

## INSTRUCTIONS

PLEASE TYPE OR PRINT ALL INFORMATION

### GENERAL INFORMATION:

The laws and rules which govern expunction or sealing of criminal history record(s) include: Section 943.0585-943.059, Florida Statutes and Chapter 11C-7, Florida Administrative Code.

If you are uncertain about your Florida criminal history record, you may wish to obtain a **Personal Review** of your criminal history record pursuant to Chapter 11C-8, Florida Administrative Code, before applying for a "Certificate of Eligibility" for expunction or sealing. The enclosed FDLE Applicant Fingerprint card FD 258 may be used for that purpose. (See attached Personal Review Procedures). If sending in the fingerprint card for your **Personal Review** please **DO NOT** send in the **APPLICATION FOR CERTIFICATION OF ELIGIBILITY** or the \$75.00 processing fee at this time. **This is optional and is not required for FDLE to process your application.**

### (SECTION A) APPLICATION INFORMATION:

In order to obtain an expunction or sealing of a criminal history record, you must obtain a "Certificate of Eligibility" from the Florida Department of Law Enforcement (FDLE) **prior to petitioning the court.**

The following documents **must be provided** to the FDLE pursuant to s.943.0585(2) and s.943.059(2), F.S.

1. Complete the reverse side of the application for the "Certificate of Eligibility". Section A must be completed by the applicant and the signature must be notarized. **Section B is not required for a SEALING** of a criminal history record. If you were not arrested but were given a Notice to Appear, please indicate that in the box for date of arrest.
2. A **NONREFUNDABLE** money order or Cashier's check in the amount of \$75.00 made payable to the Florida Department of Law Enforcement.
3. The applicant must be fingerprinted by authorized personnel with a law enforcement or criminal justice agency. The enclosed FDLE Applicant Fingerprint card FD 258 must be used. If you have obtained a **Personal Review** with the enclosed fingerprint card, please submit the same card for the Expunge/Seal "Certificate of Eligibility".
4. A certified copy of the final disposition of the charge(s), to which the petition pertains, obtained from the clerk of courts in the county in which the charge or charges were brought. For Pretrial Intervention cases and other Diversion programs, a certified letter of completion from the State Attorney's office may substitute for a certified disposition. Please provide a certified copy of Termination of Probation, if applicable.
5. If you are requesting an expunction of a criminal history record, you must have the state attorney or statewide prosecutor complete Section B, on the reverse side of this application.

### (SECTION B) STATE ATTORNEY INFORMATION ONLY:

Section 943.0585(2), Florida Statutes, an applicant seeking an **EXPUNCTION** of a criminal history record must obtain a written certified statement from the appropriate state attorney or statewide prosecutor, as reflected in **Section B** on the reverse side of this form. Also include a certified disposition, even if Section B is completed. **Section B is not required for a SEALING** of a criminal history record.

### (SECTION C) (TO BE COMPLETED BY THE FDLE ONLY)

### MAILING INSTRUCTIONS:

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

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

If the application is not complete and all of the necessary documents are not provided, the FDLE will return your package unprocessed. **Please allow thirty (30) working days for processing. Any questions should be directed to the FDLE's Expunge/Seal Section at (850) 410-7870.**

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
APPLICATION FOR CERTIFICATION OF ELIGIBILITY**

PLEASE TYPE OR PRINT ALL INFORMATION

SECTION A - APPLICANT

Last Name		First Name		Middle Name	
Aliases: Maiden: Divorced		Residence Phone ( )		Business Phone ( )	
Date of Birth (DOB) MONTH DAY YEAR		Race	Sex	Social Security No.	
Mailing address		City		State	Zip
Permanent Address		City		State	Zip
Arresting Agency	Date(s) of Arrest		Please check (✓) one: Expunge:___ Seal:___		
			Florida Drivers License No. (Optional)		
Charge(s) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____			<p align="center"><b>NOTARY</b></p> <p>Sworn to and subscribed before me</p> <p>This _____ Day of _____, 20____</p> <p>(Signature of Notary Public)</p> <p>(Print, Type, or Stamp Commissioned Name of Notary or Deputy Clerk of the Court)</p> <p>Personally Known _____ Or Produced Identification _____</p> <p>Type of Identification Produced: _____</p>		
I hereby certify that the information contained herein is true and correct to the best of my knowledge.					
Signature _____		Date _____			

