

Sealing or Expunging a Criminal Record



“The policy of public access to old records must be weighed against the long-standing public policy of providing a second chance to criminal defendants who have not been adjudicated guilty.”

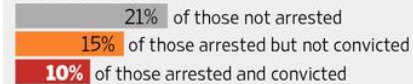
State v. D.H.W., 686 So. 2d 1331, 1336 (Fla. 1996)

Long Term Effects of a Criminal Charge

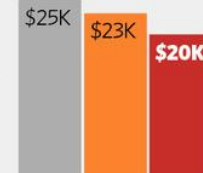
Impact | What happens after arrest

A national survey of youth indicates that being arrested by the age of 23, regardless of whether convicted, correlates with negative outcomes in one's life. Below, indicators of respondents who have been arrested (convicted and not convicted) compared with those not arrested.

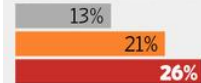
Own a home at age 25



Median income at age 25



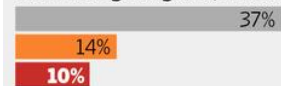
Household income below poverty line at age 25



With high school diploma (or more)



With college degree (or more)



Source: Tia Stevens Andersen of University of South Carolina's analysis of a National Longitudinal Survey of Youth conducted in 1997-2010 by the Labor Department which studied 8,984 people born in 1980-84

The Wall Street Journal

Although, we boast about how a person is “innocent until proven guilty,” the public and the system, don’t always represent those values.

When someone is charged with a crime, that charge tends to stay on your record, regardless of the outcome of the case.

A criminal record limits your ability to gain a better job, to obtain a professional license, to go to college, and to acquire housing. How? Applications usually require background checks, and a criminal record might lead to a denial.

Approximately 77 million Americans, or 1 in every 3 adults, have a criminal record. - National Conference of State Legislatures

How Does Sealing/Expungement Help Me?

If the criminal case is sealed or expunged, you can deny that the criminal case ever happened.

There are some exceptions of when you have to be honest:

- Applying to change your immigrant status;
- Applying to work at a criminal justice agency (ex. law enforcement);
- If you get arrested in the future, and you get asked about your past criminal charges;
- If you try to submit another application for sealing/expungement (remember you can only apply once);
- If you apply to become an attorney through the Florida Bar;
- Applying to work State Agencies that deal with children, the disabled, or the elderly (ex: Department of Children and Families, the Division of Vocational Rehabilitation, the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, the Department of Juvenile Justice);
- Applying to work or to be licensed by the Department of Education (ex. Teacher or childcare facility);
- Applying to be licensed by the Division of Insurance Agent and Agency Services with the Department of Financial Services;
- When attempting to purchase a firearm or applying to carry a concealed firearm
- When trying to get appointed as a Guardian;

[For a detailed list go to Section 943.0585\(6\)\(b\), Florida Statutes](#)

Introduction to Sealing/Expunging

- Sealing/Expungement allows you to block the public from seeing or knowing about the criminal charge.
- It will **not** restore your voting rights or your ability to get a gun.
- Having your charge sealed/expunged does not change the outcome of your case, it only hides it from the public.
- You must apply for this process by submitting an application to the Florida Dept. of Law Enforcement (FDLE). It is difficult to qualify.
- Florida only lets you apply once, so it is important to know if you are likely to be approved, so you don't risk your opportunity. FDLE charges \$75 (non-refundable) for them to review your application.

The Difference Between Sealing or Expunging

EXPUNGING

General Public has no access

Record is destroyed by each agency EXCEPT the FDLE.

Certain govt agencies can get access **but** only with a court order. Without an order, the govt agencies will only be informed that the person had their record expunged.

SEALING

General Public has no access

Record is not destroyed, it is “hidden.”

Certain govt agencies have access to the sealed record, WITHOUT needing a court order.

Definition of Criminal Disposition

To understand whether you qualify for either option, you must first understand criminal dispositions. The criminal disposition is the outcome of the criminal case.

Many people don't know disposition of their case. The easiest way to find out the disposition of your case is to look up your criminal case on the clerk website of the County where you were arrested. For example, if your criminal case took place in Seminole County - <https://www.seminoleclerk.org/>

Depending on how your case was resolved, there might be a form indicating that your probation was terminated, that you completed pretrial diversion, or it might be a judgment and sentence order. Once you know your disposition you can determine whether you meet the other qualifications.

Dispositions

If your case was **dropped**, then you will **POSSIBLY** be eligible for an Expungement.

What are examples of dropped cases:

- Charges not filed, no indictment, no information, no action, Nolle Prose, charges dismissed or dropped before trial; OR
- Acquitted – Found not guilty by Judge or Jury at trial

Section 943.0585(1)(b)

If your case resulted in a **Withhold of Adjudication**, then you will **POSSIBLY** be eligible for a Sealing.

If your case resulted in an **Adjudication of Guilt**, you will not be able to apply for either option. You **CANNOT SEAL OR EXPUNGE ANY CHARGE.**

What Conditions Disqualify Someone from Being Able to Apply for Either Option?



THE FIVE DISQUALIFIERS

You are disqualified if any of the following are true:

1. If you have ever been adjudicated guilty of a crime.

Judges have the discretion to withhold adjudication. Withholding adjudication means that the Judge does not formally convict the Defendant. If you were adjudicated guilty it means that you were convicted of a crime. It is more serious than a withhold of adjudication.

