

# *Hunter S. Conrad*

## **St. Johns County Clerk of Courts**

4010 Lewis Speedway, Saint Augustine, Florida 32084

Phone: (904) 819-3689

Fax: (904) 819-3666

Attn: Mathew I. Campbell

<http://www.sjccoc.us/courts/criminal/seal-expunge/>



## PETITION TO SEAL OR 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**

(a branch of Jacksonville Area Legal Aid, Inc.)

**222 SAN MARCO AVENUE**

**ST. AUGUSTINE, FLORIDA**

**(904) 827-9921**

**Or, 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 child care 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/content/getdoc/c83dd888-ef7a-448e-9a96-ba69fc4181f7/Seal-and-Expunge-Home.aspx](http://www.fdle.state.fl.us/content/getdoc/c83dd888-ef7a-448e-9a96-ba69fc4181f7/Seal-and-Expunge-Home.aspx)

# 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) Includes 3 certified copies of order	54.00

## *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 1

## **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 2

## MAKE COPIES

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

# Step 3

## 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 cashiers 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 4

## **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 cashiers 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.**