

IN THE COUNTY/CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

_____,
Plaintiff,

v.

Case #: _____

_____,
Defendant.

MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS

The undersigned, by and through his/her attorney, moves the Court pursuant to Florida Rule of Judicial Administration 2.420 for an order determining the confidentiality of court records.

- a. The undersigned's attorney has given written notice of the subject motion to all affected non-parties _____, and filed copies of the notice provided. The notice identified this case by docket number; described the confidential information and the location of the information in the court record; and advised that if the motion is denied by the court then the subject material will not be treated as confidential by the clerk.
- b. The particular court records or portion of a record that the movant seeks to have determined as confidential is: _____

- c. The movant seeks an order sealing the following information relative to this case: *[select all that apply]*
 - ☐ the party's name on the progress docket.
 - ☐ particular documents within the court file, specifically _____

 - ☐ the entire court file, but not the progress docket.
 - ☐ the entire court file and the progress docket.
- d. The legal basis for determining the court records to be confidential is: _____

- e. The specific legal authority and applicable legal standards for determining such court records to be confidential are: _____

f. [For rule 2.420(c)(9) motions] Confidentiality of _____ is required to protect the following interest(s): *[select any/all that apply]*

- ☐ 1. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____
- ☐ 2. A trade secret.
- ☐ 3. A compelling government interest, specifically: _____
- ☐ 4. Obtaining evidence to determine the legal issues in a case;
- ☐ 5. Avoiding substantial injury to innocent third parties, specifically: _____
- ☐ 6. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: _____
- ☐ 7. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: _____

g. There is no less restrictive measure available to protect this/these interest(s), and the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, the undersigned **REQUESTS** that:

The Court _____ this motion for a hearing.

The Court finds that _____ documents are confidential and for the Court to seal the following materials related to this matter and to keep such materials from public access: *[select all that apply]*

- ☐ 1. The party's name on the progress docket and in the case style. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name: _____. Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.
- ☐ 2. The following documents within the court file: _____.
However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

- ☐ 3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.
- ☐ 4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

Submitted and filed on _____.

Attorney's Signature

I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

Party's Signature/Attorney's Signature

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by U.S. Mail/personal service to:

_____ on _____.

Attorney Name.....
Florida Bar No.
Address.....
Phone
Fax

IN THE COUNTY/CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

_____,
Plaintiff,

v.

Case #: _____

_____,
Defendant.

**ORDER _____ MOTION TO DETERMINE TRIAL COURT RECORDS CONFIDENTIAL
PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(C)(9)**

THIS MATTER is before the Court on the Motion to Determine Trial Court Records Confidential filed by _____ pursuant to rule 2.420(c)(9), Florida Rule of Judicial Administration. _____ seeks an order sealing the following information relative to this case: *[select all that apply]*

- ☐ the party's name on the progress docket.
- ☐ particular documents within the court file, specifically _____
- ☐ the entire court file, but not the progress docket.
- ☐ the entire court file and the progress docket.

This motion _____ contested and a hearing _____ conducted.

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court **DENIES** the motion because the moving party has failed to establish that confidentiality of the information sought to be sealed is necessary to protect any interest under Rule 2.420(c).

– OR –

The Court **GRANTS** the motion as follows:

1. Confidentiality of the [information sought to be sealed] is required to protect the following interest(s): *[select any/all that apply]*

- ☐ a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____
- ☐ b. A trade secret.

- ☐ c. A compelling government interest, specifically: _____
- ☐ d. Obtaining evidence to determine the legal issues in a case;
- ☐ e. Avoiding substantial injury to innocent third parties, specifically: _____

- ☐ f. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: _____

- ☐ g. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: _____

2. The Court further finds that no less restrictive measure is available to protect this/these interest(s), and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, it is **ORDERED** that:

The Clerk of the Circuit Court is hereby directed to seal immediately the following materials related to this matter and to keep such materials from public access: *[select all that apply]*

- ☐ 1. The party's name on the progress docket and in the case style. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name: _____ . Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.
- ☐ 2. The following documents within the court file: _____ . However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.
- ☐ 3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.
- ☐ 4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

It is further **ORDERED** that any materials sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment rights.

It is further **ORDERED** that any materials sealed pursuant to this Order may otherwise be disclosed only as follows:

1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;
3. to adult parties or their attorneys of record; or
4. by further order of the Court.

It is further **ORDERED** that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of the Marion County Clerk's Office and the Clerk's website for a period of 30 days to provide public notice.

It is further **ORDERED** that the Clerk is hereby authorized to unseal any materials sealed pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be resealed immediately upon completion of the filing.

DONE AND ORDERED in Chambers, at Leon County, on _____.

County/Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by U.S. Mail/personal service to:

_____ on _____.

Judicial Assistant