



**Clerk of the Circuit Court
and County Comptroller**

St. Johns County, Florida

Petition to Seal or Expunge

Attn: Criminal Department

Phone: 904-819-3618 Fax: 904-819-3666

4010 Lewis Speedway

St. Augustine, FL 32084

<https://stjohnsclerk.com/courts/criminal/seal-expunge/>

General Information:

You should read this General Information thoroughly before taking any steps to file your case or represent yourself in court. This is not intended as a substitute for legal advice from an attorney. Each case has its own particular set of circumstances, and an attorney may advise you of what is best for you in your individual situation. If you have questions or concerns regarding these forms, commentary, instructions and appendices, the use of these forms, or your legal rights, it is strongly recommended that you talk to an attorney. If you do not know an attorney, you may call the Lawyer Referral Services at 561-687-3266.

All instructions and forms distributed by the Clerk of Court are provided as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. Any person using these instructions and/or forms does so at his or her own risk, and the Clerk shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

***** INFORMATION PURPOSES ONLY *****

NOTICE OF LIMITATION OF SERVICES PROVIDED:

THE PERSONNEL IN THIS OFFICE ARE NOT ACTING AS YOUR LAWYER, PROVIDING LEGAL ADVICE TO YOU, AND ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED. THE PERSONNEL IN THIS OFFICE CANNOT TELL YOU WHAT YOUR LEGAL RIGHT OR REMEDIES ARE.

ST. JOHNS COUNTY LEGAL AID

222 SAN MARCO AVENUE ST. AUGUSTINE, FL

(904) 827-9921

Toll Free 1 (877) 827-9921

OPEN: MONDAY – FRIDAY

HOURS: 8:30a.m. – 5:00p.m.



What is the difference between having a criminal history record sealed vs. expunged?

When a criminal history record is sealed, the public will not have access to it. Certain governmental or related entities, primarily those listed in s. 943.059(4)(a), Florida Statutes, have access to sealed record information in its entirety.

When a record has been expunged, those entities which would have access to a sealed record will be informed that the subject of the record has had a record expunged, but would not have access to the record itself without a court order. All they would receive is a caveat statement indicating that "Criminal Information has been Expunged from this Record".

Entities That Get Sealed And Expunged Records

The subject of a criminal history record sealed under this section or under other provisions of law, including former s.893.14, former s.901.33, and former s.943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under [s.943.0585](#) or [s.943.059](#);
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses childcare facilities; or
7. Is seeking authorization from a Florida seaport identified in s.311.09 F.S. for employment within or access to one or more of such seaports pursuant to s.311.12 F.S. or s.311.125 F.S.
8. Is attempting to purchase a firearm from a licensed importer, licensed manufacturer, or licensed dealer and is the subject to a criminal history background check under state or federal law. Firearm purchase program Tel: 850-410-8139.

When the record is expunged, the agency will only receive the subject's demographic information and a caveat statement that criminal history information has been expunged, but will be unable to receive the details.

Please refer to the Florida Department of Law Enforcement web site for additional information and frequently asked questions at:

www.fdle.state.fl.us



PETITION TO SEAL OR EXPUNGE

When should this form be used?

- This form should be used to request the courts to seal or expunge a **CRIMINAL CASE**.
- **Not all crimes** can be sealed or expunged, please read the back of the FDLE Application for Certificate Eligibility for additional information.

READ THE INSTRUCTION/INFORMATION BEFORE COMPLETING THE FORMS FOR FILING

DO NOT SIGN ANY DOCUMENTS THAT REQUIRES A NOTARY OR DEPUTY CLERK UNTIL YOU ARE IN FRONT OF THE NOTARY OR DEPUTY CLERK

FEES

Copies of court documents	1.00/page
Certification of court documents	2.00
Notary Fee	3.00
Fingerprint Card (cash only)	5.00
FDLE NON-REFUNDABLE fee (money order or cashier check)	75.00
Clerk processing fee (money order or cashier check)	54.00
Includes 3 certified copies of order	

Quick Reference Guide *Checklist of Forms to File*

Step by step instructions for completing the forms and when to file them.

