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THOMAS D. HALL
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IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULE OF JUDICIAL ADMINISTRATION 2.420

CASE NO. SC07-2050

SUPPLEMENTAL COMMENT OF THE COMMITTEE ON ACCESS TO COURT RECORDS RE: SUPREME COURT'S PROPOSED CHANGES TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420

The Subcommittee on Access to Court Records (the Subcommittee), by and through its undersigned Chair, the Honorable Judith L. Kreeger, submits this supplemental comment in response to the order of this Court issued on September 9, 2009, requesting comment on the Court's revisions to proposed amendments to Rule of Judicial Administration 2.420.

Members of the Subcommittee participated in collaborative discussions with members of the Rules of Judicial Administration Committee, the Criminal Procedure Rules Committee, and the Appellate Court Rules Committee, which resulted in the suggested revisions and form presented in the consolidated comments jointly filed by the above committees. The Subcommittee has reviewed and concurs with the proposed revisions.

In its order of September 9 the Court requested that the Subcommittee recommend an effective date for proposed subdivision (d) of rule 2.420 in the event it is adopted by the Court. The Subcommittee considered the matter and consulted with representatives of the involved rules committees and clerks of court. The proposed changes represent a marked departure from tradition practice and would impose substantial new responsibilities on litigants, attorneys, clerks of court and the judiciary. Deliberations of the Subcommittee and consultation with the rules committee resulted in a consensus that the effective date should follow adequate opportunity for educational outreach and preparation. The judicial conferences, the clerks of court, and The Florida Bar all conduct most of their major educational programs in the summer months. Therefore the Subcommittee recommends that the effective date of subdivision 2.420(d) be set as October 1, 2010.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following persons by United States mail this 9th day of November, 2009:

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Upon review of the proposed rule the Subcommittee identified an additional matter which it brought to the attention of the joint rules committee group. This matter concerns the absence of a procedure for determinations of confidentiality when a document is offered into evidence during a court proceeding. The joint proposal addressed this matter in its submission. Upon final review by the Subcommittee, however, it appears that the additional language lacks complete guidance for a presiding judge regarding actions the judge is to take upon making an in-court determination, and how parties or other interested persons can seek review in the event of an adverse decision. The Subcommittee suggests that the Rules of Judicial Administration Committee consider this matter for possible future amendment.

Respectfully submitted this 9th day of November, 2009.

The Honorable Judith L. Kreeger
Circuit Judge, Eleventh Judicial Circuit
Chair, Subcommittee on Access to Court Records
175 N.W. First Avenue, Room 2114
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Florida Bar Number 98600

CERTIFICATE OF FONT COMPLIANCE

I certify this filing has been prepared in MS Word using 14-point Times New Roman font.

The Honorable Judith L. Kreeger, Chair
Florida Bar Number # 98600

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