

**IN THE SUPREME COURT OF FLORIDA**

IN RE: IMPLEMENTATION OF  
COMMITTEE ON PRIVACY AND COURT  
RECORDS RECOMMENDATIONS –  
AMENDMENTS TO THE FLORIDA RULES  
OF CIVIL PROCEDURE; THE FLORIDA RULES  
OF CRIMINAL PROCEDURE; THE FLORIDA  
PROBATE RULES; THE FLORIDA SMALL  
CLAIMS RULES; THE FLORIDA RULES OF  
APPELLATE PROCEDURE; AND THE FLORIDA  
FAMILY LAW RULES

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CASE NO: SC08-2443

**RESPONSE OF THE  
FLORIDA SMALL CLAIMS RULES COMMITTEE**

The Florida Small Claims Rules Committee (“SCRC”), through the Honorable Robert W. Lee, Chair, and John F. Harkness, Jr., Executive Director of The Florida Bar, files this response to the questions by the Court published on April 1, 2010.

In its Order following the review of proposed rule changes to implement the recommendations of the Florida Court Technology Commission Subcommittee on Access to Court Records, the Supreme Court has asked seven questions, two of which pertain to the Small Claims Rules Committee:

- 1) *Whether new rule 1.191 should be referenced in rule 7.020 or in any other rule of procedure?*

**Response of the Small Claims Rules Committee:**

By a vote of 17 to 4, the Small Claims Rules Committee agrees that Rule 7.020 should be amended to reference Rule 1.191(a) and (c), if approved by this Court, as follows:

- (a) Generally.** Florida Rules of Civil Procedure 1.090(a), (b), and (c); 1.190(e); 1.191(a) and (c); 1.210(b); 1.260; 1.410; and 1.560 are applicable in all actions covered by these rules.

By a vote of 20 to 1, the Small Claims Rules Committee agrees that Rule 1.191(b) should *not* be referenced in Rule 7.020 because the exceptions listed in subsection (b) are not relevant to small claims actions and may serve to confuse the pro se litigant. This amendment was approved by the Executive Committee by a vote of 11 to 0. The revised rule is attached in both full-page (Appendix 1) and two-column (Appendix 2) format.

6) *Whether the Small Claims Rules Committee and Access Subcommittee agree that the committee note to rule 7.140 should be revised.*

**Response of the Small Claims Rules Committee:**

The Small Claims Rules Committee does not agree that its proposed committee note to Rule 7.140 should be revised to comport with that proposed by the Media Organizations. The Small Claims Rules Committee continues to believe that its original proposed committee note should be the committee note to be approved. While the Committee's Response indicated that the Committee did not object to the Media Organizations proposal, the Committee did not intend to suggest that the Media Organizations proposal should supplant the proposed committee note. The Committee agrees with the suggestion of the Access Subcommittee that the Small Claims Rules Committee's proposed Committee Note would more clearly allow the court to direct the self-represented litigant to the provisions of Rule of Judicial Administration 2.420 now under consideration, which would allow a filer to move to have certain information determined to be confidential. The Committee does not believe the proposal can be interpreted to suggest that a judge or party can automatically have private information removed from a court file.

Respectfully submitted this 12th day of May, 2010 by

/s/ Robert W. Lee  
HON. ROBERT W. LEE  
Chair, Small Claims Rules Committee  
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/s/ John F. Harkness, Jr.  
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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail to:

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this 12th day of May, 2010.

### **CERTIFICATE OF COMPLIANCE**

I certify that these rules were read against *West's Florida Rules of Court – State* (2010).

I certify that this report was prepared in accordance with the font requirements of Fla. R. App. P. 9.210(a)(2).

/s/ Krys Godwin\_\_\_\_\_

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