

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: **ACCESS TO COMPUTERIZED
 JUVENILE COURT RECORDS**

**Administrative Order
 NO: 8.4
 - Amended -**

WHEREAS, Florida Statute § 39.0132 grants the right to inspect and copy any official record under Chapter 39 pertaining to a child to the attorney for the child, the attorney for the parents of the child, guardian ad litem, law enforcement agencies, and the Department of Children and Family Services and its designees; and

WHEREAS, Florida Statute § 985.045 grants the right to inspect and copy any official record under Chapter 985 pertaining to a child to the attorney for the child, the attorney for the parents of the child, the attorney for the guardians of the child, the attorney for the legal custodians of the child, law enforcement agencies, the Department of Juvenile Justice and its designees; and

WHEREAS, technology has progressed to the point of providing for the electronic maintenance, transmission, and access of court records; and

WHEREAS, the Clerks within the State of Florida are, in general, moving in the direction of providing paperless electronic systems for the maintenance of court records, thus restricting access to paper court files; and

WHEREAS, the Florida Supreme Court has recognized these advancements in technology and, on September 7, 2007, issued Administrative Order AOSC07-49, In re: Revised Interim Policy on the Electronic Release of Court Records; and

WHEREAS, AOSC07-49 expressly allows the Clerk of Court to make certain records available electronically to attorneys of record in a case, attorneys expressly authorized by a party in a case, and governmental agencies and agents; and

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WHEREAS, as expressed above, certain persons and entities are expressly exempt from the confidentiality provisions of Florida Statutes Chapters 39 and 985; and

WHEREAS, AOSC07-49 expressly acknowledges that Article V of the Constitution of the State of Florida charges the chief judges of the circuit courts with the administrative supervision of the courts within their jurisdiction, and directs that any questions that may arise regarding implementation of AOSC07-49 be addressed to the chief judge of the jurisdiction;

By the authority vested in the Chief Judge of the Twentieth Judicial Circuit pursuant to Fla. R. Jud. Admin. 2.215, it is hereby clarified that the Clerks of the Circuit Court for the counties within Twentieth Judicial Circuit may provide access to computerized court records in juvenile cases to persons or entities otherwise entitled to access those records pursuant to Fla. Stat. §§ 39.0132 and 985.045, which may include staff members of the Guardian Ad Litem Program, counsel of record (including Public Defender, Regional Counsel, court-appointed conflict counsel, and State Attorney, as may be applicable), the Department of Children and Family Services and its designees, which may include agents and case managers, and the Department of Juvenile Justice and its designees, which may include agents and case managers. To the extent that these confidential records are, in fact, court records, the Clerks may also provide access to computerized court records in juvenile cases to the judiciary and authorized personnel of the court.

Prior to obtaining access to any computerized court records, persons or entities listed above must comply with all prerequisites and requirements established by the Clerks, which may include, but are not limited to, the execution of confidentiality agreements, the execution of formal authorizations identifying staff members/authorized personnel/designees/agents/case managers, and the payment of fees. This Administrative Order is not to be construed as a

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mandate directing that the Clerks provide access to computerized juvenile court records to any specific person or entity, but rather is to be construed only as clarification for the Clerks as to whom they may provide access to computerized juvenile court records.

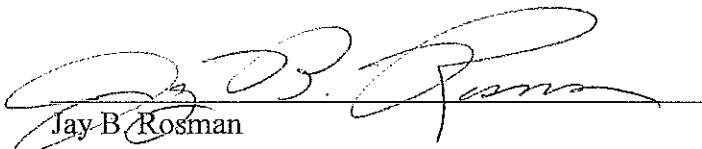
Confidential court records are to be accessed and used by authorized persons and agencies in the exercise of their official duties ONLY and are to otherwise remain confidential or available according to law. This Administrative Order is not intended to grant access to confidential court records to any person or entity not already entitled to access pursuant to statute, law, or Florida Supreme Court rule, but rather is intended to clarify that the Clerks may provide computerized access to confidential court records to those persons or entities otherwise entitled to access. This Administrative Order is not intended to grant computerized access to sealed records absent order of the presiding trial court judge.

To the extent that this Administrative Order may be in conflict with any statute, law, or rule, the statute, law, or rule shall prevail.

DONE AND ORDERED in chambers at Ft. Myers, Lee County, Florida, this 26 day of Sept., 2011.

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STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
This 28 Day of Sept 2011 Recorded in Circuit
Book 55 Page 36-38 and Record Verified.
CHARLIE GREEN By M. Montgomery
Clerk Circuit Court Deputy Clerk


Jay B. Rosman
Chief Judge

History. – Administrative Order 8.4 (August 10, 1993); Administrative Order 8.4 (January 13, 2000); Administrative Order 8.4 (July 28, 2008).

I certify this document to be a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida
Dated: 9/28
By Mary Montgomery
Deputy Clerk