

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

ADMINISTRATIVE ORDER NO. 2021-021 PA/PI-CIR

RE: CONFIDENTIALITY OF COURT RECORDS

Florida Rule of General Practice and Judicial Administration 2.420 regulates public access to and the protection of judicial branch records. Administrative Order 2017-064 PA/PI-CIR was created in order to assist with the application of this rule. This Administrative Order is now being amended in order to reflect recent rule changes.

In accordance with the Chief Judge's authority under Article V, section 2, Florida Constitution, Fla. R. Gen. Prac. & Jud. Admin. 2.120(c) and 2.215(e), and section 43.26, Florida Statutes, it is

ORDERED:

I. DIRECTIONS TO PARTIES AND AFFECTED NON-PARTIES

A. Motion to Determine Confidentiality of Court Records

To the extent a "Motion to Determine Confidentiality of Court Records" is required under Fla. R. Gen. Prac. & Jud. Admin. 2.420, a form "Motion to Determine Confidentiality of Court Records" is attached as Appendix A. The motion must indicate whether all other parties and affected nonparties, if any, agree with the motion. The motion also must indicate the location of the confidential information in the court file, including, if applicable, the document title and the page and line number where the information is located in the document. One of the form orders attached as Appendixes B-1 and B-2 must accompany the motion.

B. Motion Requesting Access to Confidential Court Records, Seeking to Vacate an Order Granting a Motion to Determine Confidentiality of Court Records, or Seeking to Unseal Information Designated Confidential by the Clerk

A copy of any motion that, if granted, would result in access to a confidential court file, confidential document, or confidential information must be provided to the judge who entered the order making the court file, document, or information confidential. If the file, document, or information is maintained as confidential by the Clerk of the Circuit Court without a court 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.

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 C. The motion must indicate if the State, defendant(s), and all affected non-parties agree to the relief requested. The form "Order Granting/Denying Motion to Determine Confidentiality of Court Records – Special

Criminal Records” attached as Appendix D must accompany the motion.

D. Notice

To the extent notice to affected non-parties is required under Fla. R. Gen. Prac. & Jud. Admin. 2.420, a form “Notice to Affected Non-Party” is attached as Appendix E.

E. Hearing

To the extent a hearing is required under Fla. R. Gen. Prac. & Jud. Admin. 2.420, the movant must contact the judicial assistant in the section where the case is assigned so that a hearing can be scheduled in the timeframe set forth by the rule. A form “Notice of Hearing (Confidential records)” that the movant must complete and serve is attached as Appendix F.

II. DIRECTIONS TO CLERKS OF THE CIRCUIT COURT

A. Confidential Cases

Unless otherwise ordered by the Court, the Clerk of the Circuit Court of Pasco County and the Clerk of the Circuit Court of Pinellas County (“Clerks”) are authorized and directed to seal the entire court file and progress docket in the following case types, without requiring any other order of the Court or public notice:

1. Dependency, sections 39.0132(3)–(4), Fla. Stat.; Fla. R. Jud. Admin. 2.420(d)(1)(B)(i).
2. Termination of Parental Rights, sections 39.814(3)–(4), Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(i).
3. Adoption, section 63.162, Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(ii).
4. Gestational Surrogacy, section 742.16(9), Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(xiv).
5. Children and Families in Need of Services, sections 984.06(3)–(4), Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(xvii).
6. Juvenile Delinquency, sections 985.04(1) and 985.045(2), Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(xviii).
7. Waiver of Parental Notification of Termination of Pregnancy by Minor, section 390.01116, Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(vii).
8. Paternity Actions when the Clerks 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, section 742.091, Fla. Stat.
9. Marchman Act, section 397.6760, Fla. Stat.; Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(ix).

