



THE HONORABLE
GWEN MARSHALL

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

CLERK OF COURTS • COUNTY COMPTROLLER • AUDITOR • TREASURER • RECORDER

CIVIL/CRIMINAL ADMINISTRATION DIVISION

INSTRUCTIONS FOR SEALING/EXPUNGING AN ADULT OR JUVENILE CRIMINAL COURT RECORD

A. Florida Department of Law Enforcement (FDLE) Certificate of Eligibility packet

1. Obtain this [packet](#) from FDLE or the Clerk's Office, and complete the form and fingerprint card.
2. Know the date of arrest, address at time of arrest, arresting charge(s), arresting agency, and arresting agency case number.
3. Obtain a certified copy of the Final Disposition (judgment & sentence) in your case from the Clerk's Office. The cost is not included in the Clerk's filing fee.
4. Ask the State Attorney's Office, 301 S. Monroe St., 4th Floor, Tallahassee, FL 32301, (850) 606-6000, to complete Section B of the Application for Certification of Eligibility.
5. Submit this packet, along with a \$75.00 money order or cashier's check to FDLE, Special Services Bureau, ATTN: Expunge Processing, Post Office Box 1489, Tallahassee, FL 32302. FDLE will mail a Certificate of Eligibility to you.

B. Court forms: Petition to Seal or Expunge, Affidavit, and Proposed Order

1. Obtain these forms from the Clerk's Office, and sign the petition/affidavit in the presence of a notary public/deputy clerk. A photo ID is required. On the proposed order, fill in your name, case number, current mailing address, and telephone number.
2. Complete all documents as thoroughly as possible; the Clerk's Office cannot complete these forms for you or correct any errors. Please understand that incomplete documents sent to the judge could result in a delay or possible denial of the petition.
3. Send copies of these forms, and a copy of the Certificate of Eligibility (received from FDLE), to the Leon County State Attorney's Office.
4. File your Petition to Seal or Expunge, the affidavit, the proposed order, and the original FDLE Certificate of Eligibility with the Clerk's Office.
5. Please be aware that your seal or expunge request will not be processed without payment of the required \$66.50 filing fee. This does not include fees for copies of the judgment and sentence and seal/expunge packet.
6. The Clerk's Office will forward your paperwork to the judge. If you meet all statutory criteria for sealing or expunging a criminal record, the judge will seal or expunge your records by order. However, if you are participating in the Clerk's payment program, all documents relating to your participation will remain open to the public until payment is made in full. See Administrative Order 2000-10. All other aspects of your criminal record will be sealed or expunged pursuant to the court order. Once full payment is made, you must notify the Clerk's Office so that the payment program documents can be sealed or expunged.
7. The Clerk's Office will send copies of the court order to you, the arresting agency, the State Attorney's Office, the Leon County Sheriff's Office, and any other applicable parties associated with the case. This is done so that these agencies can take the necessary actions for sealing or expunging their own records.

III. Service on the State Attorney's Office

- A. Sections 943.0585 and 943.059, Florida Statutes, require a person seeking to seal or expunge a criminal history record to serve the State Attorney's Office:

(3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

(a) In judicial proceedings under this section, a copy of the completed petition to expunge shall be served upon the appropriate state attorney or the statewide prosecutor and upon the arresting agency; however, it is not necessary to make any agency other than the state a party. The appropriate state attorney or the statewide prosecutor and the arresting agency may respond to the court regarding the completed petition to expunge.

- B. Make sure to provide the State Attorney's Office with a copy of your petition before filing it with our office. For Leon County, the address of the State Attorney's Office is 301 South Monroe Street, Fourth Floor, Tallahassee, FL 32301.
- C. You may leave this instruction sheet with their office, and that office may use this sheet to indicate whether they will be filing a response in your case. Make sure to note your name and case number below.

Defendant Name: _____

Case Number: _____

The State Attorney's Office will be filing a response to the Petition to Seal or Expunge.

The State Attorney's Office will not be filing a response to the Petition to Seal or Expunge.