

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2010-065 PA/PI-CIR

RE: SEALING OF COURT RECORDS

The Florida Supreme Court adopted amendments to Rule of Judicial Administration 2.420 effective October 1, 2010. *In re: Amendments to Florida Rule of Judicial Administration 2.420 and the Florida Rules of Appellate Procedure*, 31 So.3d 756 (Fla. 2010). These amendments require the filer of court records and the Clerk of the Circuit Court to identify certain records as confidential, modify the procedures for sealing and unsealing of court records, establish procedures for criminal cases, and address sealing of appellate court records. The Rule does not alter existing law establishing certain records as confidential. Accordingly, it is necessary to update the procedures in the Sixth Judicial Circuit.

The Clerk of the Circuit Court in Pasco County and the Clerk of the Circuit Court in Pinellas County met and offered helpful suggestions to the Court. The Clerks recommended certain records continue to be automatically sealed by the Clerks because it is not reasonably practical to do otherwise. Those recommendations have been accepted by the Court. The Court finds it will be a more efficient use of available resources to automatically seal certain records that are regularly filed with the Court when those records are made confidential by federal or state law.

In accordance with the Chief Judge's authority under Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and section 43.26, Florida Statutes, and in order to exercise administrative supervision over the courts within the circuit, to control dockets, 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, to insure that materials are not unintentionally designated as confidential, and to implement procedures whereby the public can request review of orders to seal, it is hereby

ORDERED:

I. Filer of Court Records

A. Notice of Confidential Information Within Court Filing

The filer of court records must, in accordance with Rule of Judicial Administration 2.420(d)(2), file a "Notice of Confidential Information Within Court Filing" if the document contains information specified as confidential in accordance with Rule 2.420(d)(1)(B). The 19 items in this rule, which require a filer to file a "Notice of Confidential Information Within Court Filing," are listed in Appendix A. The "Notice of Confidential Information Within Court Filing" is attached as Appendix B. If the document is filed in one of the following types of cases, which are sealed and maintained by the Clerks of the Circuit Court as confidential, the Notice is not required:

1. Dependency, sections 39.0132(3)-(4), Florida Statutes.
2. Termination of Parental Rights, sections 39.814(3)-(4), Florida Statutes.
3. Adoption, section 63.162(2), Florida Statutes.
4. Surrogacy, section 742.16(9), Florida Statutes.
5. Children and Families in Need of Services, sections 984.06(3)-(4), Florida Statutes.
6. Delinquency, section 985.05(2), Florida Statutes.
7. Waiver of Parental Notification of Termination of Pregnancy, sections 390.01114 -.01116 and Florida Juvenile Procedure Rule 8.835.

If a document from one of these case types listed in 1-7 is filed in any other case, the Notice must be filed with the document.

B. Motion to Determine Confidentiality of Court Records Not Subject to Notice of Confidential Information Within Court Filing

The filer of a document must, in accordance with Rule of Judicial Administration 2.420(d)(3), ascertain whether any information contained within the document is confidential but is not one of the 19 items listed in Rule 2.420(d)(1)(B). If the document includes confidential information that is not one of the 19 items, the filer must file a “Motion to Determine Confidentiality of Court Records” unless (1) the person filing the information is the only individual whose confidential information is included in the document or is the attorney representing all such individuals, and (2) a knowing waiver of confidentiality is intended.

The filer of the motion must indicate in the motion whether the motion is agreed to and must provide service on other parties and any affected non-parties. Non-parties must also be provided with a Notice that describes the confidential information with as much specificity as possible without revealing the confidential information. A form “Motion to Determine Confidentiality of Court Records” is attached in Appendix C. A form “Notice to Affected Non-Party” is attached in Appendix D.

If the motion is not agreed to, the filer must contact the judicial assistant for the section judge upon filing of the motion and set the matter so that a hearing can be held within 30 days of filing. A form “Notice of Hearing (Sealed records)” is attached as Appendix E which the movant must complete and serve. A proposed “Order Granting/Denying Motion to Determine Confidentiality of Court Records” is attached as Appendix F-1 and F-2.

An affected non-party may also file a motion requesting that a file, document, or information in a court file be maintained as confidential. The form “Motion to Determine Confidentiality of Court Records” in Appendix C may be used for this purpose. The affected non-party must follow the same procedure as the filer to serve the motion and set the matter for hearing described above.

C. Motion to Determine Confidentiality of Court Records – Special Criminal Records

A filer, who seeks to determine the confidentiality of a plea agreement, substantial assistance agreement, or other court record that reveals the identity of a confidential informant or active criminal investigative information, should use a “Motion to Determine Confidentiality of Court Records – Special Criminal Records,” which is attached as Appendix G.

