

How do I seal/expunge my record?

There are very strict criteria for sealing or expunging court records. Some of the requirements are:

- You were charged with a misdemeanor or felony offense but were not convicted or adjudication was withheld.
- The State Attorney declined to prosecute your case.
- You have not had any other court record sealed or expunged in the State of Florida.

You may be eligible to have court records about your case sealed or expunged. However, by Florida law, there are certain charges that cannot be sealed or expunged regardless of whether adjudication was withheld:

A list of criminal offenses that may not be sealed when (i.e., even if) **adjudication is withheld** is found in Section 943.059, F.S., and is included with the application package. (The same listing is found in Section 943.0585 F.S.,

because the specified offenses may not be expunged either, even if sealed for 10 years under an earlier version of the law.)

In addition, if a person has been **adjudicated guilty (as an adult) of any criminal offense in any jurisdiction** (or adjudicated delinquent, as a juvenile, in Florida for any felony or for certain specified misdemeanors), whether or not related to the charge(s) that the person is applying for, the record is ineligible for sealing and the application will be denied. FDLE conducts state, national, and criminal traffic records checks when processing applications.

What are the differences between a sealed record and an expunged record?

A **sealed** record can be opened only in certain ways, including:

- By order of the court
- For inspection by the Judiciary
- By the defendant
- By an attorney of record
- By a criminal-justice agency

Please seek advice from an attorney for more information on having criminal court records sealed.

On the other hand, if a record is **expunged**, it will no longer exist. The case and any references to the case are destroyed. However, as governed by Florida Rule 3.692, there are some instances in

which a case cannot be expunged until 10 years after the record of arrest has been sealed. Please seek advice from an attorney for more information about having criminal court records expunged.

You can get a packet with instructions on how to seal or expunge your case by visiting <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>