

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

ADMINISTRATIVE ORDER NO:  
15-24  
SUPERSEDES 13-23

**IN RE: CLERK OF COURT - CONFIDENTIALITY OF COURT RECORDS**

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This Administrative Order implements the Florida Supreme Court's amendments to Rule 2.420, Florida Rules of Judicial Administration {*In re: Amendments to Florida Rule of Judicial Administration 2.420*, 124 So.3d 819 (Fla. 2013); *In re: Amendments to Florida Rule of Judicial Administration 2.420*, 156 So.3d 499 (Fla. 2015)}.

Pursuant to the Chief Judge's authority under Rule 2.215, Florida Rules of Judicial Administration, to exercise administrative supervision over the courts within the circuit and to control dockets; and in order to provide a uniform method for ensuring the confidentiality of court records when such confidentiality is required by law or found warranted by court order, to ensure that materials are not unintentionally designated as confidential, and to provide a procedure whereby the public can request review of orders determining confidentiality of records, it is hereby

**ORDERED** that:

1. All requests and orders regarding the confidentiality of trial court records shall comply with Rule 2.420, Florida Rules of Judicial Administration.
2. The filer of any document containing confidential information shall, at the time of filing, file with the clerk a "Notice of Confidential Information within Court Filing" indicating that either the entire document is confidential or identifying the precise location of the confidential information within the document. If an entire court file is maintained as confidential, the filer of a document is not required to file the notice form.
3. The "Notice of Confidential Information within Court Filing" may be used, after-the-fact, by the filer, a party, or any affected non-party when confidential information or documents were not initially identified by the filer and are not being maintained as confidential by the clerk of court. The notice must state the title and type of document, date of filing (if known), date of document, docket entry number, and must indicate that the entire document is confidential or identify the precise location of the confidential information within the document.

4. A form “Notice of Confidential Information within Court Filing” accompanies this Administrative Order. See Attachment A.
5. Pursuant to Rule 2.420(d)(1)(A), the clerk of court shall designate and maintain the confidentiality of any information contained within a court record described by any of subdivisions (c)(1) through (c)(6) of Rule 2.420.
6. Pursuant to Rule 2.420(d)(1)(B), matters which should automatically be made confidential by the clerk of court without necessity of a court order, include:
  - i. Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. §§ 39.0132(3), 39.0132(4)(a), Fla. Stat.
  - ii. Adoption records. § 63.162, Fla. Stat.
  - iii. Social Security, bank account, charge, debit, and credit card numbers. § 119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat. (Unless redaction is requested pursuant to § 119.0714(2), Fla. Stat., this information is exempt only as of January 1, 2012.)
  - iv. HIV test results and the identity of any person upon whom an HIV test has been performed. § 381.004(2)(e), Fla. Stat.
  - v. Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases. § 384.29, Fla. Stat.
  - vi. Birth records and portions of death and fetal death records. §§ 382.008(6), 382.025(1), Fla. Stat.
  - vii. Information that can be used to identify a minor petitioning for a waiver of parental notice when seeking to terminate pregnancy. § 390.01116, Fla. Stat.
  - viii. Clinical records under the Baker Act. § 394.4615(7), Fla. Stat.
  - ix. Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals. § 397.501(7), Fla. Stat.
  - x. Clinical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.
  - xi. Estate inventories and accountings. § 733.604(1), Fla. Stat.
  - xii. The victim’s address in a domestic violence action on petitioner’s request. § 741.30(3)(b), Fla. Stat.
  - xiii. Protected information regarding victims of child abuse or sexual offenses. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.
  - xiv. Gestational surrogacy records. § 742.16(9), Fla. Stat.
  - xv. Guardianship reports and orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.
  - xvi. Grand jury records. §§ 905.17, 905.28(1), Fla. Stat.
  - xvii. Records acquired by courts and law enforcement regarding family services for children. § 984.06(3)-(4), Fla. Stat.
  - xviii. Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat.
  - xix. Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the Department of Health or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis. §§ 392.545, 392.65, Fla. Stat.
  - xx. Complete presentence investigation reports. Fla. R. Crim. P. 3.712.
  - xxi. Forensic behavioral health evaluations under Chapter 916. § 916.1065, Fla. Stat.

xxii. Eligibility screening, substance abuse screening, behavioral health evaluations, and treatment status reports for defendants referred to or considered for referral to a drug court program. § 397.334(10)(a), Fla. Stat.