If the motion is not agreed to, the filer must contact the judicial assistant for the section judge upon filing of the motion and set the matter so that a hearing can be held within 15 days of filing. A proposed "Order Granting/Denying Motion to Determine Confidentiality of Court Records - Special Criminal Records" is attached as Appendix H.

D. Motions to Determine Confidentiality of Court Records in Appellate Courts

When a filer has obtained an Order granting a Motion to Determine Confidentiality of Court Records from an appellate court, including orders entered by the circuit appellate court, the filer must file a copy of the motion and order with the Clerk in the lower tribunal.

II. Clerks of the Circuit Court

A. Confidential cases

1. Unless otherwise ordered by the Court, for the following types of cases the Clerk of the Circuit Court of Pasco County and the Clerk of the Circuit Court of Pinellas County are authorized and directed to seal and must maintain as confidential the case file, progress docket, and every record filed in the case:

- a. Dependency, sections 39.0132(3)-(4), Florida Statutes.
- b. Termination of Parental Rights, sections 39.814(3)-(4), Florida Statutes.
- c. Adoption, section 63.162(2), Florida Statutes.
- d. Surrogacy, section 742.16(9), Florida Statutes.
- e. Children and Families in Need of Services, sections 984.06(3)-(4), Florida Statutes.
- f. Delinquency, sections 985.04(1) and 985.045(2), Florida Statutes.
- g. Waiver of Parental Notification of Termination of Pregnancy, sections 390.01114 -.01116 and Florida Juvenile Procedure Rule 8.835.

No other order of court or public notice is required before such cases are sealed.

2. Except as provided herein or unless otherwise ordered by the Court, for the following types of cases, the Clerks of the Circuit Court are authorized and directed to seal and must maintain as confidential the case file and every record filed in the case:

- a. Petitions Regarding Individuals Suspected of Being Infected With or Exposed to a Sexually Transmissible Disease (including petitions for writs of habeas corpus or immediate release), Chapter 384, Florida Statutes.
- b. Petitions Regarding Individuals Suspected of Having Tuberculosis (including petitions for immediate release), Chapter 392, Florida Statutes.
- c. Baker Act (including petitions for writs of habeas corpus filed by individuals held under the act), section 394.4615(1), Florida Statutes.
- d. Marchman Act (including petitions for writs of habeas corpus filed by individuals held under the act), section 397.501(7), Florida Statutes.
- e. Sexual Violence Injunctions, sections 92.56, 119.071(2)(h)(2) and (j)(1), and 784.046, Florida Statutes.

No other order of court or public notice is required before such cases are sealed. In these cases, the progress docket is not to be sealed or maintained as confidential but the litigants name is not to be included in the docket. The docket must indicate the litigant as follows:

- i. For petitions to examine, detain, or compel treatment of individuals suspected of being infected with sexually transmissible diseases or tuberculosis pursuant to Chapters 384 or 392, Florida Statutes, including petitions for habeas corpus or immediate release, by substituting “subject” for the name of the individual in petitions to examine, detain, or compel treatment; and “petitioner” for the name of the individual in habeas corpus or immediate release cases.
- ii. For petitions seeking a sexual violence injunction pursuant to section 784.046, Florida Statutes, by substituting “Petitioner” for the name of the alleged victim of sexual violence or the parents or legal guardians of a minor who is the alleged victim of sexual violence.
- iii. For petitions filed under the Baker or Marchman Acts, including petitions for writs of habeas corpus filed by persons held under these acts, by substituting “subject” for the name of the patient or client in Baker or Marchman Act cases; and “petitioner” for the name of the patient or client in habeas corpus cases.

In these case types, the Court finds that the identifying information protected by statute is interwoven and an integral part of the court file and that it is administratively impractical for Clerks to seal only portions of those files.

The Clerk of the Circuit Court of Pasco County and the Clerk of the Circuit Court of Pinellas County shall take all reasonable steps necessary to ensure that the docket of the court proceedings on the above-listed cases is available to the public on FACTS in Pasco County and CJIS in Pinellas County in a manner that does not disclose the identity of the protected party.

B. Confidential records and information

1. In accordance with Rule 2.420(d)(1), the Clerks of the Circuit Court are authorized and directed to seal and must maintain as confidential the records and information identified in Appendix A, unless otherwise ordered by the Court.

When the rule or an order requires sealing of identifying information, the Clerks are directed to seal the person’s name, alias, social security number, address, and date of birth, and to seal information on the person’s tattoos, scars, and birthmarks, unless otherwise directed by the Court.

2. Unless otherwise ordered by the Court, the Clerks of the Circuit Court are authorized and directed to seal and must maintain the following records or information as confidential as provided by state or federal law:

- a. Domestic Violence Petitioner’s Request for Confidential Filing of Address, sections 119.071(2)(j)(1) and 741.30, Florida Statutes, and Florida Family Law Form 12.980(h).

