

## **SEAL OR EXPUNGE CRIMINAL RECORDS – A Procedural Guide**

This procedural guide provides instructions to assist those who wish to understand the process regarding the application for Certificate of Eligibility and the procedures to petition the court to expunge or seal a criminal history record.

1. Obtain a “CERTIFICATE OF ELIGIBILITY” from the Florida Department of Law Enforcement (FDLE).
  - To get a Certificate of Eligibility, you MUST complete the FDLE ‘Application for Certificate of Eligibility’.
  - You may purchase an ‘Application for Certificate of Eligibility’, at the law library, or for free, online through the FDLE web site. See the FDLE link: [http://www.fdle.state.fl.us/Content/getdoc/a0b8e853-ce18-4333-acd4-a97f3c0acdd0/Seal-and-Expunge-Application\\_Revised-06152010.aspx](http://www.fdle.state.fl.us/Content/getdoc/a0b8e853-ce18-4333-acd4-a97f3c0acdd0/Seal-and-Expunge-Application_Revised-06152010.aspx)
  - Follow the Instructions in the FDLE Application Packet (Note: You Will Have To Be Fingerprinted).
  - If Expunging A Record, You Will Have To Request The State Attorney’s Office to Complete Part ‘B’ Of The FDLE Application.
2. Send the completed application to:  
Florida Department of Law Enforcement (FDLE)  
Record Search Department,  
P.O. Box 1489,  
Tallahassee, FL 32302-1489

**NOTE:** It may take several months to receive the ‘Certificate of Eligibility’ back from FDLE.

### **AFTER you have received your “Certificate of Eligibility” from FDLE**

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

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

3. Complete and file the following forms with the Clerk of the Court (Make a copy of the following for your records prior to filing with the Clerk):
  - a. Petition to Seal **or** Petition to Expunge with the certificate of eligibility attached

- b. Affidavit in Support of Petition  
Sign this completed form before a Notary Public or a Deputy Clerk
  - c. Proposed Order to Seal or Expunge
  - d. Notice of Hearing: The date and time for this hearing must be obtained from the judicial assistant of the presiding judge.
4. Deliver the following to the State Attorney, the Arresting Agency and the FDLE by certified mail or hand delivery (if hand delivered, obtain and complete a copy of a “Receipt, Waiver and Consent of Petition” form):
- 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 you should complete, and have their office sign, a “Receipt, Waiver and Consent of Petition” form.

Sample blank copies of generic versions of these forms may be obtained at the reference desk, or on the patron computer desktops, in the Law Library.

**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. Chapter[s] 943.0585 & 943.059, Florida Statutes
2. Florida Rules of Criminal Procedure, Rule 3.692
3. Florida Administrative Code, Chapter 11C-7
4. VCLL Patron Computer Desktop – sample generic self-help 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.