

LAKE COUNTY CLERK OF THE CIRCUIT COURT AND COMPTROLLER
550 WEST MAIN STREET
P. O. BOX 7800
TAVARES, FLORIDA 32778
(352) 742-4100

PETITION TO EXPUNGE OR SEAL

NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN
GOOD STANDING OF THE FLORIDA BAR

This package is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form drafted. Any person using these instructions and forms does so at his/her own risk.

Please note that Florida law prevents our staff from providing legal advice.

The Clerk of the Circuit Court cannot assist you in the filing of your application for sealing or expungement of your criminal history records. You may wish to contact an attorney to assist you in this complex procedure. If you choose to represent yourself, you may want to research the Florida Statutes and the Rules of Criminal Procedure, which govern expungement or sealing of criminal records.

You must have the original Certificate of Eligibility from FDLE to file the Petition to Expunge or Seal. **Note:** **The certificate is valid for one year from the date stamped on the certificate by FDLE.**

Complete the following forms:

- Petition to Expunge or Seal
- Affidavit in Support of Petition to Expunge or Seal
 - Sign this completed form before a Notary Public or a Deputy Clerk
- Receipt for Copy of Petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (State Attorney – Hand Delivery)
- Objection/Consent of Office State Attorney
- Receipt for Copy of Petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (Arresting Agency – Hand Delivery)
- Objection/Consent of Arresting Agency
- Order to Expunge Under Section 943.0585, Florida Statutes, and Florida Rules of Criminal Procedure, 3.692

OR,

- Order to Seal Records Under Section 943.059, Florida Statutes, and Florida Rules of Criminal Procedure, 3.692
-

Deliver the following to the State Attorney:

- a copy of the Petition to Expunge or Seal,
- a copy of the Certificate of Eligibility,
- a copy of the signed notarized Affidavit in Support of Petition to Expunge or Seal,
- the original Objection/Consent of Office of State Attorney,

- the original Receipt for Copy of petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (State Attorney – Hand Delivery),
 - wait for the Receipt to be signed,
 - the signed Receipt needs to be filed with the original Petition at the Lake County Clerk of Court’s office.

Deliver the following to the Arresting Agency:

- a copy of the Petition to Expunge or Seal,
- a copy of the Certificate of Eligibility,
- a copy of the signed notarized Affidavit in Support of Petition to Expunge or Seal,
- the original Objection/Consent of Arresting Agency,
- the original Receipt for Copy of petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (Arresting Agency – Hand Delivery),
 - wait for the Receipt to be signed,
 - the signed Receipt needs to be filed with the original Petition at the Lake County Clerk of Court’s office,

Deliver the following to FDLE by U.S. Certified mail or hand delivery:

- a copy of the Petition to Expunge or Seal,
- a copy of the Certificate of Eligibility,
- a copy of the signed notarized Affidavit in Support of Petition to Expunge or Seal.

File the following with the Clerk of Court with the appropriate filing fee: (Make a copy of the following for your records prior to filing with the Clerk.)

- the original Petition to Expunge or Seal,
- the original Certificate of Eligibility,
- the original notarized Affidavit in Support of Petition to Expunge or Seal,
- the original Receipt for Copy of petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (State Attorney – Hand Delivery),
 - signed by a recipient of the State Attorney’s Office,
- the original Receipt for Copy of Petition to Expunge, Certificate of Eligibility, and Affidavit in Support of Petition to Expunge (Arresting Agency – Hand Delivery),
 - signed by a recipient of the arresting agency,
- the original Order to Expunge or Order to Seal.

If you have not received a copy of the Order to Expunge or Seal within 30 days of filing your Petition with the Clerk of Court,

- review your case on the Clerk’s website www.lakecountyclerk.org to determine the status of your case.

If an objection has been filed by either the State Attorney or Arresting Agency, you will need to schedule a hearing with the judge assigned to your case.

- Contact the judicial assistant and schedule a hearing.
- Complete the Notice of Hearing on the Florida Courts website, www.flcourts.org; under the bullet Self-Help, select Family Law Forms, scroll down to Form 12.923, select the PDF version, and complete the blanks on the form.
- Mail the Notice of Hearing to the parties required to attend the hearing.

