

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 10-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 10-10
(Rescinding and superseding
Administrative Order No. 06-36,
as amended)**

**IN RE: PROCEDURES AND CRITERIA
FOR SEALING COURT RECORDS**

WHEREAS, pursuant to Administrative Order No. 06-36 and Administrative Order 06-36 A1, this court established the procedures and criteria for sealing court records; and

WHEREAS, subsequent to the effective dates of said Administrative Orders, the Florida Supreme Court renumbered the Florida Rules of Judicial Administration. *In re Amendments to Fla. R. of Jud. Admin.- Reorganization of the Rules*, 939 So. 2d 966 (Fla. 2006); and

WHEREAS, Rule 2.050 of the Florida Rules of Judicial Administration has been renumbered as Rule 2.215; and

WHEREAS, Rule 2.051 of the Florida Rules of Judicial Administration has been renumbered as Rule 2.420; and

WHEREAS, subsequent to the effective dates of said Administrative Orders, the Florida Supreme Court amended Rule 2.420, Florida Rules of Judicial Administration. *In re Amendments to Fla. R. of Jud. Admin. 2.420 and the Fla. R. of App. P.*, 31 So. 3d 756 (Fla. 2010);

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit, under Rule 2.215 of the 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 insuring the confidentiality of court records when such confidentiality is required by law or found warranted by court order, insure that materials are not unintentionally designated as confidential, and provide a procedure whereby the public can request review of orders to seal, it is hereby **ORDERED**:

1. All requests and orders regarding sealing trial court records shall strictly comply with Rule 2.420 of the Florida Rules of Judicial Administration and the attached sample orders.
2. The Clerk of the Courts for the Eleventh Judicial Circuit of Florida ("Clerk") shall designate and maintain the confidentiality of any information within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of Rule 2.420 of the Florida Rules of Judicial Administration.
 - A. **Subdivision (d)(1)(A) of Rule 2.420.** The following information shall be maintained as confidential:
 - (1) Trial and appellate court memoranda, drafts of opinions and orders, court conference records, notes, and other written materials of a similar nature prepared by judges or court staff acting on behalf of or at the direction of the court as part of the court's judicial decision-making process utilized in disposing of cases and controversies before Florida courts unless filed as a part of the court record;
 - (2) Memoranda or advisory opinions that relate to the administration of the court and that require confidentiality to protect a compelling governmental interest, including, but not limited to, maintaining court security, facilitating a criminal investigation, or protecting public safety, which cannot be adequately protected by less restrictive measures. The degree, duration, and manner of confidentiality imposed shall be no broader than necessary to protect the compelling governmental interest involved, and a finding shall be made that no less restrictive measures are available to protect this interest. The decision that confidentiality is required with respect to such administrative memorandum or written advisory opinion shall be made by the chief judge;
 - (3)(A) Complaints alleging misconduct against judges until probable cause is established;
 - (B) Complaints alleging misconduct against other entities or individuals licensed or regulated by the courts, until a finding of probable cause or no probable cause is established, unless otherwise provided. Such finding should be made within the time limit set by law or rule. If no time limit is set, the finding should be made within a reasonable period of time;

- (4) Periodic evaluations implemented solely to assist judges in improving their performance, all information gathered to form the bases for the evaluations, and the results generated therefrom;
- (5) Only the names and qualifications of persons applying to serve or serving as unpaid volunteers to assist the court, at the court's request and direction, shall be accessible to the public. All other information contained in the applications by and evaluations of persons applying to serve or serving as unpaid volunteers shall be confidential unless made public by court order based upon a showing of materiality in a pending court proceeding or upon a showing of good cause; and
- (6) Copies of arrest and search warrants and supporting affidavits retained by judges, clerks, or other court personnel until execution of said warrants or until a determination is made by law enforcement authorities that execution cannot be made.

B. **Subdivision (d)(1)(B)(i)-(xix) of Rule 2.420.** The following information shall be maintained as confidential:

- (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. (Unless redaction is requested pursuant to 119.0714(2), this information is exempt only as of January 1, 2011.)
- (4) HIV test results and patient identity within those 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 a petition by a 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) The victim's address in a 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.

