FLORIDA
COURT CLERKS & COMPTROLLERS

2.420 OR NOT 2.420

That *Is* The Question!

How Not To Commit Malpractice

DISCLAIMER

CLE presentations presented by The Florida Bar and the various sections, divisions, and committees of The Florida Bar **are intended for educational purposes only** and do not replace professional judgment.

Statements of fact and opinions expressed are those of the presenters individually and, unless expressly stated to the contrary, are not the opinion of The Florida Bar or its sections, divisions or committees. **The Florida Bar does not endorse or approve, and assumes no responsibility for, the content, accuracy, or completeness of the information presented.**

As a panel of Clerks of Court and attorneys, we are here to speak to the changes to and applications of the laws and rules, in effect at the time of this presentation, May 24, 2023. Additionally, we are not speaking on behalf of all Clerks.

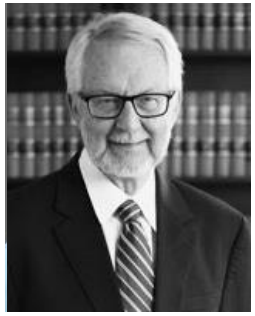
PRESENTERS

THE HONORABLE
CAROLYN TIMMANN
- *FCCC President*
- *Clerk of the Circuit Court and Comptroller, Martin County*

THE HONORABLE
LAURA E. ROTH
- *Clerk of the Circuit Court, Volusia County*

THE HONORABLE
GREGORY C. HARRELL
- *Clerk of the Circuit Court and Comptroller, Marion County*

AMY SINGER BORMAN
- *Chief Legal Officer and Chief Operating Officer, Clerk of the Circuit Court and Comptroller, Palm Beach County*



THOMAS D. HALL
- *Appellate Lawyer, Of Counsel with Bishop & Mills, former Clerk of the Supreme Court of Florida*

2.420: A TIMELY AND IMPORTANT TOPIC

THE HONORABLE

CAROLYN TIMMANN

FCCC President; Clerk of the Circuit Court and Comptroller, Martin County

FLORIDA COURT CLERKS & COMPTROLLERS

SESSION OVERVIEW

This session will provide an overview of:

- Chapter 119, Florida Statutes (Public Records Exemptions)
- Rule 2.420, Florida Rules of General Practice and Judicial Administration – Public Access to and Protection of Judicial Branch Records
- Rule 2.425, Florida Rules of General Practice and Judicial Administration – Minimization of the Filing of Sensitive Information
- Rule 2.423, Florida Rules of General Practice and Judicial Administration – Crime Victim Information with Court Filing "Marsy's Law"

- Enable attorneys and staff to avoid the ethical and professionalism missteps that can easily occur if you do not fully understand your obligations under those rules

2.420: A TIMELY AND IMPORTANT TOPIC

- Moving from paper files to an electronic world changed how documents flow into a case file, how they get out of your offices and to the court.

- Technology, primarily the Florida Courts E-Filing Portal, has made it easier than ever before to file.
- However, the ease of filing and changes to Rule 2.420 resulted in more confidential information being overlooked and inadvertently released in certain documents.

CIVIL CASE FILINGS: CHANGES TO RULE 2.420

https://www.flclerks.com/page/ConfidentialRuleChange

One of several joint projects with Clerks of Court and the OSCA to raise awareness in the legal community.

FLORIDA COURT CLERKS & COMPTROLLERS

THE IMPORTANCE OF FOLLOWING THE RULE

WHY IS IT SO IMPORTANT FOR FILERS TO FOLLOW THE RULE 2.420 CHANGES?

IT AFFECTS REAL PEOPLE

THE IMPORTANCE OF FOLLOWING THE RULE

FEBRUARY 2021 STUDY

- In February 2021, the Manatee, Marion, Martin, Palm Beach and Volusia County Clerk of Courts' offices conducted a one-week study of case filings.
- **Results:** Among the filed documents subject to the rule change, **21% of documents contained confidential information that was not redacted or notified for redaction by the filer.**

THE IMPORTANCE OF FOLLOWING THE RULE

TRACKING COMPLIANCE WITH THE RULE CHANGE IN FIVE COUNTIES:

- Five Clerk of Court offices (Manatee, Marion, Martin, Palm Beach and Volusia) tracked compliance with Rule 2.420 changes for the month of February 2021. Below are the combined results:

Number of Cases Filed	Notices of Confidentiality Filed	Clerk Redaction Applied, No Notice
46,853	500	9,835

THE IMPORTANCE OF FOLLOWING THE RULE

TRACKING COMPLIANCE WITH THE RULE CHANGE IN TWO COUNTIES

- Sarasota and Martin County Clerk of Court offices tracked compliance with Rule 2.420 changes for two months (July 1, 2021 – August 31, 2021). Below are the combined results:

Notices of Confidentiality Filed			Reasons for Noncompliance	Clerk Redaction Applied, No Notice	
Number Filed	Compliant	Non-Compliant	Did not specify location of confidential information Missing information about what to redact Requested entire document be held confidential Incorrectly applied the minimization rule Information not included in the 23 – Need Motion	Number of Documents	Number of Pages
597	89	508		1,680	32,964

A GLIMPSE AT THE MARCH 2023 CIVIL FILINGS

TRACKING COMPLIANCE WITH THE RULE CHANGE IN 2023

- For the period of March 17 - 24, 2023, Martin County Clerk of Court tracked the number of notices of confidentiality filed for the 607 new civil case filings. There were only 9 notices filed and none of them were compliant.

Notices of Confidentiality Filed		Reasons for Noncompliance	Number of Documents and Pages filed and not required to be reviewed by Clerk for redaction	
Number Filed	Non-Compliant		Documents	Pages
9	9	Did not specify location of confidential information Missing information about what to redact Requested entire document be held confidential Incorrectly applied the minimization rule Information not included in the 23 – Need Motion	1,949	9,955

- During the same timeframe, 7,851 new civil cases were filed in Palm Beach County. There were only 97 notices filed and 85 of them were compliant.

QUESTIONS?

HOW DID WE GET HERE?

THE HONORABLE

LAURA E. ROTH

Clerk of the Circuit Court, Volusia County

FLORIDA
COURT CLERKS & COMPTROLLERS

QUESTION:

When it comes to including social security numbers in court documents, according to the Rules in Florida the attorney should:

ANSWER:

(Choose the best answer)

A. ONLY include the last 4 digits of a social security number
B. NOT include any part of a social security number in a court document
C. Include the entire social security number, the Clerk must find it and redact it
D. Set a hearing, the court must rule on whether the social security number can be included

OVERVIEW: HOW WE GOT HERE

- **Chapter 119, Florida Statutes (Public Records Exemptions)**
  - Is it confidential and/or exempt in Florida? >1,000 exemptions
- **Rule 2.420, Florida Rules of General Practice and Judicial Administration – Public Access to and Protection of Judicial Branch Records**
  - Is it confidential and/or exempt in court records? If so, how?
    - Notice of Confidential Information within Court Filing (23 exemptions)
    - Motion to Determine the Confidentiality of Trial Court Records (all others)
- **Rule 2.425, Florida Rules of General Practice and Judicial Administration – Minimization of the Filing of Sensitive Information**
  - Should it be included in a court record at all?
- **Rule 2.423, Florida Rules of General Practice and Judicial Administration – Crime Victim Information with Court Filing "Marsy's Law"**
  - How is victim information protected in court records?

WHAT ABOUT CHAPTER 119?

"The Florida courts have long held that, in recognizing the importance of the separation of powers doctrine, the term "agency" as used in Chapter 119 was intended to apply to the executive branch agencies and their officers, *Locke v. Hawkes,* 595 So.2d 32 (Fla. 1992), and to local governmental entities and their officers, and specifically did not apply to the Clerks of the Circuit Court when acting under the authority of their powers under Article V (judicial) of the Florida Constitution, *Times Publishing Co. v. Ake,* 660 So.2d 255 (Fla. 1995)."

WHAT DOES THIS MEAN?

- Information protected under Ch. 119 is ***NOT*** automatically protected in a court file.
- The confidentiality of court records is governed by Rule 2.420.

THE PURPOSE OF RULE 2.420

In re Amend. to Rule of Jud. Admin, 31 So. 3d 756 (Fla. 2010):

"The Privacy Committee had concluded in its report, and the Court agreed, that the Florida judicial branch should have a goal of providing the public with electronic access to non-confidential court records when appropriate conditions are met.

The Access Committee was created to assist in establishing those necessary conditions, one of which was the need to narrow the scope of subdivision (c)(8) of rule 2.420 to a finite set of public records exemptions that are appropriate for court records and are identifiable. The ability to identify a finite set of public records exemptions that apply to court records under the Rule was critical to the larger task of allowing electronic access to court records.

The amendments we adopted addressed procedures for the clerks to identify a narrow set of records as confidential."

Remember, there are 1,000+ Statutory Exemptions.

RULE 2.420 (d)(1)

(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) information described by any of subdivisions (c)(1) through (c)(6) of this rule; and

(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:

23 specific current exemptions adopted by the Court that apply to court records

- Notice of Confidential Information within Court Filing (23 exemptions)
- Motion to Determine the Confidentiality of Trial Court Records (all others >1,000)

23 TYPES OF CONFIDENTIAL INFORMATION

THAT CLERKS HAVE A ROLE IN PROTECTING UNDER RULE 2.420

- 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
- Certain 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)

RULE 2.425

LITIGATION PRACTITIONERS' CONFUSION: FLA. R. JUD. ADMIN. 2.420 AND 2.425 AND THE IMPROPER FILING OF SENSITIVE INFORMATION

Vol. 89, No. 5 | May 2015 | Pg 20 | Joey M. Lampert

Fla. R. Jud. Admin. 2.425:

Rule 2.425 was enacted as a new rule in 2011 to specify the format in which a party's sensitive information must be filed, if it can be filed at all. Rules 2.420 and 2.425 are companions. The Florida Supreme Court stated: The new rule serves as a companion to recently amended Rule of Judicial Administration 2.420 (Public Access to Judicial Branch Records). New Rule 2.425 provides the procedures for protecting personal information being filed with the court; while Rule 2.420 governs the procedures for determining the confidentiality of information after it has been filed and for providing public access to nonconfidential information.

Rule 2.425(a) explicitly states that while some sensitive information can be filed with the court in a limited or truncated format, certain sensitive information (i.e., Social Security, bank account, charge, debit, and credit card numbers) cannot be filed with the court at all.