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

PETITION TO EXPUNGE OR SEAL

The Defendant/Petitioner, _____(name), petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and (check one) _____ section 943.0585, or _____ section 943.059 Florida Statutes, to (check one) _____ expunge _____ seal all criminal history record information in the custody of any criminal justice agency and the official records of the court concerning the Defendant/Petitioner's arrest on _____, by _____(arresting agency), for _____ (charges), and as grounds therefore shows:

1. On _____ (date) the Defendant/Petitioner, _____, a _____(race/sex), whose date of birth is _____, was arrested by _____(arresting agency), and charged with _____.
2. The Defendant/Petitioner has not been adjudicated guilty of, or adjudicated delinquent for, committing any of the acts stemming from the arrest or alleged criminal activity set forth in paragraph 1 above.
3. The Defendant/Petitioner has never, prior to the date on which this petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for, committing any felony or misdemeanor specified in s. 943.051(3)(b)4.
4. The Defendant/Petitioner has never secured a prior sealing or expungement of a criminal history record under sections 943.0585, or 943.059, former section 943.058, former section 893.14, or former section 901.33, Florida Statutes, or from any jurisdiction outside the state of Florida, unless expungement is being sought of a criminal history record previously sealed for 10 years pursuant to paragraph 5 below and the record is otherwise eligible for expungement.
5. (To be used only when requesting expungement – delete if requesting sealing.) The Defendant/Petitioner's record has been sealed under section 943.059, Florida Statutes, former section 943.058, Florida Statutes, former section 893.14, Florida Statutes or former section 901.33, Florida Statutes, for at least 10 years; or there has not been an indictment, information, or other charging document filed against the Defendant/Petitioner who is the subject of this criminal history record information; or an indictment, information, or other charging document filed against the Defendant/Petitioner who is the subject of this criminal history information was dismissed by the

prosecutor or the court.

- 6. A Certificate of Eligibility for (check one) _____ expungement _____ sealing of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition together with an Affidavit in Support of Petition to Expunge or Seal as required under Florida Statutes.

WHEREFORE, the Defendant/Petitioner moves to (check one) _____ expunge _____ seal any criminal history record information and any official court records regarding his/her arrest by _____ (arresting agency), for _____ (charges), on _____ (date).

I HEREBY CERTIFY that true and correct copies of this Petition, Certificate of Eligibility and Affidavit in Support of Petition for Expungement have been delivered by U.S. Certified Mail Return Receipt Requested or Hand Delivery to the following: (Defendant/Petitioner must provide proof of service to the clerk before any action will be taken by the Court.)

_____ State Attorney for the Fifth Judicial Circuit
 550 West Main Street
 P.O. Box 7800
 Tavares, Florida 32778

_____ Florida Department of Law Enforcement
 Attn: Seal/Expunge Section
 P.O. Box 1489
 Tallahassee, Florida 32302

_____ Lake County Sheriff's Department
 Attn: Legal Department
 360 West Ruby Street
 Tavares, Florida 32778

 (arresting agency's name and address)

 (Name and address of Sheriff of county in which defendant was arrested, if different from Lake County)

Dated: _____

 Signature of Defendant/Petitioner
 Printed Name: _____
 Address: _____
 City, State, Zip: _____
 Telephone Number: _____
 Fax Number: _____

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

Affidavit in Support of Petition to Expunge or Seal

STATE OF FLORIDA
COUNTY OF _____

I, _____, (name of Defendant/Petitioner),
am the Defendant/Petitioner in the above-styled cause and I do hereby swear or affirm that:

1. I fully understand the meaning of all of the terms of this Affidavit.
2. I was arrested on _____ (date), by _____ (arresting agency), and I have not been adjudicated guilty of, or adjudicated delinquent for, committing any of the acts stemming from the arrest or alleged criminal activity.
3. I have never, prior to the date on which this Petition is filed, been adjudicated guilty of a criminal offense or comparable ordinance violation, or been adjudicated delinquent for, committing any felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.
4. I have never secured a prior sealing or expungement of a criminal history record under Section 943.0585, former section 893.14, former section 901.33, or former section 943.058, Florida Statutes, or from any jurisdiction outside the State of Florida, unless expungement is sought of a criminal history record previously sealed for 10 years pursuant to Section 943.0585(2)(h), Florida Statutes, and the record is otherwise eligible for expungement.
5. My record of arrest for which I am seeking expungement has been sealed for at least 10 years, or an indictment, information, or other charging document was not filed against me for the crime I am seeking to expunge, or an indictment, information, or other charging document filed against me was dismissed by the prosecutor or the court.
6. My record is eligible for expungement to the best of my knowledge or belief and I do not have any other petition to expunge or any petition to seal pending before any other court.
7. I understand knowingly making a false statement or providing false information constitutes a felony in the third degree punishable under sections 775.082, 775.083 or 775.084, Florida Statutes.

Dated: _____

Signature of Defendant/Petitioner
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

Sworn to or affirmed and personally signed before me on _____ by

Personally known

Produced Identification
Type of identification produced

Notary Public or Deputy Clerk

Print, type of stamp commissioned name of notary or
Deputy Clerk.

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

**Receipt for Copy of Petition to Expunge, Certificate of Eligibility, and Affidavit in
Support of Petition to Expunge
(State Attorney – Hand Delivery)**

The undersigned, on behalf of the Office of State Attorney for the Fifth Judicial Circuit, hereby acknowledges receipt of a copy of the Petition to Expunge, Certificate of Eligibility and Affidavit in Support of Petition to Expunge in the above styled cause via hand delivery.

William Gladson, State Attorney
Fifth Judicial Circuit of Florida

Dated: _____

By: _____

Signature

Printed Name: _____

Title: _____

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

Objection/Consent of Office of State Attorney

(The Objection/Consent of Office of State Attorney is to be completed by the State Attorney and filed with the Lake County Clerk of Circuit Court.)

The Office of State Attorney

_____ objects to the Petition to Expunge or Seal and hereby requests a hearing before the Court.

_____ consents to the entry of the Petition to Expunge or Seal.

William Gladson, State Attorney
Fifth Judicial Circuit of Florida

Dated: _____

By:

Signature
Printed Name: _____
Title: _____

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

**Receipt for Copy of Petition to Expunge, Certificate of Eligibility, and Affidavit in
Support of Petition to Expunge
(Arresting Agency – Hand Delivery)**

The undersigned, on behalf of _____ (name of arresting agency) hereby acknowledges a copy of the Petition to Expunge, Certificate of Eligibility and Affidavit in Support of Petition to Expunge in the above styled cause via hand delivery.

Name of Agency: _____

Dated: _____

By: _____

Signature

Printed Name: _____

Title: _____

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NO. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

Objection/Consent of Arresting Agency

(The Objection/Consent of Arresting Agency is to be completed by the arresting agency and filed with the Lake County Clerk of Circuit Court.)

The _____ (name of arresting agency)

_____ objects to the Petition to Expunge or Seal and hereby requests a hearing before the Court.

_____ consents to the entry of the Petition to Expunge or Seal.

Name of Agency: _____

Dated: _____

By: _____

Signature

Printed Name: _____

Title: _____

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

Case No. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

**ORDER TO EXPUNGE UNDER SECTION 943.0585, FLORIDA STATUTES, AND
FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date on a Petition to Expunge certain records of the Defendant/Petitioner's arrest on _____ (date), by _____ (arresting agency), for _____ (charges), and the Court having reviewed the Petition and accompanying documents and being otherwise fully advised in the premises, the Court hereby finds the following:

1. The Defendant/Petitioner has never previously been adjudicated guilty of a criminal offense or comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051 (3) (b), Florida Statutes.
2. The Defendant/Petitioner has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the petition pertains.
3. The Defendant/Petitioner has not secured a prior records expunction or sealing.
4. This record has either been sealed for at least 10 years; or no indictment, information, or other charging document was ever filed in this case against the Defendant/Petitioner; or an indictment, information, or other charging document filed against the Defendant/Petitioner was dismissed by the prosecutor or the court.
5. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the Petition for expunction of nonjudicial criminal history records.
6. Neither the arresting agency nor the appropriate State Attorney has filed an objection to the Petition.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Petition to Expunge is granted. All court records pertaining to the above-styled case shall be expunged in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check all that apply):