- C. Except as provided by court order, information subject to Rule 2.420(c)(7) or Rule 2.420(c)(8) of the Florida Rules of Judicial Administration is currently confidential or exempt from section 119.07, Florida Statutes, and article I, section 24(a) of the Florida Constitution.

3. **Notice of Confidential Information within Court Filing.**

- A. Any person filing any document containing confidential information shall at the time of filing, file with the Clerk a “Notice of Confidential Information within Court Filing.” A form “Notice of Confidential Information within Court Filing” is attached to this Administrative Order. See Attachment “A.”
- B. The clerk of court shall review filings identified by filers as containing confidential information to determine whether the purported confidential information is facially subject to confidentiality under the identified provision in Rule 2.420(d)(1)(B) of the Florida Rules of Judicial Administration.
- C. If the clerk determines that filed information is not subject to confidentiality under the identified provision, the clerk shall notify the person who filed the document in writing within 5 days of the filing and thereafter shall maintain the information as confidential for 10 days from the day such notice is served.
- D. The information shall not be held as confidential for more than 10 days, unless the filer has filed a motion pursuant to Rule 2.420(d)(3) of the Florida Rules of Judicial Administration.

4. **Motion to Determine Confidentiality of Court Records.** A person filing information that he or she believes in good faith to be confidential but is not described in Rule 2.420(d)(1) of the Florida Rules of Judicial Administration shall file a “Motion to Determine Confidentiality of Court Records.”

- A. The Motion to Determine Confidentiality of Court Records must:
 - (1) identify the particular court records or a portion of a **record that the movant seeks to have determined as** confidential with as much specificity as possible without revealing the information subject to the confidentiality determination;
 - (2) specify the bases for determining that such court records are confidential;

- (3) set forth the specific legal authority and any applicable legal standards for determining such court records to be confidential; and
 - (4) must include a signed certification by the party or the attorney for the party making the request that the motion is made in good faith and is supported by a sound factual and legal basis.
- B. Any information that is subject to a “Motion to Determine Confidentiality of Court Records” must be treated as confidential by the clerk pending the court’s ruling on the motion.
- C. Notwithstanding any of the foregoing, the court may not determine that the case number, docket number, or other number used by the clerk’s office to identify the case file is confidential.
- D. Except when a motion filed under Rule 2.420(e)(1) of the Florida Rules of Judicial Administration represents that all parties agree to all of the relief requested, the court must, as soon as practicable but no later than 30 days after the filing of a motion under this subdivision, hold a hearing before ruling on the motion.
- E. Pursuant to Rule 2.420(e)(2) of the Florida Rules of Judicial Administration, the hearing must be an open proceeding but any person may request that the court conduct all or part of the hearing in camera to protect the interests outlined in Rule 2.420(c) of the Florida Rules of Judicial Administration.
- F. The moving party shall be responsible for ensuring that a complete record of any hearing held pursuant to this subdivision be created, either by use of a court reporter or by any recording device that is provided as a matter of right by the court.
- G. The court may in its discretion require public notice of the hearing on the “Motion to Determine Confidentiality of Court Records” or other public notice as the court deems appropriate.
- H. The court must issue a ruling on the “Motion to Determine Confidentiality of Court Records” within 30 days of the hearing.
- I. An Order granting in whole or in part a “Motion to Determine Confidentiality of Court Records” filed under Rule 2.420(e) of the Florida Rules of Judicial Administration must state the following with as much specificity as possible without revealing the information subject to the confidentiality determination:

- (1) the type of case in which the order is being entered;
- (2) the particular grounds under Rule 2.420(c) of the Florida Rules of Judicial Administration for determining the information to be confidential;
- (3) whether any party's name is determined to be confidential and, if so, the particular pseudonym or other term to be substituted for the party's name;
- (4) whether the progress docket or similar records generated to document activity in the case are determined to be confidential;
- (5) the particular information that is determined to be confidential;
- (6) identification of persons who are permitted to view the confidential information;
- (7) that the court finds that:
 - (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in Rule 2.420(c) of the Florida Rules of Judicial Administration;
 - (ii) no less restrictive measures are available to protect the interests set forth in Rule 2.420(c) of the Florida Rules of Judicial Administration;
 - (iii) the clerk of the court is directed to publish the order in accordance with Rule 2.420(e)(4) of the Florida Rules of Judicial Administration.

