

The Florida Supreme Court is considering amendments to various rules of procedure intended to minimize the introduction of unnecessary personal information into court records. The proposed amendments were submitted by the Committee on Access to Court Records (recently succeeded by the Florida Court Technology Commission Subcommittee on Access to Court Records) and are based on proposals from various Florida Bar rules committees submitted in response to recommendations of the Committee on Privacy and Court Records.

The Court invites all interested persons to comment on the proposed amendments, which are summarized below by the Subcommittee and are reproduced in full, along with the petition and reports of the various committees, online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. An original and nine paper copies of all comments must be filed with the Court on or before April 15, 2009, with a certificate of service verifying that a copy has been served on the following committee chairs: Hon. Judith Kreeger, Chair, Subcommittee on Access to Court Records, c/o Steve Henley, Office of the State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900; John S. Mills, Chair, Appellate Court Rules Committee, 865 May St., Jacksonville, Florida 32204-3310; Marianne A. Trussell, Chair, Civil Procedure Rules Committee, Dept. of Transportation MS 58, 605 Suwannee St., Tallahassee, Florida 32399-6544; Hon. Thomas H. Bateman, III, Chair, Criminal Procedure Rules Committee, 6551 Velda Dairy Road, Tallahassee, FL 32309-6322; Robyn L. Vines, Chair, Family Law Rules Committee, Ruden McClosky, 200 E. Broward Blvd., 15th Floor, Fort Lauderdale, Florida 33301-1963; David N. Silverstein, Chair, Juvenile Court Rules Committee, 501 E. Kennedy Blvd, Suite 1100, Tampa, Florida 33602-5242; Scott M. Dimond, Chair, Rules of Judicial Administration Committee, 2665 S. Bayshore Dr., Penthouse 2, Miami, Florida 33133; Frank T. Pilotte, Chair, Probate Rules Committee, 340 Royal Palm Way, Suite 100, Palm Beach, Florida 33480-4323; Hon. Debra Roberts, Chair, Small Claims Rules Committee, 7530 Little Rd., New Port Richey, Florida 34654-5598; Kathy A. Jimenez-Morales, Chair, Traffic Court Rules Committee, Dept. of Highway Safety MS 97, 2900 Apalachee Parkway, Rm A-201, Tallahassee, Florida 32399-6552. A separate request for oral argument should be filed if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The committee chairs have until July 1, 2009, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

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, CASE NO. SC08-2443

RULE/FORM	SUMMARY OF CHANGES
RULE 1.191 FILING OF SENSITIVE INFORMATION	A new rule restricting the filing of certain personal information in court records without leave of the court.
RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY	New subdivision (f) requires that information gained in discovery not be filed without good cause. Provides for sanctions.
RULE 1.310. DEPOSITIONS UPON ORAL EXAMINATION	Subdivision (f)(3) amended to harmonize with proposed changes to rule 1.280.
RULE 1.340 INTERROGATORIES TO PARTIES	A reference is added to 1.340(e) to harmonize it with the proposed changes to rule 1.280.
RULE 1.350 PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES	A reference added to 1.350(d) to harmonize it with the proposed changes to rule 1.280.
FORM 1.988 JUDGMENT AFTER DEFAULT	Amended to require only last four digits of social security number.
FORM 1.990 FINAL JUDGMENT FOR PLAINTIFF. JURY ACTION FOR DAMAGES	Amended to require only last four digits of social security number.

FORM 1.991 FINAL JUDGMENT FOR DEFENDANT. JURY ACTION FOR DAMAGES	Amended to require only last four digits of social security number.
FORM 1.993 FINAL JUDGMENT FOR PLAINTIFF. GENERAL FORM. NON-JURY	Amended to require only last four digits of social security number.
FORM 1.994 FINAL JUDGMENT FOR DEFENDANT. GENERAL FORM. NON-JURY	Amended to require only last four digits of social security number.
FORM 1.995 FINAL JUDGMENT OF REPLEVIN	Amended to require only last four digits of social security number.
FORM 1.996 FINAL JUDGMENT OF FORECLOSURE	Amended to require only last four digits of social security number.
RULE 3.140 INDICTMENTS; INFORMATIONS	Reference to social security number deleted.
RULE 3.211 COMPETENCE TO PROCEED; SCOPE OF EXAMINATION AND REPORT	Reference to Rule 2.420 procedure to conform to general rule on confidentiality as it may be amended from time to time.
RULE 3.212 COMPETENCE TO PROCEED: HEARING AND DISPOSITION	Reference to Rule 2.420 procedure to conform to general rule on confidentiality as it may be amended from time to time.
RULE 3.216 INSANITY AT TIME OF OFFENSE OR PROBATION OR COMMUNITY CONTROL VIOLATION: NOTICE AND APPOINTMENT OF EXPERTS	Reference to Rule 2.420 procedure to conform to general rule on confidentiality as it may be amended from time to time.
RULE 3.218 COMMITMENT OF A DEFENDANT FOUND NOT GUILTY BY REASON OF INSANITY	Reference to Rule 2.420 procedure to conform to general rule on confidentiality as it may be amended from time to time.

