

**IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL  
CIRCUIT OF FLORIDA**

**ADMINISTRATIVE ORDER NO:  
10-14  
SUPERSEDES 07-18**

**IN RE: CLERK OF COURT - SEALING 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 Fla. R. Jud. Admin. 2.420 and the Florida Rules of App. P., 35 Fla. L. Weekly S180a (Fla. Mar. 18, 2010). Administrative Order 07-18 is rescinded.

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 to seal, it is hereby

**ORDERED** that:

- I. All requests and orders regarding sealing trial court records shall comply with Rule 2.420, Florida Rules of Judicial Administration.
- II. Filers of court records at the time of filing shall indicate whether any confidential information is included within the document being filed; identify the confidentiality provision that applies to the identified information; and identify the precise location of the confidential information within the document being filed. A form Notice of Confidential Information within Court Filing, accompanies Rule 2.420.
- III. Per Rule 2.420(d)(1)(B)(i)-(xix), matters which should be automatically sealed by the Clerk of Court without necessity of a court order, include:
  - (1) Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. § 39.0132(3), Fla. Stat.
  - (2) Adoption records. § 63.162, Fla. Stat.

- (3) Social Security, bank account, charge, debit, and credit card numbers in court records. § 119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat.
  - (4) HIV test results and patient identity within the HIV test results. § 381.004(3)(e), Fla. Stat.
  - (5) Sexually transmitted diseases-test results and identity within the test results when provided by the Department of Health or the department's authorized representative. § 384.29, Fla. Stat.
  - (6) Birth and death certificates, including court-issued delayed birth certificates and fetal death certificates. §§ 382.008(6), 382.025(1)(a), Fla. Stat.
  - (7) Identifying information in petition by minor for waiver of parental notice when seeking to terminate pregnancy. § 390.01116, Fla. Stat.
  - (8) Identifying information in clinical mental health records under the Baker Act. § 394.4615(7), Fla. Stat.
  - (9) Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals who have received services from substance abuse service providers. § 397.501(7), Fla. Stat.
  - (10) Identifying information in clinical records of detained criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.
  - (11) Estate inventories and accountings. § 733.604(1), Fla. Stat.
  - (12) Victim's address in domestic violence action on petitioner's request. § 741.30(3)(b), Fla. Stat.
  - (13) Information identifying victims of sexual offenses, including child sexual abuse. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.
  - (14) Gestational surrogacy records. § 742.16(9), Fla. Stat.
  - (15) Guardianship reports and orders appointing court monitors in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.
  - (16) Grand jury records. Ch. 905, Fla. Stat.
  - (17) Information acquired by courts and law enforcement regarding family services for children. § 984.06(3)-(4), Fla. Stat.
  - (18) Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat.
  - (19) Information disclosing the identity of persons subject to tuberculosis proceedings and records of the Department of Health in suspected tuberculosis cases. §§ 392.545, 392.65, Fla. Stat.
- IV. A form "Motion to Determine Confidentiality of Trial Court Records" accompanies this Administrative Order. See Attachment "A."
  - V. A form "Order Granting/Denying Motion to Determine Confidentiality of Court Records" pursuant to Rule 2.420(c)(9) accompanies this Administrative Order. See Attachment "B."
  - VI. A form "Notice of Entry of Order Determining Records to be Confidential" accompanies this Administrative Order. See Attachment "C."
  - VII. Posting of Orders Determining Records to be Confidential/Authorizing Sealing

The Clerk of court of Brevard County or the Clerk of Court of Seminole County, as appropriate, is hereby directed to post a copy of order(s) authorizing sealing/determining records to be confidential

within 10 days following entry of the order on the public bulletin board of the court facility where the order was issued and on the Clerk's website for no less than 30 days, in accordance with rule 2.420.

**DONE AND ORDERED** this 17th day of May, 2010.

J. PRESTON SILVERNAIL  
J. PRESTON SILVERNAIL  
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. \_\_\_\_\_

v

\_\_\_\_\_

**MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL 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, and for an order sealing the same.

- 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 and 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:

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

- c. The movant seeks an order sealing 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. 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 of the [information sought to be sealed] 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 [schedule or not schedule] this motion for a hearing.

The Court finds that \_\_\_\_\_ documents are confidential and for the Court to seal 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.

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 U.S. Mail/personal service to:\_\_\_\_\_, on\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorneys' Name

Florida Bar No. \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

ATTACHMENT B

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

Case No. \_\_\_\_\_

\_\_\_\_\_,  
v  
\_\_\_\_\_

**ORDER GRANTING/DENYING MOTION TO DETERMINE TRIAL  
COURT RECORDS CONFIDENTIAL PURSUANT TO  
FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

**THIS MATTER** is before the Court on the Motion to Determine Trial Court Records Confidential 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 sealing 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 sought to be sealed is necessary to protect any interest under Rule 2.420(c).

**-- OR --**

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

1. Confidentiality of the [information sought to be sealed] 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).

Wherefore, it is hereby **ORDERED** that:

The Clerk of the Circuit Court is hereby directed to seal 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 sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment rights.

It is further **ORDERED** that any materials sealed pursuant to this Order may otherwise 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 adult parties or their attorneys of record; or
4. 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 on the bulletin board of *[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 unseal any materials sealed 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 resealed immediately upon completion of the filing.

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

\_\_\_\_\_/s/

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by U.S. Mail/personal service to: \_\_\_\_\_, on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judicial Assistant  
Address \_\_\_\_\_

ATTACHMENT C

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

Case No. \_\_\_\_\_

\_\_\_\_\_  
v.  
\_\_\_\_\_

**NOTE: INCLUDE CASE STYLE ONLY IN CASES WHERE A DOCUMENT OR DOCUMENTS ALONE HAVE BEEN SEALED. IN CASES WHERE A FILE, FILE AND DOCKET, OR A PARTY'S IDENTITY HAS BEEN SEALED, REDACT THE CASE STYLE.**

**NOTICE OF ENTRY OF ORDER DETERMINING  
CONFIDENTIALITY OF TRIAL COURT RECORDS**

**BE ADVISED** that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court entered an Order in the above-referenced matter authorizing the sealing of court documents pursuant to Florida Rule of Judicial Administration 2.420(c)(9). Any person wishing to contest this Order shall file a motion with the Clerk of the Circuit Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(NAME), Clerk of the Circuit Court)

By: \_\_\_\_\_  
Deputy Clerk