

Amendments to Rule of Judicial Administration 2.420 (Public Access To And Protection of Judicial Branch Records)

The Florida Supreme Court recently adopted amendments to Florida Rule of Judicial Administration 2.420(d) (Public Access to and Protection of Judicial Branch Records; Procedures for Determining Confidentiality of Court Records) on its own motion. *See In re Amends. to Fla. R. Jud. Admin. 2.420*, No. SC20-1765 (Fla. Jan. 21, 2021). The amendments eliminate the requirement that the clerk of court independently designate as confidential information filed in certain civil cases.

The Court invites all interested persons to comment on the amendments, which are reproduced in full below. All comments must be filed with the Court on or before April 6, 2021, with a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.420, CASE NO. SC20-1765**

**RULE 2.420. PUBLIC ACCESS TO AND PROTECTION OF
JUDICIAL BRANCH RECORDS**

(a) – (c) [No Change]

(d) Procedures for Determining Confidentiality of Court Records.

(1) Except as provided in subdivision (d)(1)(C), the clerk of the court shall designate and maintain the confidentiality of any information contained within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of this rule. ~~The following information shall be maintained as confidential:~~

(A) The clerk of the court shall maintain as confidential information described by any of subdivisions (c)(1) through (c)(6) of this rule; ~~and~~

(B) Except as provided by court order, the clerk of the court shall maintain as confidential information subject to subdivision (c)(7) or (c)(8) of this rule that is currently confidential or exempt from section 119.07, Florida Statutes, and article I, section 24(a) of the Florida Constitution as specifically stated in any of the following statutes or as they may be amended or renumbered:

(i) – (xxiii) [No Change]

(C) In civil cases, the clerk of the court shall not be required to designate and maintain information as confidential unless the filer follows the notice procedures set forth in subdivision (d)(2), the filer files a Motion to Determine Confidentiality of Court Records as set forth in subdivision (d)(3), the filing is deemed confidential by court order, or the case itself is confidential by law. “Civil cases” as used in this rule includes only civil case types in the circuit, county, or small claims courts (identified by the Court Type Designator CA, CC, and SC in the uniform case numbering system), except those case types listed as “Viewable on Request (VOR)” in the Standards for Access to Electronic Court Records and Access Security Matrix, as adopted by the supreme court in Administrative Order AOSC14-19 or the then-current standards for access.

(2) – (5) [No Change]

(e) – (m) [No Change]

Committee Note

[No Change]

2002 – 2007 Court Commentary

[No Change]

2007 Committee Commentary

[No Change]

APPENDIX TO RULE 2.420

[No Change]