- b. Inventory of Personal Representative and Accountings, section 733.604(1), Florida Statutes.
- c. Guardianship Reports and orders appointing court monitors, section 744.3701(1), Florida Statutes.
- d. Birth Records, section 382.025, Florida Statutes.
- e. Death Records if the record contains the cause of death, section 382.008, Florida Statutes.
- f. Clinical Records of Detained Criminal Defendants Found Incompetent to Proceed or Acquitted by Reason of Insanity, section 916.107(8), Florida Statutes.
- g. Medical Records, section 456.057(10), Florida Statutes, including HIV test results, section 381.004(3)(e), Florida Statutes.
- h. Psychological and Psychiatric Evaluations, sections 456.057 and .059, Florida Statutes.
- i. Presentence Reports, Florida Rule of Criminal Procedure 3.712.
- j. Notice of Social Security Number, Florida Family Law Form 12.902(j).
- k. Protected Health Information Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104-191, 110 Stat. 1936 (codified as amended in scattered sections of 18, 26, 29 and 42 U.S.C.).
- l. Violation of probation reports, section 945.10(1)(b), Florida Statutes.
- m. Florida Department of Law Enforcement criminal history records, Section 943.054, Florida Statutes and 28 C.F.R. Part 20.
- n. Department of Highway Safety and Motor Vehicles driver history records, section 119.0712(2), Florida Statutes and the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721 et seq.
- o. Records made confidential by Rule of Judicial Administration 2.420(c)1 – 6.
- p. A social security number contained in an indictment or information filed by the State Attorney. 42 U.S.C. § 405(c)(2)(C)(viii).
- q. Information identifying victims of sexual offenses, including child sexual abuse, sections 119.071(2)(h) and 119.0714(1)(h), Florida Statutes.

No other order of court or public notice is required before such records are sealed.

C. Other confidential records

1. Paternity

If the Clerks of the Circuit Court receive written notice, accompanied by a copy of a marriage license, that the biological mother in a paternity action has subsequently married the purported father, the Clerk is hereby authorized and directed to seal both the court file and the progress docket in the paternity action in accordance with section 742.091, Florida Statutes. No order of court or public notice is required before such sealing may be undertaken.

2. Criminal Investigative Records

The Clerks of the Circuit Court are authorized and directed to seal and must maintain as confidential the following criminal investigative documents, which may be in the possession of the Clerk. No order of court or public notice shall be required before such sealing may be undertaken.

- a. Grand jury notes, stenographers' records, and transcripts, section 905.17, Florida Statutes.
- b. Unexecuted search warrants or search warrants and their returns that are part of an ongoing criminal investigation, section 119.071(2)(c)(1), Florida Statutes, Rule of Judicial Administration 2.420(c)(6).
- c. Investigative subpoenas, section 119.071(2)(c)(1), Florida Statutes.
- d. Records and warrants pertaining to indictments or information's until the defendant is in custody or a period of one year has elapsed, Florida Rule of Criminal Procedure 3.140(l).
- e. Applications for or orders authorizing a wiretap, pen register or trap and trace device, or mobile tracking device, sections 119.071(2)(c)(1), 934.09(8)(c), 934.33, and 934.42, Florida Statutes.
- f. Arrest warrants and supporting affidavits that are unexecuted or a determination is made that execution cannot be made, Rule of Judicial Administration 2.420(c)(6).
- g. Personal data information sheets accompanying a capias or warrant.

3. If the Clerks of the Circuit Court are unable to determine whether a record is confidential in accordance with Rule 2.420(c) 1 – 6, and required to be sealed, the Clerk may bring the record to the section judge for an initial determination of whether the Clerk is to seal the record.

4. If the Clerks of the Circuit Court receive a request for public access to court records governed by sections II A, II B, or II C, the Clerk shall not release the requested information absent an order from the Court.

D. Interpretation of Court Orders

When the Clerks of the Circuit Court receive an order directing a court file or court record be sealed, the Clerks are hereby authorized and directed to seal records as follows:

1. If a court order directs sealing a court record, the Clerk shall seal both the court file and the progress docket. The docket entries will not be available on any public access system; however, the case number will remain on the system with a statement that the file and progress docket entries are sealed pursuant to a court order.

2. If a court order directs sealing a court file and also directs that a party's identity not be revealed, the Clerk shall seal the court file and remove the party's name from the progress docket, substituting for the party's name a term as directed by the Court; or, if no direction is given, a pseudonym, a general term such as "Petitioner," or the party's initials if the party is not generally identified by initials. The progress docket must otherwise remain public; however, the Clerk of the Circuit Court must take all reasonable steps necessary to ensure that the docket of the court proceedings on the above-listed cases is available to the public on FACTS in Pasco County and CJIS in Pinellas County in a manner that does not disclose the identity of the protected party.

