

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

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 expungement of your 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 expungement of criminal records.

You must receive the original "Certificate Of Eligibility" from FDLE to expunge or seal your approved eligibility. **Note: The certificate is valid for one year from the date stamped on the certificate by FDLE.**

Complete the following forms, make a copy for your records, then file the originals with the Clerk of Court with the appropriate filing fee:

- Petition to Expunge or Seal Criminal Record (The Certificate of Eligibility must accompany this petition.)
- Affidavit
- Order to Expunge Under Section 943.0585, Florida Statutes, and Florida Rules of Criminal Procedure, 3.692

OR

- Order to Seal Record Under Section 943.059, Florida Statutes, and Florida Rules of Criminal Procedure, 3.692

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE 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 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 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 _____ expunction _____ sealing. Of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.

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

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 Twelfth Judicial Circuit
P.O. Box 1000
Bradenton, Florida 34206

_____ Florida Department of Law Enforcement
Attn: Seal/Expunge Section
P.O. Box 1489
Tallahassee, Florida 32302

_____ Manatee County Sheriff's Department
600 US Hwy 301 Blvd. West
Bradenton, FL 34205

_____, (Sheriff of county in which defendant was arrested if not Manatee
County)

Dated: _____

Name: _____

Address: _____

Phone No: _____

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

CASE NO _____

STATE OF FLORIDA,
Plaintiff,

v.

_____,
Defendant/Petitioner

AFFIDAVIT

State of Florida
County of Manatee

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 record 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.

Defendant/Petitioner

Sworn to and subscribed before me on _____.

NOTARY PUBLIC

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

____ Personally known
____ Produced identification
Type of identification produced _____

My commission expires: _____

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE 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 CAUSE having come on to be heard before me this date upon a petition to expunge certain records of the petitioner's arrest on _____, by _____, for _____ 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 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 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 nonjudicial criminal history records. Whereupon it is

ORDERED AND ADJUDGED that the Petition to Expunge is 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 **(check all that apply)**

- State Attorney
- Special Prosecutor
- Statewide prosecutor
- Office of State Court Administration
- Manatee County Sheriff's Department

_____, (Sheriff of county in which defendant was arrested if not Manatee County)

who will comply with the procedures set forth in section 943.0585, 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 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 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 Chambers at Manatee County, Florida on this _____ day of _____, 20 _____.

Circuit Court Judge

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE 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 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 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 nonjudicial criminal history records. Whereupon it is

ORDER AN ADJUDGED that the petition to seal records is 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 **(check all that apply)**

____ State Attorney

____ Special Prosecutor

____ Statewide Prosecutor

____ Office of State Court Administration

____ Sheriff of Manatee 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 Manatee County, Florida on this _____ day of _____, 20____.

Circuit Court Judge