Fla. R. Civ. P. 1.020:

Rule 1.020 was enacted in 2013 and provides that "[e]very pleading or other paper filed with the court shall comply with Fla. R. Jud. Admin. 2.425."

RULE 2.425

RULE 2.425. MINIMIZATION OF THE FILING OF SENSITIVE INFORMATION

(a) Limitation for Court Filings. Unless authorized by subdivision (b), statute, another rule of court, or the court orders otherwise, designated sensitive information filed with the court must be limited to the following format:

(1) The initials of a person known to be a minor;

(2) The year of birth of a person's birth date;

(3) No portion of any

(A) social security number,

(B) bank account number,

(C) credit card account number,

(D) charge account number, or

(E) debit account number;

RULE 2.425

(4) The last four digits of any

(A) taxpayer identification number (TIN),

(B) employee identification number,

(C) driver's license number,

(D) passport number,

(E) telephone number,

(F) financial account number, except as set forth in subdivision (a)(3),

(G) brokerage account number,

(H) insurance policy account number,

(I) loan account number,

(J) customer account number, or

(K) patient or health care number;

RULE 2.425

(5) A truncated version of any

(A) email address,

(B) computer user name,

(C) password, or

(D) personal identification number (PIN); and

(6) A truncated version of any other sensitive information as provided by court order.

February 2, 2023 Fla. R. Gen. Prac. & Jud. Admin.

RULE 2.423: "MARSY'S LAW"

"MARSY'S LAW" CRIME VICTIM INFORMATION WITHIN COURT FILING

(d) Procedure for Identifying Confidential Crime Victim Information in Criminal and Juvenile Court Records.

(1) The filer of an **initial charging document** shall prominently indicate the existence of confidential crime victim information pursuant to Article I, Section 16 of the Florida Constitution. If the filer indicates the existence of confidential crime victim information, the clerk of the court shall designate and maintain the confidentiality of any such information contained within the initial charging document.

(2) Except as provided under subdivision (d)(1), **the filer of any document** with the court under subdivision (d) **shall ascertain whether it contains any confidential crime victim information.** If the filer believes in good faith that information is confidential, the **filer shall request that the information be maintained as confidential by contemporaneously filing a "Notice of Confidential Crime Victim Information within Court Filing."**

(3) A crime victim, the filer, a party, or any affected nonparty may file a Notice of Confidential Crime Victim Information within Court Filing at any time.

(4) **Filers of subsequent court filings shall limit the presence of crime victim identifying information** in accordance with rule 2.425(a)(3) or **file a Notice of Crime Victim Information within Court Filing with each subsequent court filing that contains confidential crime victim information.**

SUMMARY

Rule	Description
Ch. 119, FL Statutes	• Exemptions are NOT automatically protected in court records
Rule 2.425	• Limit the information before filing (Minimize It) • NO PART OF A SOCIAL SECURITY NUMBER
Rule 2.423	• Limit criminal victim information OR file a Notice (Protect Victims) • Must file a Notice or Clerk will NOT redact automatically

Rule 2.420	• If you have to include it, despite the two rules above, then either:
	  • **One of the 23 specific exemptions?** File a **Notice** (Clerk Redacts)
	  • **Not on the list of 23 exemptions?** File a **Motion** (Court Order)

QUESTIONS?

A DEEPER DIVE:

THE IMPORTANCE AND CURRENT SITUATION

THE HONORABLE

GREGORY C. HARRELL

Clerk of the Circuit Court and Comptroller, Marion County

FLORIDA
COURT CLERKS & COMPTROLLERS

QUESTION:

In which of the following case types do you as a filer not have to redact confidential information prior to filing a court record containing such information?

ANSWER:

(Choose the best answer)

A. Small Claims Cases
B. County Civil Landlord-Tenant Disputes
C. Circuit Civil Personal Injury Cases
D. Circuit Civil Medical Malpractice Cases
E. None of the Above

QUESTION:

In which of the following case types does a Clerk of Court have an independent obligation to redact social security numbers and/or bank account numbers from a court record if you as the filer either do not do so, or you do not file a corresponding Notice of Confidentiality?

ANSWER:

(Choose the best answer)

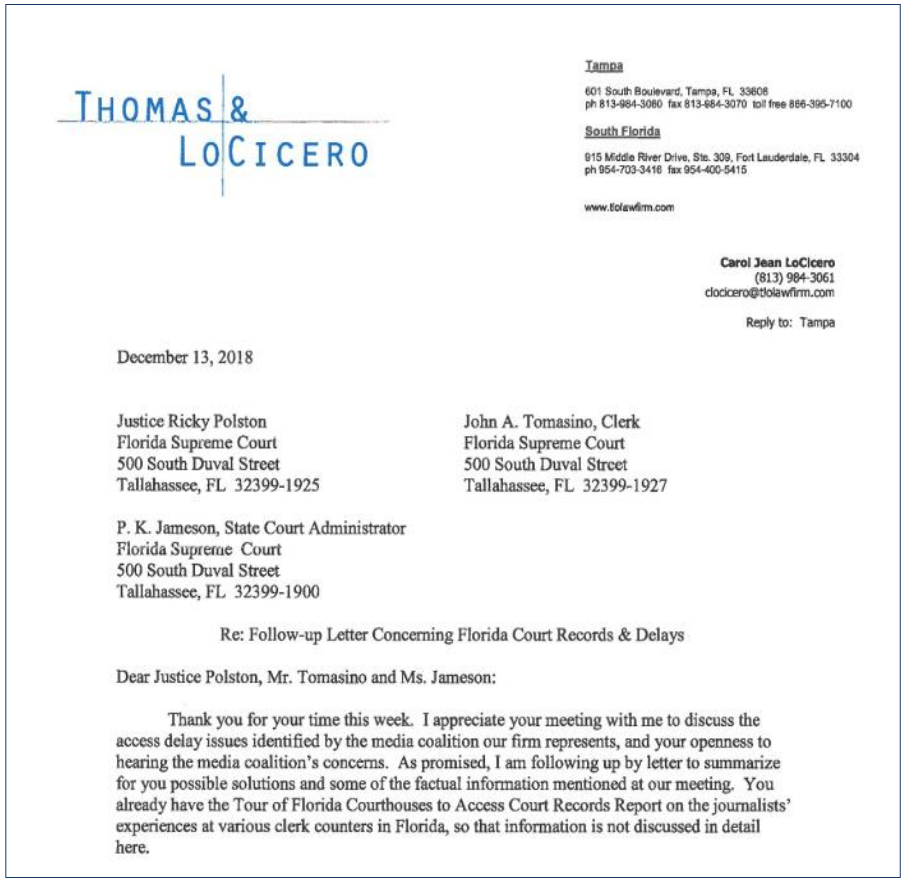
A. Small Claims Cases
B. County Civil Landlord-Tenant Disputes
C. Circuit Civil Personal Injury Cases
D. Circuit Civil Medical Malpractice Cases
E. None of the Above

A DEEP DIVE INTO WHY THIS IS IMPORTANT

WHAT WE WILL COVER:

- Background
- 2021 Changes to Rule 2.420
- 2022 Federal Litigation
- Subsequent changes to the E-Filing Portal

BACKGROUND



THOMAS & LoCICERO

Tampa
601 South Boulevard, Tampa, FL 33606
ph 813-984-3060 fax 813-984-3070 toll free 866-395-7100

South Florida
915 Middle River Drive, Ste. 309, Fort Lauderdale, FL 33304
ph 954-703-3416 fax 954-400-5415

www.tolawfirm.com

Carol Jean LoCicero
(813) 984-3061
clocicero@tolawfirm.com

Reply to: Tampa

December 13, 2018

Justice Ricky Polston
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1925

John A. Tomasino, Clerk
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1927

P. K. Jameson, State Court Administrator
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399-1900

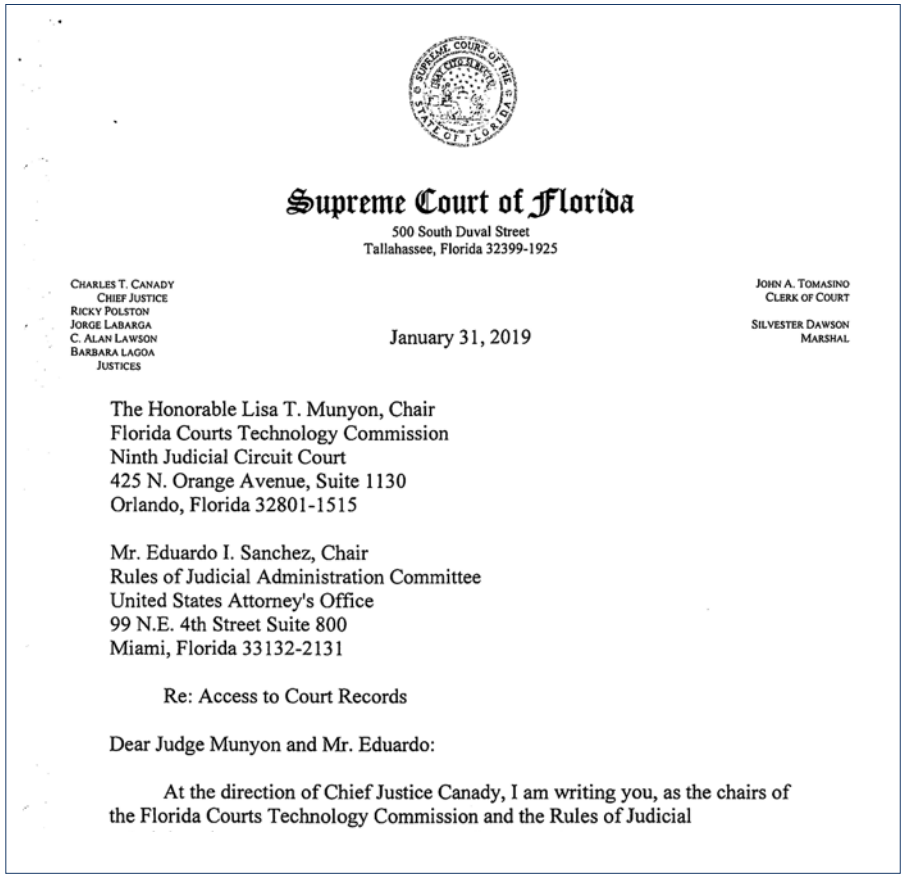
Re: Follow-up Letter Concerning Florida Court Records & Delays

Dear Justice Polston, Mr. Tomasino and Ms. Jameson:

Thank you for your time this week. I appreciate your meeting with me to discuss the access delay issues identified by the media coalition our firm represents, and your openness to hearing the media coalition's concerns. As promised, I am following up by letter to summarize for you possible solutions and some of the factual information mentioned at our meeting. You already have the Tour of Florida Courthouses to Access Court Records Report on the journalists' experiences at various clerk counters in Florida, so that information is not discussed in detail here.