RULE 3.219 CONDITIONAL RELEASE	Reference to Rule 2.420 procedure to conform to general rule on confidentiality as it may be amended from time to time.
RULE 5.200 PETITION FOR ADMINISTRATION	Subdivision (b) amended to truncate decedent's social security number to last four digits.
RULE 5.210 PROBATE OF WILLS WITHOUT ADMINISTRATION	Renumbered subdivision (a)(2) amended to truncate decedent's social security number to last four digits.
RULE 5.260 CAVEAT; PROCEEDINGS	Subdivision (b) amended to truncate decedent's social security number to last four digits.
RULE 7.140 TRIAL	Amended to permit court to assist pro se litigants to avoid unnecessary inclusion of personal information in the court file.
RULE 7.300 FORMS	Language added to alert litigants to not include unnecessary personal information in documents.
FORM 7.340 FINAL JUDGMENT	Amended to require only last four digits of social security number. Directs defendant not to file Form 7.343 with the court.
FORM 7.343 FACT INFORMATION SHEET	Instruction to file this form with the court is deleted.
RULE 9.050 MAINTAINING PRIVACY OF PERSONAL DATA	New rule provides that certain personal information must be excluded from certain documents.
RULE 12.105 SIMPLIFIED DISSOLUTION PROCEDURE	Clarifies that wife may not have any minor or dependent children born during the marriage. Deletes requirement that parties file a financial affidavit and marital settlement agreement.

<p>RULE 12.130 DOCUMENTS SUPPORTING ACTION OR DEFENSE</p>	<p>Previously referenced language of Fla. R. Civ. P. 1.130 inserted. New subdivision requires that account number or personal identification number be truncated to four digits.</p>
<p>RULE 12.280 GENERAL PROVISIONS GOVERNING DISCOVERY</p>	<p>New subdivision (a)(3) created requiring certain identifying numbers be truncated to four digits, as required by proposed amendments to <i>Fla. R. Civ. P.</i> 1.280.</p>
<p>RULE 12.285 MANDATORY DISCLOSURE</p>	<p>New subdivision (a)(3)(A) moves a sentence from subdivision (i) stating that, except for financial affidavits and child support guidelines worksheets, documents produced for mandatory disclosure shall not be filed with the court. Subdivision (a)(3)(B) incorporates by cross-reference the requirements for redaction found in Rule 12.280(a). Subdivision (a)(3)(C) states that sanction are governed by Fla. R. Civ. P. 1.280(f). New subdivision (c) creates an exemption from the requirement under certain conditions.</p>
<p>RULE 12.287 FINANCIAL AFFIDAVITS IN ENFORCEMENT AND CONTEMPT PROCEEDINGS</p>	<p>Requirement that a financial affidavit in an enforcement proceeding be filed is deleted. Requirement added for notice of service.</p>
<p>RULE 12.340 INTERROGATORIES TO PARTIES</p>	<p>Requires responses to interrogatories to be served on the requesting party but not filed with the court. Creates a new requirement for notice of service. Requires answers to interrogatories to be in compliance with the redaction requirements of Rule 12.280(a).</p>

RULE 12.363 EVALUATION OF MINOR CHILD	Subdivisions (b) and (c) amended to prevent the filing of the expert reports unless admitted into evidence. The court is also directed to consider sealing the report.
RULE 12.370 REQUESTS FOR ADMISSION	New subdivision (a) requires that requests for admissions and responses meet the redaction requirements of Rule 12.280(a). New subdivision (b) provides that documents attached to a request be served on the other party but not filed.
RULE 12.410 SUBPOENA	Three new subdivisions added, requiring that subpoenas, notices of issuance of subpoena, and notices to produce comply with the redaction requirements of Rule 12.280(a).
RULE 12.440 SETTING ACTION FOR TRIAL	Subdivision (a) amended to require that any court filings conform to the redaction requirements of Rule 12.280(a).
RULE 12.540 RELIEF FROM JUDGMENT, DECREES, OR ORDERS	New subdivision (b) requires that any motion or attachment comply with the redaction requirements of Rule 12.280(a).
RULE 12.560 DISCOVERY IN AID OF EXECUTION	Subdivision (e) amended to state that Fla. R. Civ. P. Form 1.977 is not to be filed except by order of the court and if filing is ordered that the form must meet the requirements of Rule 12.280(a).
RULE 12.620 RECEIVERS	Amended to require that any inventory filed with the court meet the redaction requirements of Rule 12.280(a).

