

ORANGE COUNTY CLERK OF CIRCUIT COURT
425 N. ORANGE AVE
P. O. BOX 4994
ORLANDO, FLORIDA 32802-4994
(407) 836-2000

EXPUNGE OR SEAL CRIMINAL RECORD

NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR

Under some circumstances Florida law permits a person to have a criminal record sealed or expunged. To “seal” means to have the record made confidential to the general public, although some legally authorized person may still see the record. To “expunge” is to destroy the record. “Criminal records” include records of law enforcement agencies as well as judicial records. While law enforcement records may be sealed or expunged, judicial records are subject only to sealing. Sealing and expunction are governed by sections [943.0585](#) and [943.059](#), Florida Statutes and Florida Rule of Criminal Procedure 3.692.

This package is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form drafted. Any person using these instructions and forms does so at his/her own risk.

Please note that Florida law prevents our staff from providing legal advice. The Clerk of the Circuit Court cannot assist you in the filing of your application for sealing or expunction of criminal history records. You may wish to contact an attorney to assist you in this complex procedure. If you choose to represent yourself, you may want to research the Florida Statutes and the Rules of Criminal Procedure which govern sealing or expunction of criminal records.

To obtain an order sealing or expunging a criminal history record, you must:

1. File with the clerk a **petition** seeking an order (sample below).
2. File a sworn **affidavit** in support of the petition (sample below).
3. File a **certificate of eligibility** issued by the Florida Department of Law Enforcement (contact FDLE).
4. File the **order** you are seeking to have the court issue (sample below).
5. Send a copy of these papers to the state attorney and the arresting agency.
6. Pay the clerk the applicable filing fee.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA,
Plaintiff,

v.

_____,
Defendant/Petitioner.

PETITION TO EXPUNGE OR SEAL CRIMINAL RECORD

The Petitioner, _____, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0585, or section 943.059 Florida Statutes, to (check one) _____ expunge _____ 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 (date of arrest) _____ by (arresting agency) _____, for (list charges) _____, and as grounds therefore shows:

1. On _____ the Petitioner, _____, a (race/sex) _____, whose date of birth is _____ was arrested by (arresting agency) _____, and charged with _____.

2. The Petitioner has not been adjudicated guilty of nor adjudicated 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 nor 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.

4. The Petitioner has not secured a prior records expunction or sealing under sections 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. **(To be used only when requesting expunction.)** 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 information was dismissed by the prosecutor or the court.

6. A Certificate of Eligibility for _____ expunction _____ sealing of non-judicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.

WHEREFORE, the Petitioner moves to seal any official court record and _____ expunge _____ seal any other criminal history record information regarding his/her arrest by _____, for _____, on _____.
(charges) (date) (arresting agency)

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been delivered by U.S. Mail to the following:

(check all that apply)

_____ State Attorney for the Ninth Judicial Circuit
415 N. Orange Ave.
Building B
Orlando, Florida 32801

_____ Florida Department of Law Enforcement
Attn: User Services Bureau Specials Desk
2331 Phillips Road
P.O. Box 1489
Tallahassee, Florida 32302

_____ Orange County Sheriff's Department
Attn: Records
2500 W. Colonia Dr.
P.O. Box 1440
Orlando, Florida 32804

_____, (Sheriff of county in which defendant was arrested if not Orange County)
Attn: Records

Dated: _____

Name: _____

Address: _____

Phone No: _____

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO _____

STATE OF FLORIDA,
Plaintiff,

v.

_____,
Defendant/Petitioner

AFFIDAVIT

State of Florida
County of Orange

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 comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051 (3) (b), Florida Statutes.
3. I was arrested on _____, by (arresting agency) _____ 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 requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.
5. I have never secured a prior records expunction or sealing under any law.

6. (For use in expunction petitions only.) My records of arrest for this date has been sealed for at least 10 years; or an indictment, information, or other charging document was not filed against me for the above criminal transaction; or an indictment, information, or other changing document filed against me was dismissed by the Prosecutor or the Court.