"REPORT: Tour of Florida Courthouses to Access Court Records" produced by Thomas & LoCicero, PL, on behalf of the News Media Coalition, dated December 10, 2018, and related letter from Carol Jean LoCicero to Florida Supreme Court, dated December 13, 2018

BACKGROUND



Supreme Court of Florida

500 South Duval Street
Tallahassee, Florida 32399-1925

CHARLES T. CANADY
CHIEF JUSTICE
RICKY POLSTON
JORGE LABARGA
C. ALAN LAWSON
BARBARA LAGOA
JUSTICES

JOHN A. TOMASINO
CLERK OF COURT

SILVESTER DAWSON
MARSHAL

January 31, 2019

The Honorable Lisa T. Munyon, Chair
Florida Courts Technology Commission
Ninth Judicial Circuit Court
425 N. Orange Avenue, Suite 1130
Orlando, Florida 32801-1515

Mr. Eduardo I. Sanchez, Chair
Rules of Judicial Administration Committee
United States Attorney's Office
99 N.E. 4th Street Suite 800
Miami, Florida 33132-2131

Re: Access to Court Records

Dear Judge Munyon and Mr. Eduardo:

At the direction of Chief Justice Canady, I am writing you, as the chairs of the Florida Courts Technology Commission and the Rules of Judicial

Referral letter from the Florida Supreme Court to the Florida Courts Technology Commission (FCTC) and Rules of Judicial Administration Committee (RJAC), dated January 31, 2019

BACKGROUND

DECEMBER 6, 2019

The Florida Bar's Board of Governors met on December 6, 2019, and voted 44-0 to report to the Supreme Court **"No action needed**" on this issue.

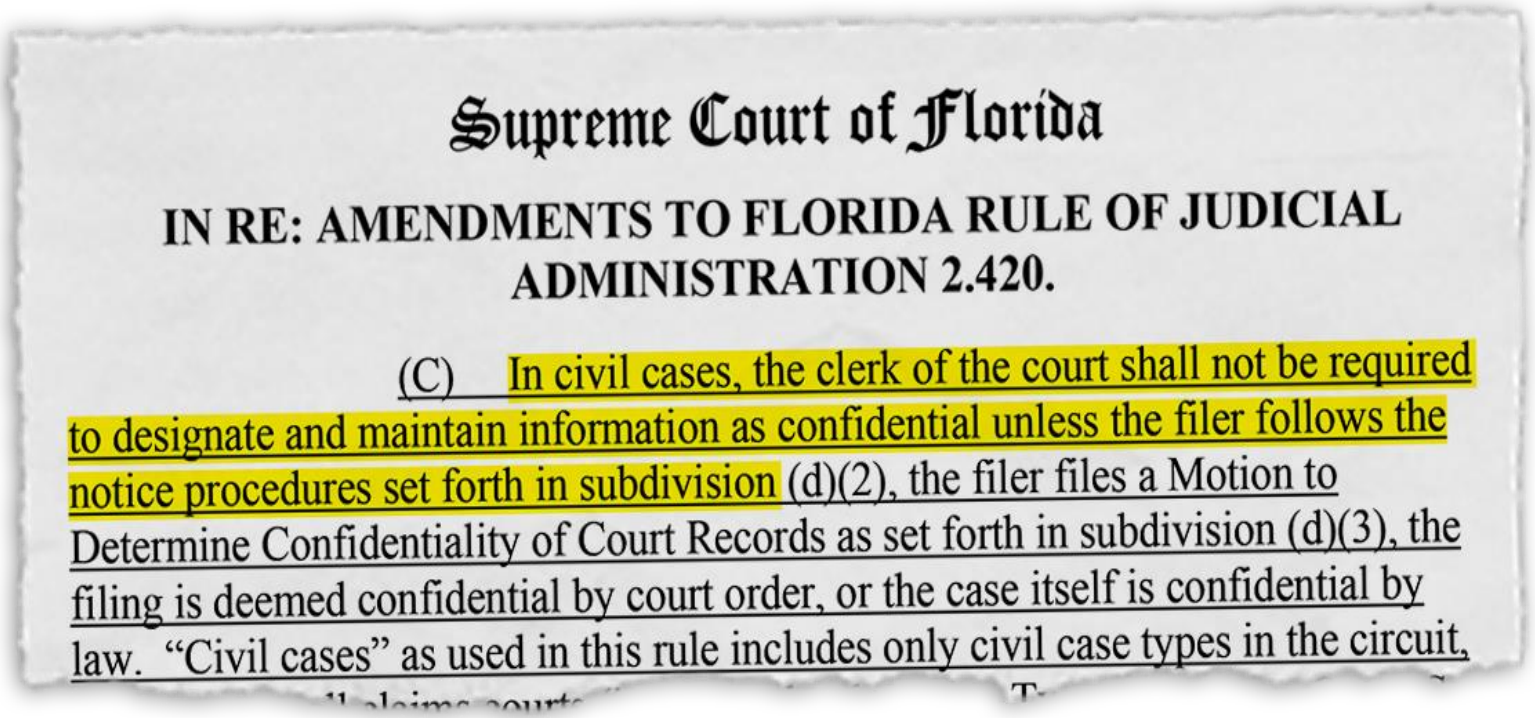
DECEMBER 31, 2019

The Joint FCTC/RJAC Committee on Rule 2.420 filed its report to the Florida Supreme Court on December 31, 2019, with a majority recommending **"No action needed".**

2020

The COVID-19 Pandemic

2021 CHANGES TO RULE 2.420



Supreme Court of Florida

IN RE: AMENDMENTS TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420.

(C) In civil cases, the clerk of the court shall not be required to designate and maintain information as confidential unless the filer follows the notice procedures set forth in subdivision (d)(2), the filer files a Motion to Determine Confidentiality of Court Records as set forth in subdivision (d)(3), the filing is deemed confidential by court order, or the case itself is confidential by law. "Civil cases" as used in this rule includes only civil case types in the circuit,

In SC20-1765 (January 21, 2021), the Florida Supreme Court amended Rule 2.420 on its own motion.

2021 CHANGES TO RULE 2.420

Effective July 1, 2021, the Florida Supreme Court amended Rule 2.420 to provide that, in most circuit civil, county civil, and small claims cases, the **clerk of court "shall not be required to" designate and maintain information as confidential unless:**

- **The filer files a "Notice to Determine Confidential Information Within Court Filing" for any information contained within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of the rule;**
- **The filer files a "Motion to Determine Confidentiality of Court Records" for any confidential information contained within a court record other than the information described in subdivision (d)(1)(A) or (d)(1)(B) of the rule;**
- **The information is deemed confidential by court order; or**
- **The case itself is confidential by law.**

2021 CHANGES TO RULE 2.420

- **In other words, since July 1, 2021, filers have been solely responsible for ensuring that any confidential information contained in court records filed with the Clerk in these kinds of cases is appropriately identified for redaction.**

- **The rule change did not apply to family law cases, domestic violence cases, probate cases, cases stemming from sexual abuse, risk protection orders, mental health cases, Jimmy Ryce civil commitments, and medical malpractice cases.**

- **Clerks and filers retain dual responsibility to identify confidential information contained within a court record that is described in subdivision (d)(1)(A) or (d)(1)(B) of the rule in all types of filings other than those affected by the rule change.**

WHERE DO THE RULE 2.420 CHANGES APPLY?

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
- Sexual Abuse
- Medical Malpractice Cases

…because Clerks will continue to automatically identify and protect information in these cases.

WHAT EXACTLY DOES THIS MEAN?

CLERKS OF COURT ARE NO LONGER REQUIRED to review and remove confidential information in small claims court filings, county court civil cases and most circuit cases unless notified by the filer

FILERS ARE NOW SOLELY RESPONSIBLE for identifying confidential information contained in these court records to ensure it is appropriately protected

2021 CHANGES TO RULE 2.420

HELPFUL RESOURCES:

- **Rule 2.420 Changes Explainer Video:** https://vimeo.com/571703780
- **Attorney and Legal Professional Handouts:** https://www.flclerks.com/page/ConfidentialRuleChange

2022 FEDERAL LITIGATION

- Courthouse News Service v. Brenda D. Forman, in her official capacity as the Broward County Clerk of Courts, the Florida E-Filing Authority, and Karen E. Rushing, in her official capacity as chair of the Florida E-Filing Authority, U.S.D.C. (N.D. Fla.), Case No. 4:22-cv-00106
- Plaintiff files its Complaint Seeking Declaratory & Injunctive Relief for Violation of First Amendment Rights on March 9, 2022.
- Clerks Forman and Rushing file separate motions to dismiss, and the Florida Courts E-Filing Authority files an answer and affirmative defenses on April 11, 2022.
- Plaintiff files a motion for preliminary injunction on April 14, 2022, and the defendants respond in opposition on April 28, 2022.
- The Court denies Clerk Forman's motion to dismiss, and grants Clerk Rushing's motion in part, but denies it in part, and dismisses plaintiff's claim against the Florida Courts E-Filing Authority on May 4, 2022.