SECTION B - STATE ATTORNEY

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

<p>I certify: (1) That an indictment, information, or other charging document was not filed or issued in the case; that an indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction; or that, if an indictment, information, or other charging document was filed or issued in the case and not dismissed but resulted in adjudication being withheld or in an acquittal after trial, the record has been sealed for at least 10 years. (2) That the criminal history record does not relate to a violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in s. 907.041, without regard to whether adjudication was withheld, where the defendant was found guilty of, or pled guilty or nolo contendere to any such offense, or where the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, such an offense as a delinquent act. My signature below indicates only that the statutory criteria set out above have been satisfied, and does not imply an opinion that the record in question should or should not be expunged.</p>			<p>I certify that I have reviewed the state's/court's file in this case and, in accordance with Florida Statute s. 943.0585, believe that this applicant is not eligible because: the record relates to a violation of an offense specified in s. 943.0585 which may not be expunged when adjudication is withheld.</p>		
<p>1. Case Not Dismissed _____</p>			<p>1. Case Not Dismissed _____</p>		
<p>2. The record relates to a violation of an offense specified in s. 943.0585 which may not be expunged when adjudication is withheld. Statutory section or chapter to which record relates: _____</p>			<p>2. The record relates to a violation of an offense specified in s. 943.0585 which may not be expunged when adjudication is withheld. Statutory section or chapter to which record relates: _____</p>		
<p>3. Other _____</p>			<p>3. Other _____</p>		
Signature _____		Title (Prosecuting Authority) _____	Signature _____		Title (Prosecuting Authority) _____
Date _____			Date _____		

SEC. C  
FDLE

Acct/Budget	Expunge/Seal Section		Expunge/Seal Section
Date Received _____	I.D.# _____	ORI _____	Date Received _____
Check _____	Certification Status	Approved <input type="checkbox"/> Denied <input type="checkbox"/>	Date Entered _____
Processed By _____	Seal <input type="checkbox"/>	<input type="checkbox"/>	Date Mailed _____
	Expunge <input type="checkbox"/>	<input type="checkbox"/>	

**REASONS AN APPLICATION FOR CERTIFICATION 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.  
**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.787.025, chapter 794, s.796.03, s.800.04, s.817.034, s.825.1025, s.827.071, chapter 839, s.847.0133, s.847.0135, s.847.0145, s.893.135, or a violation enumerated in s.907.041, 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 or 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.

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## **DISQUALIFYING CHARGES FOR EXPUNCTION/SEALING**

A request 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 of guilt was withheld, on any violation of the following: ♦

### **As enumerated in Statute 907.041 ♦**

"Dangerous Crimes" means any of the following:

1. Arson, as defined in s.806.01, F.S.
2. Aggravated Assault, as defined in s.784.021, F.S.
3. Aggravated Battery, as defined in s.784.045, F.S.
4. Illegal use of explosives, as defined in s.790.001(5), F.S.
5. Child abuse, as defined in s.827, F.S.
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult
7. Hijacking, as defined in s.860.16, F.S.
8. Kidnapping, as defined in Chapter 787, F.S.
9. Homicide, as defined in Chapter 782, F.S.
10. Manslaughter, as defined in s.782.07, F.S.
11. Sexual Battery, as defined in Chapter 794, F.S.
12. Robbery, as defined in s.812.13, F.S.
13. Carjacking, as defined in s.812.133, F.S.
14. Lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years, as defined in s.800.04, F.S.
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, as defined in s.827.071, F.S.
16. Burglary of a dwelling, as defined in s.810.02, F.S.
17. Stalking and Aggravated Stalking, as defined in s.784.048, F.S.
18. Act of Domestic Violence, as defined in s.741.28, F.S.
19. Attempting or conspiring to commit any such crime, as defined in s.777.04, F.S.
20. Home-invasion robbery, as defined in s.812.135, F.S.

