



HERE'S WHAT ATTORNEYS NEED TO KNOW

About The Changes
To Rule 2.420

LEARN ABOUT THE CHANGES TO COURT FILINGS...

Changes To Rule 2.420 Impact How Filers Handle

CONFIDENTIAL DOCUMENTS

INSTEAD OF CLERKS OF COURT, FILERS ARE NOW SOLELY RESPONSIBLE FOR REVIEWING AND IDENTIFYING CONFIDENTIAL INFORMATION

Based on a recent Florida Supreme Court amendment to Florida Rule of Judicial Administration 2.420 regarding access to court records, **“the clerk shall not be required to identify and designate information as confidential,” in circuit civil, county civil and small claims court documents.**

Effective July 1, 2021, filers will be solely responsible for ensuring any confidential information contained in court records filed with the Clerk is appropriately identified for redaction in these kinds of cases.

Please review the changes to this rule and make sure that you and your staff are fully familiar with this rule change.



LEARN MORE AT

www.FLClerks.com/ConfidentialRuleChange



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To Rule 2.420

EFFECTIVE JULY 1, 2021



Clerks are no longer required to review and remove confidential information from court filings for small claims, county civil, and most circuit civil court cases unless notified by a filer



Filers are now responsible for identifying confidential information contained in these court records and ensuring it is appropriately redacted



Confidential information in a court record may be at risk for public release if it is not appropriately identified or redacted by the filer



LEARN ABOUT THE CHANGES TO RULE 2.420

HERE'S WHAT IT MEANS FOR FILING COURT DOCUMENTS WITH CONFIDENTIAL INFORMATION

THE BACKGROUND OF RULE 2.420

Rule 2.420 outlines 23 types of information that are automatically confidential in court records such as Social Security numbers, certain health records, bank account numbers, addresses of domestic violence victims, and juvenile records.

With the rule change, filers are now solely responsible for identifying information that falls under those exemptions and notifying Clerks when they file court records through the statewide e-filing portal or in-person at a Clerk's office.

Previously, Clerks were required to independently review all filed records to further identify and redact confidential information protected by the rule. According to the amendment, Clerks are no longer required to perform this review and are only obligated to protect information in civil and small claims cases when notified by filers, by court order, or when the case itself is confidential under law.

WHO SHOULD BE AWARE OF THE CHANGES

CHANGES APPLY TO:

- ▶ Small Claims Cases
- ▶ County Court Civil Cases
- ▶ Most Circuit Court Civil Cases

CHANGES DO NOT APPLY TO:

- ▶ Family Law Cases
- ▶ Domestic Violence Cases
- ▶ Cases Stemming from Sexual Abuse
- ▶ Risk Protection Orders
- ▶ Mental Health Cases
- ▶ Jimmy Ryce Civil Commitments
- ▶ Medical Malpractice Cases

THE '23' TYPES OF CONFIDENTIAL INFORMATION

Effective July 1, 2021, **filers are required to file a Notice of Confidential Information** identifying the precise locations and confidentiality provisions that apply to the identified information based on the the 23 items listed in Rule 2.420, including:

- ▶ Dependency
- ▶ Adoption Files
- ▶ Social Security Numbers, Bank Accounts, Charge, Debit & Credit Card Numbers
- ▶ HIV
- ▶ Sexually Transmissible Diseases
- ▶ Birth and Death Records
- ▶ Pregnancy Termination by Minor
- ▶ Baker Act Records
- ▶ Substance Abuse Records
- ▶ Clinical Records
- ▶ Estate Inventories and Accountings
- ▶ Domestic Violence (Victim's Address)
- ▶ Child Abuse & Sexual Offenses
- ▶ Gestational Surrogacy
- ▶ Guardianship
- ▶ Grand Jury Records
- ▶ Family Services for Children
- ▶ Juvenile Delinquency
- ▶ Tuberculosis
- ▶ Presentence Investigation Reports
- ▶ Forensic Behavioral Health Evaluations
- ▶ Drug Court Reports
- ▶ Domestic Violence (Identifying Information)

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