State Attorney
 Special Prosecutor
 Statewide prosecutor
 FDLE
 Lake County Sheriff's Department
_____ (arresting agency)
_____ (Sheriff of county in which Defendant/Petitioner was arrested, if different from Lake County)

who will comply with the procedures set forth in section 943.0585, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that _____ (arresting agency) shall expunge all information concerning indicia of arrest or criminal history record information regarding the arrest of alleged criminal activity to which this Petition pertains in accordance with the procedures set forth in section 943.0585, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the Defendant/Petitioner.

DONE AND ORDERED in Chambers at Lake County, Florida on this _____ day of _____, 20 _____.

Circuit Court Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand delivery to (name and address of Defendant/Petitioner) _____, and by inter-office delivery to Office of the State of Attorney, Lake County Judicial Center, Lake County, Florida, and to the arresting agency (if any), at _____ this _____ day of _____ 20 _____.

Judicial Assistant/Deputy Clerk

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

Case No. _____

STATE OF FLORIDA
Plaintiff,

-vs-

_____,
Defendant/Petitioner.

**ORDER TO SEAL RECORDS UNDER SECTION 943.059, FLORIDA STATUTES, AND
FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE having come on to be heard before me this date on Defendant/Petitioner's Petition to Seal Records concerning the Defendant/Petitioner's arrest on _____ (date), by the _____ (arresting agency), and the Court having reviewed the Petition and accompanying documents and being otherwise advised in the premises, the Court hereby finds:

1. The Defendant/Petitioner has never been previously adjudicated guilty of a criminal offense or comparable ordinance violation nor adjudicated delinquent for committing a felony or a misdemeanor specified in section 943.051(3)(b), Florida Statutes.
2. The Defendant/Petitioner has not been adjudicated guilty of, or adjudicated delinquent for committing, any of the acts stemming from the arrest or alleged criminal activity to which the Petition pertains.
3. The Defendant/Petitioner has not secured a prior records expunction or sealing.
4. A Certificate of Eligibility issued by the Florida Department of Law Enforcement accompanied the instant Petition for sealing nonjudicial criminal history records.
5. Neither the arresting agency nor the appropriate State Attorney has filed an objection to the Petition.

IT IS, THEREFORE, ORDER AND ADJUDGED that the Petition to Seal Records is granted. All court records pertaining to the above-styled case shall be sealed in accordance with the procedures set forth in Florida Rule of Criminal Procedure 3.692; and it is further

ORDERED AND ADJUDGED that the clerk of this court shall forward a certified copy of this order to the (check all that apply):

- ____ State Attorney
- ____ Special Prosecutor
- ____ Statewide Prosecutor
- ____ Sheriff of Lake County

____ (arresting agency)
 ____ (Sheriff of the county in which Defendant/Petitioner was arrested, if different from Lake County)

who will comply with the procedures set forth in section 943.059, Florida Statutes, and appropriate regulations of the Florida Department of Law Enforcement, and who will further forward a copy of this order to any agency that their records reflect has received the instant criminal history record information; and it is further

ORDERED AND ADJUDGED that _____ (arresting agency) shall seal all information concerning indicia of arrest or criminal history record information regarding the arrest or alleged criminal activity to which this Petition pertains in accordance with the procedures set forth in section 943.059, Florida Statutes, and Florida Rule of Criminal Procedure 3.692.

All costs of certified copies involved herein are to be borne by the Defendant/Petitioner.

DONE AND ORDERED in Chamber at Lake County, Florida on this ____ day of _____, 20____.

Circuit Court Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand delivery to

 (name and address of Defendant/Petitioner), and by inter-office delivery to Office of the State of Attorney, Lake County Judicial Center, Lake County, Florida, and to the arresting agency (if any), at _____ this ____ day of _____ 20____.

Judicial Assistant/Deputy Clerk