3. If a court order directs sealing a court file and is silent regarding the progress docket, the Clerk shall seal the court file but maintain a public docket with no alteration of the parties' names.

E. Administrative Responsibilities of Clerk

1. Docket

- a. The Clerk shall not seal the case number, docket number, or any other identifying number of a case that is sealed.
- b. The Clerk is to docket a motion to determine whether 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 using only the description "Motion." Any order granting such motion is to be docketed only using the description "Order."

2. Confidentiality Pending Ruling on Motion to Determine Confidentiality of Court Records or Motion to Determine Confidentiality of Court Records – Special Criminal Records.

Upon the filing of any Motion to Determine Confidentiality of Court Records or any Motion to Determine Confidentiality of Court Records – Special Criminal Records, the Clerk must treat the records that are the subject of the Motion as confidential pending the Court's ruling on the motion.

3. Unsealing for Purposes of Filing

Unless otherwise specifically ordered by the Court, the Clerks of the Circuit Court are hereby authorized to open any court file sealed by operation of law or court order for the purpose of filing documents pertinent to the particular file, as well as for microfilming or imaging files. The Clerk shall reseal said files immediately upon completion of the task, with the responsible employee annotating the date and time of the unsealing and initialing the annotation.

4. Unsealing for Purposes of Transmitting Record for Appellate Review

The Clerks of the Circuit Court are hereby authorized to open any file or document sealed by operation of law or court order for the purpose of making a copy of the file or document for transmitting to any appellate tribunal for the purposes of appellate review. When transmitting such copies in the record on appeal, the Clerk's index must include a statement that an order making court records confidential has been entered and must identify such order by date or docket number. The Clerk must reseal said files or documents immediately upon completion of copying, with the responsible employee annotating the date and time of the unsealing and initialing the annotation.

5. Access by Parties and Attorneys

Except as otherwise provided below or except as otherwise ordered by the Court, the Clerks are authorized to make the contents of a sealed court file, document, or information available to adult parties and their attorneys of record.

The Clerks are not authorized to make the contents of adoption and surrogacy files, documents, or information available to any person, including adult parties and their attorney absent a court order.

The contents of a sealed court file, document, or information in adversarial matters in the probate and guardianship division, whether having been declared adversarial by the Court or adversarial by rule, may be made available to adult parties and their attorneys of record. In all other probate and guardianship matters, the Clerks may make the contents of a sealed court file, document, or information available to an “interested person” only as authorized by the Court.

6. Requests for Access by the Public

If a member of the public or an entity requests, by party name, a court file in which the file and progress docket have been sealed or a party’s identity has been sealed, the Clerks of the Circuit Court are hereby authorized and directed to inform the requesting person or entity that confidentiality laws prohibit the Clerk from confirming or denying the existence of such file or providing the requested records, if any.

7. Posting of Order Authorizing Sealing

The Clerks of the Circuit Court must maintain on their website and in each courthouse a place to post court orders entered sealing a court record and must post such sealing orders when directed by the Court to do so. Orders entered by the court based upon a finding that records are confidential in accordance with Rule 2.420(c)(7) or (c)(8) are not to be posted unless specifically ordered by the Court. Orders entered by the Court based upon a finding that the records are confidential in accordance with Rule 2.420(c)(9), except for orders sealing plea agreements, substantial assistance agreements, documents that reveal the identity of a confidential informant, or documents that reveal active criminal investigative information, must be posted in accordance with the terms of the Court’s order.

III. Procedure to Vacate an Order Granting a Motion to Determine Confidentiality of Court Records or Seeking to Unseal Information Designated Confidential by the Clerk

A. Responsibilities of Movant

When a party, affected non-party, member of the press, or the public seeks access to a particular sealed court file, sealed document, sealed information, or to the court’s docket in an individual case, a motion must be filed with the Clerk of the Circuit Court. A copy of the motion must be provided to the judge who entered the order sealing the file, document, information, or removing a party’s name from the progress docket. If the file, document or information is sealed based upon a “Notice of Confidential Information Within Court Filing,” sealed by the Clerk in accordance with this Administrative Order, or if the judge who entered the order is no longer a judge of the Sixth Judicial Circuit, then a copy of the motion should be provided to the section judge.

The movant must also serve all parties and affected non-parties as provided in Rule 2.420(d)(4) with a copy of the motion. Non-parties must also be provided with a Notice describing but not revealing the confidential information sought to be unsealed and a statement that if the motion is granted, the information will no longer be treated as confidential by the Court and the Clerk. A form “Notice to Affected Non-Party” is attached in Appendix D. If the movant is unable to ascertain the name and address at which to provide notice to the parties, the motion shall reference this Administrative Order and state in prominent or boldface type in the caption, “Confidential Party—Court Service Requested.”