B. Confidential Records

In addition to the records or information identified in Fla. R. Gen. Prac. & Jud. Admin. 2.420, the Clerks are authorized and directed to maintain the following documents or information

as confidential as provided by state or federal law, unless otherwise ordered by the Court, without requiring any other order of the Court or public notice:

1. Psychological and Psychiatric Evaluations, sections 456.057 and 456.059, Fla. Stat.
2. “Notice of Social Security Number,” Florida Family Law Form 12.902(j); Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(iii).
3. Violation of probation reports, section 945.10(1)(b), Fla. Stat.
4. Florida Department of Law Enforcement criminal history records, section 943.054, Fla. Stat.; 28 C.F.R. Part 20.
5. Department of Highway Safety and Motor Vehicles driver history records, section 119.0712(2), Fla. Stat.; the Driver’s Privacy Protection Act (DPPA), 18 U.S.C. § 2721, et seq.
6. A social security number contained in an indictment or information filed by the State Attorney, 42 U.S.C. § 405(c)(2)(C)(viii); Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(B)(iii).
7. Investigative subpoenas, section 119.071(2)(c)(1), Fla. Stat.
8. 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, Fla. Stat.

C. Identifying Information

When the law, a rule, or a court order requires the Clerk to seal or maintain identifying information as confidential, the Clerks are directed to maintain as confidential the following information for the individual on the specified case, unless otherwise directed by the Court:

1. Name;
2. Alias;
3. Social security number;
4. Address;
5. Date of birth; and
6. Information on the person’s tattoos, scars, and birthmarks.

D. Review of Civil Cases for Confidential Information

Unless specified in this administrative order, in civil cases the Clerk is not required to designate and maintain information as confidential unless:

1. the filer follows the notice procedures promulgated in Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(2);
2. the filer files a Motion to Determine Confidentiality of Court Records as delineated in Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(3);
3. the filing is determined confidential by court order; or

4. the case itself is confidential by law.

“Civil cases” includes only Court Type Designators CA, CC, and SC, except case types listed as “Viewable on Request” in the Standards for Access to Electronic Court Records and Access Security Matrix).

E. Interpretation of Court Orders

When the Clerks receive an order directing that a court file, a document, or information contained therein be maintained as confidential, the Clerks are hereby authorized and directed as follows:

1. If a court order directs that a court record be kept confidential, the Clerks shall maintain as confidential both the court file and the progress docket. In the context of the progress docket, the Clerk shall remove the docket from any public access information system. However, unless otherwise indicated herein or by court order, the Clerk shall not treat as confidential the case number, docket number, or any other identifying number of the case that is determined to be confidential.
2. If a court order directs that a court file be kept confidential and is silent regarding the progress docket, the Clerk shall maintain as confidential the court file, but maintain a progress docket with no alteration of the parties’ names unless otherwise provided by law, rule, or this Administrative Order.
3. If a court order directs that a court document be kept confidential, the Clerk shall treat only that document as confidential unless otherwise provided by law, rule, or this Administrative Order.
4. If a court order directs that a party’s identity is confidential, the Clerks shall take all reasonable steps necessary to ensure that the progress docket is available to the public in a manner that does not disclose the identity of the protected party. This includes substituting the party’s name with a pseudonym, a general term such as “Petitioner,” or the party’s initials if the party is not generally identified by initials.

F. Access by Parties and Attorneys of Record

Except as otherwise provided below or except as indicated by the language of a court order, the Clerks are authorized to make any sealed or confidential court file, document, or case information available to adult parties and their attorneys of record in accordance with the Standards for Access to Electronic Court Records and Access Security Matrix. No order of the court is required.

The contents of any confidential 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 upon request. If a Clerk is unable to determine whether a matter is adversarial, the Clerk may request a determination from the section judge. In all other probate and guardianship matters, the Clerks may make the contents of any sealed or confidential court file, document, or information available only as authorized by law or court order.

G. Requests for Access by the Public

If a member of the public or an entity requests a court file by party name and the file and progress docket are sealed or confidential or a party's identity is sealed or confidential, the Clerks 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.

III. DIRECTIONS TO JUDICIAL ASSISTANT

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

IV. EXPUNGED AND SEALED RECORDS

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

The Court may update the attachments to this Administrative Order without amendment of this Administrative Order.