<p>INSTRUCTIONS FOR . . . FORM 12.901(a) PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE</p>	<p>Adds requirement that the wife may not have any minor or dependent children born during the marriage. Deletes provisions requiring filing of financial affidavit, notice of social security number, and settlement agreement, and adds provision that if filing not waived the financial affidavit must be filed. Adds provision that a settlement agreement may be completed and filed.</p>
<p>FORM 12.901(a) PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE</p>	<p>Amends language regarding the existence of minor or dependent children born during the marriage. Provides places to indicate waiver of filing of written settlement agreement and financial affidavit. Deletes requirement for filing of notices of social security number.</p>
<p>INSTRUCTIONS FOR . . . FORM 12.902(b) FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM)</p>	<p>Amended to provide that form need not be used if parties have waived filing of financial affidavit, other conditions. Amended to include all of those afforded protection by section 119.071(2)(j)1, Florida Statutes, allowing for confidentiality of address of victims of domestic violence, sexual battery, aggravated child abuse, aggravated stalking, and aggravated battery.</p>
<p>FORM 12.902(b) FAMILY LAW FINANCIAL AFFIDAVIT (SHORT FORM)</p>	<p>Amended to require last four digits of financial account numbers.</p>
<p>INSTRUCTIONS FOR . . . FORM 12.902(c) FAMILY LAW FINANCIAL AFFIDAVIT</p>	<p>Amended to provide that form need not be used if parties have waived filing of financial affidavit, other conditions.</p>

	Amended to include all of those afforded protection by section 119.071(2)(j)1, Florida Statutes, allowing for confidentiality of address of victims of domestic violence, sexual battery, aggravated child abuse, aggravated stalking, and aggravated battery.
FORM 12.902(c) FAMILY LAW FINANCIAL AFFIDAVIT	Amended to require age in place of date of birth. Amended to require last four digits of financial account numbers.
INSTRUCTIONS FOR . . . FORM 12.902(e) CHILD SUPPORT GUIDELINES WORKSHEET	Amended to include all of those afforded protection by section 119.071(2)(j)1, Florida Statutes, allowing for confidentiality of address of victims of domestic violence, sexual battery, aggravated child abuse, aggravated stalking, and aggravated battery.
INSTRUCTIONS FOR . . . FORM 12.930(b) STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS	Amended to provide that the interrogatories or answers shall not be filed unless the answers are admitted into evidence and are in compliance with Rule 12.280(a).
FORM 12.930(b) STANDARD FAMILY LAW INTERROGATORIES FOR ORIGINAL OR ENFORCEMENT PROCEEDINGS	Amended to instruct respondent not to file the answers but to serve answers on other party and file notice of service of answers. Deletes entry calling for place and date of birth. Directs respondent not to file copies of account statements and other documents.
INSTRUCTIONS FOR . . . FORM 12.930(c) STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS	Amended to provide that the interrogatories or answers shall not be filed unless the answers are admitted into evidence and are in compliance with Rule 12.280(a).

<p>FORM 12.930(c) STANDARD FAMILY LAW INTERROGATORIES FOR MODIFICATION PROCEEDINGS</p>	<p>Amended to instruct respondent not to file the answers but to serve answers on other party and file notice of service of answers. Deletes entry calling for place and date of birth. Directs respondent not to file copies of account statements and other documents.</p>
<p>INSTRUCTIONS FOR . . . FORM 12.930(d) NOTICE OF SERVICE OF ANSWERS TO STANDARD FAMILY LAW INTERROGATORIES</p>	<p>Instructions for new notice of service of answers to interrogatories form.</p>
<p>FORM 12.930(d) NOTICE OF SERVICE OF ANSWERS TO STANDARD FAMILY LAW INTERROGATORIES</p>	<p>Provide a new form for notice of service in conformance with proposed <i>Rule</i> 12.340(c) and amendments to the instructions to <i>Forms</i> 12.930(b) and (c), to notify the court that answers to interrogatories have been served, without filing the answers to the interrogatories.</p>
<p>INSTRUCTIONS FOR . . . Form 12.932 CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE</p>	<p>Amended to conform to proposed amendments to <i>Rule</i> 12.285 regarding filing of financial affidavits.</p>
<p>Form 12.932 CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE</p>	<p>Deletes statement that filing of a financial affidavit cannot be waived. Instructs filer not to file other documents but to provide to the other party.</p>
<p>INSTRUCTIONS FOR . . . FORM 12.980(h) PETITIONER’S REQUEST FOR CONFIDENTIAL FILING OF ADDRESS</p>	<p>Deletes reference to “petitioner” in the title. Amended to include all of those afforded protection by section 119.071(2)(j)1, Florida Statutes, allowing for confidentiality of address of victims of domestic violence, sexual battery, aggravated child abuse, aggravated stalking, and aggravated battery.</p>

<p>FORM 12.980(h) PETITIONER'S REQUEST FOR CONFIDENTIAL FILING OF ADDRESS</p>	<p>Amended to delete limitation on use of form to only petitioner and amended to include all of those afforded protection by section 119.071(2)(j)1, Florida Statutes, allowing for confidentiality of address of victims of domestic violence, sexual battery, aggravated child abuse, aggravated stalking, and aggravated battery.</p>
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