B. Responsibilities of Judicial Assistant

If a motion is filed with the “Confidential Party—Court Service Requested” designation properly displayed, the judicial assistant is responsible for providing such notice. The judicial assistant shall provide such notice so as not to inadvertently reveal the identity of the parties to the movant.

C. Hearings

Except when a motion contesting a sealing order represents that all parties agree to the relief requested, the court must conduct a hearing before ruling on the motion. It is the responsibility of the movant to contact the judicial assistant to schedule the hearing. A form “Notice of Hearing (Sealed records)” is included in Appendix E. Further, even if all parties agree to the relief requested, the court may in its discretion hold a hearing on the motion. Any hearing on such a motion must be an open proceeding, except that any party 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)(9)(A).

The moving party is responsible for ensuring that a complete record of the hearing is created, either by use of a court reporter or by any recording device provided as a matter of right by the Court.

IV. Procedure for Non-Parties to Request Sealing of Court Records

An affected non-party or other interested person may file a motion requesting that a file, document, or information in a court file be maintained as confidential. A form “Motion to Determine Confidentiality of Court Records” in Appendix C may be used for this purpose. The affected non-party must indicate in the motion whether the motion is agreed to and must indicate service on other parties and any other affected non-parties.

If the motion is not agreed to, the affected non-party or other interested person must contact the judicial assistant for the section judge upon filing of the motion and set the matter so that a hearing can be held within 30 days of filing. A form “Notice of Hearing (Sealed records)” is included in Appendix E. A form “Order Granting/Denying Motion to Determine Confidentiality of Court Records” is attached as Appendix F-1 and F-2.

V. Definitions and Application

A. Definitions. For purposes of this Administrative Order:

1. “Court file” means all of the materials within a court file *but not* the progress docket.
2. “Document” means a particular item within a court file.
3. In accordance with Florida Rule of Judicial Administration 2.420(b)(1)(A), “court record” or “records” includes the court file and the progress docket.
4. “Filer” means an attorney, a pro se or self represented litigant, a non-party, or any other person or entity that files a document in a court file except filer does not include the Clerk of the Circuit Court or his or her designee, a judge, magistrate, hearing officer, or designee of the judge, magistrate, or hearing officer.

5. "Sealing" has the following meanings:

- a. When used in connection with a court file, "sealing" means to either (1) maintain the file separately from publicly-available files in such a way as to insure that the sealed file is not accidentally made available to the public; or (2) physically seal the file by use of a seal.
- b. When used in connection with a particular document, "sealing" means to (1) place the document within an envelope or other type of container and to physically seal the container by use of a seal or (2) physically segregate the document from the court file to insure that the document is not made available to the public. "Sealing" of electronic documents means to secure and protect electronic documents so that only those authorized by law or court order have security levels that allow access to the documents.
- c. When used in connection with the progress docket, "sealing" means to remove the docket from any public access information system. However, the case number shall remain public.
- d. When used in connection with a party's identity, "sealing" means to maintain the public docket on FACTS in Pasco County and CJIS in Pinellas County in a manner that does not disclose the identity of the protected party.

B. This Administrative Order does not apply to or affect the procedures in Chapter 943, Florida Statutes, for sealing or expunging criminal history records.

This Order takes effective on October 1, 2010, at which time Administrative Order No. 2007-042 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers, at St. Petersburg, Pinellas County, Florida, this ____ day of September 2010.

ORIGINAL SIGNED September 30, 2010
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Jim Coats, Sheriff, Pinellas County
The Honorable Bob White, Sheriff, Pasco County
John Hendry, Office of Regional Counsel
Gay Inskip, Trial Courts Administrator
All Judicial Assistants
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk's Office
Suzanne Mucklow, Executive Director, Pinellas County Clerk's Office
Kerry L. Rice, Deputy Courts Administrator, Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

APPENDIX A

Confidential records and information for which a Notice of Confidential Information within Court Filing is required.

See Rule of Judicial Administration 2.420(d)(1)(B)