J. **Clerk's posting of entry of an order granting in whole or in part a Motion to Determine Confidentiality.** Except as provided by law or court rule, notice must be given of any order granting in whole or in part a motion made under Rule 2.420(e)(1) of the Florida Rules of Judicial Administration in the following manner:

- (1) Within 10 days following the entry of the order, the clerk of court must post a copy of the order on the clerk's website and in a prominent public location in the courthouse;

- (2) The order must remain posted in both locations for no less than 30 days.
- (3) This subdivision shall not apply to orders determining that court records are confidential under Rule 2.420(c)(7) or Rule 2.420(c)(8) of the Florida Rules of Judicial Administration.

K. **Nonparty's request to vacate all or part of an order granting in whole or part a Motion to Determine Confidentiality of Court Records.**

- (1) A nonparty may request the court to:
 - (a) vacate all or part of an order issued under Rule 2.420(e) of the Florida Rules of Judicial Administration or
 - (b) order the unsealing of records designated as confidential under Rule 2.420(d) of the Florida Rules of Judicial Administration.
- (2) A nonparty shall comply with the provisions delineated in Rule 2.420(e)(5) of the Florida Rules of Judicial Administration.
- (3) The request:
 - (a) must be made by a written motion filed in that court;
 - (b) must state with as much specificity as possible the bases of the request; and
 - (c) must set forth the specific legal authority and any applicable legal standards supporting the request.
- (4) The movant must serve all parties and all affected non-parties with a copy of the motion.
- (5) **Confidential Party – Court Service Requested.** If the subject order determines that the names or addresses of one or more parties are confidential, the movant must state prominently in the caption of the motion “Confidential Party-Court Service Requested.” The Court shall be responsible for providing a copy of the motion to all parties and all affected non-parties in such a way as not to reveal the confidential information to the movant.

- (6) The court must, as soon as practicable but no later than 30 days after the filing of a motion under this subdivision, hold a hearing on the motion.
- (7) In accordance with Rule 2.420(e)(5) of the Florida Rules of Judicial Administration, the court may in its discretion hold a hearing on the motion regardless of whether any motion filed under this subdivision is agreed to by the parties.
- (8) **Hearing.** In accordance with Rule 2.420(e)(5) of the Florida Rules of Judicial Administration, the hearing must be an open proceeding, except that any person may request that the court conduct all or part of the hearing in camera to protect the interests set forth in Rule 2.420(c) of the Florida Rules of Judicial Administration.
- (9) The court must issue a ruling on the motion within 30 days of the hearing.
- (10) The movant shall be responsible for ensuring that a complete record of any hearing held pursuant to this subdivision be created, either by use of a court reporter or by any recording device that is provided as a matter of right by the court.

L. **Sanctions.** After notice and an opportunity to respond, the court may impose sanctions against any party or non-party and/or their attorney, if:

- (1) the court determines that a designation made under Rule 2.420(d) or a motion made under Rule 2.420(d)(3) or 2.420(e) of the Florida Rules of Judicial Administration was not made in good faith and was not supported by a sound legal or factual basis, or
- (2) a document is filed in violation of Rule 2.420(d)(2) or Rule 2.420(d)(3) of the Florida Rules of Judicial Administration.

5. **Motion to Determine Confidentiality of Court Records in Criminal Cases.**

- A. The procedural requirements delineated in Rule 2.420(f) of the Florida Rules of Judicial Administration shall be followed.
- B. Rule 2.420(e) shall apply to any motion by the state or a defendant

to determine the confidentiality of trial court records under Rule 2.420(c), except as provided by Rule 2.420(f)(3) of the Florida Rules of Judicial Administration.

