

OSCEOLA COUNTY CLERK OF CIRCUIT COURT
2 COURTHOUSE SQUARE
SUITE 2000
KISSIMMEE, FLORIDA 34741
expunge.seal@osceolaclerk.org

PETITION TO EXPUNGE CRIMINAL RECORD

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 Osceola County 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 Florida Rules of Civil Procedure which govern sealing or expungement of criminal records.

You must receive a “**Certificate of Eligibility**” from FDLE prior to completing this packet. For more information please visit: www.fdle.state.fl.us

Note: The certificate is valid for one year from the date listed.

Complete the following forms, make a copy for your records, and then file the originals with the Osceola County Clerk of the Circuit Court with the appropriate filing fee:

- ❖ Petition to Expunge Criminal Record (The FDLE Certificate of Eligibility must accompany this petition);
- ❖ Affidavit; and
- ❖ Proposed Order to Expunge Under Section 943.0585, Florida Statutes, and Florida Rules of Criminal Procedure 3.692

___ Originals: Clerk’s Office

___ Copies: State Attorney’s Office, FDLE and Arresting Agency – It is your responsibility to send these copies. The State must respond to your Petition prior to it going to a Judge for review.

******NO filing fees**

After approval by the Court of your petition, an invoice will be mailed or emailed to the address listed on your petition. Once payment is received, the certified copy of the signed Order to Expunge or Seal will be disseminated to you and any government agency that possesses your record. There is a \$42.00 service charge plus the costs for the certified copies.

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

Case Number: _____

STATE OF FLORIDA,
Plaintiff,

vs.

_____,
Defendant/Petitioner.

PETITION TO EXPUNGE OR SEAL CRIMINAL RECORD

The Petitioner, _____, petitions this Honorable Court, under Florida Rule of Criminal Procedure 3.692 and 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 Petitioner's arrest on (date of arrest) _____ by (arresting agency) _____, for (charges) _____.

_____, and as grounds therefore shows:

1. On _____ the Petitioner, _____, a (race) _____ (sex) _____, whose date of birth is _____ was arrested by (arresting agency) _____ and charged with _____.
2. The Petitioner has not been adjudicated guilty of the acts stemming from this arrest or alleged criminal activity.
3. The Petitioner has not been previously adjudicated guilty of a criminal offense or a comparable ordinance violation nor adjudicated delinquent for committing a felony or misdemeanor specified in section 943.051(3)(b), Florida Statutes.
4. The Petitioner has not secured a prior records expunction or sealing under sections 943.0585 or 943.059, Florida Statutes, former section 943.058, 893.14, 901.33, Florida Statutes, or any other law, rule or authority.
5. **(To be used only when requesting expunction.)** The Petitioner's record has been sealed under section 943.059 Florida Statutes, (former section 943.058, Florida Statutes, former section 893.14 Florida Statutes), for at least 10 years; or there has not been an indictment, information, or other charging document filed against the Petitioner who is the subject of this criminal history information that was dismissed by the prosecutor or the court.

6. A Certificate of Eligibility for _____expunction _____sealing of no judicial criminal history records issued by the Florida Department of Law Enforcement accompanies this Petition.

WHEREFORE, the Petitioner moves to _____expunge _____seal any criminal history record information and any official court records regarding his/her arrest by (arresting agency) _____, for (charges) _____, ON (arrest date) _____.

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been delivered by U.S. Mail to the following:

(check all that apply)

_____ State Attorney for the Ninth Judicial Circuit
2 Courthouse Square
Suite 3500
Kissimmee, Florida 34741

_____ Kissimmee Police Department
8 North Stewart Avenue
Kissimmee, Florida 34741

_____ Florida Department of Law Enforcement
Attn: User Services Bureau Specials Desk
2331 Phillips Road
P.O. Box 1489
Tallahassee, Florida 32302

_____ St. Cloud Police Department
4700 Neptune Road
St. Cloud, Florida 34769

_____ Osceola County Sheriff's Office
2601 E. Irlo Bronson Memorial Hwy
Kissimmee, Florida 34744

_____ Attention: Records
Sheriff of County in which
defendant was arrested if not
Osceola County or arresting
Police Department

Dated: _____

Name _____
Printed _____

Address: _____

*Phone No: _____

*Email Address: _____

*By providing a phone number and email address, you authorize the Clerk's Office and/or deputy clerks to contact you by mail, email, telephone, text, automated contact or other means of communication.

