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BOB INZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

IN THE CIRCUIT COURT IN AND FOR
THE SECOND JUDICIAL CIRCUIT

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2006-06

IN RE: **CONFIDENTIAL JUDICIAL RECORDS**

WHEREAS, Rule 2.420(c) [formerly 2.051(c)], Florida Rules of Judicial Administration provides that certain records of the judicial branch may be made confidential by judicial order; and

WHEREAS, to ensure compliance with the requirements of Rule 2.420 (formerly 2.051), Florida Rules of Judicial Administration, in accordance with the authority vested in the Chief Judge by Rule 2.215 (formerly 2.050), Florida Rules of Judicial Administration, it is

ORDERED that:

A. DEFINITIONS.

1. "Court records" as used in this order shall have the same definition as contained in Rule 2.420(b)(1)(A), Florida Rules of Judicial Administration.

2. "Exempt court records" as used in this order are those records referenced in Rule 2.420(c), Florida Rules of Judicial Administration.

3. "Progress docket" is defined as those records generated to document activity in a case.

B. The following procedures shall apply to public access to and the sealing of court records not otherwise required by Florida or Federal law to be sealed:

1. The Clerk of Circuit Court shall make available for public access all court records in cases filed, unless such court records are exempt court records.

2. Motions to seal or make confidential a court record filed with the Clerk of Circuit Court on or after the date of this Administrative Order, may be granted if:

a. The moving party files a motion with the Clerk of Circuit Court entitled "Motion to Seal";

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b. Any such motion, after filing with the Clerk of Circuit Court, shall be promptly delivered by the Clerk of Court to the judge assigned to the case;

c. The moving party sets the matter for hearing, pursuant to notice entitled "Notice of Hearing on Motion to Seal," before the judge assigned to the case; and,

d. The Clerk of Circuit Court publishes on the Clerk's web page, or if no website is available shall post notice in a public area of the Courthouse, the case number; the names of the parties in the case; the date, time and location of the scheduled hearing; and,

3. The judge hearing the motion shall comply with Rule 2.420, Florida Rules of Judicial Administration when ruling on the motion.

4. If the motion is granted, the judge in his/her order shall state with specificity the following:

a. Whether the parties' names and/or the names of their lawyers are to be removed from public access;

b. Whether the progress docket is to be removed from public access;

c. Whether the contents, or parts of the contents of the court file are to be removed from public access;

d. The names and addresses of any individual or entity attending the hearing who interposed objection to the motion or the ruling of the court.

e. The specific reason why the motion was granted.

5. If the motion is granted, the moving party shall present to the assigned judge an order entitled "Order To Seal," and, when filed, the proposed order must contain the rulings to be made by the court as set forth in paragraph B.4.a.-e. of this Administrative Order.

C. EMERGENCY MOTIONS.

1. When a party requests that a motion to seal or make confidential a court record on an emergency basis, the assigned judge shall review the subject court record to determine whether there exists good cause to support the granting of the motion. If the assigned judge determines that good cause exists supporting

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the motion, the judge may enter a temporary order sealing, or making confidential, the subject court record.

2. When an order is entered providing that a court record be sealed or made confidential on a temporary basis, the moving party, Clerk of Circuit Court and the assigned judge shall immediately comply with the provisions of Paragraph B.1-4, inclusive, of this Administrative Order.

D. ORDERS ENTERED PRIOR TO THE EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER PURSUANT TO RULE 2.051(C)(9), FLORIDA RULES OF JUDICIAL ADMINISTRATION.

1. Clerks of Circuit Court of the Second Judicial Circuit shall, on or before October 31, 2006, identify all case files, if any, in their respective offices required to be retained as court records which are not accessible to the public by a manual or electronic search of the indexes or files of the Clerk of the Circuit Court as a result of an order entered pursuant to Rule 2.051(c)(9), Florida Rules of Judicial Administration.

2. The case files shall be delivered to the judge who entered the order, if still sitting as a judge in this circuit, and if not, to the administrative judge of the division in Leon County as to Leon County cases, and in the other counties within the circuit, to the judge assigned to the division or case in which the order was entered. The judge shall within thirty days after receipt of the case file(s) review the case file for compliance with Rule 2.051(c)(9), Florida Rules of Judicial Administration, and for the purpose entering an order addressing the items set forth in B.4.a-e of this Administrative Order.

3. The respective Clerks of Court, shall provide to the Chief Judge, on or before October 31, 2006, a list of the case numbers included within D.1 above, and on or before December 15, 2006, confirmation of whether or an order has been received as to each case on their respective list.

E. MISCELLANEOUS.

1. The Clerks of Circuit Court shall comply with all orders entered which limit public access to court records pursuant to the procedures set forth in this Administrative Order. No court record, or part of a court record, shall be withheld from public access unless it is an exempt court record.

2. The Court and nothing in this Administrative Order is intended to affect or modify the statutory process for sealing or expunging criminal history records. The files to be delivered by the clerks pursuant to this Administrative Order do not include court records that are directed to be confidential by the United States or Florida Constitution or statutes and laws, or court records that are sealed or expunged pursuant to the Florida Rules of Criminal Procedure.

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THIS ADMINISTRATIVE ORDER IS NOT INTENDED TO GRANT PUBLIC ACCESS TO EXEMPT COURT RECORDS AND SHALL NOT BE CONSTRUED TO PROVIDE PUBLIC ACCESS TO EXEMPT COURT RECORDS.

DONE AND ORDERED in Leon County, this 13th day of October, 2006.

CHARLES A. FRANCIS
Chief Judge

Copies provided to:

All Judges, Second Judicial Circuit
All Clerks of Circuit Court, Second Judicial Circuit
The Honorable Thomas D. Hall, Clerk, The Supreme Court of Florida
Lisa Goodner, State Court Administrator
Grant Slayden, Second Judicial Circuit Trial Court Administrator

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