C. Rule 2.420(f)(3) of the Florida Rules of Judicial Administration.

- (1) In accordance with Rule 2.420(f)(3), a written motion captioned “Motion to Determine Confidentiality of Court Records” may be made to determine whether a court record that pertains to a plea agreement, substantial assistance agreement, or other court record that reveals the identity of a confidential informant or active criminal investigative information is confidential:
 - (a) to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice; Fla. R. Jud. Admin. 2.420(c)(9)(A)(i);
 - (b) to protect a compelling governmental interest; Fla. R. Jud. Admin. 2.420 (c)(9)(A)(iii);
 - (c) to avoid substantial injury to innocent third parties; Fla. R. Jud. Admin. 2.420 (c)(9)(A)(v); or
 - (d) to comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law. Fla. R. Jud. Admin. 2.420(c)(9)(A)(vii).
- (2) Any motion made under Rule 2.420(f)(3) must be treated as confidential and indicated on the docket by generic title only, pending a ruling on the motion or further order of the court.
- (3) Information that is the subject of such motion must be treated as confidential by the clerk pending the court's ruling on the motion. Filings containing the information must be indicated on the docket in a manner that does not reveal the confidential nature of the information.
- (4) Any motion made under this provision shall also comply with the specific requirements as outlined in Rule 2.420(f)(3)(B).
- (5) Time for sealing of court records under Rule 2.420(f)(3).
 - (a) No order entered under this subdivision may authorize or approve the sealing of court records for

any period longer than is necessary to achieve the objective of the motion, and in no event longer than 120 days.

(b) Extensions of an order issued hereunder may be granted for 60-day periods, but each such extension may be ordered only upon the filing of another motion in accordance with the procedures set forth under Rule 2.420(f).

(c) In the event of an appeal or review of a matter in which an order is entered under this subdivision, the lower tribunal shall retain jurisdiction to consider motions to extend orders issued hereunder during the course of the appeal or review proceeding.

(6) The clerk of the court shall comply with the provisions delineated in Rule 2.420(f)(3)(D).

6. Request to Determine Confidentiality of Appellate Court Records in Noncriminal Cases.

A. The guidelines to file a motion to determine the confidentiality of appellate court records shall be followed as provided for in Rule 2.420(g)(1)–(9) of the Florida Rules of Judicial Administration.

B. A motion to determine the confidentiality of appellate court records in noncriminal cases under Rule 2.420(c) must be filed in the appellate court and must be in compliance with the guidelines set forth in Rule 2.420(e)(1) of the Florida Rules of Judicial Administration.

C. A motion may be made with respect to a record that was presented or presentable to a lower tribunal, but no determination concerning confidentiality was made by the lower tribunal, or a record presented to an appellate court in an original proceeding.

D. Any order granting in whole or in part a motion filed under Rule 2.420(g)(1) must be in compliance with the guidelines set forth in Rule 2.420(e)(3)(A)-(H) of the Florida Rules of Judicial Administration.

E. Any order requiring the sealing of an appellate court record operates to also make those same records confidential in the lower tribunal during the pendency of the appellate proceeding.

- F. **Clerk’s posting of an order granting a motion under Rule 2.420(g)(1).** Except as provided by law, within 10 days following the entry of an order granting a motion under Rule 2.420(g)(1), the clerk of the appellate court must post a copy of the order on the clerk’s website and provide a copy of the order to the clerk of the lower tribunal, with directions that the clerk is to seal the records identified in the order. The order must remain posted for no less than 30 days.
- G. **Nonparty’s request to vacate all or part of an order issued under Rule 2.420(g)(3) or unsealing of records designated as confidential under Rule 2.420(d) of the Florida Rules of Judicial Administration.**
- (1) The request:
 - (a) must be made by a written motion filed in that court;
 - (b) must state with as much specificity as possible the bases of the request; and
 - (c) must set forth the specific legal authority and any applicable legal standards supporting the request.
 - (2) The movant must serve all parties and all affected non-parties with a copy of the motion.
 - (3) **Confidential Party – Court Service Requested.** If the subject order determines that the names or addresses of one or more parties are confidential, the movant must state prominently in the caption of the motion “Confidential Party-Court Service Requested.” The Court shall be responsible for providing a copy of the motion to all parties and all affected non-parties in such a way as not to reveal the confidential information to the movant when the motion states “Confidential Party – Court Service Requested.”
 - (4) A response to a motion may be served within 10 days of service of the motion.
- H. In accordance with Rule 2.420(g)(6) of the Florida Rules of Judicial Administration, a party seeking to have an appellate record sealed has the responsibility:
- (1) to ensure that the clerk of the lower tribunal is alerted to the issuance of the order sealing the records; and

