

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

ADMINISTRATIVE ORDER NO. 2013-027 PA/PI-CIR

**RE: CONFIDENTIAL INFORMATION CONTAINED IN PROPOSED ORDERS  
AND PROPOSED JUDGMENTS**

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). Specifically, subdivision (d)(5) was created, which requires the Court to take certain actions when filing an order or other document that contains confidential information.

In order to comply with subdivision (d)(5) of the rule, and in accordance with Article V, §2, Florida Constitution, Rules of Judicial Administration 2.215 and 2.525, and section 43.26, Florida Statutes,

**IT IS ORDERED:**

1. Proposed orders and proposed judgments, whether submitted on a party's own initiative or as directed by the Court, must comply with Florida Rule of Judicial Administration 2.420. Attorneys submitting proposed orders or proposed judgments to the Court should determine whether they contain confidential information as defined in Florida Rule of Judicial Administration 2.420. Appendix A to this Administrative Order lists confidential information commonly found in court documents.

2. Except when the entire court file is maintained as confidential, if the proposed order or proposed judgment contains any confidential information, the attorney should add the word "confidential" to the title of the document and provide the Court with a redacted version of the document that omits the confidential information.

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

ORIGINAL SIGNED ON JUNE 24, 2013  
BY J. THOMAS MCGRADY, CHIEF JUDGE

APPENDIX A: Confidential Information Found In Court Documents

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 Inskip, 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<sup>1</sup>

### Confidential Information Commonly Found In Court Documents

#### Sensitive Financial Information

- Social Security, bank account, charge, debit, and credit card numbers [§119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat.]
- Estate inventories and accountings [§ 733.604(1), Fla. Stat.]
- Trade Secrets and proprietary confidential business information [§§ 570.544(7), 815.045, Fla. Stat.]

#### Certain Medical, Mental Health, and Substance Abuse Information

- Patient records in hospitals, nursing homes, or hospices [§§395.3025, 400.022(1)(m), and 400.611(3), Fla. Stat.]
- Certain medical records and certain psychological and psychiatric evaluations [§§456.057 and .059, Fla. Stat.]
- Protected health information under HIPPA [Pub. L. No. 104-191, 110 Stat. 1936]
- Birth records and portions of death and fetal death records [§§ 382.008(6) and 382.025(1), Fla. Stat.]
- HIV test results and the identity of any person upon whom an HIV test has been performed [§ 381.004(3)(e), Fla. Stat.]
- Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases [§ 384.29, Fla. Stat.]
- Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the DOH or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis [§§ 392.545 and 392.65, Fla. Stat.]
- Information that can be used to identify a minor petitioning for a waiver of parental notice when seeking to terminate pregnancy [§§ 390.01114-16, Fla. Stat.]
- Clinical records under the Baker Act [§§ 394.4615(1) and (7), Fla. Stat.]
- Clinical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity [§ 916.107(8), Fla. Stat.]
- Records of substance abuse service providers that pertain to the identity, diagnosis, and prognosis of and service provision to individuals [§ 397.501(7), Fla. Stat.]

#### Certain Sensitive Criminal Records

- Identity, home or employment phone number, home or employment address, or personal assets of crime victims in documents *received* by an agency [§119.07(2)(j)(1), Fla. Stat.]
- Criminal intelligence of investigation information that reveals the personal assets of a crime victim, if those assets were not involved in the crime [§119.071 (2)(i), Fla. Stat.]
- The victim's contact information or asset information in a domestic violence, aggravated stalking, harassment, aggravated battery, sexual battery, or child abuse action on request of the victim [§§ 741.30(3)(b) and 119.071(2)(j)(1), Fla. Stat.]
- Certain records and information regarding victims of child abuse or sexual offenses [§§ 39.202(1), 92.56, 119.071(2)(h), 119.0714(1)(h), and 415.107(1), Fla. Stat.]
- Certain information in a sexual violence or domestic abuse injunction [§§92.56, 119.071(2)(h)(2), (j)(1), and 784.046, Fla. Stat.]
- Records of abuse, neglect, or exploitation of a vulnerable adult [§415.107, Fla. Stat.]
- Active criminal investigative or intelligence material [§119.071(2)(c)1.]
- Certain information relating to criminal investigation, including but not limited to confessions, surveillance techniques, and information revealing confidential informants or undercover personnel [§§119.071(2)(d)-(f) and 119.0714, Fla. Stat.]
- 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 [Rule of Judicial Administration 2.420(c)(6) and §119.071(2)(c)(1), Fla. Stat.]

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<sup>1</sup> Appendix A is only a reference guide. The statutes identified herein should be consulted to determine whether information is confidential. Further, Appendix A is not an exhaustive list of confidential information and there may be court rules or orders that impact whether information is confidential.

- Investigative subpoenas [§119.071(2)(c)(1), Fla. Stat.]
- Indictments or Informations and records relating thereto until the defendant is in custody or a period of one year has elapsed [Rule of Criminal Procedure 3.140(l)]
- Wiretap, pen register or trap and trace device or mobile tracking applications and orders [§§934.09(8)(c), 934.33, 934.42, 119.071(2)(c)(1) Fla. Stat.]
- Confidential information held by the Department of Corrections, including violation of probation reports [§945.10(1), Fla. Stat.]
- Complete presentence investigation reports [Fla. R. Crim. P. 3.712.]
- Criminal history records from federal systems or other states [§943.053(2), Fla. Stat.]

### **Certain Sensitive Family or Juvenile Information**

- 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.]
- Adoption records [§63.162, Fla. Stat.]
- Gestational surrogacy records [§742.16(9), Fla. Stat.]
- Guardianship reports, orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases [§§ 744.1076, 744.3701, Fla. Stat.]
- Records acquired by courts and law enforcement regarding family services for children [§§ 984.06(3)-(4), Fla. Stat.]
- Juvenile delinquency records [§§ 985.04(1), 985.045(2), Fla. Stat.]
- Child Support cases from county child support enforcement agencies and child support IV-D cases [§§61.1827 and 409.2579, Fla. Stat.]
- Paternity if parents subsequently marry [§742.091, Fla. Stat.]

### **Motor Vehicle Records**

- Personal information, including driver's license numbers, contained in a motor vehicle record [§119.0712(2)(b), Fla. Stat.]

## **Confidential Information That May Be Found In Court Documents**

### **Court and Attorney Work Product**

- Records from the court's decision making process (memorandums, drafts, notes, etc.) [Rule of Judicial Administration 2.420(c)(1)]
- Attorney work product [§119.071(1)(d), Fla. Stat.]
- Petition to approve a contingency contract and related proceedings and documents [Rules Regulating the Florida Bar 4-1.5(f)(4)(B)(ii).]

### **Mediation/Settlement Information**

- Written communications or materials from certain mediation proceeding [§§44.102(3) and 61.183, Fla. Stat.]
- Citizen dispute settlement center records [§44.201(5), Fla. Stat.]

### **Certain Complaints**

- Complaints alleging misconduct against judges until probable cause is established or complaints filed with the Judicial Qualification Commission [Rule of Judicial Administration 2.420(c)(3)(A) and Art. V, Section 12(a), Fla. Const.]
- Complaints against entities or individuals licensed or regulated by the courts until a finding of probable cause or no probable cause is established [Rule of Judicial Administration 2.420 (c)(3)(B)]

### **Certain Records Relating to Juries**

- Certain grand jury records [§§ 905.17 and 905.28(1), Fla. Stat.]
- Civil juror notes [§40.50(2), Fla. Stat.]