20040083067 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3155 PG: 814,
09/02/2004 at 12:39 PM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 93-2

RECORDED IN THE PUBLIC RECORDS OF LEON CO. FLA. IN THE BOOK & PAGE IND.
93 FEB 16 AM 11: 27
AT THE TIME AND DATE NOTED
DAVID L. LANG
CLERK CIRCUIT COURT

IN RE: REMOVAL OF OFFICIAL COURT FILES FROM CLERK'S OFFICE

WHEREAS, court files are public documents, but they are also the only records which the Court has of its proceedings. They are therefore of unique value to the bench, and of critical value to litigants involved in the cases represented by the files; and

WHEREAS, the court clerk is prohibited by Sec. 28.13, F.S. from permitting anyone to remove court files and other records from his office except by leave of the court; and

WHEREAS, it is incumbent upon the judges and to the Clerks of the Court to see to the security of the official records of Court proceedings, it is therefore,

ORDERED THAT:

1. No court file may be removed from the offices of the Clerk of Court in which the same are routinely filed or stored except at the request or order of a Judge of the Second Judicial Circuit, or when necessarily required by law to be removed from such custodian's possession, provided, however, Official Court Reporters may remove the file for 24 hours.

2. Nothing in this Order is intended to prevent any person from examining a court file in the offices of the Clerk of Court, except for juvenile court files, adoption files, files sealed by court order, and dissolution of marriage files as mentioned hereafter. No document shall be removed from any court file except by a judge or other lawfully authorized official, or the Clerk of this Court for the purpose of making copies. In Civil cases, attorneys of record

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in the case may sign out the court file to be signed back in within 48 hours. Other attorneys may sign out a court file for not exceeding forty-eight hours either on leave of court obtained from a judge of the court having jurisdiction over the file, ex parte, or upon filing with the Clerk the written consent of one of the attorneys of record or law firms of record in the case. If any attorney wished to check out a court file for longer than forty-eight hours, such may only be done with the written order of the judge to whom the case is assigned.

3. All official juvenile court records shall be kept separate from other records of the Clerk of the Circuit Court and shall not be open to inspection by the public. A child and the parents or legal custodians of the child and their attorneys shall have the right to inspect and copy any official record pertaining to the child. Others determined by the judge to have a proper interest therein may inspect said records after entry of a court order authorizing said inspection.

4. Criminal files will not be removed from the Clerk's office without the permission or consent of a county or circuit judge of the Second Judicial Circuit.

5. The Clerk is authorized to take files to courtrooms and judges' chambers. The Clerk may also deliver criminal files to the judges' assistant at the assistants request.

6. No court file shall be mailed or transmitted by any common carrier, except that files or portions of files may be transmitted to appellate or federal courts by registered mail or by United Parcel Service, when required by law, and may be transmitted by any courier service provided by the government of Franklin, Gadsden, Jefferson, Liberty, Leon or Wakulla County, Florida.

7. The Department of Professional Regulation is hereby authorized to sign out closed court files for a period of seventy-two (72) hours. Said department may check out open court files for forty-eight (48) hours on oral or written authorization to the Clerk from the

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assigned judge or the chief judge. The department may make copies of the documents in the court file for its use, but shall not, in so doing, take apart any depositions or other bound documents.

8. It shall be the responsibility of the Clerk to maintain a record of, and report to the Chief Judge monthly, all files checked out and not returned for more than one week and all lost files. This report shall be written, stating the case number, the date checked out, the person to whom the file was signed out, and the date the file was due to be returned. The Chief Judge may ban an attorney, department and/or firm from signing-out files, if the department attorney and/or firm fails to abide by the provisions of this order.

9. Except as set forth in paragraph 7 above, persons desiring copies of any court record will make arrangements through the Clerk of Court, and will pay statutory charges for such copying services.

10. The Clerk is prohibited from allowing any person to remove a court file in which the appellate record has been bound and indexed. Persons who need a portion of a record on appeal shall request it from the clerk and pay any expenses incurred for copies.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 11th day of February 1993.

WILLIAM L. GARY
CHIEF JUDGE

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