- (i) Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. §39.0132(3), Fla. Stat.
- (ii) Adoption records. §63.162, Fla. Stat.
- (iii) 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, 2012.)
- (iv) HIV test results and patient identity within those test results. §381.004(3)(e), Fla. Stat.
- (v) 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.
- (vi) Birth and death certificates, including court-issued delayed birth certificates and fetal death certificates. §§382.008(6), 382.025(1)(a), Fla. Stat.
- (vii) Identifying information in a petition by a minor for waiver of parental notice when seeking to terminate pregnancy. §390.01116, Fla. Stat.
- (viii) Identifying information in clinical mental health records under the Baker Act. §394.4615(7), Fla. Stat.
- (ix) 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.
- (x) Identifying information in clinical records of detained criminal defendants found incompetent to proceed or acquitted by reason of insanity. §916.107(8), Fla. Stat.
- (xi) Estate inventories and accountings. §733.604(1), Fla. Stat.
- (xii) The victim's address in a domestic violence action on petitioner's request. §741.30(3)(b), Fla. Stat.
- (xiii) Information identifying victims of sexual offenses, including child sexual abuse. §§119.071(2)(h), 119.0714(1)(h), Fla. Stat.
- (xiv) Gestational surrogacy records. §742.16(9), Fla. Stat.
- (xv) Guardianship reports and orders appointing court monitors in guardianship cases. §§744.1076, 744.3701, Fla. Stat.
- (xvi) Grand jury records. Ch. 905, Fla. Stat.
- (xvii) Information acquired by courts and law enforcement regarding family services for children. §984.06(3)-(4), Fla. Stat.
- (xviii) Juvenile delinquency records. §§985.04(1), 985.045(2), Fla. Stat.
- (xix) 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.

APPENDIX B

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
_____ DIVISION**

Plaintiff(s),

v.

Case No. _____

UCN: _____

Defendant(s).
_____ /

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: If more space is needed, specify the location here: _____

_____ 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, 2012.)

_____ 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.

DATED: _____

[Signature] _____

Printed name _____

Address _____

Phone number _____

Fax number _____

Florida Bar No. _____

CERTIFICATE OF SERVICE

I certify that the original was filed with the Clerk of the Court and that a copy of this document was furnished by () U.S. mail () hand delivery or () facsimile to [include all parties and affected non-parties] _____

_____ on _____, 20____.

[Signature]

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).

APPENDIX C

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
DIVISION**

Plaintiff(s),

v.

Case No. _____

UCN: _____

Defendant(s).

_____ /

Motion to Determine Confidentiality of Court Records

1. I am a Plaintiff/Petitioner, Defendant/Respondent, or Affected non-party in this case, or Interested Person.

2. I have given written notice of this 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 without revealing it; specify 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 Court or the Clerk.

3. I respectfully request that the Court determine that the following court records or portion of a record are confidential and order the Clerk to seal the records in accordance with Rule of Judicial Administration 2.420(c)(7) - (c)(8); Rule of Judicial Administration 2.420(c)(9):

_____ particular information within a document, specify document and type of information: _____

_____ particular documents within the court file, specify: _____

_____ the entire court file, but not the progress docket

_____ the entire court file and the progress docket

_____ the party's name on the progress docket.

[Identify records or portion of a record that you seek to have determined confidential but do not reveal the information to be determined confidential]

4. The Court should determine the record is confidential for the following reasons:

[Explain why the court should find the record confidential. Do not reveal the information to be determined confidential. If you are an affected non-party or interested person, give your relationship to the parties and how you are affected by the record.]

5. [For rule 2.420(c)(7) or (c)(8) motions] The legal authority for the Court to determine that the records are confidential is: _____.
[Provide a court rule, statute, or case law authorizing the Court to determine this type of record is confidential].

6. [For rule 2.420(c)(9) motions] Confidentiality of the information sought to be sealed is required to protect the following interests: [select all that apply]

- _____ a. Prevent serious and imminent threat to the fair, impartial, and orderly administration of justice
- _____ b. Protect trade secrets
- _____ c. Protect a compelling governmental interest
- _____ d. Obtain evidence to determine legal issues in a case
- _____ e. Avoid substantial injury to innocent third parties
- _____ f. Avoid substantial injury to a party by 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 for in the Florida or U.S. Constitution or statutes or Florida rules or case law, specifically: _____

7. There is no less restrictive measure available to protect these interests and the degree, duration, and manner of confidentiality sought is no broader than necessary to protect these interests.

8. I have consulted with _____
[List all parties and affected non-parties, if any] and they agree do not agree with this motion.

9. I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

10. I acknowledge that I may be subject to Court sanctions if this motion is not made in good faith and is not supported by a sound legal or factual basis.

DATED: _____

[Signature] _____

Printed name _____

Address _____

Phone number _____

Fax number _____

Florida Bar No. _____

CERTIFICATE OF SERVICE

I certify that the original was filed with the Clerk of the Court and that a copy of this document was furnished by () U.S. mail () hand delivery or () facsimile to [include all parties and affected non-parties] _____

_____ on _____, 20_____.

[Signature]

APPENDIX D

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
DIVISION**

Plaintiff(s),

v.

Case No. _____

UCN: _____

Defendant(s).

Notice to Affected Non-Party

YOU ARE HEREBY NOTIFIED that the attached Notice of Confidential Information Within Court Filing Motion to Determine Confidentiality of Court Records motion to vacate or unseal court records has been filed with the Court in this case.

The Notice of Confidential Information will result in the information being treated as confidential unless otherwise ordered by the Court.