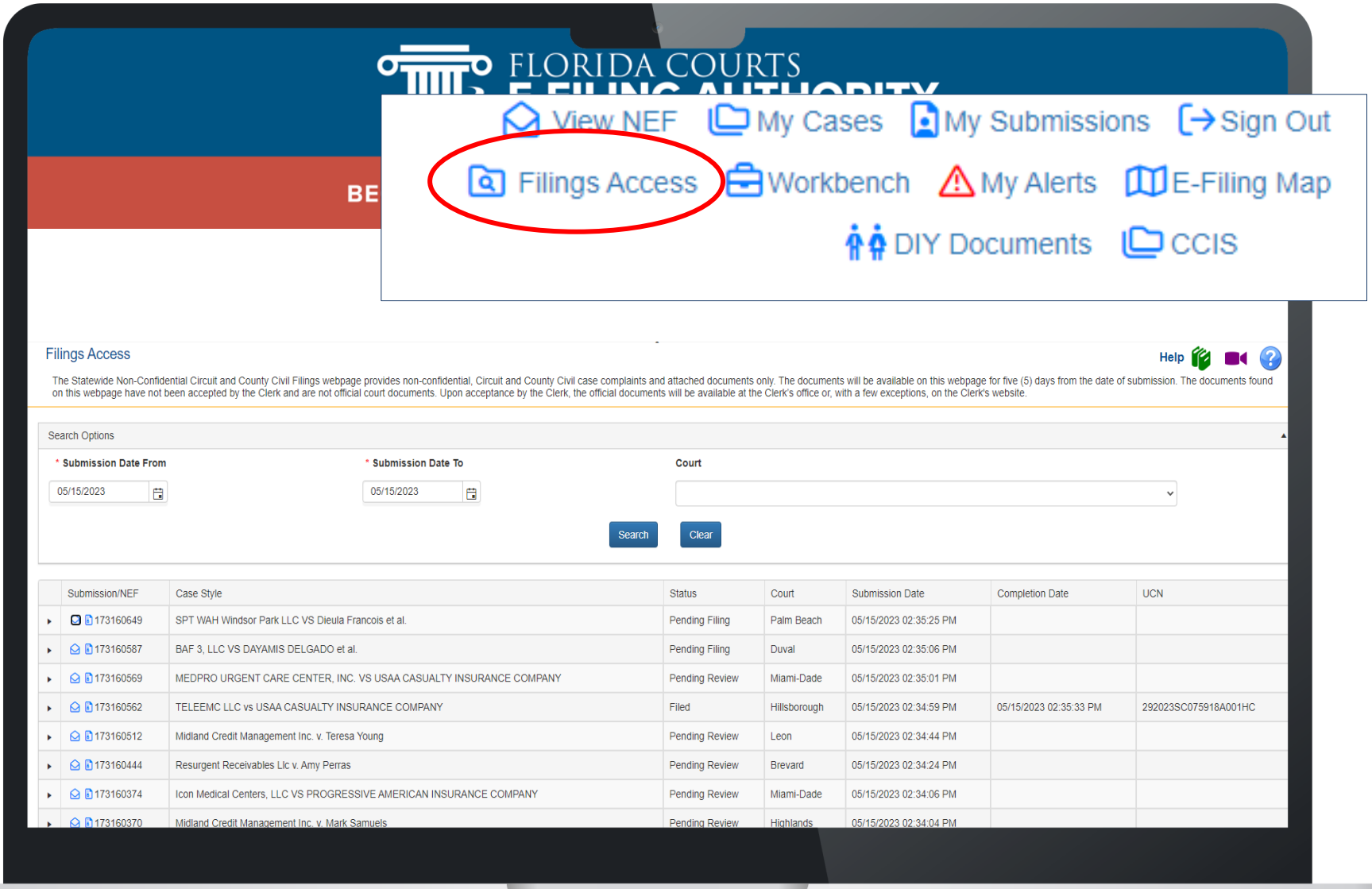
2022 FEDERAL LITIGATION

- **The Court enters a preliminary injunction against Clerk Forman and Clerk Rushing as Chair of the E-Filing Authority on June 10, 2022. Clerks Forman and Rushing file a joint plan to comply on July 8, 2022.**
- **The Court enters its Order Granting Injunctive Relief on August 5, 2022.**
- **The parties mediate and settle the case, and then file their mediation report on August 18, 2022.**
- **This is the *ONLY* known case to date requiring a third-party vendor (and not a court) to put state court civil cases out *IMMEDIATELY*.**

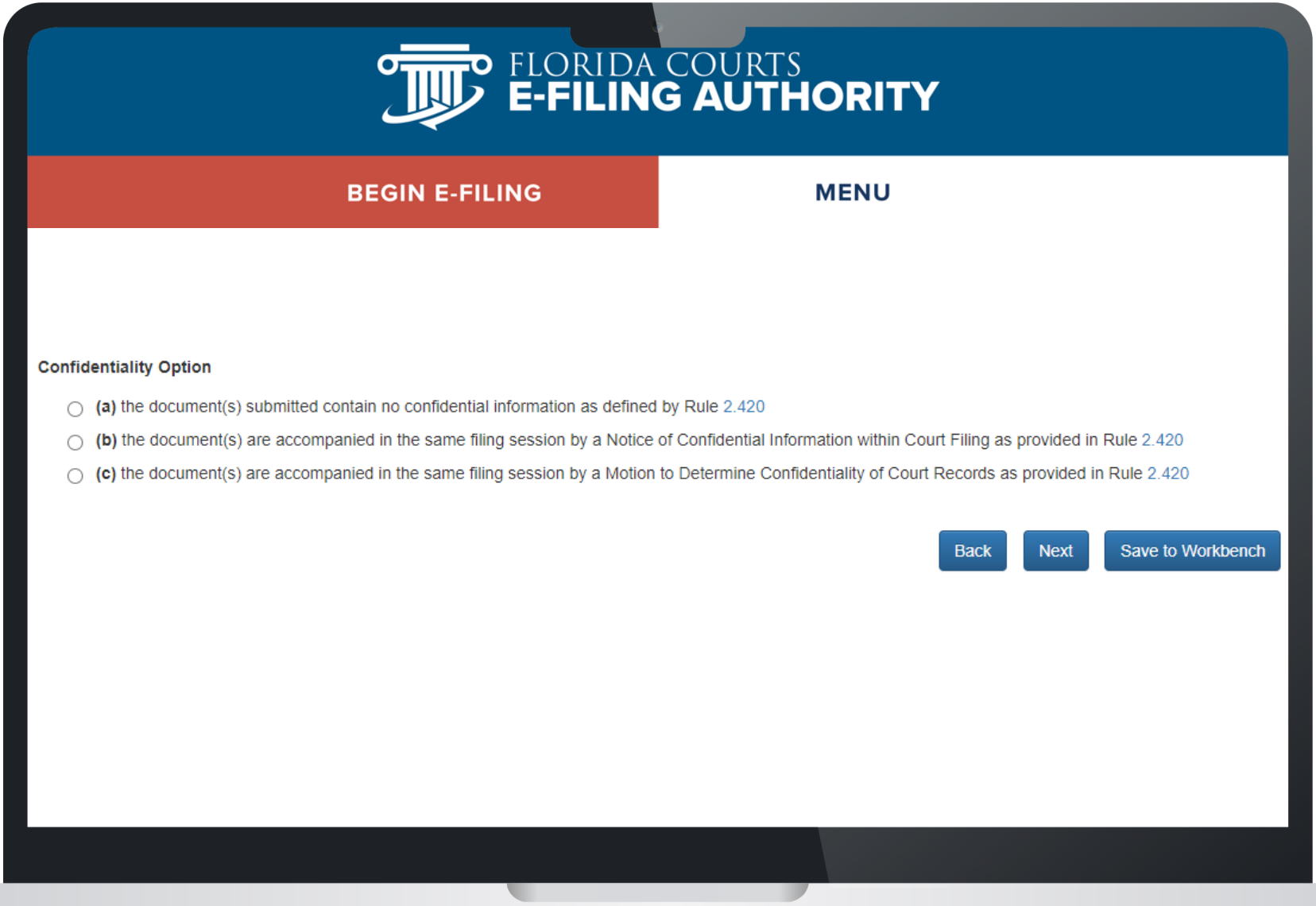
SUBSEQUENT E-FILING PORTAL CHANGES

www.MyFLCourtAccess.com

SUBSEQUENT E-FILING PORTAL CHANGES



SUBSEQUENT E-FILING PORTAL CHANGES



QUESTIONS?

WHAT DOES 2.420 LOOK LIKE IN REAL LIFE?

AMY SINGER BORMAN

Chief Legal Officer and Chief Operating Officer, Clerk of the Circuit Court and Comptroller, Palm Beach County

FLORIDA COURT CLERKS & COMPTROLLERS

WHAT DOES 2.420 LOOK LIKE IN REAL LIFE?

WHAT WE WILL COVER:

- E-Filing Authority – "How To E-File" videos
- Notices v. Motions
  - When to use a Notice v. when to use a Motion
  - New legislative exemptions

QUESTION:

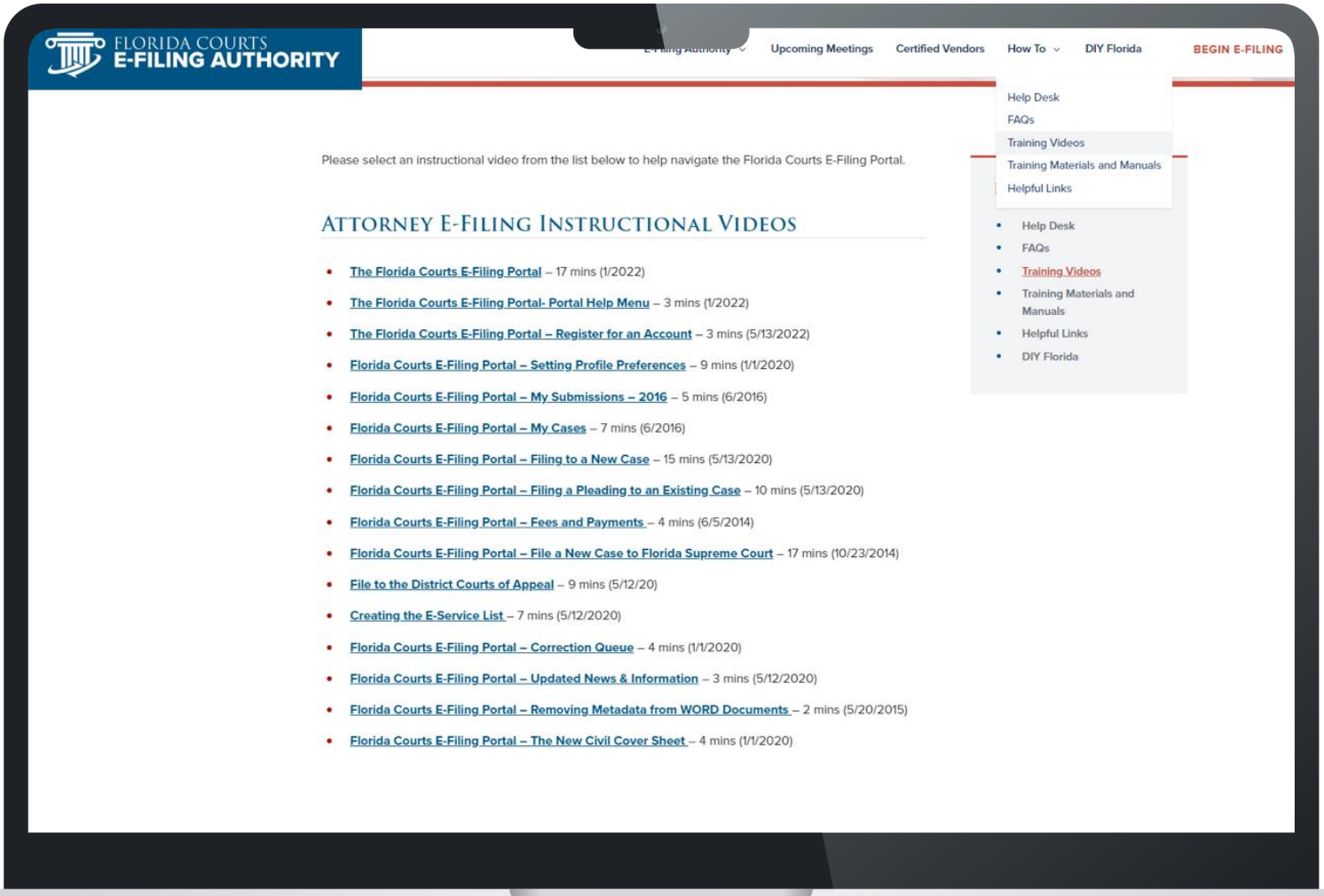
Have you used the resources (videos/manuals) available on the E-Filing Authority's website?

