

Rule 3.989. Affidavit, Petition, and Order to Expunge or Seal Forms

(a) Affidavit in Support of Petition.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)

)

Plaintiff,)

)

v.)

)

,)

)

Defendant/Petitioner)

)

AFFIDAVIT

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 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(date)....., 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.

Petitioner

Sworn to and subscribed before me on(date).....

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

My commission expires:

(b) Order to Expunge.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)

)

Plaintiff,)

)

v.)

)

,)

)

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 petitioner’s arrest on(date)....., by(arresting agency)....., for(charges)....., and the court having heard argument of counsel and being otherwise 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 a 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. 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 petitioner; or an indictment, information, or other charging document filed against the defendant 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. Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge 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 one) state attorney, special prosecutor, statewide prosecutor, (arresting agency)....., and the Sheriff of 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 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

DONE AND ORDERED in Chambers at County, Florida, on(date).....

Circuit Court Judge

(c) Order to Seal.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)
)
 Plaintiff,)
)
 v.)
)
 ,)
)
 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 petitioner’s petition to seal records concerning the petitioner’s arrest on(date)....., by the(arresting agency)....., 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 nonjudicial criminal history records. Whereupon it is

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 (check one) state attorney, special prosecutor, statewide prosecutor, (arresting agency)....., and the Sheriff of 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

DONE AND ORDERED in Chambers at County, Florida, on(date).....

Circuit Court Judge

(d) Petition to Expunge or Seal.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)
)
Plaintiff,)
)
v.)
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,)
)
Defendant/Petitioner)
)

PETITION TO EXPUNGE OR SEAL

The petitioner,, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0585, or section 943.059 Florida Statutes, toexpunge/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)....., by(arresting agency)....., for(charges)....., and as grounds therefor shows:

1. On(date)....., the petitioner,, a(race/sex)....., whose date of birth is(date of birth)....., was arrested by(arresting 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, 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 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 forexpunction/sealing.... of nonjudicial criminal history records issued by the Florida Department of Law Enforcement accompanies this petition.

WHEREFORE, the petitioner moves toexpunge/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 a true and correct copy of the foregoing pleading has been served on(name of prosecuting authority)....., (check one) State Attorney for the Judicial Circuit, in and for County, Special Prosecutor, Statewide Prosecutor);(arresting agency).....; (Sheriff of county in which defendant was arrested, if

different); and the Florida Department of Law Enforcement, on(date).....

Name:

Address:

City/State:

Telephone Number:

E-mail Address:

Fla. Bar No.:

(e) Petition to Expunge; Human Trafficking Victim.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)

)

Plaintiff,)

)

v.)

)

,)

)

Defendant/Petitioner)

)

PETITION TO EXPUNGE/HUMAN TRAFFICKING VICTIM

The petitioner,, by and through the undersigned attorney, petitions this honorable court, under Florida Rule of Criminal Procedure 3.692 and section 943.0583, Florida Statutes, to expunge 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 and/or conviction on(date(s))...., by(arresting agency and/or prosecuting authority)...., for(charges and/or offenses)...., and as grounds therefor shows:

1. On(date(s))...., the petitioner,, a(race/sex)...., whose date of birth is(date of birth)...., was arrested by(arresting agency)...., and charged with(charges).... or was convicted by(name of prosecuting authority).... of(offenses)....

2. The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed an offense, other than those offenses listed in 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which he/she was the victim or at the direction of an operator of the scheme as evidenced by the attached official documentation of his/her status, or may be shown by clear and convincing evidence presented to the Court.

WHEREFORE, the petitioner moves to expunge any criminal history record information and any official court records regarding his/her arrest and/or conviction by(arresting agency and/or name of prosecuting authority)...., for(charges and/or offenses)...., on(date(s))....

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been served on(name of prosecuting authority)...., (check one) State Attorney for the Judicial Circuit, in and for County, Special Prosecutor, Statewide Prosecutor;(arresting agency)....; (Sheriff of county in which defendant was arrested, if different); and the Florida Department of Law Enforcement, on(date)....

Name:

Address:

City/State:

Telephone Number:

E-mail Address:

Fla. Bar No.:

Personally known or produced identification

Type of identification procedure

My commission expires:

(f) Affidavit in Support of Petition; Human Trafficking Victim.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)

)

Plaintiff,)

)

v.)

)

,)

)

Defendant/Petitioner)

)

AFFIDAVIT/HUMAN TRAFFICKING VICTIM

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 have been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and have committed an offense, other than those offenses listed in 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which I was the victim or at the direction of an operator of the scheme.

3. I was arrested and/or convicted on(date(s))....., by(arresting agency and/or name of prosecuting authority).....

4. I am eligible for the relief requested, to the best of my knowledge and belief, and(do or do not)..... have any other petition to expunge or seal pending before any court.

Petitioner

Sworn to and subscribed before me on(date).....

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

My commission expires:

(g) Order to Expunge; Human Trafficking Victim.

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

Case No.:

Division

State of Florida,)
)

Plaintiff,)
)
v.)
)
,)
)
Defendant/Petitioner)
)

**ORDER TO EXPUNGE, HUMAN TRAFFICKING VICTIM,
UNDER SECTION 943.0583, FLORIDA STATUTES,
AND FLORIDA RULE OF CRIMINAL PROCEDURE 3.692**

THIS CAUSE, having come on to be heard before me this date upon a petition to expunge certain records of the petitioner’s arrest and/or conviction on(date(s))....., by(arresting agency and/or name of prosecuting authority)....., for(charges and/or offenses)....., and the court having heard argument of counsel and being otherwise fully advised in the premises, the court hereby finds the following:

The petitioner has been the victim of human trafficking, as discussed in section 787.06, Florida Statutes, and has committed an offense, other than those offenses listed in 775.084(1)(b)1, which was committed as a part of a human trafficking scheme of which he/she was the victim, or at the direction of an operator of the scheme. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.

Whereupon it is

ORDERED AND ADJUDGED that the petition to expunge 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 one) state attorney, special prosecutor, statewide prosecutor, (arresting agency)....., and the Sheriff of County, who will comply with the procedures set forth in section 943.0583, 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, conviction, or criminal history record information regarding the

arrest, conviction, or alleged criminal activity to which this petition pertains in accordance with the procedures set forth in section 943.0583, 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 County, Florida, on(date).....

Circuit Court Judge