7. A form “Motion to Determine Confidentiality of Court Records” accompanies this Administrative Order. See Attachment B.
8. A form “Order Granting/Denying Motion to Determine Confidentiality of Court Records Pursuant to Fla. R. Jud. Admin. 2.420(c)(9)” accompanies this Administrative Order. See Attachment C.
9. Pursuant to Rule 2.420(e)(4), within 10 days following the entry of an order granting a request to determine the confidentiality of court records in noncriminal cases, the clerk must post a copy of the order on the clerk’s website and in a prominent public location in the courthouse; the order must remain posted in both locations for no less than 30 days.

DONE AND ORDERED this 22nd day of April, 2015.

JOHN M. HARRIS  
JOHN M. HARRIS  
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole County)  
Court Administration (Brevard & Seminole County)  
Clerk of Court (Brevard & Seminole County)  
State Attorney (Brevard & Seminole County)  
Public Defender (Brevard & Seminole County)  
Sheriff (Brevard & Seminole County)  
Bar Association (Brevard & Seminole County)  
Law Library (Brevard & Seminole County)

**ATTACHMENT A**

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff/Petitioner,**

v.

\_\_\_\_\_  
**Defendant/Respondent.**

\_\_\_\_\_ /

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

( ) (1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is \_\_\_\_\_, and:

(b) ( ) the entire document is confidential, or

( ) the confidential information within the document is precisely located at: \_\_\_\_\_

**OR**

( ) (2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of court. I hereby notify the clerk that this confidential information is locate as follows:

- (a) Title/type of document: \_\_\_\_\_;
- (b) Date of filing (if known): \_\_\_\_\_;
- (c) Date of document: \_\_\_\_\_;
- (d) Docket entry number: \_\_\_\_\_;
- (e) ( ) Entire document is confidential, or  
( ) Precise location of confidential information in document: \_\_\_\_\_.

\_\_\_\_\_  
Filer's Signature

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail)(delivery)(mail)(fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k)). \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Florida Bar No. (if applicable) \_\_\_\_\_  
E-mail Address \_\_\_\_\_

**ATTACHMENT B**

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff/Petitioner,**

v.

\_\_\_\_\_  
**Defendant/Respondent.**

\_\_\_\_\_ /

**MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS**

The undersigned, by and through his/her attorney, moves the Court pursuant to Florida Rule of Judicial Administration 2.420 for an order determining the confidentiality of court records.

- a. The undersigned's attorney has given written notice of the subject motion to all affected non-parties [*specify names of non-parties*], and filed copies of the notice provided. The notice identified this case by docket number; described the confidential information without revealing it; specified the location of the information in the court record; and advised that if the motion is denied by the court then the subject material will not be treated as confidential by the clerk.
- b. The particular court records or portion of a record that the movant seeks to have determined as confidential is/are:

\_\_\_\_\_  
*[Describe with as much specificity as possible without revealing the information subject to the confidentiality determination.]*

- c. The movant seeks an order determining confidentiality of the following information relative to this \_\_\_\_\_ [*specify type of case, such as civil action, dissolution of marriage, paternity, etc.*] case: [*select all that apply*]
  - \_\_\_\_\_ the party's name on the progress docket.
  - \_\_\_\_\_ particular documents within the court file, specifically \_\_\_\_\_.
  - \_\_\_\_\_ the entire court file, but not the progress docket.
  - \_\_\_\_\_ the entire court file and the progress docket.
- d. The legal bases for determining the court records to be confidential are as follows: \_\_\_\_\_.

*[Cite to specific rule, statute, case(s) that apply.]*

- e. [*For rule 2.420(c)(7) or (c)(8) motions*] The specific legal authority and applicable legal standards for determining such court records to be confidential are: \_\_\_\_\_.
- f. [*For rule 2.420(c)(9) motions*] Confidentiality is required to protect the following interest(s): [*select any/all that apply*]
  - \_\_\_\_\_ 1. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: \_\_\_\_\_.
  - \_\_\_\_\_ 2. A trade secret.
  - \_\_\_\_\_ 3. A compelling government interest, specifically \_\_\_\_\_.
  - \_\_\_\_\_ 4. Obtaining evidence to determine the legal issues in a case;
  - \_\_\_\_\_ 5. Avoiding substantial injury to innocent third parties, specifically \_\_\_\_\_.

