

## FAQ

### Frequently Asked Questions:

Here are some commonly asked questions relating to the sealing and expunging process:

- **What is the difference between sealing and expunging?**
  - **How much will it cost me?**
  - **How long will it take?**
  - **What is my first step?**
  - **Where in Florida is your firm located?**
  - **How many charges can I seal or expunge?**
  - **How do I know what I was charged with and what the outcome was?**
  - **How can I be sure my Florida criminal history record has been sealed or expunged?**
  - **Am I guaranteed the right to a sealing or expungement?**
  - **Will I be required to appear in court?**
  - **What if I was a Juvenile when I was arrested?**
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#### **What is the difference between sealing and expunging?**

Sealing means a criminal arrest record is closed to public inquires, and its existence is allowed to be divulged only in limited circumstances (see the page on sealing). Sealing is available to a charge that received a withhold of adjudication for most charges. Expungement means the criminal history record is physically destroyed, and can't be accessed. However, an individual who has a criminal record expunged must still reveal that record in certain circumstances (see the page on expungement). Expungement is not available if a charge resulted in a withhold of adjudication.

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#### **How much will it cost me?**

The total cost for either the sealing or expungement of a Florida criminal record is usually \$450. This consists of a \$375 legal fee paid to Michael T. Heider, P.A. and a \$75 charge paid to the **Florida Department of Law Enforcement**. A fee of \$25 dollars is charged if you request that we obtain a certified copy of your final disposition on your behalf. In the event a court appearance is required, there is an additional charge of \$250 dollars. There are no additional costs or fees! We invite you to compare our low fee to other law offices or "legal service providers." Their total fees rarely include court costs, which run between \$40-80 on average.

For details on the fee structure click [here](#).

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#### **How long will it take?**

The entire process should take about 6-8 months, but there is no set time frame. We try our hardest to complete your case as soon as possible, but the majority of the time delay is the result of the backlog at the FDLE and in the court system. Currently, the FDLE is about 5-6 months behind schedule.

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### What is my first step?

The first step is to complete the application to apply to the Florida Department of Law Enforcement for a certificate of eligibility. This certificate will allow us to petition a court of proper jurisdiction to seal or expunge your Florida criminal history record. But don't worry, if it sounds difficult, it isn't. The law offices of Michael T. Heider, P.A. will handle every step of the process for you. We fill out all the paper work and send you detailed instructions for everything that needs to be done. All you have to do is sign several documents in front of a notary public, and get your finger prints taken at your local Sheriff's office. Once you hire us, we handle the rest!

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### Where in Florida is your firm located?

The law offices of Michael T. Heider, P.A. are located in Lakeland, Florida, but we can handle a case for sealing or expungement anywhere in the state of Florida.

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### How many charges can I seal or expunge?

Only charges stemming from one arrest or criminal incident may be sealed or expunged. Multiple charges stemming from a single arrest or incident may be sealed or expunged if the court orders it.

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### How do I know what I was charged with and what the outcome was?

The easiest way is to consult the final order issued by the court or state attorney's office in your case. An order of no bill, dismissal or a final verdict are good examples of final orders. You can get a certified copy of these orders at the criminal records division of the clerk of courts in the county where the arrest took place. You can also run a back ground check on yourself through the **Florida Department of Law Enforcement** on their website to determine your exact criminal history record.

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### How can I be sure my Florida criminal history record has been sealed or expunged?

After a court order to seal or expunge your criminal history record is issued, it will be sent to the appropriate arresting agencies, the state attorney, the state wide prosecutor and the FDLE. We will forward you the copies of any order to seal or expunge your Florida criminal history record once it is signed by a judge. It will be up to you to make sure they follow the order and seal or destroy the appropriate records. We highly recommend you run another background check on yourself through the FDLE a month or so after the order is issued. Visit the link below for details. In the rare event that your charge is still shown on your record, you will need to arrange for another certified copy of the order to seal or expunge to be sent to the appropriate agency.

FDLE Website: <http://www.fdle.state.fl.us/CriminalHistory/>

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**Am I guaranteed the right to a sealing or expungement?**

NO! Even if the Florida Department of Law Enforcement issues a certificate of eligibility in regards to the sealing or expungement of your Florida criminal history record, you may still be denied a sealing or expungement of your record. The procedure of sealing or expunging your record is left at the total discretion of the court system.

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**Will I be required to appear in court?**

In most cases, you will not be required to appear in court for a hearing on the sealing or expungement of your Florida criminal arrest record. However, in the event a hearing is required, I highly recommend you attend the hearing with me to show the court how important it is to you that you be granted a sealing or expungement. If a court appearance is required, a \$250.00 appearance fee is charged.

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**What if I was a Juvenile when I was arrested?**

Florida law provides that an arrest that occurred while an individual was a juvenile may be eligible to apply for a Juvenile Diversion Expunction. If a juvenile has successfully completed a prearrest, postarrest, or teen court diversion program, that individual may apply to have that incident expunged. A juvenile diversion expunction does not count as a sealing/expungement for purposes discussed in this website, so that individual may still apply for a sealing/expungement if they are arrested again later. However, an application for a juvenile diversion expunction must be filed within six (6) months of completing the diversion program. After that time frame, the individual would have to apply for a regular sealing or expungement. We are happy to help you apply for juvenile expunction (the fee for a juvenile expunction application is \$275, plus the \$75.00 application fee), please contact as soon as possible so you do not miss out on your window of opportunity!