ANSWER:

YES **NO**

E-FILING AUTHORITY "HOW TO E-FILE" VIDEO

www.MyFLCourtAccess.com



QUESTION:

You represent a client who is a law enforcement officer. The law enforcement officer was arrested for DUI. The law enforcement officer's address is in the public court record but is confidential under Florida Statute 119. **To make the address not viewable by the public would you...**

ANSWER:

(Choose the best answer)

A. Call the Clerk's Office and direct them to redact it
B. File a Notice of Confidential Information within Court Record
C. File a Motion to Determine Confidentiality of Court Record
D. Call a friend – you have no idea what to do

2.420: NOTICES v. MOTIONS

A NOTICE IS REQUIRED WHEN a document contains confidential information as found in the 23 categories in Fla. R. Gen. Prac. & Jud. Admin. 2.420(d)(1)(b).

- **Filer must list where the confidential information is located within document**
- **Clerk reviews the Notice to ensure it falls within the 23 categories**
  - If it is one of the 23, document is held confidential or identified confidential information is redacted.
  - If not one of the 23, clerk will notify the filer within five business days that document appears not to contain confidential information within the 23 categories. The filer will have 10 days to file a Motion to Determine Confidentiality. The document remains confidential from public view during those 10 days.

2.420: NOTICES v. MOTIONS

A MOTION IS REQUIRED WHEN:

- Clerk notifies filer that document filed with a Notice of Confidential Information will not be held confidential because it was not one of the 23 categories. Document is held confidential for 10 days pending Motion.
- Filing a document with protected information outside of the 23 but covered by 2.420(c)(7), (8), or (9)

Once the Motion is filed, the Clerk will keep the specific information or the document confidential and unavailable for public viewing until the court rules on the motion.

MOTION NEEDED – 2.420(c)(7), (8), (9)

(7) All records made confidential under the Florida and United States Constitutions and Florida and federal law;

(8) All records presently deemed to be confidential by court rule, including the Rules for Admission to the Bar, by Florida Statutes, by prior case law of the State of Florida, and by the rules of the Judicial Qualifications Commission;

(9) Any court record determined to be confidential in case decision or court rule on the grounds that:

(A) confidentiality is required to:

(i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;

(ii) protect trade secrets;

(iii) protect a compelling governmental interest;

(iv) obtain evidence to determine legal issues in a case;

(v) avoid substantial injury to innocent third parties;

(vi) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;

(vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law;

(B) the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (c)(9)(A); and

NOTICE NEEDED – 2.420(d)(1)(B)(i-xxiii)

(i) 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), 39.202, Fla. Stat.

(ii) Adoption records. § 63.162, Fla. Stat.

(iii) Social Security, bank account, charge, debit, and credit card numbers. § 119.0714(1)(i)–(j), (2)(a)–(e), Fla. Stat. (Unless redaction is requested pursuant to § 119.0714(2), Fla. Stat., this information is exempt only as of January 1, 2012.)

(iv) HIV test results and the identity of any person upon whom an HIV test has been performed. § 381.004(2)(e), Fla. Stat.

(v) Records, including test results, held by the Department of Health or its authorized representatives relating to sexually transmissible diseases. § 384.29, Fla. Stat.

(vi) Birth records and portions of death and fetal death records. §§ 382.008(6), 382.025(1), Fla. Stat.

(vii) Information that can be used to identify a minor petitioning for a waiver of parental or guardian notice or consent when seeking to terminate pregnancy. §§ 390.01116, 390.01118, Fla. Stat.

(viii) Clinical records under the Baker Act, § 394.4615(7), Fla. Stat., and all petitions, court orders, and related records under the Baker Act, including all personal identifying information of a person subject to the Act, § 394.464, Fla. Stat.

(ix) Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals, § 397.501(7), Fla. Stat., and all petitions, court orders, and related records for involuntary assessment and stabilization of an individual, § 397.6760, Fla. Stat.

(x) Clinical records of criminal defendants found incompetent to proceed or acquitted by reason of insanity. § 916.107(8), Fla. Stat.

(xi) Estate inventories and accountings. § 733.604(1), Fla. Stat.

(xii) The victim's address in a domestic violence action on petitioner's request. § 741.30(3)(b), Fla. Stat.

(xiii) Protected information regarding victims of child abuse or sexual offenses. §§ 119.071(2)(h), 119.0714(1)(h), Fla. Stat.

(xiv) Gestational surrogacy records. § 742.16(9), Fla. Stat.

(xv) Guardianship reports, orders appointing court monitors, and orders relating to findings of no probable cause in guardianship cases. §§ 744.1076, 744.3701, Fla. Stat.

(xvi) Grand jury records. §§ 905.17, 905.28(1), Fla. Stat.

(xvii) Records acquired by courts and law enforcement regarding family services for children. § 984.06(3)–(4), Fla. Stat.

NOTICE NEEDED – 2.420(d)(1)(B)(i-xxiii)

(xviii) Juvenile delinquency records. §§ 985.04(1), 985.045(2), Fla. Stat.

(xix) Records disclosing the identity of persons subject to tuberculosis proceedings and records held by the Department of Health or its authorized representatives relating to known or suspected cases of tuberculosis or exposure to tuberculosis. §§ 392.545, 392.65, Fla. Stat.

(xx) Complete presentence investigation reports. Fla. R. Crim. P. 3.712.

(xxi) Forensic behavioral health evaluations under Chapter 916. § 916.1065, Fla. Stat.

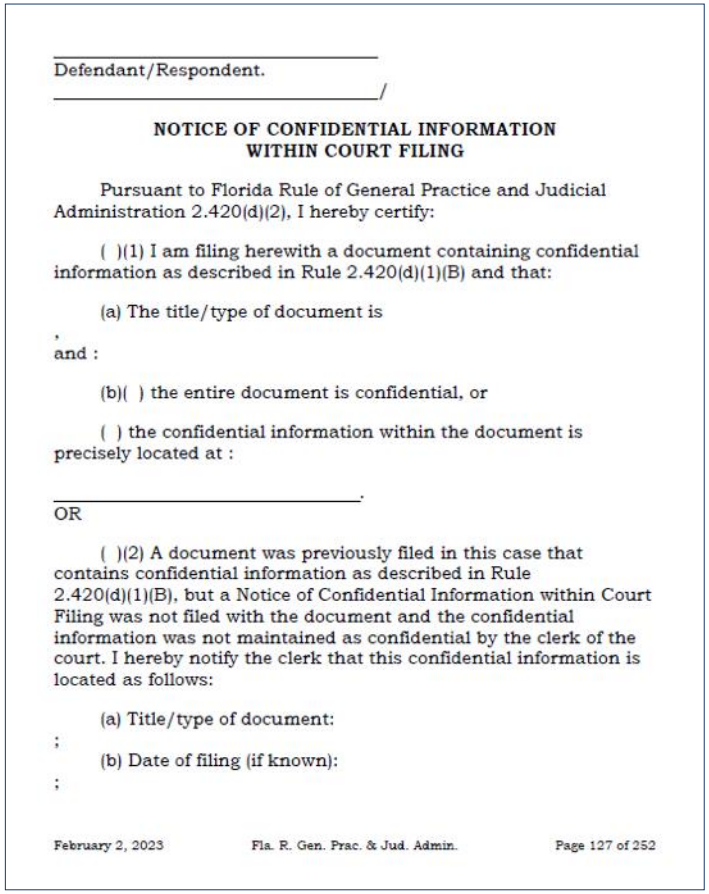
(xxii) Eligibility screening, substance abuse screening, behavioral health evaluations, and treatment status reports for defendants referred to or considered for referral to a drug court program. § 397.334(10)(a), Fla. Stat.

(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.

(C) In civil cases, the clerk of the court shall not be required to designate and maintain information as confidential unless the filer follows the notice procedures set forth in subdivision (d)(2), the filer files a Motion to Determine Confidentiality of Court Records as set forth in subdivision (d)(3), the filing is deemed confidential by court order, or the case itself is confidential by law. "Civil cases" as used in this rule includes only civil case types in the circuit, county, or small claims courts (identified by the Court Type Designator CA, CC, and SC in the uniform case numbering system), except those case types listed as "Viewable on Request (VOR)" in the Standards for Access to

EXAMPLE OF THE NOTICE

IN THE APPENDIX TO RULE 2.420



_____
Defendant/Respondent.
_____/

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d)(2), I hereby certify:

( )(1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is

,
and :