Forms that are in your packet

- Application for Certification of Eligibility
- Fingerprint Card
- Petition to Seal or Expunge
- Affidavit
- Order to Seal
- Order to Expunge



Step One:

COMPLETING THE ORIGINAL DOCUMENTS

- The forms should be typed or printed in black ink.
- The forms must be signed before a notary or deputy clerk.

EXPUNGE APPLICANTS

- Complete every part of the Florida Department of Law Enforcement “Application for Certification of Eligibility” SECTION A.
- Submit your application **ONLY** by regular mail or in person for SECTION B to be completed. (This application will be returned to you after it is processed and completed)

➤ State Attorney’s Office
4010 Lewis Speedway
Bldg A, Suite 2022
St. Augustine, FL 32084
Tel: 904-209-1620

- WAIT**, the State Attorney will send your application back after they have completed Section B.
- Obtain a certified copy of the final disposition(s) for each of the charges you list on your application from the Clerk of Court’s office.
- Go to the Bailiff’s office at the St. Johns County Courthouse with the enclosed fingerprint card and get your fingerprints taken. There is a \$5.00 fee for this (cash only).

SEAL APPLICANTS

- Complete every part of the Florida Department of Law Enforcement “Application for Certification of Eligibility” SECTION A.
- Obtain a certified copy of the final disposition(s) for each of the charges you list on your application from the Clerk of Court’s office.
- Go to the Bailiff’s office at the St. Johns County Courthouse with the enclosed fingerprint card and get your fingerprints taken. There is a \$5.00 fee for this (cash only)



Step Two:

MAKE COPIES

- Make copies of all the documents for your own records before submitting.

Step Three:

SUBMIT APPLICATION TO FDLE

- Send your documents to FDLE for processing
 - Application for Certification of Eligibility
 - Fingerprint Card
 - Certified copy of final disposition for each of the charges listed
 - NON-REFUNDABLE FEE of \$75.00 payable by money order or cashier's check to Florida Department of Law Enforcement (FDLE)

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

The Florida Department of Law Enforcement will process your request and determine if you qualify. If so, they will send you a “Letter of Eligibility”. Applications are processed in the order in which they are received and may take anywhere from 30 to 90 days. Once you receive the Letter of Eligibility you are ready to file your Petition with the Clerk of Court.

If the application is not complete and all the necessary documents are not provided, FDLE will return your package unprocessed.



Step Four:

SUBMIT APPLICATION TO CLERK OF COURTS

- Requesting to Seal – file the following forms with the Clerk of Courts
 - Petition to Seal or Expunge
 - Affidavit
 - Proposed Order to Seal Records Pursuant to Section 943.059 Florida Statutes and Florida Rule of Criminal Procedure 3.692
 - Original Certificate of Eligibility Letter from FDLE
 - Clerk processing Fee of \$54.00 payable by money order or cashiers check to St. Johns County Clerk of Court

- Requesting to Expunge – file the following forms with the Clerk of Courts
 - Petition to Seal or Expunge
 - Affidavit
 - Proposed Order to Expunge Records Pursuant to Section 943.0585 Florida Statutes and Florida Rule of Criminal Procedure 3.692
 - Original Certificate of Eligibility Letter from FDLE
 - Clerk processing Fee of \$54.00 payable by credit card, money order or cashier's check to St. Johns County Clerk of Court

If the Judge grants your petition, he/she will sign the order and the Clerk will transmit a certified copy of the order to required agencies.

***** Note: it is up to each agency to comply....***

Once a case is sealed it takes a court order to unseal it.

**Once a case is expunged it CAN NOT be accessed.
You may want to get as many certified copies of documents NOW as needed
for any future use prior to the order being signed.**



IN THE CIRCUIT/COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR ST. JOHNS COUNTY, FLORIDA

Case No.: _____

Division _____

STATE OF FLORIDA
Plaintiff

v.