The Motion seeks to seal/unseal the following type of information:

_____ [describe the confidential information with as much specificity as possible without revealing the confidential information, including specifying the precise location of the information within the court record].

If the Motion to Determine Confidentiality of Court Records is denied these records will not be treated as confidential by the Clerk and the Court.

If the motion to vacate or unseal court records is granted these records will no longer be treated by the Clerk and the Court as confidential.

You may file a response with the Clerk of the Circuit Court indicating if you agree or disagree with the motion. You are not required to file a response.

DATED: _____

[Signature] _____

Printed name _____

Address _____

Phone number _____

Fax number _____

Florida Bar No. _____

CERTIFICATE OF SERVICE

I certify that the original was filed with the Clerk of the Court and that a copy of this document was furnished by () U.S. mail () hand delivery or () facsimile to [include all parties and affected non-parties] _____

_____ on _____, 20____.

[Signature]

APPENDIX E

Instructions for Notice of Hearing (Sealed records) Form

When should this form be used?

If you have filed a Motion that you want to be heard by a judge, you need to set a hearing before the **judge** and send notice of the **hearing** to the other party or parties in your case and to any affected non-party.

What should I do first?

To set a hearing date and time, you have to make a good-faith effort to coordinate a mutually convenient date and time for you, the other parties in the case, and the judge. **You should first call the office of the assigned judge and obtain hearing dates and times from his/her assistant.** You should then call the attorney for the other party in your case to determine whether they are available on any of the dates and times given to you by the judge's assistant. The final step is to call the judge's office back to confirm the agreed upon date and time.

Preparing the Notice of Hearing:

After the date and time have been confirmed, you should complete the **Notice of Hearing** form, sign it, make copies of it, and mail a copy to the other party and any affected non-party.

This form should be typed or printed in black ink. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where your case was filed. Make copies first to send to the other party and to keep for your records.

What should I do next?

A copy of this form **must** be mailed **or** hand delivered to the other party and any affected non-party in your case.

APPENDIX E

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
_____ DIVISION**

Plaintiff(s),
v. Case No. _____
UCN: _____

Defendant(s).
_____ /

Notice of Hearing (Sealed records) [fill in all blanks]

TO: {name of other party} _____

There will be a hearing before Judge {name} _____, on
{date} _____, at {time} _____ m., in Room _____ of the Courthouse, located at:
{address} _____ on the following issues:

- Motion to Determine Confidentiality of Court Records
- Motion to Determine Confidentiality of Court Records – Special criminal records
- Motion to vacate or unseal court records
- Other: _____.

If this matter is resolved, the moving party must contact the judge’s office to cancel this hearing.

For proceedings before the Courts of Pasco County:

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Public Information Dept., Pasco County Government Center, 7530 Little Rd., New Port Richey, FL 34654; (727) 847-8110 (V) for proceedings in New Port Richey; (352) 521-4274, ext. 8110 (V) for proceedings in Dade City at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

For proceedings before the Courts of Pinellas County:

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

CERTIFICATE OF SERVICE

I certify that the original was filed with the Clerk of the Court and that a copy of this document was furnished by U.S. mail hand delivery or facsimile to [include all parties and affected non-parties] _____

_____ on _____, 20____.

Signature of Person Requesting Hearing

Printed name _____

Address _____

Phone number _____

Fax number _____

Florida Bar No. _____

APPENDIX F-1

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
_____ DIVISION**

Plaintiff(s),
v. Case No. _____
UCN: _____

Defendant(s).
_____ /

**ORDER GRANTING/DENYING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS
IN ACCORDANCE WITH RULE OF JUDICIAL ADMINISTRATION 2.420(c)(7)-(c)(8)**

THIS MATTER is before the Court on a Motion to Determine Confidentiality of Court Records filed by _____ pursuant to Florida Rule of Judicial Administration 2.420(c)(7)-(c)(8) for 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]

- _____ particular information within a document, specifically:

- _____ particular documents within the court file, specifically:

- _____ the entire court file, but not the progress docket
- _____ the entire court file and the progress docket
- _____ the party's name on the progress docket.

Affected non-parties were notified of this Motion.

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 records at issue are made confidential under state or federal law or any other basis under Rule of Judicial Administration 2.420(c)(7) – (c)(8).

-- OR --

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **GRANTS** the motion as follows:

1. The Court finds that the information is made confidential under state or federal law or other basis under Rule of Judicial Administration 2.420(c)(7) – (c)(8): [specify statute, rule, constitution, or case] _____.

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 following information contained within _____ [specify pleading]:
_____ [specify information].

____ 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.

____ 5. 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.

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 the following specific individuals: _____; or
4. by further order of the Court.

It is further **ORDERED** that the Clerk is not to post this Order because the information is confidential based on federal or state law.

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/

Copies to:

APPENDIX F - 2

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
DIVISION**

Plaintiff(s),

v.