\_\_\_\_\_ 6. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically:\_\_\_\_\_.

\_\_\_\_\_ 7. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically:\_\_\_\_\_ [cite].

g. There is no less restrictive measure available to protect this/these interest(s), and the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, the undersigned **REQUESTS** that:

The Court finds that \_\_\_\_\_ documents are confidential and the following materials related to this matter shall be reserved from public access: [select all that apply]

\_\_\_\_\_ 1. The party’s name on the progress docket. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party’s name:\_\_\_\_\_. Further, the Clerk shall ensure that the party’s name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.

\_\_\_\_\_ 2. The following documents within the court file:\_\_\_\_\_. However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party’s name set forth above.

\_\_\_\_\_ 3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party’s name set forth above.

\_\_\_\_\_ 4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

Submitted and filed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney’s Signature

I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

\_\_\_\_\_ Party’s Signature/Attorney’s Signature

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail)(delivery)(mail)(fax) on: \_\_\_\_\_

(See Rule 2.420(k)), \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Florida Bar No. \_\_\_\_\_  
E-mail Address \_\_\_\_\_

ATTACHMENT C

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner,

v.

\_\_\_\_\_  
Defendant/Respondent.

\_\_\_\_\_ /

**ORDER GRANTING/DENYING MOTION TO DETERMINE  
CONFIDENTIALITY OF COURT RECORDS PURSUANT TO  
FLA. R. JUD. ADMIN. 2.420(c)(9)**

**THIS MATTER** is before the Court on the Motion to Determine Confidentiality of Court Records filed by \_\_\_\_\_ [insert name of party] pursuant to rule 2.420(c)(9), Florida Rule of Judicial Administration. \_\_\_\_\_ [insert name of party] seeks an order determining the confidentiality of the following information relative to this \_\_\_\_\_ [specify type of case, such as civil action, dissolution of marriage, paternity, etc.] case: [select all that apply]

- \_\_\_\_\_ the party's name on the progress docket.
- \_\_\_\_\_ particular documents within the court file, specifically \_\_\_\_\_.
- \_\_\_\_\_ the entire court file, but not the progress docket.
- \_\_\_\_\_ the entire court file and the progress docket.

This motion [was/was not] contested and a hearing [was/was not] conducted [if conducted, include date.]

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **DENIES** the motion because the moving party has failed to establish that confidentiality of the information is necessary to protect any interest under Rule 2.420(c)(9).

-- OR --

The Court **GRANTS** the motion as follows:

1. Confidentiality of the information is required to protect the following interest(s): [select all that apply]
  - \_\_\_\_\_ a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: \_\_\_\_\_.
  - \_\_\_\_\_ b. A trade secret.
  - \_\_\_\_\_ c. A compelling government interest, specifically \_\_\_\_\_.
  - \_\_\_\_\_ d. Obtaining evidence to determine the legal issues in a case;
  - \_\_\_\_\_ e. Avoiding substantial injury to innocent third parties, specifically \_\_\_\_\_.
  - \_\_\_\_\_ f. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: \_\_\_\_\_.
  - \_\_\_\_\_ g. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: \_\_\_\_\_.
2. The Court further finds that no less restrictive measure is available to protect this/these interest(s), and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

**IT IS HEREBY ORDERED:**

The Clerk of the Circuit Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access: [*select all that apply*]

- \_\_\_\_\_ 1. The party's name on the progress docket. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name:\_\_\_\_\_. Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.
- \_\_\_\_\_ 2. The following documents within the court file:\_\_\_\_\_. However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.
- \_\_\_\_\_ 3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.
- \_\_\_\_\_ 4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

It is further **ORDERED** that any materials treated as confidential pursuant to this Order may be disclosed only as follows:

1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;
3. to authorized government agencies;
4. to the following specific individuals:\_\_\_\_\_; or
5. by further order of the Court.

It is further **ORDERED** that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order in a prominent public location [*specify courthouse at which order is being signed*] and the Clerk's website for a period of 30 days to provide public notice.

It is further **ORDERED** that the Clerk is hereby authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of the filing.

**DONE AND ORDERED** in Chambers, at [*Courthouse Location*], this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Judge Signature)