

IN THE SUPREME COURT OF FLORIDA

**PUBLIC ACCESS TO) CASE NO. SC11-
SMALL CLAIMS COURT RECORDS)**

OUT-OF-CYCLE REPORT

Judson L. Cohen, Chair of the Small Claims Rules Committee (the “Committee”), and John F. Harkness, Jr., Executive Director of The Florida Bar, file this out-of-cycle report in response to the Court’s direction, under *Fla. R. Jud. Admin.* 2.140(f), reporting a rule change to implement the access to court records concerns raised in case number SC08-2442.¹ (Pertinent pages attached as Appendix A.) The proposed amendment has been reviewed by the Board of Governors of The Florida Bar through its Executive Committee and passed by a vote of 11-0 following the committee’s approval by a vote of 19-0.

Because of the deadline set by the Court for this report, the proposal has not been published for comment.

The text of the amendment is attached to this report in both full-page format (Appendix B) and two-column format (Appendix C).

The proposed amendment was recognized as necessary when, at the direction of the Court, the Committee reviewed the Rules of Small Claims Court to determine whether any rule amendments were necessary, in addition to those originally submitted by the Committee in case number SC08-2443. After thorough review and discussion, it was determined that rule 7.040(a)(2), Clerical and Administrative Duties of Clerk, did need to be amended to include a cross-reference to Florida Rule of Judicial Administration 2.425.

The analysis of the Florida Small Claims Rules found several rules in which

¹ *In re Implementation of Committee on Privacy and Court Records Recommendations—Amendments to the Florida Rules of Civil Procedure; the Florida Rules of Judicial Administration; 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 of Procedure*, --- So. 3d ---, 36 Fla. L. Weekly S331 (Fla. 2011).

personal information, specifically telephone numbers, are included in the title or content of the pleadings. The committee's discussion of this information revealed that this information is necessary, and useful, in court proceedings, so the proposed amendment was not adopted. (See Appendix D.)

The Committee respectfully requests that the Court amend the Florida Small Claims Rules as outlined in this report.

Respectfully submitted this ____ day of _____, 2011.

/s/ Judson L. Cohen
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CERTIFICATION OF COMPLIANCE

I certify that these rules were read against *West's Florida Rules of Court – State* (2011).

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

/s/ Krys Godwin
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