

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Rule of Judicial Administration 2.420

No. SC19-1049 · No. SC19-1049 · Decided June 27, 2019

SUMMARY

The Supreme Court of Florida amended Florida Rule of Judicial Administration 2.420 to add Baker Act records and specified domestic-violence-related information to categories that clerks must maintain as confidential. The amendments became effective July 1, 2019, and the Court invited comments through September 10, 2019.

OPINION

PER CURIAM.

Supreme Court of Florida _____ No. SC19-1049 _____ IN RE: AMENDMENTS TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420. June 27, 2019 PER CURIAM. In response to recent legislation, the Court, on its own motion, amends Florida Rule of Judicial Administration 2.420(d) (Procedures for Determining Confidentiality of Court Records) to add two new categories of information in court records that the clerk of court must designate and maintain as confidential under rule 2.420(d)(1)(B).

See Fla. R. Jud. Admin. 2.140(d). We have jurisdiction. See art. V, § 2(a), Fla. Const. The Court amends rule 2.420(d)(1)(B)(viii) to add “all petitions, court orders, and related records under the Baker Act” as a category of court records that the clerk must designate and maintain as confidential under the rule. This amendment is in response to newly enacted section 394.464, Florida Statutes, which makes such Baker Act records confidential.

See ch. 2019-51, §§ 1-2, Laws of Fla. (creating § 394.464 (Court records; confidentiality), Fla. Stat., effective July 1, 2019). In response to the addition of subsection 3 to section 119.0714(1)(k), Florida Statutes (2018), the Court adds new subdivision (xxiii) to rule 2.420(d)(1)(B).

The new subdivision lists “[i]nformation that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.” See ch. 2019-39, §§ 1, 3, Laws of Fla. (amending § 119.0714(1)(k), Fla. Stat., effective July 1, 2019).

Accordingly, the Florida Rules of Judicial Administration are amended, as reflected in the appendix to this opinion. New language is indicated by underscoring, and deleted language is

indicated by struck-through type.

The amendments shall become effective July 1, 2019, at 12:01 a.m. Because the amendments were not published for comment prior to their adoption, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.¹ 1. All comments must be filed with the Court on or before September 10, 2019, with a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case.

If -2- It is so ordered. CANADY, C.J., and POLSTON, LABARGA, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS. Original Proceeding – Florida Rules of Judicial Administration filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin.

Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. See In re Electronic Filing in the Florida Supreme Court, Fla. Admin. Order No. AOSC17-27 (May 9, 2017).

Any person unable to submit a comment electronically must mail or hand- deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted. -3- APPENDIX RULE 2.420. PUBLIC ACCESS TO AND PROTECTION OF JUDICIAL BRANCH RECORDS (a) – (c) [No Change] (d) Procedures for Determining Confidentiality of Court Records.

(1) The clerk of the court shall designate and maintain the confidentiality of any information contained within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of this rule. The following information shall be maintained as confidential: (A) [No Change] (B) except as provided by court order, information subject to subdivision (c)(7) or (c)(8) of this rule that is currently confidential or exempt from section 119.07, Florida Statutes, and article I, section 24(a) of the Florida Constitution as specifically stated in any of the following statutes or as they may be amended or renumbered: (i) – (vii) [No Change] (viii) Clinical records under the Baker Act., § 394.4615(7), Fla. Stat., and all petitions, court orders, and related records under the Baker Act, § 394.464, Fla. Stat. (ix) – (xxii) [No Change] (xxiii) Information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction until the respondent has been personally served with a copy of the

petition for injunction, affidavits, notice of hearing, and temporary injunction. § 119.0714(1)(k)3., Fla. Stat. (2) – (5) [No Change] (e) – (m) [No Change] -4- Committee Note [No Change] 2002 – 2007 Court Commentary [No Change] APPENDIX TO RULE 2.420 [No Change] -5-