

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

ADMINISTRATIVE ORDER NO. 2013-024 PA/PI-CIR

**RE: SEALING OF COURT RECORDS**

The Florida Supreme Court adopted amendments to Rule of Judicial Administration 2.420 effective May 1, 2013. *In re: Amendments to Florida Rule of Judicial Administration 2.420*, No. SC11-2466 (Fla. 2013). In these amendments, several changes were made to subsections (d)(1)(B) and (d)(2) of the rule, as well as the form “Notice of Confidential Information within Court Filing” that accompanied the rule. Accordingly, it is necessary to update the procedures in the Sixth Judicial Circuit.

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, it is hereby

**ORDERED:**

Administrative Order 2010-065 is amended as follows:

Section I.A. is amended to read:

**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 20 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.

Paragraph one of Section I.B. is amended to read:

**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 20 items listed in Rule 2.420(d)(1)(B). If the document includes confidential information that is not one of the 20 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.

Appendix A to Administrative Order 2010-065 PA/PI-CIR is amended as attached to this Administrative Order. Appendix B to Administrative Order 2010-065 PA/PI-CIR is amended as attached to this Administrative Order. All other provisions of Administrative Order 2010-065 PA/PI-CIR shall remain in full force and effect.

**DONE AND ORDERED** in Chambers at Clearwater, Pinellas County, Florida, this \_\_\_\_ day of \_\_\_\_\_ 2013.

ORIGINAL SIGNED June 12, 2013  
BY J. THOMAS MCGRADY, CHIEF JUDGE

Appendix A: Confidential Records and Information for Which a Notice of Confidential Information within Court Filing Is Required

Appendix B: Notice of Confidential Information Within Court Filing

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 Bob Gualtieri, Sheriff, Pinellas County  
The Honorable Chris Nocco, Sheriff, Pasco County  
Gay Inskeep, Trial Courts Administrator  
Ngozi Acholonu, Assistant Regional Counsel  
Lillian Simon, Director of Administrative Services for Pasco County  
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk’s Office  
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk’s Office  
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), 39.0132(4)(a), Fla. Stat.
- (ii) Adoption records. § 63.162, Fla. Stat.
- (iii) Social Security, bank account, charge, debit, and credit card numbers. § 119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat. (Unless redaction is requested pursuant to § 119.0714(2), Fla. Stat., this information is exempt only as of January 1, 2012.)
- (iv) HIV test results and the identity of any person upon whom an HIV test has been performed. § 381.004(3)(e), Fla. Stat.
- (v) Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases. § 384.29, Fla. Stat.
- (vi) Birth records and portions of death and fetal death records. §§ 382.008(6), 382.025(1), Fla. Stat.
- (vii) Information that can be used to identify a minor petitioning for a waiver of parental notice when seeking to terminate pregnancy. § 390.01116, Fla. Stat.
- (viii) Clinical 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. § 397.501(7), Fla. Stat.
- (x) Clinical records of 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) Protected information regarding victims of child abuse or sexual offenses. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.
- (xiv) Gestational surrogacy records. § 742.16(9), Fla. Stat.
- (xv) Guardianship reports, orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.
- (xvi) Grand jury records. §§ 905.17, 905.28(1), Fla. Stat.
- (xvii) Records 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) Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the Department of Health or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis. §§ 392.545, 392.65, Fla. Stat.
- (xx) Complete presentence investigation reports. Fla. R. Crim. P. 3.712.

**APPENDIX B**  
**IN THE \_\_\_\_\_ COURT OF THE SIXTH JUDICIAL CIRCUIT**  
**IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**  
**\_\_\_\_\_ DIVISION**

\_\_\_\_\_  
Plaintiff/Petitioner,

CASE NO.: \_\_\_\_\_

v.

\_\_\_\_\_  
Defendant/Respondent.  
\_\_\_\_\_

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

- ( ) (1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is: \_\_\_\_\_, and:

(b) [ ] the entire document is confidential, or

[ ] the confidential information within the document is precisely located at:

OR

- ( ) (2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this confidential information is located as follows:

(a) Title/type of document: \_\_\_\_\_;

(b) Date of filing (if known): \_\_\_\_\_;

(c) Date of document: \_\_\_\_\_;

(d) Docket entry number: \_\_\_\_\_;

(e) [ ] Entire document is confidential, or

[ ] Precise location of confidential information in document: \_\_\_\_\_

\_\_\_\_\_  
Filer's Signature

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax): (All Parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k))  
\_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_.

Name\_\_\_\_\_

Address\_\_\_\_\_

Phone\_\_\_\_\_

Florida Bar No. (if applicable)\_\_\_\_\_

E-mail address\_\_\_\_\_