Defendant

PETITION TO SEAL OR EXPUNGE

The petitioner, _____, petitions this Honorable Court, Pursuant to Florida Rule of Criminal Procedure 3.692 and section 943.0585 Florida Statutes to expunge, or section 943.059 Florida Statutes to seal, all criminal history records in the custody of any criminal justice agency and the official records of the court concerning the petitioner's arrest or alleged criminal activity on the _____ day of _____, 20_____, by _____ (arresting/complaint agency) for _____, (charges), and as grounds therefore shows:

1. On the _____ day of _____, 20_____, the petitioner, _____, a _____ / _____ (race/sex), whose date of birth is _____, was arrested or a sworn complaint was filed by _____, and charged with or was alleged to have committed _____.

2. The petitioner has not been adjudicated guilty of, or adjudicated delinquent for 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, or been adjudicated delinquent for committing any felony or misdemeanor specified in section 943.05(3)(b), Florida Statutes.

4. The petitioner has never secured a prior sealing or expunction of a criminal history record under this section, 943.0585, or 943.059, Florida Statutes, former section 893.14, former section 901.33, or former section 943.058, or any other law, rule or authority, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (h) and the record is otherwise eligible for expunction.

5. 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 all criminal history records information and any official court records regarding his/her arrest or alleged criminal activity by _____ (arresting/complaint agency), for _____ (charges), on the _____ day of _____, 20 _____,

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on (check one) State Attorney for the Seventh Judicial Circuit, Special Prosecutor, Statewide Prosecutor; _____ (arresting/complaint agency), and the Florida Department of Law Enforcement, this _____ day of _____, 20 _____,

Defendant signature _____
Name: _____
Address: _____
City/ State/Zip: _____
Telephone Number: _____

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR ST. JOHNS COUNTY, FLORIDA

Case No.: _____

Division _____

STATE OF FLORIDA
Plaintiff

v.

Defendant

AFFIDAVIT

State of Florida

County of _____

I, _____, am the defendant 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 a 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 or alleged to have committed criminal activity on the ___ day of _____, 20___, by _____ (arresting/complaint 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.

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. (Expunction only.) My record of arrest or alleged criminal activity 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 charging document filed against me was dismissed by the prosecutor or the court.

Defendant signature _____

Sworn to and subscribed before me on the _____ day of _____, 20_____.

NOTARY PUBLIC or DEPUTY CLERK

Print, type, or stamp commissioned name of
Notary Public or Deputy Clerk

Personally known

Produced identification

Type of identification produced _____

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR ST. JOHNS COUNTY, FLORIDA

Case No.: _____

Division _____

STATE OF FLORIDA
Plaintiff

v.

Defendant

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

THIS CAUSE having come to be heard before me this date upon a petition to expunge certain records of the petitioner's arrest or alleged criminal activity on the _____ day of _____, 20_____, by _____ (arresting/complaint agency) for _____

_____, (charges), 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 a 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 alleged 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 one) State Attorney, Special Prosecutor, Statewide Prosecutor; _____ (arresting/complaint agency), and the Sheriff of St. Johns 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/complaint agency) shall expunge all information concerning the indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this defendant 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.

DONE AND ORDERED in Chambers at St. Johns County, Florida, this _____ day of _____, 20____.

Circuit / County Court Judge

IN THE CIRCUIT/COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR ST. JOHNS COUNTY, FLORIDA

Case No.: _____

Division _____

STATE OF FLORIDA
Plaintiff

v.

Defendant

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

THIS CAUSE having come to be heard before me this date upon defendant's petition to seal records of the petitioner's arrest or alleged criminal activity on the _____ day of _____, 20_____, by _____ (arresting/complaint agency) for _____

_____, (charges), 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 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 alleged 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 petition for sealing of nonjudicial criminal history records. Whereupon it is

ORDERED AND 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 one) State Attorney, Special Prosecutor, Statewide Prosecutor; _____ (arresting/complaint agency), and the Sheriff of St. Johns County, 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/complaint agency) shall seal all information concerning the indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this defendant 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.

DONE AND ORDERED in Chambers at St. Johns County, Florida, this _____ day of _____, 20_____.

Circuit / County Court Judge