(b)( ) the entire document is confidential, or

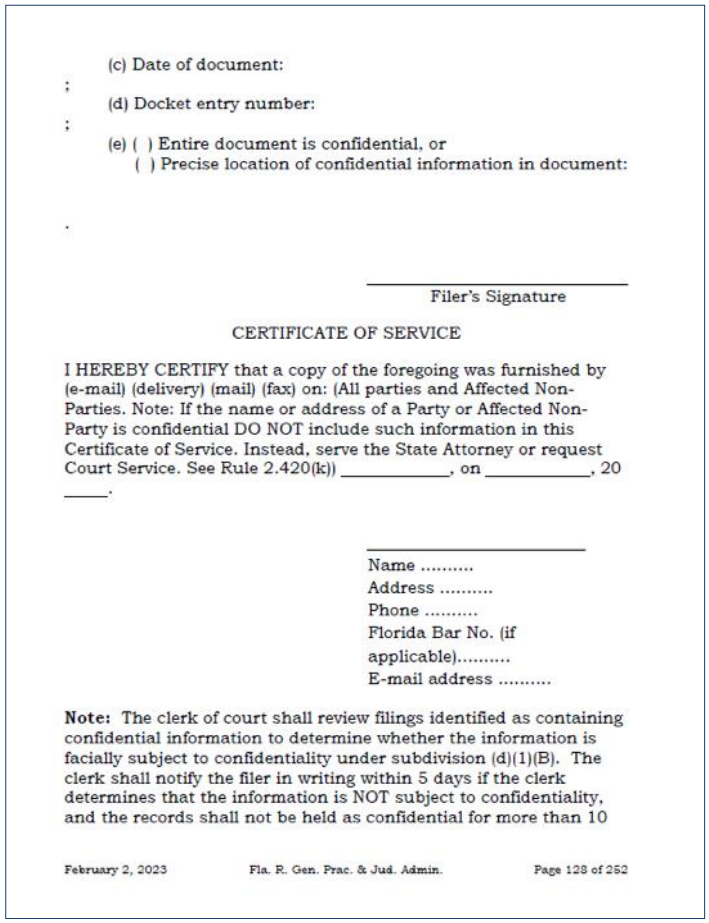
( ) the confidential information within the document is precisely located at :

_____.
OR

( )(2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this confidential information is located as follows:

(a) Title/type of document:
;
(b) Date of filing (if known):
;

February 2, 2023 Fla. R. Gen. Prac. & Jud. Admin. Page 127 of 252



(c) Date of document:
;
(d) Docket entry number:
;
(e) ( ) Entire document is confidential, or
( ) Precise location of confidential information in document:

.

_____
Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k)) _____, on _____, 20 ____.

_____
Name .....
Address .....
Phone .....
Florida Bar No. (if applicable).....
E-mail address .....

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under subdivision (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10

February 2, 2023 Fla. R. Gen. Prac. & Jud. Admin. Page 128 of 252

FLORIDA COURT CLERKS & COMPTROLLERS

EXAMPLE OF A NOTICE

(2.420)

IN AND FOR PALM BEACH COUNTY, FLORIDA

WELLS FARGO BANK, N.A.

Plaintiff,

vs.

[redacted]

Defendant(s),

_____/

CASE NO.:

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

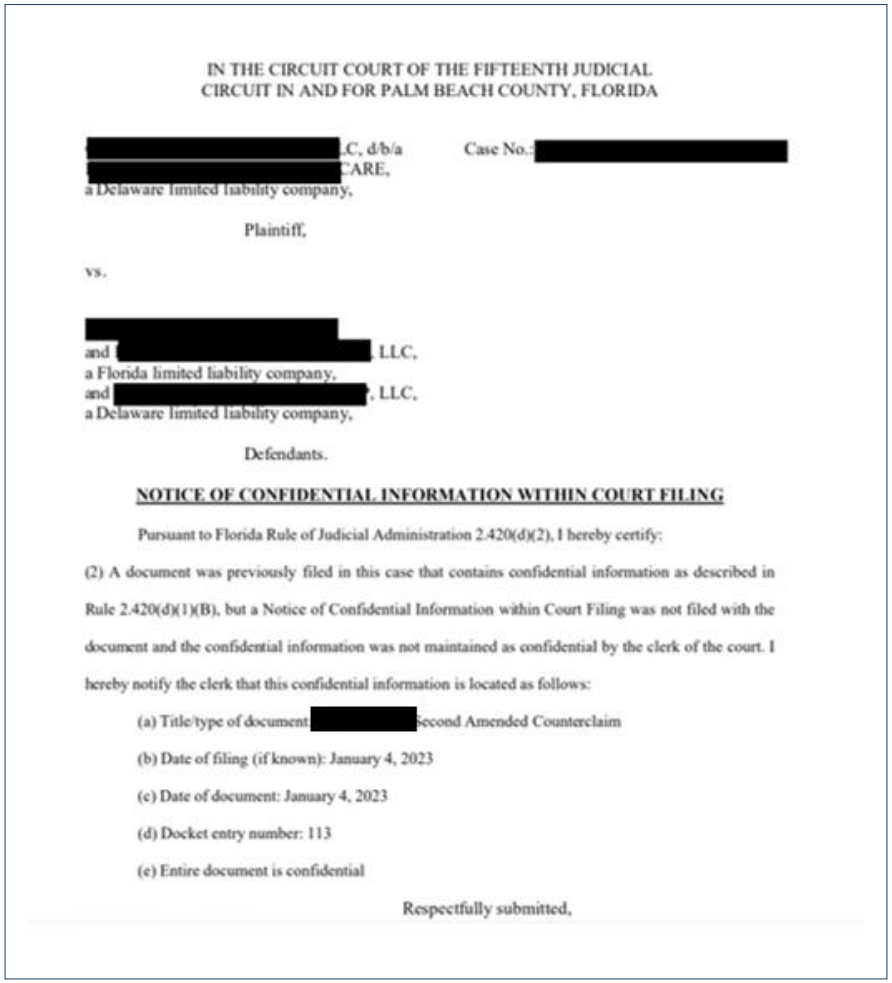
1. (X) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1) (B) and that:
   a. The title/type of document is COMPLAINT FOR DAMAGES AND/OR AN ACTION TO COLLECT A DEBT and:
   b. ( ) the entire document is confidential, or
      (X) the confidential information within the document is precisely located at COMPOSITE EXHIBIT "C" (ACCOUNT STATEMENT) TOP OF PG 1 OF 3 & BOTTOM OF PG 1 OF 3 AND TOP OF PG 3 OF 3 OF ACCOUNT STATEMENT.

OR

THIS SPACE INTENTIONALLY LEFT BLANK

EXAMPLE OF A NOTICE

FILED BY AN OPPOSING PARTY (2.420)



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

[redacted]LC, d/b/a [redacted]CARE,
a Delaware limited liability company,

Plaintiff,

vs.

[redacted]
and [redacted] LLC,
a Florida limited liability company,
and [redacted], LLC,
a Delaware limited liability company,

Defendants.

Case No.: [redacted]

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

(2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I hereby notify the clerk that this confidential information is located as follows:

(a) Title/type of document [redacted]econd Amended Counterclaim

(b) Date of filing (if known): January 4, 2023

(c) Date of document: January 4, 2023

(d) Docket entry number: 113

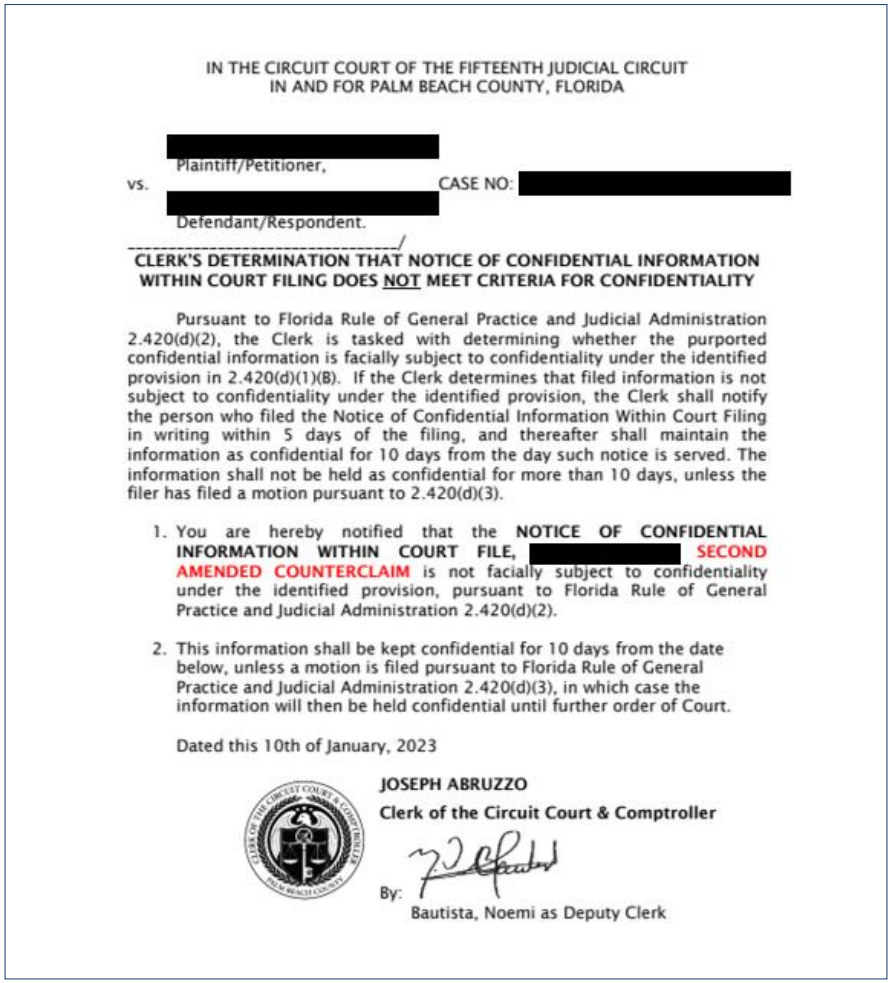
(e) Entire document is confidential

Respectfully submitted,

FLORIDA COURT CLERKS & COMPTROLLERS

EXAMPLE OF CLERK'S DETERMINATION

(2.420)



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

[redacted]
Plaintiff/Petitioner,

vs. CASE NO: [redacted]

[redacted]
Defendant/Respondent.
_____/

CLERK'S DETERMINATION THAT NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING DOES NOT MEET CRITERIA FOR CONFIDENTIALITY

Pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d)(2), the Clerk is tasked with determining whether the purported confidential information is facially subject to confidentiality under the identified provision in 2.420(d)(1)(B). If the Clerk determines that filed information is not subject to confidentiality under the identified provision, the Clerk shall notify the person who filed the Notice of Confidential Information Within Court Filing in writing within 5 days of the filing, and thereafter shall maintain the information as confidential for 10 days from the day such notice is served. The information shall not be held as confidential for more than 10 days, unless the filer has filed a motion pursuant to 2.420(d)(3).

1. You are hereby notified that the **NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILE,** [redacted] **SECOND AMENDED COUNTERCLAIM** is not facially subject to confidentiality under the identified provision, pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d)(2).

2. This information shall be kept confidential for 10 days from the date below, unless a motion is filed pursuant to Florida Rule of General Practice and Judicial Administration 2.420(d)(3), in which case the information will then be held confidential until further order of Court.

