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this ____ day of _____, 20_____.

Judge

Cc: Petitioner: (name and address)
 State Attorney's Office
 Clerk of Courts
 Florida Department of Law Enforcement
 Federal Bureau of Investigation
 Jacksonville Sheriff's Office

**DOCUMENTS FOR SEALING A
CASE:**

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

CASE NO.: _____

DIVISION _____

STATE OF FLORIDA,

Plaintiff,

vs.

(Name) _____,

Petitioner/Defendant

PETITION TO SEAL

The Petitioner, (Name) _____, petitions this honorable court, under Florida Rules 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 _____, ____ by the Jacksonville Sheriff's Office for (Charge) _____ and as grounds therefore shows:

1. On _____, the petitioner, (Name) _____ a (race/sex) _____, whose date of birth is _____, was arrested by the Jacksonville Sheriff's Office for (Charge) _____.
2. The petitioner has not been 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 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.

WHEREFORE, the petitioner moves to seal any criminal history record information and any official court records regarding this arrest by the Jacksonville Sheriff's Office for _____ on the ____ day of _____, _____.

CERTIFICATE OF SERVICE

*I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on the State Attorney's Office, Forth Judicial Circuit, in and for Duval County, Florida, Jacksonville Sheriff's Office; and the Florida Department of Law Enforcement on this ____ day of _____, _____.

Signature

Print Name:

Address:

City/State:

Zip:

Telephone:

Cc: Seal & Expunge Division
State Attorney's Office, 1st Floor
311 W. Monroe Street
Jacksonville, FL 32202

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

CASE NO.: _____

DIVISION: _____

STATE OF FLORIDA,

Plaintiff,

vs.

(Name) _____,

Petitioner.

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF DUVAL)

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 _____, by the Jacksonville Sheriff's Office, 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 request, 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 record expunction or sealing under any law.

Signature of Affiant

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

NOTARY PUBLIC

Printed, typed or stamped
Commissioned name of Notary Public

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

CASE NO.: _____

DIVISION _____

STATE OF FLORIDA,

vs.

(Name) _____,

Petitioner

ORDER TO SEAL RECORDS PURSUANT TO SECTION 943.059
FLORIDA STATUTES AND FLORIDA RULES OF CRIMINAL PROCEDURES 3.692

THIS CAUSE, having come to be heard before me this date upon petitioner's Petition to Seal records concerning this arrest on (date) _____, by the Jacksonville Sheriff's Office, and the court being 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 the petition pertains.
3. The petitioner has not secured a prior records expunction or sealing.

ORDERED AND ADJUDGED that the petition to seal records 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 Rules of Criminal Procedures 3.692, and it is further

ORDERED AND ADJUDGED that the clerk shall forward a certified copy of this order to the State Attorney's Office and the Jacksonville Sheriff's Office, 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 the Jacksonville Sheriff's Office shall seal all information concerning indicia of arrest or criminal history record information regarding this petitioner in accordance with the procedures set forth in section 943.059, Florida Statutes and 3.692 FRCP.

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

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this ____ day of _____, 20____.

Judge

Cc: Petitioner: (name and address)
 State Attorney's Office
 Clerk of Courts
 Florida Department of Law Enforcement
 Federal Bureau of Investigation
 Jacksonville Sheriff's Office