

Sealing & Expunging Records

Forms and instructions for filing a Petition to Seal or a Petition to Expunge are available for a fee at the Clerk of Courts office. [Fee Schedule](#)

Florida law allows for expungement of criminal records resulting from the same arrest that do not include a conviction, and permits the sealing or expungement of some records where adjudication was withheld. To be eligible for sealing or expungement, the defendant must not have been convicted of or have pled guilty to any criminal offense, and must not have previously received an expungement or sealing.

In order to determine eligibility you will first need to obtain an application to seal or expunge your case records by visiting the Florida Department of Law Enforcement (FDLE) website at [FDLE Seal and Expunge Home](#).

The purpose of this application process is to **obtain a Certificate of Eligibility** prior to petitioning the court.

The packet consists of the application and fingerprint card. You must **be fingerprinted by authorized law enforcement personnel** or a criminal justice agency.

You will also need a certified copy of the final disposition of your case. You can **obtain certified copies of the final disposition on the case(s) from the Clerk's office** or by filling out the [Document Request Form](#) and submitting your request to the [Records Request System](#).

Once you have completed the application and fingerprint card, and obtained certified copies of your dispositions, **all of these items, plus a cashier's check or money order for \$75 (seventy five dollars) made payable to the Florida Department of Law Enforcement, must be mailed to the address listed on the application.**

The FDLE will mail a Certificate of Eligibility to confirm for you all case(s) eligible to be sealed or expunged. You will need to bring this Certificate to the Clerk's Office at the Justice Center, 1700 Monroe Street or 2075 Dr. Martin Luther King Jr., Blvd. Fort Myers, FL 33901

At the Clerk's Office you will **complete additional paperwork that must be filled out for the Judge who will review your case.** This paperwork includes the Petition, Affidavit, Notice of Hearing, and an Order to Seal or Expunge, all of which must be filed with the court, and links to these documents are located on this page.

The filing fee due when documents are filed is \$42 plus copy and certification fees. The total fee is approximately \$50 to \$60.

Upon filing of the Order granting the petition to seal or expunge the case record and file, the Clerk will remove all information from your judicial record and forward certified copies of the order to the appropriate agencies. A successful sealing will limit disclosure of the record to only the defendant, attorney of record, Florida Bar, the Florida Department of Children and Families, the Florida Board of Education, law enforcement and a few other parties pursuant to statute. An expunged record will be unavailable for distribution to any private or public entity. Agencies that can view a sealed record will be informed only that a record has been expunged.

IN THE CIRCUIT/COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DEFENDANT/PETITIONER

PETITION TO EXPUNGE OR SEAL

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

1. On _____, the petitioner, _____, a _____,
(date) (name) (race/sex)
and whose date of birth is _____ was arrested by _____
(date of birth) (agency)
and charged with _____.
(charges)
2. The petitioner has not been adjudicated guilty of nor adjudicated guilty of committing any 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 a misdemeanor specified in section 943.051(3)(b), Florida Statutes.
4. The petitioner has not secured a prior records expunction or sealing under section 943.0585, or 943.059, Florida Statutes, former section 943.058, Florida Statutes,

former section 893.14, Florida Statutes, or former section 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 of the 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 record information; or an indictment, information, or other charging document filed against the petitioner who is the subject of this criminal history information was dismissed by the prosecutor or the court.
6. A Certificate of Eligibility for seal/expunge was issued by the Florida Department of Law Enforcement and accompanies this petition.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on the State Attorney for the 20th Judicial Circuit, the arresting agency _____, the Florida Department of Law Enforcement, the attorney of record, and the Lee County Sheriff Office, on _____ day of _____, _____.

Signature: _____
Address: _____
City/State: _____
Contact Number: _____

IN THE CIRCUIT/COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DEFENDANT/PETITIONER

NOTICE OF HEARING

Please be advised that the undersigned will bring on to be heard in the above styled cause before the
honorable Judge _____.

FOR: Petition to Seal/Expunge

PLACE: Lee County Justice Center Courtroom _____.

DATE: _____

TIME: _____ or as soon thereafter as may be heard.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing notice of hearing has been
served on the State Attorney for the 20th Judicial Circuit, the arresting agency _____,
and the Lee County Sheriff Office, on _____ day of _____, _____.

Petitioner/Defendant

IN THE CIRCUIT/COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

vs.

DEFENDANT/PETITIONER

ORDER TO SEAL RECORDS
PURSUANT TO FLORIDA STATUTE 943.059 AND FRCP 3.692

THIS CAUSE having come on to be heard before me this date on petitioner's petition to seal records concerning the petitioner's arrest on _____, by the _____, and the court having heard argument of counsel and being otherwise advised in the premises, the court hereby finds:

1. The 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 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 instant petition for sealing non-judicial criminal history records.

ORDERED 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 state attorney, special prosecutor, or statewide prosecutor and the arresting agency of the petitioner, and also the Sheriff of Lee County, who will comply with the procedures set forth in section 943.059 of the 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 the 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 _____.

DONE AND ORDERED in Chambers at Lee County, Florida, on _____ day of _____, _____.

Circuit/County Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing court order has been served on the State Attorney for the 20th Judicial Circuit, the arresting agency _____, the Florida Department of Law Enforcement, the petitioner/defendant, the attorney of record, and the Lee County Sheriff Office, on _____ day of _____, _____.

Deputy Clerk
Lee County Clerk of Court

IN THE CIRCUIT/COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA

CASE NUMBER: _____

VS.

DEFENDANT/PETITIONER

AFFIDAVIT

State of Florida
County of Lee

I, _____, am the defendant/petitioner in the above-styled cause and I do
(Petitioner Name)
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 a 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 _____, and I have not
(date) (agency)
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.

Signature of Petitioner

SWORN TO or affirmed and signed before me on _____ day of _____, _____ in the
county of Lee, State of Florida by _____.
(name of affiant)

NOTARY PUBLIC or other person
authorized to administer an oath

Printed, typed, or stamped
commissioned name of Notary
Public

Personally known _____ or produced identification _____

Type of identification produced: _____