Administrative Order 2017-064 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of June, 2021.

ORIGINAL SIGNED ON JUNE 29, 2021
BY ANTHONY RONDOLINO, CHIEF JUDGE

- Appendices:
- A Motion to Determine Confidentiality of Court Records
 - B-1 Order Granting/Denying Motion to Determine Confidentiality of Court Records in accordance with Fla. R. Gen. Prac. & Jud. Admin 2.420(c)(7)-(c)(8)
 - B-2 Order Granting/Denying Motion to Determine Confidentiality of Court Records in accordance with Fla. R. Gen. Prac. & Jud. Admin 2.420(c)(9)
 - C Motion to Determine Confidentiality of Court Records - Special Criminal Records
 - D Order Granting/Denying Motion to Determine Confidentiality of Court Records - Special Criminal Records in accordance with Fla. R. Gen. Prac. & Jud. Admin 2.420(c)(9)
 - E Notice to Affected Non-Party
 - F Instructions and Notice of Hearing (Confidential Records)

cc: All Judges
The Honorable Bruce Bartlett, State Attorney
The Honorable Sara Mollo, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Nikki Alvarez-Sowles, Clerk and Comptroller, Pasco County
The Honorable Bob Gualtieri, Sheriff, Pinellas County
The Honorable Chris Nocco, Sheriff, Pasco County
Ita Neymotin, Regional Counsel, Second District
Ngozi C. Acholonu, Assistant Regional Counsel
Gay Inskeep, Trial Courts Administrator
Kimberly Thompson, Chief Operations Officer, Pasco County Clerk's Office
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

APPENDIX A

**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; specified 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 General Practice and Judicial Administration 2.420(c)(7) - (c)(8); Rule of General Practice and Judicial Administration 2.420(c)(9):

- _____ particular information within a document (specify the type of information, identify the document title and date, and identify the page and line number where the information is located in the document): _____.
- _____ particular documents within the court file (identify the document title and date): _____.
- _____ 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. _____
 Email address _____

CERTIFICATE OF SERVICE

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

_____ on _____, 20____.
_____ [Signature]

APPENDIX B-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 GENERAL PRACTICE AND
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 General Practice and 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 General Practice and 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 General Practice and 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:

In accordance with Florida Rule of General Practice and Judicial Administration 2.420 and the Standards for Access to Electronic Court Records and Access Security Matrix, the Clerk of the Circuit Court is hereby directed to maintain as confidential the following materials related to this matter: [*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 may 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 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__.

[Signature]

Copies to:

APPENDIX B - 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 GENERAL PRACTICE AND
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 General Practice and 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 General Practice and 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:

In accordance with Florida Rule of Judicial Administration 2.420 and the Standards for Access to Electronic Court Records and Access Security Matrix, the Clerk of the Circuit Court is hereby directed to maintain as confidential the following materials related to this matter: [*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 may 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, 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__.

[Signature]

Copies to:

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).
_____ /

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 General Practice and 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. _____
Email address _____

CERTIFICATE OF SERVICE

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

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 GENERAL PRACTICE AND 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 General Practice and 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 General Practice and 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

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 pursuant to 2.420(f)(3)(D), the Clerk is not to post this Order.

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, electronic verification, 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__.

_____ [Signature]

Copies to:

APPENDIX E

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

Plaintiff(s),
v.

Defendant(s).
_____ /

Case No. _____
UCN: _____

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. _____
Email address _____

CERTIFICATE OF SERVICE

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

_____ on _____, 20____.

[Signature]

APPENDIX F

Instructions for Notice of Hearing (Confidential 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 e-mail or U.S. 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 **E-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 e-mailed, U.S. mail, **or** hand delivered to the other party and any affected non-party in your case.

APPENDIX F

**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 (Confidential 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 the Pasco County Human Resources Office, 8731 Citizens Drive, Suite 330, New Port Richey, FL 34654, (727) 847-8103 (V) 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 Circuit Court and that a copy of this document was furnished by () Email () 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. _____
Email address _____