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Sealing and Expungement...a SECOND CHANCE

Having a second chance in life is an opportunity not to be missed. This pamphlet contains information that may help those that qualify clear the way for a brighter future.

-Katherine Fernandez Rundle

What does it mean to have a criminal case sealed?

A closed criminal case may be sealed under some specific circumstances. A sealed record is not physically destroyed, but kept confidential except from many government agencies. If you received a withhold of adjudication on any misdemeanor or felony, except those that are considered to be dangerous crimes (i.e: Robbery, Aggravated Battery, Aggravated Assault, Child Abuse, etc.) you may be eligible to have the case sealed. A list of the exceptions is available on the Florida Department of Law Enforcement (FDLE) application for certificate of eligibility or on their website: www.fdle.state.fl.us.

What does it mean to have a criminal record expunged?

A closed criminal case may be removed from your criminal history under some specific circumstances. When a case is expunged from your criminal history it is physically destroyed and removed by any criminal justice agency that has a copy of the record.

You may be eligible if:

- You have not been convicted or adjudicated delinquent on any felony or misdemeanor offense.
- You are no longer under court supervision or probation and your case is closed.
- You have not had a case sealed or expunged in the past.
- You have a case that was nolle prosequi, dismissed or no-actioned. This applies to expunging cases only.

What is the application process?

1. Complete the FDLE Application for Certification of Eligibility and have it notarized.
2. Submit an FDLE Fingerprint form completed by authorized personnel at a Law Enforcement or Criminal Justice Agency.
3. Obtain a copy of the certified disposition of each charge that you are requesting to have sealed or expunged.
4. Include a nonrefundable money order or cashier's check for \$75.00 made payable to FDLE.
5. Mail the completed application package to:

Florida Department of Law Enforcement
ATTN: Expunge/Seal Section
P.O. Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7870

6. When you receive a certificate of eligibility from FDLE take it to the Clerk of Courts to file a motion for the case to be heard by a Judge.
7. The final step in this process is having a Judge sign an order allowing the case to be sealed or expunged.

How much does it cost?

The processing fee to FDLE is \$75.00. There may be other costs associated with the notary public, fingerprinting and documents obtained from the Clerk of the Court.

How many cases am I allowed to seal or expunge at a time?

One. You can only seal or expunge one case in your lifetime, but one case may include more than one charge. If a Judge determines that an additional arrest is **directly** related to the first arrest and writes that on the order he or she signs, an additional arrest may be sealed at the same time.

Where can I go to obtain a certified copy of the final disposition of my charge(s)?

For felony and misdemeanor cases:

Clerk of the Courts, Richard E. Gerstein Building, 1351 NW 12th Street, Miami 33125

For misdemeanor domestic violence cases:

Clerk of the Courts, Lawson E. Thomas Courthouse Center, 175 NW 1st Ave., Miami 33128

For more information about this and other Sealing & Expungement Events contact :

COMMUNITY OUTREACH DIVISION (Main office)
305-547-0724

Or

THE JOSEPH CALEB CENTER BRANCH OFFICE
5400 NW 22nd Avenue, Suite 100B
305-636-2240
FAX: 305-636-2241

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