FLORIDA DEPARTMENT OF LAW ENFORCEMENT
APPLICATION FOR A CERTIFICATE OF ELIGIBILITY FOR
SEALING (s. 943.059, F.S.) or EXPUNCTION (s. 943.585, F.S.)

Last Name	First Name	Middle Name
Alias Last Name(s)	Alias First Name(s)	Alias Middle Name(s)

Date of Birth (MM/DD/YYYY)	Race	Sex	Phone ( )	Social Security No.(optional)

Mailing Address	City	State	Zip
Permanent Address	**City**	**State**	**Zip**

Florida Driver's License No.	Email Address

Request Type: Seal

Arresting Agency: _____

	Date(s) of Arrest	Charge(s) Description
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

I hereby certify that the information contained herein is true and correct to the best of my knowledge.

_____ _____
Applicant's Signature Date

NOTARY

STATE OF _____ , COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ , 20 _____ , by

_____ _____
Signature of Notary Public Print/Type/Stamp Commissioned Name of Notary or Deputy Clerk of the Court

Personally Known _____ or Produced Identification _____ Type of Identification Produced: _____

WRITTEN CERTIFIED STATEMENT

EXPUNCTION APPLICATIONS ONLY

Page 1 and 2 of this application must be submitted to the state attorney/statewide prosecutor's office.

Name (Last, First Middle)	DOB (MM/DD/YYYY)	Phone

The section below must be completed by the state attorney/statewide prosecutor.

State Attorney/Statewide Prosecutor	Reviewing Officer
County	Circuit

	Charge(s) Description	Statute Violation	Case Number	Action
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

By checking paragraph 1, 2, or 3 and signing below, I certify that, based on the dispositions of all charges related to the above- referenced case(s), the record is **presently eligible** to be expunged, assuming the applicant is otherwise eligible. My signature does not imply that the applicant has satisfied all other statutory eligibility criteria, or that this office would not oppose a petition to expunge the above-referenced case.

- ❏ 1. An indictment, information, or other charging document was not filed or issued in the case; OR
- ❏ 2. An indictment, information, or other charging document, if filed or issued in the case, was dismissed or nolle prosequi by the state attorney or statewide prosecutor, or was dismissed by a court of competent jurisdiction, or a judgment of acquittal was rendered by a judge, or a verdict of not guilty was rendered by a judge or jury; OR
- ❏ 3. (a) None of the charges for which adjudication of guilt or of delinquency was withheld relates to a violation of s. 943.0584, F.S.; AND

  (b) None of the charges related to the arrest or alleged criminal activity to which the application for a certificate of eligibility to expunge pertains, resulted in an adjudication of guilt or of delinquency; AND

  (c) The record of the arrest or alleged criminal activity to which the application for a certificate of eligibility to expunge pertains, relates to charge(s) for which adjudication of guilt or of delinquency was withheld and has been sealed for at least 10 years.

Signature _____ Date _____

Title (Prosecuting Authority) _____

The above-referenced case(s) is **not eligible** to be expunged because:

- ❏ One or more of the charges related to the arrest or alleged criminal activity to which the application for a certificate of eligibility to expunge pertains resulted in an adjudication of guilt or of delinquency;
- ❏ The record of the arrest or alleged criminal activity to which the application for a certificate of eligibility to expunge pertains relates to a charge(s) for which adjudication of guilt or of delinquency was withheld has not been sealed for at least 10 years;
- ❏ One or more of the charges for which an adjudication of guilt or of delinquency was withheld relate to a violation of s. 943.0584 F.S.;
- ❏ Records available to this office disclose some other ground of statutory ineligibility:
  - ❏ Adjudication of guilt in a different case
  - ❏ Adjudication of delinquency for a felony or a misdemeanor pursuant to s. 943.0515, F.S.
  - ❏ Received a prior court order for sealing or expunction
  - ❏ Currently under court supervision for a charge(s) to which the application pertains

Signature _____ Date _____

Title (Prosecuting Authority) _____

FINGERPRINTS FOR
APPLICATION FOR CERTIFICATION OF ELIGIBILITY

Name:
Last _____ **First** _____ **Middle** _____

Alias/AKA Name(s):
Last _____ **First** _____ **Middle** _____

RACE: _____ **SEX:** _____ **DOB:** _____ ***SOC:** _____ **Place of Birth:** _____

Signature of Official Taking Fingerprints: _____ **ORI: _____

Signature of Person Fingerprinted: _____ Date: _____

1. R.Thumb	2. R.Index	3. R.Middle	4. R.Ring	5. R.Little
6. L.Thumb	7. L.Index	8. L.Middle	9. L.Ring	10. L.Little
Left Four Fingers Taken Simultaneously		L.Thumb	R.Thumb	Right Four Fingers Taken Simultaneously

*Social Security Number: This information is voluntary; however, failure to disclose may delay the processing time of your application.
**Fingerprints must be taken at a law enforcement entity. Agency stamp can substitute for ORI.

GENERAL INFORMATION

1. **Applicable Law:** Sections 943.0585 and 943.059, Florida Statutes (F.S.), and Chapters 11C-7.006 and 11C-7.007, Florida Administrative Code (FAC), govern the use of this application, for the sealing and expunction of non-judicial criminal history records by criminal justice agencies. These statutes and implementing rules require that you obtain a certificate of eligibility from the Florida Department of Law Enforcement (FDLE) **prior** to petitioning a court for an order to seal or expunge your non-judicial criminal history records and that you provide the information required by this application process.