Driving violations sometimes count - driving under the influence, reckless driving, and driving while license is suspended, canceled or revoked.

If you were put on probation for a crime, and were then adjudicated guilty for violating your probation, you are disqualified too.

THE FIVE DISQUALIFIERS

2. If they have ever been adjudicated delinquent of any of the following crimes:

- Assault
- Battery
- Carrying a concealed weapon
- Unlawful use of destructive devices or bombs
- Neglect of a child
- Assault or battery on a law enforcement officer, a firefighter, or other specified officers
- Open carrying of a weapon
- Exposure of sexual organs
- Unlawful possession of a firearm
- Petit theft
- Cruelty to animals
- Arson
- Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property

“Adjudicated delinquent” for juveniles is the equivalent of “adjudicated guilty” for adults.

THE FIVE DISQUALIFIERS

3. If you have any pending criminal charges.

This includes if you are still on probation.

All your cases must be resolved before you can apply for one of your charges to be considered.



THE FIVE DISQUALIFIERS

4. If you have previously applied for a sealing or expungement. You can only apply once in your lifetime.

There are exceptions to this “one-shot” rule. For example, a juvenile might automatically have some charges expunged when they turn 21. Those types of administrative sealing/expungement paths do not prohibit you from applying for a “court-ordered” sealing/expungement.

THE FIVE DISQUALIFIERS

5. If your charge resulted in a withhold of adjudication, normally they would still possibly qualify for the charge/case to be sealed. However, the following charges are forbidden from being considered even for sealing:

VIOLENCE

- Murder
- Manslaughter or homicide
- Aggravated assault
- Felony battery domestic battery by strangulation, or aggravated battery
- Abuse or aggravated abuse of an elderly person or disabled adult
- Stalking or aggravated stalking
- Kidnapping or false imprisonment
- Human trafficking
- Assault or battery – domestic violence specific “of one family or household member by another family or household member”

PROPERTY

- Arson
- Burglary of a dwelling
- Carjacking
- Aircraft piracy
- Home-invasion robbery
- Robbery or robbery by sudden snatching

OTHER

- Terrorism
- Illegal use of explosive
- A violation of the Florida Communications Fraud Act
- Criminal offense made by a public office or employee

SEXUAL MISCONDUCT

- Sexual misconduct
- sexual battery
- Voyeurism or video voyeurism
- Certain acts in connection with obscenity
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person
- Any violation specified as a predicate offense for registration as a sexual predator or sexual offender, without regard to whether that offense alone is sufficient to require such registration.

PROTECTION OF CHILDREN

- Child abuse or aggravated child abuse
- Luring or enticing a child
- Sexual performance by a child
- Procuring a person less than 18 years of age for prostitution
- Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age
- Computer pornography or traveling to meet minor
- Selling or buying or minors

DRUGS

- Drug trafficking
- Manufacturing a controlled substance

What if I have Multiple Criminal Charges?

- Generally, only ONE CHARGE can be considered. However, there are some exceptions.
 - If all your charges originate from the same case.
 - If you had a charge sealed/expunged automatically by the State (ex. Juvenile or lawful self-defense according to the Prosecutor)
 - Also, a charge that has been sealed for 10 years might qualify for expungement.

If I have more than one charge, how do I choose which one to apply for?

Misdemeanors v. felonies? Generally, you are going to want to choose the qualifying charge that is the most serious. Felonies are more serious than misdemeanors. Crimes that involve violence are more serious than non-violent crimes.

Do you want to apply to a specific job/career/school that would be more concerned over a particular charge?

You must choose carefully, since you only get one opportunity. After it is granted, you cannot change it.

If you do not qualify...

- Goodwill keeps lists of employers that will hire people with criminal records.
- To regain your right to vote, contact the Florida Rights Restoration Coalition at <https://floridarrc.com/>
- To request a pardon from the Governor, contact the Florida Commission on Offender Review - <https://www.fcor.state.fl.us/>

How do I get more information about whether I am likely to qualify?

- For the FDLE application -
<https://web.fdle.state.fl.us/intakeweb/formrendererer.xhtml?pageId=se>
- Several steps to the application, including getting fingerprints taken, getting a certified record of your criminal disposition order, approval from the State Attorney's Office (for expungement only),etc.
- While it is a lengthy and costly process...if approved, it can make all the difference and open-up many more opportunities for you and your family.

IS AN ARREST RECORD
KEEPING YOU FROM A
BETTER JOB?

SEALING & EXPUNGEMENT CLINIC

Must be a Seminole County Charge



*If Adjudication was WITHHELD or the charges were
DROPPED, you might qualify for this life changing
service!*

Legal Access For All
COMMUNITY
LEGAL SERVICES

PRE-REGISTER:



<https://forms.office.com/r/gADneyBE3H>



In partnership with
Kerry S. Wiggins, Sr.
Commissioner, District 2



**Dr. Velma H. Williams Westside
Community Center
919 South Persimmon Ave
Sanford, FL 32771**

Thursday, July 17, 2025 at 4:00 pm



IN PARTNERSHIP WITH:



GRANT MALOY
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
SEMINOLE COUNTY, FLORIDA





NEED LEGAL ASSISTANCE?

- Contact Community Legal Services by using scanning this QR code for a CLS staff member to contact you regarding this legal issue.
- Please visit the CLS website if you would like to learn more about future legal advice clinics and workshops for different areas of law under “Events”
<https://www.legalaccessforall.org/events/>