S.787.025, F.S.

Luring or enticing a child

S.796.03, F.S.

Procuring person under 18 for prostitution

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

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; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.

♦All references are from Florida Statutes

**Florida Department of Law Enforcement  
Request for Personal Review of Criminal History Records**

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 individual believes is inaccurate or incomplete. There is no charge assessed by the Florida Department of Law Enforcement (FDLE) for this service. See Section 943.056, F.S.

Individuals requesting a Personal Review of their criminal history record as maintained by the FDLE, should utilize the following procedures:

1. A written request for Personal Review must be submitted to the FDLE and must include the individual's name and complete mailing address.
2. The individual must be fingerprinted by a law enforcement or criminal justice agency. The fingerprint card is provided for positive identification for the Personal Review and each data field on the fingerprint card should be completely filled out. To ensure expeditious processing of the request by the FDLE, the reason fingerprinted data field should contain "Personal Review".
3. The required items listed above should be mailed together to:

Florida Department of Law Enforcement  
2331 Phillips Road  
Post Office Box 1489  
Tallahassee, Florida 32302-1489

Attn: Quality Control Section  
Florida Crime Information Center Bureau

4. The Quality Control Section will process the fingerprint card and should a positive fingerprint identification be established against an existing criminal history record maintained within the Department's files, a printout of the criminal history record, along with the individual's fingerprint card and original letter of request, will be returned to the individual. If a positive fingerprint identification is not established against an existing criminal history record maintained within the Department's files, the fingerprint card will be stamped as "No Record" and returned to the individual along with the original letter of request.

The FDLE is the central repository for criminal history information for the State of Florida. The information contained within Florida criminal history records is provided to the FDLE by criminal justice agencies throughout the State. If, after reviewing the criminal history record, the individual feels that the record is inaccurate or incomplete, it is the individual's responsibility to contact the agency responsible for submitting that portion of the record in question to obtain clarification or additional information and to effect any necessary changes. Should modifications need to be made, it is the contributing agency's responsibility to notify FDLE in writing so that the criminal history record can be properly updated. FDLE will maintain any documentation submitted for this reason for future reference. If you have questions or need assistance with the correction of inaccuracies you find in your criminal history record, you may contact the FDLE's Quality Control Section at (850)410-7898.

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### **Federal Bureau of Investigation (FBI) Personal Review Procedures**

Individuals wishing to review their federal record, as maintained by the FBI, must submit their written request, completed fingerprint card, and certified check or money order made payable to the Treasury of the United States in the amount of \$18.00 directly to the FBI at the following address:

Federal Bureau of Investigation  
Criminal Justice Information Services Division  
Attn: SCU MOD D2  
1000 Custer Hollow Road  
Clarksburg, West Virginia 26306

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IN THE COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
DIVISION

STATE OF FLORIDA

CASE NUMBER:

Plaintiff,

DIVISION:

v.

Defendant,

\_\_\_\_\_ /

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I,, am the Defendant in the above-styled cause and I do hereby swear and affirm that I have never been adjudicated guilty of a criminal offense or a comparable ordinance violation and I have frankly discussed this with counsel in depth and they have explained to me the meaning of all of the terms in this Affidavit.

1. That I was arrested in, by the, and was never formally charged in the offense stemming from that arrest or the alleged criminal activity surrounding my arrest.
2. That I have never secured a prior record expunction or sealing under any law.

\_\_\_\_\_

SWORN TO AND SUBSCRIBED before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Florida at Large

My Commission Expires:

IN THE COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
DIVISION

STATE OF FLORIDA

CASE NUMBER:

Plaintiff,

DIVISION:

v.

Defendant,

\_\_\_\_\_ /

PETITION TO EXPUNGE OR SEAL RECORDS

COMES NOW, the Defendant,, Pro Se, and petitions this Honorable Court, pursuant to Florida Rules of Criminal Procedure 3.692, to expunge/seal all criminal history record information concerning my arrest on, by the for, and as grounds therefore would show:

1. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. That I have not secured a prior record expunction or sealing under this section, former section 893.14 or former section 901.33.

