

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.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Chief Justice Canady; Justice Polston; Justice Labarga; Justice Lawson; Justice Lagoa; Justice Luck; Justice Muñoz
JURISDICTION	Florida
DECIDED	June 27, 2019
DOCKET	SC19-1049
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding on the Florida Supreme Court's own motion to amend Florida Rule of Judicial Administration 2.420 in response to recently enacted legislation.
PRECEDENTIAL VALUE	Rulemaking opinion establishing amendments to the Florida Rules of Judicial Administration.

TOPICS

[civil procedure](#) [medical records privacy](#) [injunctions](#)

PRACTICE AREAS

[civil procedure](#) [judicial records confidentiality](#) [health law](#) [domestic violence and injunction practice](#)

QUESTIONS PRESENTED

1. Whether Florida Rule of Judicial Administration 2.420(d)(1)(B) should be amended to incorporate newly enacted statutory confidentiality protections for Baker Act records.

2. Whether Florida Rule of Judicial Administration 2.420(d)(1)(B) should be amended to protect identifying information and specified documents in petitions for injunctions against domestic violence and related forms of violence or stalking until the respondent is personally served.
3. When the amendments should become effective and whether interested persons should be permitted to submit comments after adoption.

HOLDINGS

1. Florida Rule of Judicial Administration 2.420(d)(1)(B)(viii) is amended to require clerks to designate and maintain as confidential all petitions, court orders, and related records under the Baker Act, in addition to the previously protected clinical records.
2. Florida Rule of Judicial Administration 2.420(d)(1)(B) is amended by adding subdivision (xxiii), requiring confidentiality of information identifying a petitioner or respondent in specified injunction proceedings and of related affidavits, notices of hearing, and temporary injunctions until the respondent has been personally served.
3. The amendments become effective July 1, 2019, at 12:01 a.m.; because they were not published for comment before adoption, interested persons may file comments within seventy-five days of the opinion.

KEY QUOTATIONS

“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.” (-1-)

“The amendments shall become effective July 1, 2019, at 12:01 a.m.” (-2-)

FACTUAL BACKGROUND

Recent Florida legislation made certain Baker Act records confidential and amended statutory confidentiality protections for records identifying parties to specified injunction proceedings before personal service. The court considered those statutory changes in determining whether to amend its rule governing the clerk’s designation and maintenance of confidential court records.

PROCEDURAL HISTORY

The Florida Supreme Court initiated the rulemaking proceeding on its own motion. The court adopted amendments to rule 2.420(d)(1)(B), made them effective July 1, 2019, and allowed interested persons seventy-five days to submit comments because the amendments had not been published for comment before adoption.

DISPOSITION

other

CASES CITED

- 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)

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