Dated this 10th of January, 2023

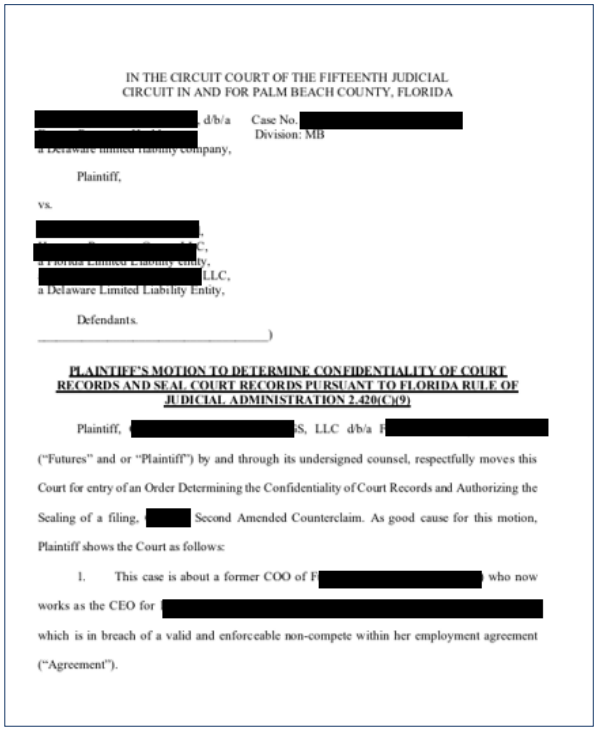
JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller

By:
Bautista, Noemi as Deputy Clerk

FLORIDA COURT CLERKS & COMPTROLLERS

EXAMPLE OF A MOTION

AFTER CLERK'S DETERMINATION (2.420)



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

[redacted], d/b/a [redacted] Case No. [redacted]
Division: MB
a Delaware limited liability company,

Plaintiff,

vs.

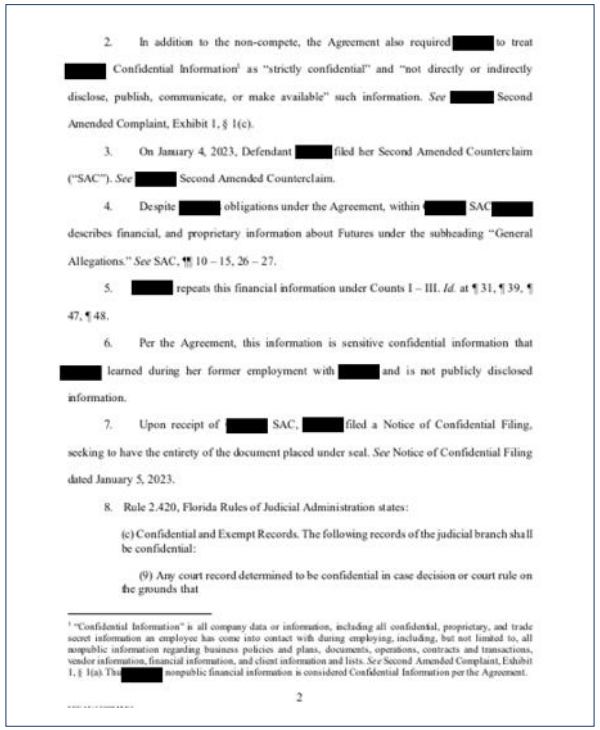
[redacted],
a Florida Limited Liability Entity,
[redacted] LLC,
a Delaware Limited Liability Entity,

Defendants.

PLAINTIFF'S MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS AND SEAL COURT RECORDS PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(C)(9)

Plaintiff, [redacted]S, LLC d/b/a F[redacted] ("Futures" and or "Plaintiff") by and through its undersigned counsel, respectfully moves this Court for entry of an Order Determining the Confidentiality of Court Records and Authorizing the Sealing of a filing, [redacted] Second Amended Counterclaim. As good cause for this motion, Plaintiff shows the Court as follows:

1. This case is about a former COO of F[redacted] who now works as the CEO for [redacted] which is in breach of a valid and enforceable non-compete within her employment agreement ("Agreement").



2. In addition to the non-compete, the Agreement also required [redacted] to treat [redacted] Confidential Information[1] as "strictly confidential" and "not directly or indirectly disclose, publish, communicate, or make available" such information. *See* [redacted] Second Amended Complaint, Exhibit 1, § 1(c).

3. On January 4, 2023, Defendant [redacted] filed her Second Amended Counterclaim ("SAC"). *See* [redacted] Second Amended Counterclaim.

4. Despite [redacted] obligations under the Agreement, within [redacted] SAC [redacted] describes financial, and proprietary information about Futures under the subheading "General Allegations." *See* SAC, ¶¶ 10 – 15, 26 – 27.

5. [redacted] repeats this financial information under Counts I – III. *Id.* at ¶ 31, ¶ 39, ¶ 47, ¶ 48.

6. Per the Agreement, this information is sensitive confidential information that [redacted] learned during her former employment with [redacted] and is not publicly disclosed information.

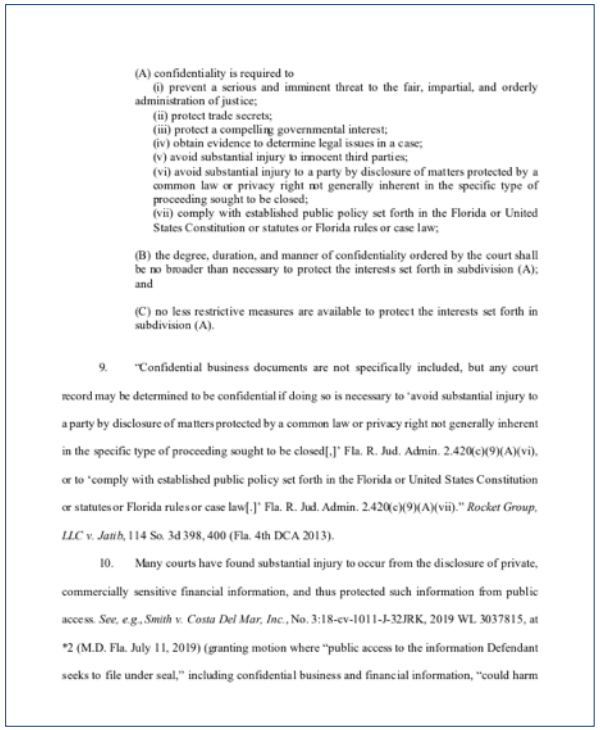
7. Upon receipt of [redacted] SAC, [redacted] filed a Notice of Confidential Filing, seeking to have the entirety of the document placed under seal. *See* Notice of Confidential Filing dated January 5, 2023.

8. Rule 2.420, Florida Rules of Judicial Administration states:

> (c) Confidential and Exempt Records. The following records of the judicial branch shall be confidential:
>
> (9) Any court record determined to be confidential in case decision or court rule on the grounds that

[1] "Confidential Information" is all company data or information, including all confidential, proprietary, and trade secret information an employee has come into contact with during employing, including, but not limited to, all nonpublic information regarding business policies and plans, documents, operations, contracts and transactions, vendor information, financial information, and client information and lists. *See* Second Amended Complaint, Exhibit 1, § 1(a). The [redacted] nonpublic financial information is considered Confidential Information per the Agreement.

2



> (A) confidentiality is required to
> (i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
> (ii) protect trade secrets;
> (iii) protect a compelling governmental interest;
> (iv) obtain evidence to determine legal issues in a case;
> (v) avoid substantial injury to innocent third parties;
> (vi) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
> (vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law;
>
> (B) the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (A); and
>
> (C) no less restrictive measures are available to protect the interests set forth in subdivision (A).

9. "Confidential business documents are not specifically included, but any court record may be determined to be confidential if doing so is necessary to 'avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed[.]' Fla. R. Jud. Admin. 2.420(c)(9)(A)(vi), or to 'comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law[.]' Fla. R. Jud. Admin. 2.420(c)(9)(A)(vii)." *Rocket Group, LLC v. Jatib*, 114 So. 3d 398, 400 (Fla. 4th DCA 2013).

10. Many courts have found substantial injury to occur from the disclosure of private, commercially sensitive financial information, and thus protected such information from public access. *See, e.g., Smith v. Costa Del Mar, Inc.*, No. 3:18-cv-1011-J-32JRK, 2019 WL 3037815, at *2 (M.D. Fla. July 11, 2019) (granting motion where "public access to the information Defendant seeks to file under seal," including confidential business and financial information, "could harm

2.420: NEW LEGISLATIVE EXEMPTIONS

These new exemptions are not currently included in the List of 23, so you must file a Motion:

SB 1614 (2022) – Section 316.50, Fla. Stat.

- Driver information contained in a Uniform Traffic Citation
- DOB; DL No.; address; telephone number

SB 1304 (2022) – Section 662.1465, Fla. Stat.

- Family Trust Company Proceedings
- Directing the Clerk to keep court records of the family trust company litigation separate from other records and not open to public inspection.

SB 1526 (2022) – Sec. 119.0714(1)(l), Fla. Stat.

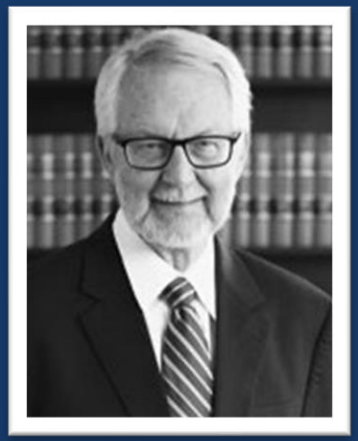
- Structured Settlement information; Annuity Contract Payees
- Personal identifying information an annuity contract numbers of a payee of a structured settlement and the names of family members, dependents, and beneficiaries of the payee contained within a court file.

SB 50 (2023) – Section 119.071(4)(d)1, Fla. Stat., (enrolled)

- Telephone numbers, dates of birth, and home addresses of Judicial Assistants

QUESTIONS?