(2) to ensure that the clerk takes appropriate steps to seal the records in the lower tribunal.

I. **Sanctions.** If the court determines that a designation made under Rule 2.420(d) or a motion made under Rule 2.420(g)(1) of the Florida Rules of Judicial Administration was not made in good faith and was not supported by a sound legal or factual basis, the court may impose sanctions on the movant after notice and an opportunity to respond.

J. **Records of a lower tribunal determined to be confidential by that tribunal.**

(1) The records must be treated as confidential during any review proceedings;

(2) If the information has been determined to be confidential under Rule 2.420, the clerk of the lower tribunal shall so indicate in the index transmitted to the appellate court; and

(3) If the information was determined to be confidential in an order, the clerk's index must identify such order by date or docket number.

(4) Rule 2.420(g) of the Florida Rules of Judicial Administration does not preclude review by an appellate court, under Florida Rule of Appellate Procedure 9.100(d), or affect the standard of review by an appellate court, of an order by a lower tribunal determining a record to be confidential.

7. Denial of Access request for Administrative Records

A. Requests for access to administrative records shall comply with the provisions outlined in Rule 2.420(h) of the Florida Rules of Judicial Administration.

B. The phrase "Administrative records" is defined in section 11 of this Administrative Order.

8. Procedure to request access to records under Rule 2.420

A. Requests and responses to requests for access to records shall comply with the provisions outlined in Rule 2.420(i) of the Florida Rules of Judicial Administration.

- B. Requests and responses to requests for access to records shall be in a reasonable manner.
 - C. Request for access to records shall:
 - (1) be in writing;
 - (2) be directed to the custodian; and
 - (3) provide sufficient specificity to enable the custodian to identify the requested records.
 - D. "Custodian" is defined in section 11 of this Administrative Order.
 - E. **Fees for copies of records.** Fees for copies of records in all entities in the judicial branch of government, except for copies of court records, shall be the same as those provided in section 119.07, Florida Statutes (2001).
9. A form "Order Granting/Denying Motion to Determine Confidentiality of Court Records" accompanies this Administrative Order. See Attachment "B."
10. A form "Notice of Entry of Order Authorizing Sealing" accompanies this Administrative Order. See Attachment "C."
11. **Definitions.** In accordance with Rule 2.420(b) of the Florida Rules of Judicial Administration and for the purposes of this Administrative Order, the following terms are defined as follows:
- A. "Administrative records," are records, other than Court records, made or received pursuant to court rule, law, or ordinance, or in connection with the transaction of official business by any judicial branch entity.
 - B. "Affected non-party" means any non-party identified by name in a court record that contains confidential information pertaining to that non-party.
 - C. "Court records" means the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes,

or stenographic tapes of court proceedings.

- D. "Confidential," as applied to information contained within a record of the judicial branch, means that such information is exempt from the public right of access under article I, section 24(a) of the Florida Constitution and may be released only to the persons or organizations designated by law, statute, or court order. As applied to information contained within a court record, the term "exempt" means that such information is confidential. Confidential information includes information that is confidential under Rule 2.420 of the Florida Rules of Judicial Administration or under a court order entered pursuant to Rule 2.420. To the extent reasonably practicable, restriction of access to confidential information shall be implemented in a manner that does not restrict access to any portion of the record that is not confidential.
- E. "Custodian" of all administrative records of any court is the chief justice or chief judge of that court, except that each judge is the custodian of all records that are solely within the possession and control of that judge. As to all other records, the custodian is the official charged with the responsibility of maintaining the office having the care, keeping, and supervision of such records. All references to "custodian" mean the custodian or the custodian's designee.