Case No. _____

UCN: _____

Defendant(s).

_____ /

**ORDER GRANTING/DENYING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS
IN ACCORDANCE WITH RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

THIS MATTER is before the Court on a Motion to Determine Confidentiality of Court Records filed by _____ pursuant to Florida Rule of Judicial Administration 2.420(c)(9) for 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]

_____ particular information within a document, specifically:

_____ particular documents within the court file, specifically:

_____ the entire court file, but not the progress docket

_____ the entire court file and the progress docket

_____ the party's name on the progress docket.

Affected non-parties were notified of this Motion.

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)(9).

-- OR --

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **GRANTS** the motion as follows:

1. Confidentiality of the [information sought to be sealed] is required in accordance with Rule of Judicial Administration 2.420(c)(9) 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 U.S. 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 following information contained within _____ [specify pleading]:
_____ [specify information].

_____ 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.

____ 5. 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.

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 the following specific individuals: _____; 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/

Copies to:

APPENDIX G
IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
_____ **DIVISION**

Plaintiff(s),

v.

Case No. _____

UCN: _____

Defendant(s).

_____ /

DIRECTIONS TO CLERK:

This Motion should be docketed using only the word "Motion."

Motion to Determine Confidentiality of Court Records
- Special Criminal Records

[This form to be used only to determine confidentiality of plea agreements, substantial assistance agreements, or other court record that reveals the identity of a confidential informant or active criminal investigative information]

1. This motion is filed by or on behalf of State of Florida, Defendant.
2. I respectfully request that the Court determine that the following court records are confidential and order the Clerk to seal the records in accordance with Rule of Judicial Administration 2.420(c)(9):
 - _____ plea agreement
 - _____ substantial assistance agreement
 - _____ documents that reveal the identity of a confidential informant
 - _____ documents that reveal active criminal investigative information

3. The Court should determine the record is confidential for the following reasons:

[Explain why the court should find the record confidential. Do not reveal the information to be determined confidential.]

4. Confidentiality of the information sought to be sealed is required to protect the following interests: [select all that apply]

- _____ a. Prevent serious and imminent threat to the fair, impartial, and orderly administration of justice
- _____ b. Protect a compelling governmental interest
- _____ c. Avoid substantial injury to innocent third parties
- _____ d. Complying with established public policy set forth in the Florida or U.S. Constitution or statutes or Florida rules or case law, specifically:

5. There is no less restrictive measure available to protect these interests and the degree, duration, and manner of confidentiality sought is no broader than necessary to protect the interests.

6. I have consulted with the Assistant State Attorney Attorney for Defendant Defendant and they agree do not agree with this motion.

7. I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

8. I acknowledge that I may be subject to Court sanctions if this motion is not made in good faith and is not support by a sound legal or factual basis.

DATED: _____

[Signature]

Printed name _____

Address _____

Phone number _____

Fax number _____

Florida Bar No. _____

CERTIFICATE OF SERVICE

I certify that the original was filed with the Clerk of the Court and that a copy of this document was furnished by () U.S. mail () hand delivery or () facsimile to _____, on _____, 20____.

[Signature]

APPENDIX H

**IN THE CIRCUIT/COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA
DIVISION**

Plaintiff(s),
v. Case No. _____
UCN: _____

Defendant(s).
_____ /

DIRECTIONS TO CLERK:

This Order should be docketed using only the word "Order."

**ORDER GRANTING/DENYING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS - SPECIAL CRIMINAL RECORDS
IN ACCORDANCE WITH RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

THIS MATTER is before the Court on a Motion to Determine Confidentiality of Court Records filed by _____ pursuant to Florida Rule of Judicial Administration 2.420(c)(9) in a criminal case for an order sealing:

- _____ a plea agreement
- _____ a substantial assistance agreement
- _____ documents that reveal the identity of a confidential informant
- _____ documents that reveal active criminal investigative information

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)(9).

- OR -

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **GRANTS** the motion as follows:

1. Confidentiality is required in accordance with Rule of Judicial Administration 2.420(c)(9) to protect the following interests: [select all that apply]

- _____ a. Prevent serious and imminent threat to the fair, impartial, and orderly administration of justice
- _____ b. Protect a compelling governmental interest
- _____ c. Avoid substantial injury to innocent third parties
- _____ d. Complying with established public policy set forth in the Florida or U.S. 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*]

- _____ a plea agreement
- _____ a substantial assistance agreement
- _____ documents that reveal the identity of a confidential informant specifically: _____
- _____ documents that reveal active criminal investigative information specifically: _____

The materials are to remain sealed for _____ days (up to 120 days for original order and up to 60 days for extensions).

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 the following specific individuals: _____; or
- 4. by further order of the Court.

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__.

Copies to: _____ /s/