



TOM BEXLEY, Clerk of the Circuit Court & Comptroller

1769 East Moody Blvd., Building #1 • Bunnell, Florida 32110
Phone: (386) 313-4400 • Website: flaglerclerk.com

INSTRUCTIONS FOR FILING A PETITION TO SEAL OR EXPUNGE CRIMINAL RECORDS

1. Before you can file your petition to expunge or seal your criminal history record with the court, you must apply to the Florida Department of Law Enforcement for a certificate of eligibility for sealing or expungement.
2. The application form FDLE 40-021 may be obtained by going to the FDLE website:
www.fdle.state.fl.us

3. Follow the instructions attached with the application packet. Complete the application and submit it to FDLE along with their processing fee.
4. Once you have submitted your completed packet, The Department will send you, via certified mail, return receipt requested a certificate of eligibility, if your records meet the requirements or a letter stating the reason for ineligibility.
5. You can obtain the following forms at www.flaglerclerk.com. These forms include

1. Affidavit for Expunge/Seal (1 page) must be notarized
2. Petition to Expunge Criminal Record (2 pages)
3. Petition to Seal Criminal Record (2 pages)

6. The statutory fees required by the Clerk of Court are:

\$42.00 filing fee

Plus

\$20.00 for certification of documents (5 orders at \$1.00 per page (each are 2 pages) and \$2.00 to certify each of the 5 orders).

7. Also needed are self-addressed stamped envelopes for yourself, and the following:

**Florida Department of Law Enforcement
Expunge Section
P.O. Box 1489
Tallahassee, FL 32302**

8. You must file with the Clerk of Courts, the original petition, affidavit and certificate along with the \$62.00 fee before the Judge will be able to rule on your case.

******* PLEASE NOTE PAYMENT NEEDS TO BE IN THE FORM OF A MONEY ORDER OR CASHIERS CHECK**

In the CIRCUIT/COUNTY Court
of the Seventh Judicial Circuit
in and for Flagler County, Florida.

Case No. _____

Division _____

State of Florida,
Plaintiff,

VS.

Defendant/Petitioner

PETITION TO EXPUNGE OR SEAL

Petitioner _____ petitions this honorable court, under Florida Rules of Criminal Procedure 3.692 and section __ 943.0585 or __ 943.059 Florida Statutes, to __ 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 _____ by the _____ (Arresting Agency) for the charge of _____, and as grounds therefore shows:

1. On _____ the petitioner, _____
a _____ (race/sex) _____ whose date of birth is _____ was arrested by _____ (Arresting Agency) for _____ (charge).

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 a misdemeanor specified in section 943.051 (3)(b), Florida Statutes.

4. The petitioner has not secured a prior records expunction or sealing under section 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 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 court.

6. A certificate of Eligibility for expunction of non-judicial 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 _____ (charge). on _____ (date of arrest).

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on the State Attorney for the Seventh Judicial Circuit, Flagler County, Florida; Florida Department of Law Enforcement and the _____ (Arresting Agency) on _____ day of _____, 20 ____.

Name

Address

City, State and Zip Code

Telephone Number: _____

In the CIRCUIT/COUNTY Court
of the Seventh Judicial Circuit
in and for Flagler County, Florida.

Case No. _____

Division _____

State of Florida,
Plaintiff,

VS.

Defendant/Petitioner

STATE OF FLORIDA
COUNTY OF FLAGLER

AFFIDAVIT

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 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 on _____ (date) 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 charging document filed against me
was dismissed by the prosecutor or court.

Dated this _____ day of _____, 20 _____

Defendant/Petitioner

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

Notary Public, Deputy Clerk, or Other Person
Authorized To Administer Oath

In the CIRCUIT/COUNTY Court
of the Seventh Judicial Circuit
In and for Flagler County, Florida.

Case No. _____

Division _____

State of Florida,
Plaintiff,

VS.

Defendant/Petitioner

STATE OF FLORIDA
COUNTY OF FLAGLER

**ORDER TO EXPUNGE RECORDS 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 on a petition to expunge certain records of the petitioner's arrest on _____ (date) by _____ (arresting agency), 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 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 non-judicial 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 expunged 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 State Attorney, Florida Department of Law Enforcement, and _____ (Arresting Agency), who will comply with the 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 the _____ (Arresting Agency) shall expunge 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 for in section 943.0585, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies herein are to be borne by the defendant/petitioner.

DONE AND ORDERED in Chambers at Bunnell, Flagler County, Florida on the _____ day of _____, 20 ____

Judge

CC: Defendant/Petitioner
Arresting Agency
Office of the State Attorney
Florida Department of Law Enforcement

In the CIRCUIT/COUNTY Court
of the Seventh Judicial Circuit
In and for Flagler County, Florida.

Case No. _____

Division _____

State of Florida,
Plaintiff,

VS.

Defendant/Petitioner

STATE OF FLORIDA
COUNTY OF FLAGLER

**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 a petition to seal certain records of the petitioner's arrest on _____ (date) by _____ (arresting agency), 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 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 non-judicial 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 State Attorney, Florida Department of Law Enforcement, and _____ (Arresting Agency), who will comply with the procedures set forth in section 943.059, Florida Statutes, and appropriate regulation 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 the _____ (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 herein are to be borne by the defendant/petitioner.

DONE AND ORDERED in Chambers at Bunnell, Flagler County, Florida on the _____ day of _____, 20 ____

Judge

CC: Defendant/Petitioner
Arresting Agency
Office of the State Attorney
Florida Department of Law Enforcement