Administrative Order No. 06-36 and Administrative Order No. 06-36 A1 are hereby rescinded in their entirety and held for naught.

This Administrative Order shall take effect immediately and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 15th day of November, 2010.

**JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

ATTACHMENT A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

OR

IN THE COUNTY COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

_____ DIVISION

CASE NO: _____

SECTION NO: _____

v.

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of a court record 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.

Title/Type of Document(s): _____

Indicate the applicable confidentiality provision(s) below from Rule 2.420(d)(1)(B), by specifying the location within the document on the space provided:

___ Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. § 39.0132(3), Fla. Stat. (If the document is filed within a Chapter 39 case, this form is not required.)

- ___ Adoption records. § 63.162, Fla. Stat. (If the document is filed within a Chapter 63 adoption case, this form is not required.)
- ___ Social Security, bank account, charge, debit, and credit card numbers in court records. § 119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat. (Unless redaction is requested pursuant to § 119.0714(2), this information is exempt only as of January 1, 2011.)
- ___ HIV test results and patient identity within the HIV test results. § 381.004(3)(e), Fla. Stat.
- ___ 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.
- ___ Birth and death certificates, including court-issued delayed birth certificates and fetal death certificates. §§ 382.008(6), 382.025(1)(a), Fla. Stat.
- ___ Identifying information in petition by minor for waiver of parental notice when seeking to terminate pregnancy. § 390.01116, Fla. Stat. (If the document is filed within a Ch. 390 waiver of parental notice case, this form is not required.)
- ___ Identifying information in clinical mental health records under the Baker Act. § 394.4615(7), Fla. Stat.
- ___ 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.
- ___ Identifying information in clinical records of detained criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.
- ___ Estate inventories and accountings. § 733.604(1), Fla. Stat.
- ___ Victim's address in domestic violence action on petitioner's request. § 741.30(3)(b), Fla. Stat.
- ___ Information identifying victims of sexual offenses, including child sexual abuse. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.
- ___ Gestational surrogacy records. § 742.16(9), Fla. Stat.
- ___ Guardianship reports and orders appointing court monitors in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.

___ Grand jury records. Ch. 905, Fla. Stat. (If the document is filed in a Ch. 905 grand jury proceeding, this form is not required.)

___ Information acquired by courts and law enforcement regarding family services for children. § 984.06(3)-(4), Fla. Stat. (If the document is filed in a Ch. 984 family services for children case, this form is not required.)

___ Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat. (If the document is filed in a Ch. 985 juvenile delinquency case, this form is not required.)

___ 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.

Submitted and filed 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 ____.

Attorney
Address
Phone
Florida Bar No.

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under the identified provision. The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R. Jud. Admin. 2.420(d)(2).

ATTACHMENT B

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

OR

IN THE COUNTY COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

_____ DIVISION

CASE NO: _____
SECTION NO: _____

v.

**ORDER GRANTING/DENYING MOTION TO SEAL PURSUANT
TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

THIS MATTER is before the Court on the motion of _____
pursuant to Florida Rule of Judicial Administration 2.420(c)(9) for an order sealing the
following information relative to this 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.

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)(9).

-- 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.

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 the Clerk is hereby directed to post a copy of the attached Notice of Entry of Order Authorizing Sealing on the Clerk's and Court's websites and in a prominent location in the courthouse for a period *not less than thirty* (30) days and to affix a copy of the Order on the outside of the court record.

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 Miami-Dade County, Florida, this
_____ day of _____, 20__.

_____/s/

Copies furnished to:

ATTACHMENT C

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

OR

IN THE COUNTY COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

_____ DIVISION

CASE NO: _____

SECTION 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 AUTHORIZING SEALING

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).

Dated: _____

Harvey Ruvin, Clerk of the Courts

By: _____

Deputy Clerk