

Expunge or Seal Criminal Records-

Step 2

RESEARCH GUIDE

AFTER you have received your “Certificate of Eligibility” from the Florida Department of Law Enforcement (FDLE).

This guide provides information to assist those who wish to understand how to petition the court to expunge or seal a criminal history record once they have received their ‘Certificate of Eligibility’ from the Florida Department of Law Enforcement.

Note: The certificate is valid for one year from the date stamped on the certificate by the FDLE.

You must have the original Certificate of Eligibility from the FDLE to file the Petition to Expunge or Seal.

1. Complete and file the following forms with the Clerk of the Court (You may wish to make a copy of these forms for your records prior to filing with the Clerk):
 - a. Petition to Expunge **or** Petition to Seal - Attach the certificate of eligibility
 - b. Affidavit in Support of Petition - Sign this completed form before a Notary Public or a Deputy Clerk
 - c. Proposed Order to Expunge or Seal
 - d. Notice of Hearing: The date and time for this hearing must be obtained from the judicial assistant of the presiding judge.
 - e. A filing fee will apply.

2. Deliver the following forms to the State Attorney, the Arresting Agency (Sheriff, Police Department, etc.), and the FDLE by certified mail or hand delivery (if hand delivered, obtain a ‘Receipt, Waiver and Consent to Expunge or Seal’ from the Law Library):
 - a. A copy of the Petition to Expunge **or** Petition to Seal
 - b. A copy of the certificate of eligibility
 - c. A copy of the signed and notarized Affidavit in Support of Petition to Expunge or Seal
 - d. Notice of Hearing: The date and time for this hearing must be obtained from the judicial assistant of the presiding judge.

- e. If you hand deliver your copies of the above forms to the State Attorney's office, have each of their office[s] sign, a "Receipt, Waiver and Consent of Petition" form.

You may obtain generic versions of these forms in the Law Library.

3. For the law relating to expunge or seal a criminal record, see Florida Statutes Chapter[s] [943.0585](#) & [943.059](#)

VCLL Resources:

The following are a few of the resources available on this subject in the Volusia County Law Library; please feel free to browse the shelves or ask a Librarian for assistance:

1. Florida Statutes Chapter[s] 943.0585 & 943.059
2. Florida Rules of Criminal Procedure, Rule 3.692
3. Florida Administrative Code, Chapter 11C-7
4. Petition to Expunge or Seal forms

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the nearest branch of the Volusia County Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY, YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE. Remember: Court and Clerk filing & service fees vary. Check with the Clerk of the Court for exact fees and court costs.