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FIRST AMENDMENT FOUNDATION

336 E. College Avenue, Suite 101, Tallahassee, FL 32301-1554

(800) 337-3518 or (850) 222-3518

www.floridafaf.org

JUDICIAL ACTION ALERT

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Florida Supreme Court Lifts Moratorium on Electronic Court Records

On March 21, the Florida Supreme Court entered an administrative order, AOSC14-19, lifting the decade-long moratorium on online access to electronic court records. Here's a link:

<http://www.floridasupremecourt.org/clerk/adminorders/2014/AOSC14-19.pdf>

Good news, right? Well, maybe. The answer is complicated.

The order, which is fairly straight forward, adopts a set of standards for access to electronic court records and a complicated access security matrix recommended by the Florida Courts Technology Commission. "The standards and matrix . . . provide a carefully structure mechanism to facilitate appropriate, differentiated levels of access to court records to members of the general public and user groups with specialized credentials . . . based upon governing statutes and court rules." (p. 4)

The standards and matrix make a distinction between public subscribers and public internet users, allowing greater levels of access to subscribers than those who access court records anonymously via the web. Attorneys of record and parties are granted a much higher level of access than the general public, whether subscribers or anonymous internet users. A link to the matrix is on the last page of the order.

Neither the order nor the court-approved access standards provide information about subscribing – for example, will a citizen or reporter have to register with each of the 67 clerks of court or will there be a central registration that allows access to all clerk websites? Will there be a subscription fee? Will there be a cost associated with downloading court documents?

Another issue not addressed by the order is one of attorney preference – currently, about 20 clerks of court allow access to all non-exempt electronic court records by any attorney, not just attorneys of record, while denying such access to the public and media. This means that any member of the Florida

Bar gets online access to electronic court records that are not available in the same manner – or at the same cost – to the public. We will be asking the Chief Justice to rectify the inequity.

Under the adopted standards and matrix, the following records will *not* be available for those accessing court records anonymously over the internet – access to these records will be available only at the courthouse, unless expunged, sealed, or confidential:

- Circuit Civil – Trusts (Pre-2010)
- Probate
- Juvenile Dependency
- Juvenile Truancy
- Domestic Relations
- Domestic Relations – Paternity
- Domestic Relations - Adoption
- Delayed Birth Certificate
- Name Change
- Dissolution of Marriage
- Repeat Violence
- Administrative Support Proceeding
- Parental Notice of Abortion
- Sexual Violence
- Termination of Parental Rights
- URESA/UIFSA (interstate support orders)
- Guardianship
- Substance Abuse – Emergency Admission
- Incapacity

Those with a subscription should be allowed online access to all but expunged, sealed, or confidential court records. There are some exceptions, however, and frankly the matrix is about as clear as mud. We suggest you refer to the matrix attached to the Court's order. If you have questions, we'll try to help puzzle out the answers.