7. Additional statement demonstrating good cause:

Defendant/Petitioner

Sworn to and subscribed before me on _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name
of notary or clerk.]

_____ Personally known

_____ Produced identification

Type of identification produced _____

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO _____

STATE OF FLORIDA,
Plaintiff,

v.

_____,
Defendant/Petitioner.

**ORDER TO EXPUNGE UNDER SECTION 943.0585, FLORIDA STATUTES, AND
FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS MATTER is before the Court on the Defendant's petition to Expunge in the above captioned matter. Having reviewed said motion, court file/records and 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 comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051 (3) (b), Florida Statutes.
2. The Petitioner was not adjudicated guilty of nor adjudicate delinquent for committing any of the acts stemming from the arrest or criminal activity to which this expunction petition pertains.
3. The Petitioner has not secured a prior records expunction or sealing.
4. This record has either been sealed for at least 10 years; or no indictment, information, or other charging document was ever filed in this case against the petitioner; or an indictment, information, or other charging document filed against the Defendant was dismissed by the prosecutor or the court.
5. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the petition for expunction of no judicial criminal history records.

It is therefore,

ORDERED AND ADJUDGED that the Petition to Expunge (check one)

GRANTED. All court records pertaining to the above-styled case shall be sealed and any other criminal history record information shall be expunged sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

DENIED

ORDERED AND ADJUDGED that the Clerk of this Court shall forward a certified copy of is order to the **(check all that apply)**

- _____ State Attorney
- _____ Special Prosecutor
- _____ Statewide prosecutor
- _____ FDLE
- _____ Orange County Sheriff's Department

_____, (Sheriff of county in which defendant was arrested if not Orange County) who will comply with the procedures set forth in section 943.0585, Florida Statues, and appropriate regulations of the Florida 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 history record information; and it is further

ORDERED AND ADJUDGED that (arresting agency) _____ shall expunge all information concerning indicia of arrest or criminal history record information regarding the arrest of alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0585, Florida Statues, and Florida Rule of Criminal Procedure 3.692.

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

DONE AND ORDERED in Chambers at Orange County, Florida on this _____ day of _____, 20 _____.

Circuit Court Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand delivery to (name & address of defendant) _____

_____, and by inner office delivery to Office of the State of Attorney, Orange County Judicial Center, Orange County, Florida, this _____ day of _____ 20_____.

Judicial Assistant/Deputy Clerk

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO _____

STATE OF FLORIDA,
Plaintiff,

v.

_____,
Defendant/Petitioner.

**ORDER TO SEAL RECORDS UNDER SECTION 943.059, FLORIDA STATUTES, AND
FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date on Petitioner's petition to seal records concerning the petitioner's arrest on _____, by the (arresting agency) _____, and the Court having heard argument of counsel and being otherwise advised in the premises, the Court hereby finds:

1. The Petitioner has never been previously adjudicated guilty if a criminal offence or comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051 (3) (b), Florida Statutes.
2. The Petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest or criminal activity to which the instant petition pertains.
3. The Petitioner has not secured a prior records expunction or sealing.
4. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the instant petition for sealing non-judicial criminal history records.

Whereupon it is

ORDER AN ADJUDGED that the petition to seal records __ GRANTED __ DENIED. 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 **(check all that apply)**

- ____ State Attorney
- ____ Special Prosecutor
- ____ Statewide Prosecutor
- ____ Sheriff of Orange County
- ____ (arresting agency) _____

who will comply with the procedures set forth in section 943.059, Florida Statutes, and appropriate regulations of the Florida 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 record information regarding the arrest or alleged criminal activity to which this petition pertains 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 Defendant/Petitioner.

DONE AND ORDERED in Chamber at Orange County, Florida on this ____ day of _____, 20____.

Circuit Court Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand delivery to (name & address of defendant) _____

_____, and by inner office delivery to Office of the State of Attorney, Orange County Judicial Center, Orange County, Florida, this ____ day of _____ 20____.

Judicial Assistant/Deputy Clerk