

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 1.09

**SEALING AND CONFIDENTIALITY DETERMINATIONS
AS TO COURT RECORDS**

WHEREAS, Florida Rule of Judicial Administration 2.420 (2007) provides that certain records of the judicial branch are confidential and establishes a procedure for making court records confidential by court order; and

WHEREAS, the efficient administration of the courts of the Eighth Judicial Circuit requires that administrative guidelines be adopted to clarify the substantive and procedural aspects of Florida Rule of Judicial Administration 2.420 (2007); now

THEREFORE, it is hereby

ORDERED that:

1. As used in this order, the term:

(a) “Confidential record” means a record that is entitled to be sealed or protected from public access, and includes records which are exempt by statute or rule.

(b) “Court records” means the contents of a court file, including the progress docket and transcripts, electronic records, or videotapes filed with the Clerk of Court. Fla. R. Jud. Admin. 2.420(b)(1)(B) (2007).

(c) “Index” means the Clerk’s list of court files that are identified by case number and party name.

(d) “Official records” means the series of instruments required or authorized to be recorded by the Clerk in its capacity as county recorder for a county in the Eighth Judicial Circuit. §28.222, Fla. Stat. (2007).

(e) “Seal” means to protect from physical or electronic public access.

2. A court order that changes a party’s name in the index is equivalent to sealing the entire court file. A party’s use of a pseudonym or fictitious name in pleadings, although it has the effect of making the file confidential for purposes of locating the file by the party’s name, is not a court-ordered sealing and is not subject to this administrative order.

3. Where a party’s name has been made confidential by court order under Rule 2.420, the Clerk shall make the name confidential in the index by replacing the party’s last name with the word “confidential” and replacing the party’s first name with the word “case.”

4. This administrative order applies only to noncriminal cases.

5. In addition to the allegations required under Rule 2.420, the movant must also address in the motion whether any of the records sought to be sealed have been recorded or are required to be recorded in the official records of the county recorder, and if so, whether the movant is seeking to have that record removed from the official record or to prevent such recording.

6. In granting a motion to seal a court record or to make a court record confidential, in addition to the requirements of Rule 2.420, the court must also rule on whether any recorded documents must be removed from the official records, or not be recorded where otherwise required, and whether the Clerk is directed to remove the specified records from the official records, or to not record the identified documents in the official records.

7. The Clerk shall docket an order sealing a document or documents in a noncriminal case using docket code OSD-R and docket an order sealing an entire file using docket code OSF-R.

8. If an order makes any record confidential under Rule 2.420, but fails to address the extent of confidentiality of the record, the following presumptions will apply:

(a) The physical record will be sealed in a taped envelope, with no access by the public without court order. The progress docket as defined in Florida Supreme Court Administrative Order SC06-21, including the names of the parties, can be accessed by the public. Parties to the case and their attorneys of record may access the sealed physical record by providing proper identification;

(b) Electronic images of documents will be blocked or deleted so that they cannot be viewed remotely. The progress docket will remain available by remote access, unless the court record is otherwise protected from remote access by law; and

(c) Records that have been recorded in the official records will continue to be accessible to the public and may not be removed from the official records by the Clerk without further court order, and the Clerk must record those records that are required by law to be recorded in the official records.

9. Each Clerk of Court in the Eighth Judicial Circuit shall deliver to the Chief Judge on the second Monday in July of each year all court files in their respective offices which, pursuant to an order of the court under the authority of Florida Rule of Judicial Administration 2.420(c)(9) (2007), are not accessible to the public by a manual or electronic search of the indexes or files of the Clerk of Court.

(a) The files to be delivered should not include court records that are required by law to be confidential, or court records that are sealed or expunged pursuant to the Florida Rules of Criminal Procedure.

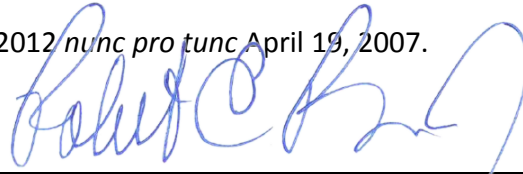
(b) The files to be delivered should not include court records that are in part confidential, but are indexed under the parties' names and are accessible to the public by manual or electronic search of the indexes maintained by the Clerk of Court.

10. The Clerks of Court shall comply with any order which requires that a court record or court file be sealed, or requires that a court record or court file be made confidential.

11. This order replaces Administrative Order 1.2005, dated 20 November 2006.

This order renumbers and reformats prior Administrative Order No. 1.2005(A) entitled "Sealing and Confidentiality Determinations as to Court Records."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* April 19, 2007.



Robert E. Roundtree, Jr., Chief Judge

