

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO  
FLORIDA RULE OF JUDICIAL  
ADMINISTRATION 2.420 – SEALING  
OF COURT RECORDS AND DOCKETS**

**CASE NO. SC06-2136**

**COMMENTS OF THE FLORIDA SUPREME COURT  
COMMITTEE ON ACCESS TO COURT RECORDS**

Judith L. Kreeger, Circuit Judge, Eleventh Judicial Circuit, as Chair of the Florida Supreme Court Committee on Access to Court Records (the Committee), in response to an invitation to comment issued by this Court, files these comments to the Report of the Florida Rules of Judicial Administration Committee, proposing amendments to rule 2.420, Florida Rules of Judicial Administration.

The Committee respectfully provides these comments for the primary purpose of advising the Court that, while the Committee sees great merit in the revisions to rule 2.042 proposed by the Florida Rules of Judicial Administration Committee, the Committee is currently engaged in a review of the same rule, as directed by the Court, and anticipates that its recommendations may differ from the recommendations of the Florida Rules of Judicial Administration Committee.

On June 30, 2006, by Administrative Order No. AOSC06-20, this Court implemented recommendations of the Committee on Privacy and Court Records by referring portions of those recommendations to several to other committees and entities. In that Order, the Court indicated that the Committee on Access to Court Records would be created, and that revision of portions of Florida Rule of Judicial Administration 2.051, since renumbered as rule 2.420, would be referred to the Committee.

On August 21, 2006 by Administrative Order No. AOSC06-27 the Committee on Access to Court Records was established to assist in development of policies and associated rules revisions to provide for electronic access to court records. Five of the six numbered charges to the Access to Court Records Committee are directed to provisions of Florida Rule of Judicial Administration 2.420. In particular, the charge numbered six directs the Committee to “[p]ropose revisions to rule 2.051 to provide for certain responsibilities of the filer of court documents regarding confidential

information,” and the charge numbered five directs revisions of the rule “to provide a clear and effective mechanism through which a preliminary determination that a record is exempt or confidential can be challenged and reviewed.” AOSC06-27 at 4.

In organizing the work of the Access to Court Records Committee, the chair formed four workgroups. One of these workgroups is presently studying the portions of the Committee’s work that directly concern this rule, and will make recommendations to the entire Committee in the coming months. This workgroup consists of committee members and others, including an appellate court judge, trial court judges, lawyers, a clerk of court, and a law professor. The workgroup includes a liaison to the Florida Rules of Judicial Administration Committee, a member of the Board of Governors of The Florida Bar, and several members of the E-Filing Committee of the Florida Courts Technology Commission.

In sum, the proposed amendments to Rule 2.420 submitted by the Florida Rules of Judicial Administration Committee relate directly to and overlap with the Court’s charge to and the work of the Committee on Access to Court Records. The charge to the Committee is comprehensive and complex, and while the Committee is not prepared at this time to respond to the substance of the proposed amendments, it does want to make the Court aware of this concurrent activity.

The Committee requests that the Court grant it permission to supplement its Comments when the Committee has finalized its proposal for amendments to rule 2.420

Respectfully submitted on January 15, 2007.

/s/ Judith L. Kreeger  
JUDITH L. KREEGER  
Circuit Judge, Eleventh Judicial Circuit  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the COMMENTS OF THE COMMITTEE ON ACCESS TO COURT RECORDS was furnished by U.S. Mail to: Gary D. Fox, Suntrust International Center, One S.E. 3<sup>rd</sup> Avenue, Suite 3000, Miami, Florida 33131-1711 this 15<sup>th</sup> day of January, 2007.

/s/ Laura Rush  
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**CERTIFICATE OF COMPLIANCE**

**I HEREBY CERTIFY** that these Comments were prepared using Times New Roman 14 point font, and that the Comments comply with the requirements set forth in Rule 9.210(a)(2), Florida Rules of Appellate Procedure.

/s/ Laura Rush  
LAURA RUSH