Signature: _____

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

Case Number: _____

STATE OF FLORIDA,
Plaintiff,

vs.

_____,
Defendant/Petitioner.

AFFIDAVIT

State of Florida
County of Osceola

I, _____, 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 have never 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.
3. I was arrested on _____; by (arresting agency) _____ and I have not been adjudicated guilty of, nor adjudicated delinquent for committing, any of the acts stemming from that arrest or the alleged criminal activity surrounding my arrest.
4. I am eligible for the relief requested, to the best of my knowledge and belief, and do not have any other petition to expunge or seal pending before any court.
5. I have never secured a prior records expunction or sealing under any law.
6. (For use in expunction petitions only.) My record of arrest for this date has been sealed for at least 10 years; or an indictment, information, or other charging document was not filed against me for the above criminal transaction; or an indictment, information, or other charging document filed against me was dismissed by the Prosecutor or the Court.

Defendant/Petitioner Signature

Defendant/Petitioner Printed Name

Sworn to and subscribed before me on this
_____ day of _____, 20_____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or clerk.]

_____ Personally Known
_____ Produced identification/Type of Identification produced _____.

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

Case Number: _____

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 MATTER is before the Court on the Petitioner's Petition to Expunge in the above captioned matter. Having reviewed said Petition, court file/records and being fully advised in the premises, the Court hereby finds the following:

1. The 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 Petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest or criminal activity to which this expunction petition pertains.
3. The Petitioner has not secured a prior records expunction or sealing.
4. The Petitioners' record has either been sealed for at least ten (10) years; or no indictment, information, or other charging document was ever filed in this case against the Petitioner; or any indictment, information, or other charging document filed against the 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 which indicated no judicial criminal history records.

It is therefore **ORDERED AND ADJUDGED** that the Petition to Expunge is:
(check one) _____ **GRANTED** _____ **DENIED**. 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
- ____ FDLE
- ____ Osceola County Sheriff's Office
- ____ Kissimmee Police Department
- ____ St. Cloud Police Department

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 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 or 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 in Osceola County, Florida on this _____ day of _____, 20____.

Circuit Court Judge

CERTIFICATE OF SERVICE

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

_____, and by office delivery to the Office of the State Attorney, Osceola County, Florida, this ____ day of _____, 20____.

Judicial Assistant/Deputy Clerk

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA**

Case Number: _____

STATE OF FLORIDA,
Plaintiff,

vs.

_____,
Defendant/Petitioner.

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

THIS MATTER is before the Court on the Petitioner's Petition to Seal records concerning the Petitioner's arrest on _____, by the (arresting agency) _____, and the Court having reviewed the court file/records and being advised in the premises, hereby finds the following:

1. The 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 Petitioner was not adjudicated guilty of nor adjudicated delinquent for committing any of the acts stemming from the arrest or criminal activity to which the instant Petition pertains.
3. The 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 Petition for sealing non-judicial criminal history records.

Whereupon it is:

ORDERED AND ADJUDGED that the Petition to Seal is:

(check one) _____ **GRANTED** _____ **DENIED**.

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
- ____ FDLE
- ____ Osceola County Sheriff's Office
- ____ Kissimmee Police Department
- ____ St. Cloud Police Department

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 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 Chambers in Osceola County, Florida on this _____ day of _____, 20____.

Circuit Court Judge

CERTIFICATE OF SERVICE

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

_____, and by office delivery to the Office of the State Attorney, Osceola County, Florida, this ____ day of _____, 20____.

Judicial Assistant/Deputy Clerk