PRACTICAL TAKEAWAYS



THOMAS D. HALL

Appellate Lawyer, Of Counsel with Bishop & Mills, former Clerk of the Supreme Court of Florida

FLORIDA
COURT CLERKS & COMPTROLLERS

QUESTION:

You are representing a client who contracted tuberculosis during a hospital stay. The complaint mentions that your client has the disease a number of times. **When filing the complaint you should:**

ANSWER:

(Choose the best answer)

A. File a motion asking the judge to order the information be kept confidential

B. File a notice instructing the Clerk to keep the information confidential

C. Show the information to be disclosed because your client says it is okay to disclose the information

D. Redact the information from the complaint and all filings because the information is confidential under state law

E. Email opposing counsel and explain your client has the disease but the information will not be in the pleadings and you will provide them with whatever they need to contest that your client has tuberculosis

PRACTICAL TAKEAWAYS
DUTY OF CARE

RULE 4-1.6 CONFIDENTIALITY OF INFORMATION

- (a) Consent Required to Reveal Information. A lawyer must not reveal information relating to a client's representation except as stated in subdivisions (b), (c), and (d), unless the client gives informed consent.

COMMENT:

- A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation.

PRACTICAL TAKEAWAYS
SANCTIONS

Sanctions

- **Rule 2.420 specifically provides for sanctions for violations of Rule 2.420 requiring certain information to be kept confidential.**
  - **(i) Sanctions.** After notice and an opportunity to respond, and upon determining that a motion, filing, or other activity described below was not made in good faith and was not supported by a sound legal or factual basis, the court may impose sanctions against any party or non-party and/or their attorney, if that party or non-party and/or their attorney, in violation of the applicable provisions of this rule:
- There are **6 subdivisions** under the rules that spell out what conduct constitutes a basis for sanctions.
- **The one most relevant to the discussion today is:**
  - (4) fails to file a Notice of Confidential Information within Court Filing

BAR DISCIPLINE

The Florida Bar v. Peter Duff Spindel, SC22-1423 [2020-70,261 (11C) and 2020-70,266 (11C)]

- Respondent was suspended for 30 days. In two separate bankruptcy matters, respondent failed to provide his clients with diligent representation and failed to adequately communicate with his clients.
- In his response (but not publicly), respondent accused one client of attempting to perpetrate criminal tax and bankruptcy fraud by filing a bankruptcy petition. Without the client's authorization, respondent also submitted to the bar unredacted documents containing her financial information.
- Respondent explained to the bar that he was overseas during the relevant time period and that civil unrest in Hong Kong in 2019 had sharply limited his ability to communicate abroad. Respondent fully refunded his fees, and he had no prior discipline.
- **Rules violated: 4-1.3; 4-1.4; 4-1.5; 4-1.6(a); and 4-8.4(d).**

BAR DISCIPLINE

***The Florida Bar v. Carricarte*, 733 So.2d 975 (Fla. 1999)**

- Attorney's disclosure of trade secrets of former corporate client to groups with whom former client had business relationship after attorney's termination as in-house counsel violated Rule 4-1.6(a) and warranted 6-month suspension.

- Attorney also found to have violated 4-1.6(e) by revealing more information than necessary at a hearing when the attorney was sued by the former client for stealing the trade secrets. The attorney had indicated that the companies and their principals had engaged in tax evasion, insurance fraud, and conspiracy.

MALPRACTICE

- Impact rule does not apply in a case of intentional infliction of emotional distress for breach of confidentiality of client's confidences. *Gracey v. Eaker*, 837 So. 3d 348 (Fla. 2002).
- Case involved a breach of client confidences by psychotherapist.
- The court noted, "If a relation of trust and confidence exists between the parties (that is to say, where confidence is reposed by one party and a trust accepted by the other, or where confidence has been acquired and abused), that is sufficient as a predicate for relief. The origin of the confidence is immaterial." *Id.* at 352.

WHAT MIGHT *SAVE* YOU

- Generally, the Bar will not discipline for a single isolated incident of malpractice.

Standing Board Policy

- **15.70 DISCIPLINARY ACTION ON MALPRACTICE/INCOMPETENCE** The Bar will not seek disciplinary action against a lawyer's isolated instance of malpractice based on incompetent representation unless the lawyer: (a) has also committed other violations of the Rules Regulating The Florida Bar; (b) is engaged in a pattern of incompetent representation; or (c) has received a prior disciplinary sanction for incompetent representation.

https://www-media.floridabar.org/uploads/2023/01/2023_06-DEC-SBPs-12-2-2022.pdf

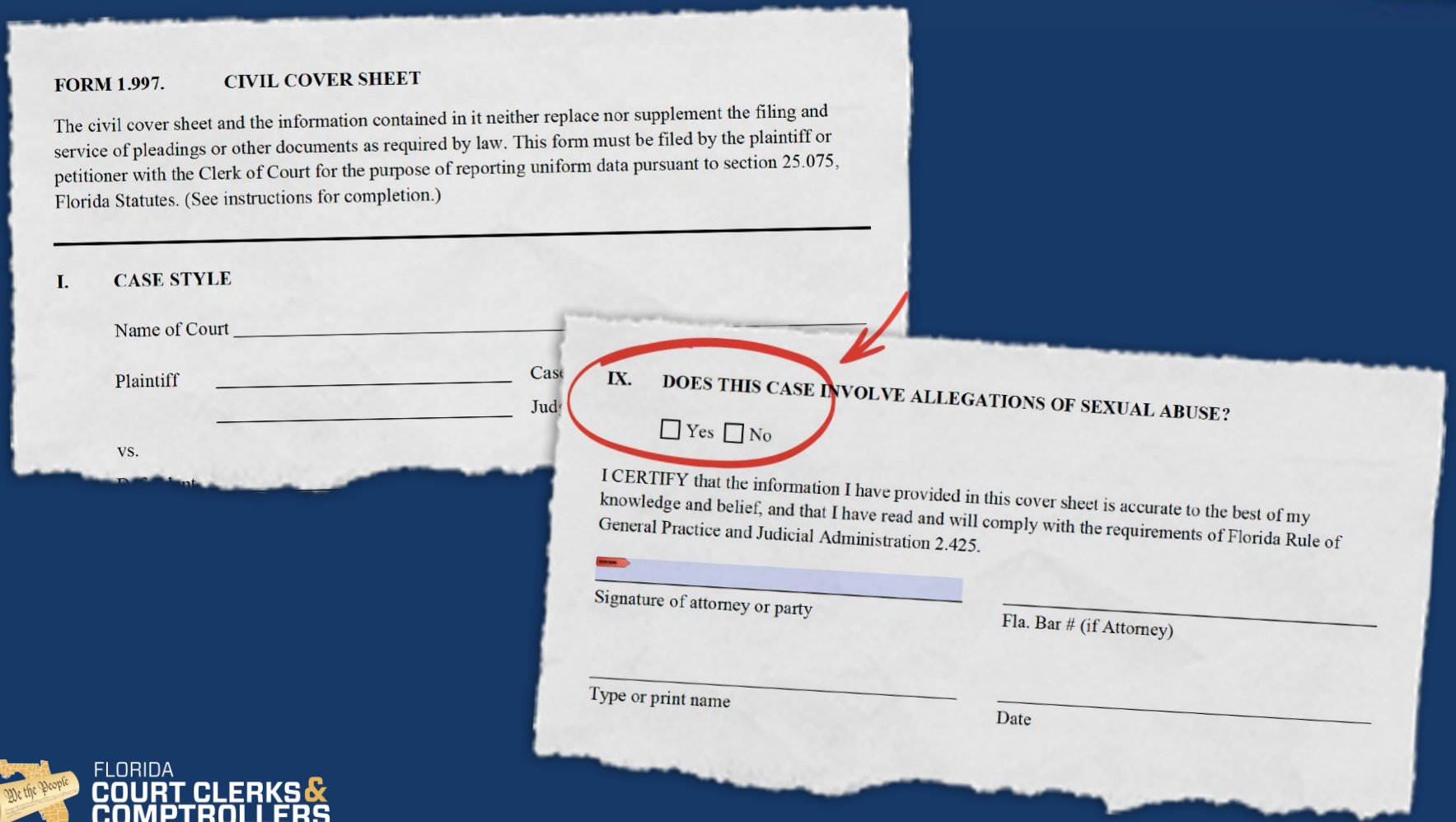
WHAT MIGHT *SAVE* YOU

- To be sanctioned under Rule 2.420, there must be a finding of bad faith.
- Bad faith is not easy to prove, negligence not enough.
- While negligence is relevant to the bad-faith inquiry—"negligence is not the standard." *Harvey v. Geico Gen. Ins. Co., 259 So.3d 1, 9* (Fla. 2018).
- "While evidence of negligence may be considered by the jury as it may bear on the question of bad faith, a cause of action based solely on negligence which does not rise to the level of bad faith does not lie." *See DeLaune v. Liberty Mutual Ins. Co.* 314 So.2d 601, 603 (Fla. 4th DCA 1975).

QUESTIONS?

REDACTION CHEAT SHEET	**Notice:** Clerk will redact or keep confidential if one of 23	**Motion:** Clerk will redact/keep confidential after court orders such (held confidential pending court order)	**Filer to redact before filing.** Clerk has no responsibility	**Notice:** Clerk will redact victim's identifying information upon filing of Notice <u>with each</u> document
Exempt/Confidential in Statute/Constitution/ Federal Code Only		✓		
Exempt/Confidential in Statute AND in Rule 2.420(d)(1)(B)	✓			
Sensitive Information 2.425			✓	
Information That May be Harmful to Others		✓		
Trade Secrets		✓		
Victim Information / Marsy's Law 2.423				✓

REVISED CIVIL COVER SHEET



FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

Name of Court

Plaintiff

vs.

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

☐ Yes ☐ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of General Practice and Judicial Administration 2.425.

Signature of attorney or party

Fla. Bar # (if Attorney)

Type or print name

Date

FLORIDA COURT CLERKS & COMPTROLLERS

AVOIDING PROBLEMS

Read the Rules!

- Become familiar with Rules 2.420, 2.423 and 2.425.
- When discussing matters with clients and getting information from them, prominently flag any information that should not be disclosed except in compliance with the rules.
- Train **staff** on the requirements of both rules and mandate they ask, before filing, if the filing complies with the rules.
- Prior to the due date, have an attorney specifically review every filing for any confidential information and do an internal sign-off that there is no confidential information in the filing.
- If, however, there is confidential information in the document, determine whether a Notice or Motion is required.
- If so, ensure that the proper Notice or Motion is then filed.

QUESTIONS?

CONTACT INFORMATION

- The Honorable Carolyn Timmann
  - CTimmann@martinclerk.com
- The Honorable Gregory C. Harrell
  - GHarrell@marioncountyclerk.com
- The Honorable Laura E. Roth
  - LRoth@clerk.org
- Thomas D. Hall
  - Tom@tlhconsultinggroup.com
- Amy Singer Borman
  - ABorman@mypalmbeachclerk.com