



Juvenile Expunction

Definition

- **Expunging of Record:** Private/public companies are told that the record does not exist; Government/related agencies are given the following statement “*criminal information has been expunged from this record*”. With the exception of any criminal history record maintained by FDLE, all related criminal records and information are physically destroyed.
- **Sealing of Record:** Private/public businesses do not have permission to access a juvenile’s criminal record, and they do not know of the existence of the record. Certain governmental agencies maintain access to a juvenile’s record.

The Process

1. Obtain an application packet from the Office of the Clerk & Comptroller; Cost is **\$5.00**.
2. Complete “Section A” of the FDLE application in the presence of a notary public.
3. For expunction applicants only: Submit the FDLE application portion to the Office of the State Attorney for completion of “Section B”.
4. Submit the FLDE application portion and fingerprint card to FLDE. FDLE must approve the application and provide the “Certification of Eligibility” (valid for ONE year). The cost is \$75.00 (waived for youth who complete pre/post case (this can be obtained from the Office of the Clerk & Comptroller- Main Courthouse, 205 North Dixie Highway, West Palm Beach, FL 33401, Room 3.2200)
 - a. For **diversion** cases, a certified letter of completion from the Office of the State Attorney is acceptable.
 - b. For **probation** cases, must submit a certified copy of Termination of Probation.
5. Submit the complete packet - including the “Certification of Eligibility”, to the Office of the Clerk & Comptroller (Main Courthouse, 205 North Dixie Highway, West Palm Beach, FL 33401, Room 3.2200); cost is **\$42.00**.
6. Hearing will be scheduled, and the Judge will review the completed packet.
7. At the court hearing, the Judge will either grant or deny the request for expunction/sealing of the record.

Please note: This material is intended to provide general information regarding Expunction - it is in no way final legal authority. It is best to consult with an attorney about your legal rights.

Who is Eligible?

- Juveniles with a criminal record who have never filed a *Petition for Expunging/Sealing of Record* in the state of Florida.
- If a juvenile was arrested for any of the following offenses (below), and the charges were **dismissed** or **dropped**, a juvenile may have their record expunged/sealed.

Who is NOT Eligible?

- If a juvenile was adjudicated delinquent for the requested criminal record.
*Adjudicated Delinquent: A juvenile who has been found guilty by a juvenile court Judge of breaking a law.
- If a juvenile has an open case **or** is on probation.
- If a juvenile was ever adjudicated guilty for any felony or a misdemeanor specified in 943.051(3)(b); **OR** if a juvenile was found guilty, plead guilty, or nolo contendere (no contest) to any of the following offenses (below), the juvenile **cannot** seal or expunge that specified their record.

1. Arson
2. Aggravated Assault
3. Aggravated Battery
4. Illegal use of explosives
5. Child abuse or aggravated child abuse
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult
7. Aircraft Piracy
8. Kidnapping
9. Homicide
10. Manslaughter
11. Sexual Battery
12. Robbery

13. Carjacking
14. Lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years.
15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of a person in familial or custodial authority.
16. Burglary of dwelling
17. Stalking or aggravated stalking
18. Act of domestic violence (as defined in s. 741.28)
19. Home-invasion robbery
20. Act of Terrorism

21. Manufacturing any substances in violation of chapter 893
22. Attempting or conspiring to commit any of the above crimes (1-21)
23. Sexual misconduct with developmentally disabled person and related offenses.
24. Sexual misconduct with mentally ill person and related offenses
25. Luring or enticing a child
26. Sexual battery and related offense
27. Procuring person under 18 for prostitution
28. Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age
29. Voyeurism
30. Florida Communication Fraud Act
31. Scheme to defraud or organized Fraud (as defined in s.817.034)
32. Lewd or lascivious offense upon or in presence of elderly person or disabled adult
33. Sexual performance by a child
34. Offences by public officers and employees
35. Showing obscene literature to minor
36. Computer pornography
37. Selling or buying of minors
38. Trafficking in controlled substances
39. Sexual misconduct with mentally deficient or mentally ill defendant and related offenses
40. Any offense that would qualify as a predicate for “sexual offender” or “sexual predator” status (s.775.21 and s. 943.0435)

Important Information

- If charge(s) occurred in Palm Beach County, expunction/sealing of record must be filed in Palm Beach County. If charge(s) did **not** occur in Palm Beach County, expunction/sealing of record **cannot** be filed in Palm Beach County.
- Any charge, which resulted in a withholding of adjudication or in an acquittal after trial, may not be expunged unless and until it has first been sealed for at least 10 years (refer to F.S. 943.0558(2)(h)).
- Expunging/sealing a record may have no impact on private company or federal databases if private companies may have obtained/purchased the information before the record was expunged/sealed.
- Expunction is only allowed for criminal records that do not include adjudication/conviction; expunction and sealing may be allowed for criminal records that include withheld adjudication in certain circumstances.
- If the criminal record is expunged, FDLE retains any criminal history record in their custody and this record can only be accessed if a Judge signs an Order granting permission to a government or related agency.
- A juvenile with an expunged/sealed record may lawfully deny or not admit to anything related to the expunged/sealed record, except in special circumstances (refer to F.S. 943.0558, 943.059).

Florida Statutes

- **Chapter 943.0585**
 - Court-ordered expunction of criminal history records.
- **Chapter 943.059**
 - Court-ordered sealing of criminal records.

Resources

Office of the Clerk & Comptroller

Main Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-2996

Court Administration

205 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-2431

Office of the State Attorney

401 North Dixie Highway
West Palm Beach, FL 33401
(561) 355-7100

Department of Juvenile Justice (DJJ)

1100 45th St, Building A
West Palm Beach, FL 33407
(561) 881-5020

Florida Department of Law Enforcement (FDLE)

2331 Phillips Road
Tallahassee, FL 32308
(850) 410-7000