\_\_\_\_\_



WHEREFORE, the Defendant,, moves this Honorable Court to expunge/seal any criminal history record information with reference to my arrest by the, for on.

Respectfully submitted,

\_\_\_\_\_,  
Defendant, Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Clerk of the Circuit Court in and for Hillsborough County, Tampa, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_,  
Defendant, Pro Se

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IN THE COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
DIVISION

STATE OF FLORIDA

CASE NUMBER:

Plaintiff,

DIVISION:

v.

Defendant,

ORDER EXPUNGING CRIMINAL RECORDS

THIS CAUSE came on for consideration upon the filing by the Defendant of a Petition to Expunge/Seal Records, pursuant to Rule 3.692, Florida Rules of Criminal Procedure, and the Court being fully advised in the premises, it is therefore,

**ORDERED AND ADJUDGED:**

1. That the Defendant's Motion is hereby granted.
2. That the Defendant is a.
3. That in, the Defendant was arrested and charged with.
4. That in, the Defendant pled.
5. That the Court has made the following specific findings regarding the Defendant:
  - (a) That the Defendant has never previously been adjudicated guilty of a criminal offense or comparable violation;
  - (b) That the Defendant has not been adjudicated guilty of any of the charges stemming from the arrest or alleged criminal activity to which the record's expunge/seal;
  - (c) That the Defendant has not secured a prior record expunction or sealing under Florida Statute 943.058, former Section 893.14 or former Section 901.33.
6. That the Clerk of this Court shall certify copies of this Order for presentation of the State Attorney's Office and to the arresting agency, the. It is further ordered that the arresting agency,, shall be responsible for forwarding this Order to the Florida Department of Law Enforcement and to any other agency to which the arresting agency itself disseminated the criminal history record information within the purview of this Order.
7. That the Clerk of this Court shall certify a copy of this Order to any other agency which the records of the Clerk reflect has received and effected criminal history information from the Clerk.
8. That the Department of Law Enforcement is ordered to contact the FBI for the purpose of that agency expunging and/or sealing its record relating to the Defendant's arrest in this case.
9. That when all criminal history records, including the records maintained by the Department of Law Enforcement and the Court, have been expunged, the Defendant shall be restored, in the full unreserved contemplation of the law, to the status occupied before the arrest, indictment, information or judicial proceedings covered by the expunged record.

10. That when all criminal history records, except for the records retained under expunge and/or seal by the Courts or the Department of Law Enforcement have been expunged and/or sealed, the Defendant may lawfully deny or fail to acknowledge the events covered by the expunged records, except in the following circumstances:

(a) When the Defendant is a candidate for employment with a criminal justice agency;

(b) When the Defendant is a Defendant in a criminal prosecution;

(c) When the Defendant is a candidate for admission to the Florida Bar.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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JUDGE

Copies furnished to:

Defendant, Pro Se  
Office of the State Attorney  
Office of the Public Defender

Florida Department of Law Enforcement

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## DID YOU REMEMBER TO

- *Sign and date* your application in front of a Notary Public?
  - Provide a *certified disposition* of your case?
  - Include your name, race/sex, date of birth, social security number, and signature on your fingerprint card?
  - Provide a *\$75 check or money order* made payable to FDLE?
  - Have *Section B* completed by the State Attorney's Office if seeking an expunction?
-

TE RECORDASTE DE:

- Poner la fecha y la firma en la aplicacion al frente de un notario.
  - Incluir un certificado de disposicion de tu caso.
  - Llenar tu tarjeta de huellas digitales completamente, incluyendo tu nombre, raza/sexo, fecha de nacimiento, numero de seguro social, y su firma.
  - Incluir un cheque o giro postal de \$75.00 dolares, a nombre de FDLE.
  - La Seccion B tiene que ser completada por la oficina del Abogado del Estado si estas buscando una expulsion de tu record criminal.
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