

# FAQs: Sealing & Expunging Criminal History Records in Florida

## FEW PEOPLE QUALIFY TO HAVE RECORDS SEALED OR EXPUNGED

### 1. What is the benefit of having my record sealed or expunged?

According to Florida law, you can legally deny or fail to acknowledge the arrests covered by the sealed or expunged record. **However, YOU CANNOT DENY OR FAIL TO ACKNOWLEDGE THE ARREST** if you are applying to change your immigration status, are a defendant in a criminal case or are seeking:

- Employment with a criminal justice agency;
- Employment or contract with, or license by the Department of Children and Family Services, the Department of Juvenile Justice, the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities;
- Employment or use by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly;
- Employment or access to a seaport;
- Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services;
- Is seeking to be appointed as a guardian pursuant to s. 744.312, Florida Statutes or
- Admission to The Florida Bar; or petitioning to seal or expunge.

**CAUTION:** Sealing or expunging your record in Florida will have **no** impact on private company or federal databases. Even if criminal history information is sealed or expunged, it may still be available through private companies that purchase such information from the State and counties. Therefore, employers and the general public may have access to it. Your information may have also been submitted to the national criminal history database by Florida Department of Law Enforcement. Florida judges have online access to view sealed records.

### 2. Generally speaking, who qualifies for sealing or expunging?

A person who has NOT been adjudicated guilty (convicted) as an adult, and has not previously sealed or expunged may qualify, but there are many exceptions, see answers to number 3 and 6. Under s. 943.0515, Florida has automatic expunction of a juvenile record, at age 21, depending on prior history and arrest or conviction as an adult; expunction by petition of some misdemeanors after successful completion of pre-or post-arrest or teen court diversion program under s. 943.0582; and expunction of an arrest record under s. 943.0581, for persons who have been arrested “contrary to law or by mistake.”

### 3. What would disqualify me from having my record sealed or expunged?

- If you have been **adjudicated guilty (convicted as an adult) or adjudicated delinquent (as a juvenile)** of a criminal offense, including a criminal traffic offense (e.g., DUI, DWLS), criminal ordinance violation, misdemeanor or felony.
- If you were adjudicated guilty (convicted as an adult) or adjudicated delinquent (as a juvenile) for the offense you seek to seal or expunge;
- If you were placed on probation or community control, but later violated the terms of your sentence and the judge converted the “withhold” to an “adjudication.”
- If you were found guilty, pled guilty or no contest and have a “withhold of adjudication” on certain offenses, even as a minor. See list of the disqualifying offenses in question number 6.
- If you ever had a prior record sealed or expunged in any State of Florida jurisdiction. Automatic expunction of juvenile records, automatic sealing per [Section 943.0595](#), expunction of records (pre and post arrest diversion), and expunction of arrest “contrary to law or by mistake” do not count as a prior expunged record.
- If you have a seal or expunge petition currently pending in another case.
- If you have an open criminal case, are on probation or community control, owe community service hours or have an unsatisfied court-ordered financial obligation such as court costs or restitution.

### 4. I have been arrested several times but have never been convicted of a crime or pled guilty or no contest, can I have all the arrest records sealed or expunged?

No. With few exceptions, you can only seal or expunge once in a lifetime. Floridians are at a disadvantage in this respect. For purposes of sealing and expunging, Florida does not honor the concept of “innocent until proven guilty.” Even if you have been acquitted by a jury of the crimes charged (found not guilty), in Florida, you can only

petition once to seal or expunge in your lifetime unless the court decides that an additional arrest is directly related to the original arrest. However beginning October 1, 2019, Automatic Sealing Per [Section 943.0595](#), Florida Statutes, allows for FDLE to automatically seal a record (as long as the charge is not a forcible felony) without the person having to do anything. \* Note – This process does not seal records at the local level, is not retroactive and only applies after 10/01/2019. See list of disqualifying offenses in Section 943.0595(2)(a), Florida Statutes.

**5. What is the difference between sealing and expunging a criminal history record? See sections 943.0585 and 943.059, Florida Statutes (2015).**

- When a record is sealed, the public will not have access to it through the government databases. That means most employers will not have access to the information. However, city, county, state and federal government and agencies, including the police and military, have a legal right to access criminal history records even if they are sealed. See “**CAUTION**” above.
- When a record is expunged, agencies that would have access to a sealed record will be able to know that criminal information has been expunged from the record and would only have access to the record through a court order. See “**CAUTION**” above.

**6. The judge gave me a “withhold of adjudication,” can I seal or expunge my record?**

Not always. If you pled guilty or no contest or were found guilty at trial as a juvenile or adult, and the judge entered a withhold of adjudication on the charge to any of the charges below (including attempting or conspiring to commit them), you will not be able to seal or expunge it. These offenses are listed in [Section 943.0584, Florida Statutes](#)

- Abuse or aggravated abuse of an elderly person or disabled adult;
- Act of domestic violence as defined in s. 741.28, Florida Statutes; Assault or battery, as defined in ss. 784.011 and 784.03 FS, respectively, of one family or household member by another family or household member.
- Aggravated assault/aggravated battery; Arson; Burglary of a dwelling; Act of Terrorism as defined in s.741.28 F.S.; Aircraft Piracy; Carjacking; Child abuse or aggravated child abuse; Computer pornography involving a child; Drug Trafficking or manufacturing;
- Hijacking; Home invasion robbery; Homicide; Human trafficking, Illegal use of explosives; Kidnapping or false imprisonment; Lewd, lascivious, or indecent assault or act upon or in the presence of a child; Manslaughter, Murder;
- Offenses by public officers and employees; Organized fraud; Robbery or robbery by sudden snatching;
- 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; Sexual battery, Stalking and aggravated stalking; Use of a child in a sexual performance;
- Promoting a sexual performance by a child; Possession with the intent to promote any photograph, motion picture, exhibition, show, representation, or presentation, which includes sexual conduct by a child; Possession of a photograph, motion picture, exhibition, show, representation, or presentation, which includes sexual conduct by a child; Procuring a person less than 18 years of age for prostitution, A violation of the Florida Communications Fraud Act, Violation of sexual offender or sexual predator registration and, Voyeurism.

**7. What can I do about my juvenile charges?**

For juvenile offenses, Florida has automatic expunction s. 943.0515 FS of a juvenile record, at age 21, depending on prior history and arrest or conviction as an adult; under certain circumstances expunction can be sought by a minor who is 18 years of age or older and less than 21 years of age; expunction by petition of some misdemeanors after successful completion of pre- or post-arrest or teen court diversion program under s. 943.0582; and, expunction of an arrest record under s. 943.0581 FS, for persons who have been arrested “contrary to law or by mistake.”

**Important Note:** If you have been convicted of a felony and want to have your voting rights restored, with some exceptions, you will need to pay your fines, fees and court costs to be eligible. To have your civil and right to vote restored, you will need to apply for clemency. If you are a U.S. citizen and you have not been convicted of a felony, you may still have the right to vote in all local, state and federal elections in Florida even if you cannot seal or expunge your criminal record.

**This Document Was Developed for Educational Purposes Only and Does Not Constitute Legal Advice.**

Revised July 25, 2022