

## SEAL AND EXPUNGE PROCEDURES

On April 8, 1992, the Governor signed into law Senate Bill 120, codified as sections 943.0585 (Expunge Statute) and 943.059 (Seal Statute). These new statutes, effective July 1, 1992, significantly change the process of sealing or expunging a criminal history record in Florida, while adding safeguards to prevent a non-modifying record from being sealed or expunged.

The following procedures must be followed by persons desiring to have their criminal history record sealed or expunged.

The prospective petitioner must obtain an application packet from the Clerk of the Court or directly from the Florida Department of Law Enforcement (FDLE). This packet contains an application form (FDLE 40-021) and an FBI Applicant Fingerprint Card (FD-258).

The petitioner must complete the application form according to the directions on the back and submit along with the following items to FDLE:

Money order, cashier's check or certified check in the amount of \$75.00 payable to FDLE.

A legible set of fingerprints recorded by a law enforcement agency on the FBI Applicant Fingerprint Card. The applicant may be charged a processing fee for this service.

The completed and notarized application form.

A certified copy of the final disposition of the charge(s) to which the application pertains. The applicant may be charged a fee for this service.

FOR EXPUNGES ONLY, a written certified statement from the appropriate State Attorney or Statewide Prosecutor as reflected on Section B of the application form.

After all the required information has been outlined by the petitioner, it must be mailed to FDLE at the following address:

Accounting and Budgeting  
Florida Department of Law Enforcement  
Post Office Box 1489  
Tallahassee, Florida 32309-1489  
ATTENTION: EXPUNGE SECTION

If the application is incomplete or if all of the required documentation is not present, the application packet will be returned unprocessed to the petitioner. If the application packet is complete, the \$75.00 fee will be deposited into the FDLE Operating Trust Fund and the application processed.

Once the application has been processed by FDLE, the petitioner will either receive a denial letter or a Certificate of Eligibility via certified mail, depending on whether the requested action met the statutory criteria or not. The Certificate of Eligibility is not a guarantee that the record will be sealed or expunged: it merely indicates that the subject of the record is eligible to petition the court. The decision of whether to grant the requested action rests solely with the presiding judge.

If the petitioner receives a Certificate of Eligibility, he is eligible to petition any court of competent jurisdiction for the sealing or expunging of his record. The appropriate action requested (seal or expunge) will be reflected on the Certificate of Eligibility.

Once the petitioner has provided the court with the Certificate of Eligibility and any other documents required by the court, a determination will be made regarding the requested sealing or expunging action. If the seal or expunge action is approved by the presiding judge, a court order will be issued requiring the affected agencies to seal or expunge their records.

The original arresting agency will make a positive association between the individual and the arrest and will send a certified copy of the court order, the Certificate of Eligibility and a letter of transmittal to FDLE so that the records can be sealed or expunged accordingly at the state and national levels.

If you have any questions regarding the new seal and expunge procedures, please contact the Expunge Section at (904)488-4762 or Suncom 278-4762.