2. **Application and Required Documents:** Type or print clearly all information, except signatures. Complete all portions of the application, and submit all required documents, along with the processing fee. **If your application is submitted without all required information, documentation, or the processing fee, FDLE will reject your application.**

Refer to the Application Checklist & Instruction page in this packet for further information regarding submitting a complete application packet.

3. **Mailing Instructions:** Mail your completed application packet and fee to:

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

REASONS AN APPLICATION WILL BE DENIED

Pursuant to s. 943.0585 and s. 943.059, F.S., a certificate of eligibility for sealing or expunction cannot be issued under any of the following circumstances:

1. The Florida criminal history record reflects you have been adjudicated guilty of a criminal offense or adjudicated delinquent for committing any felony or a misdemeanor specified in s. 943.0515, F.S. **Certain driving violations are classified as criminal, such as DUI, reckless driving, and (with some exceptions) driving while license is suspended/canceled/revoked.**
2. The Florida criminal history record reflects you have been adjudicated guilty or adjudicated delinquent for committing one or more of the acts stemming from the arrest or alleged criminal activity to which the application pertains.
3. The Florida criminal history record reflects you have received a prior sealing or expunction of a criminal history record under s. 943.0585, s. 943.059, former s. 893.14, former s. 901.33, or former s. 943.058, F.S.
4. The Florida criminal history record to which the application pertains relates to a violation of s. 943.0584, F.S., with a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

FULL PARDONS: The Florida Supreme Court held in R.J.L. v. State, 887 So. 2d 1268 (Fla. 2004) held that an individual who has received a full pardon is not entitled to a certificate of eligibility because a pardon does not have the effect of eliminating guilt or the fact of a conviction.

DISQUALIFYING CHARGES FOR SEALING/EXPUNCTION

A request for a certificate of eligibility for sealing or expunction of a criminal history record will be denied if the defendant was found guilty or pled guilty or nolo contendere, even if adjudication is withheld, on any offenses listed in s. 943.0584, F.S. :

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in s. 784.011 and s. 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in s. 784.03, s. 784.041, and s. 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;

(q) Burglary of a dwelling, as defined in s. 810.02;

(r) Voyeurism or video voyeurism, as defined in s. 810.14 and s. 810.145, respectively;

(s) Robbery or robbery by sudden snatching, as defined in s. 812.13 and s. 812.131, respectively;

(t) Carjacking, as defined in s. 812.133;

(u) Home-invasion robbery, as defined in s. 812.135;

(v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;

(w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;

(x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in s. 825.1025;

(y) Child abuse or aggravated child abuse, as defined in s. 827.03;

(z) Sexual performance by a child, as defined in s. 827.071;

(aa) Any offense defined in chapter 839;

(bb) Certain acts in connection with obscenity, as defined in s. 847.0133;

(cc) Any offense defined in s. 847.0135;

(dd) Selling or buying of minors, as defined in s. 847.0145;

(ee) Aircraft piracy, as defined in s. 860.16;

(ff) Manufacturing [as defined in c. 893] a controlled substance in violation of chapter 893;

(gg) Drug trafficking, as defined in s. 893.135; or

(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Application Checklist & Instructions

All documentation submitted must be originals. Copies will not be accepted.

❑ **Completed Application Page**
- The application page must be filled out in full including last name, first name, date of birth, race, sex, mailing address, permanent address, arresting agency, date of arrest, and charge(s).
- If you were given a Notice to Appear and not physically arrested, indicate the date of the Notice to Appear in place of the date of arrest.
- Applicant must sign the application in the presence of a notary public or a deputy clerk of the court.

❑ **Completed Written Certified Statement Page (Expunction Applications Only)**
- For **all** expunction applications (including juveniles), the written certified statement page completed by the appropriate state attorney or statewide prosecutor is required.

❑ **Certified Disposition**
- The applicant must provide a certified disposition of each case/criminal charge(s) listed on the application. This may be obtained from the clerk of court in the county where the case/charge(s) originated.
- If placed on probation, provide documentation showing termination of probation.
- For pre-trial intervention cases and other diversion programs, the applicant must provide a copy of the pretrial completion certificate or a letter of successful completion which may substitute for a certified disposition.

❑ **Completed Fingerprint Form/Card**
- The applicant must be fingerprinted by an authorized member of law enforcement or other criminal justice agency.
- The fingerprint form/card must include the applicant's name, date of birth, signature, and date.
- The fingerprint form/card must include the signature of the official taking the fingerprints and the agency's ORI/stamp.

❑ **Processing Fee**
- A NONREFUNDABLE money order, cashier's check, or personal check in the amount of $75.00 made payable to FDLE must accompany the application. FDLE does not accept cash, gift cards, or temporary personal checks.
- Make sure to completely fill out and sign the check/money order.
- EXCEPTION: This fee is not required for juvenile diversion expunction applications.

❑ **Attorney Letterhead (if applicable)**
- If you are represented by an attorney, a letter of representation from the attorney on letterhead must be submitted with the application. If an attorney letter is not received, FDLE will only correspond with the applicant.
- Make sure the appropriate mailing address is clearly indicated on this letter.

SPECIAL NOTE: It is **highly recommended** that you obtain and keep a copy of all pertinent documents (arrest report, certified disposition, order to seal/expunge, etc.) for your records before you secure the sealing or expunction of your criminal history record(s). Once a record(s) has been expunged under s. 943.0585, F.S., it is no longer available to be disseminated to anyone (including the subject of the record), under any circumstances, without a court order so authorizing. FDLE, as well as any other state or local agency, is statutorily prohibited from releasing copies of court-ordered expunged records. FDLE may **only** release a copy of an expunged record upon receipt of a court order.