

Notice of Development of Rulemaking

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO: RULE TITLE

11C-7.006: Procedures on Court-Ordered Expunctions

11C-7.007: Procedures on Court-Ordered Sealings

PURPOSE AND EFFECT: To clarify the language contained in the State Attorney's endorsement on FDLE form 40-021 - Application for Certification of Eligibility.

SUBJECT AREA TO BE ADDRESSED: Criminal History Seal and Expunge Application for Certification of Eligibility form.

SPECIFIC AUTHORITY: 943.03(4), 943.058(2), 943.059(2) FS.

LAW IMPLEMENTED: 943.0585, 943.059 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: Tuesday, February 2, 2010 at 10 a.m.

PLACE: Department of Law Enforcement, 2331 Phillips Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Louis Sloan at 850-410-7973 or louissloan@fdle.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Louis Sloan at 850-410-7973 or

louissloan@fdle.state.fl.us, Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE:

11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) No change.

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009 ~~July 2006~~), incorporated here by reference, may be obtained from:

1. – 2. No change.

(c) – (e) No change.

(2) – (6) No change.

Rulemaking Specific Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History–New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, _____.

11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility must include:

(a) No change.

(b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009 ~~July 2006~~) and incorporated by reference) may be obtained from:

1. -2. No change.

(c) – (d) No change.

(2) – (6) No change.

Rulemaking Specific Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History–New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, _____.