

**SUPREME COURT OF FLORIDA**

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**No. SC20-1765**

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**IN RE: AMENDMENTS TO FLORIDA RULE OF JUDICIAL  
ADMINISTRATION 2.420.**

**NEWS MEDIA COALITION COMMENT SUPPORTING THE COURT'S  
AMENDMENT OF RULE OF JUDICIAL ADMINISTRATION 2.420**

This comment supports the amendments to Rule of Judicial Administration 2.420(d) adopted in this Court's January 21, 2021 opinion. The comment is filed on behalf of The Associated Press; The Bradenton Herald and The Miami Herald, divisions of The McClatchy Company, LLC; Courthouse News Service; The First Amendment Foundation; The Florida Press Association; Gannett (d/b/a *Daily Commercial, Daytona Beach News-Journal, Florida Today, Herald-Tribune, Naples Daily News, Northwest Florida Daily News, Ocala StarBanner, Panama City News Herald, Pensacola News Journal, Tallahassee Democrat, TC Palm, The Destin Log, The Florida Times-Union, The Gainesville Sun, The Ledger, The News-Press, The Palm Beach Post, The Star, The Walton Sun, and Washington County News*); The New York Times Company; Nexstar (d/b/a WFLA-TV/WTTA-TV, and WMBB-TV); Orlando Sentinel Communications

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Company, LLC; Scripps Media, Inc. (WFTS (Tampa Bay), WFTX (Fort Myers-Naples), WPTV (West Palm Beach), WSFL (Miami-Fort Lauderdale) and WTXL (Tallahassee)); Sun-Sentinel Company, LLC; TEGNA Inc. (d/b/a WTLV-TV, WJXX-TV, and WTSP-TV); and the Times Publishing Company (the *Tampa Bay Times*) (collectively, the “News Media Coalition”).

## **INTRODUCTION**

Historically, Florida’s judiciary stood at the forefront of transparency. Courts routinely provided public access to new paper court filings on the day of their receipt, often by keeping a stack of new filings in the courthouse for journalists to peruse each evening. Since the advent of e-filing, however, there have been statewide delays of days and weeks in access to many new civil filings, with others being “padlocked” and effectively sealed until clerk action is individually requested. The delays exist no matter what access vehicle is used – courthouse counters, clerks’ office terminals or remote access websites. In fact, to confirm the delay problems, two seasoned journalists visited nineteen Florida courthouses across the state, seeking access to new circuit civil complaints on the day of filing. The journalists obtained complaints in only about a quarter of those visits. The clerk redaction obligations imposed by Rule 2.420(d)

were repeatedly cited as a main reason these records could not be provided on the day of filing. That obligation results in statewide delays and places a multi-million dollar administrative burden on the judicial system.

The Court's proposed amendments to Rule 2.420 take a measured approach to the issues. Rule 2.420(d) is amended in a limited number of civil case types to place the obligation to redact confidential information from records solely on the filer. Ample justification exists for the Court's action:

- The amendments evidence the Court's commitment to remedying delays in access to public court records, honoring the First Amendment, the Florida Constitution and the Court's own precedent.
- The amendments lay the foundation to facilitate contemporaneous access on the day of filing to most civil records, not only for journalists but also for the public.
- The amendments are sensible, targeted and affect only traditional circuit, county, and small claims civil cases. Filers are still obligated to redact court filings in these case types consistent with Rule 2.420. In all other case types, including

criminal, clerks and filers continue to bear dual duties to redact court records. Closed case types remain closed.

- Clerk read-through and redact obligations are expensive. Eliminating those obligations in traditional civil cases should result in system-wide cost savings or a re-allocation of labor to other tasks.
- The amendments adopted by the Court are supported by extensive national experience and bring Florida into closer alignment with the rest of the country, at both the state and federal levels. Florida and tiny Vermont remain the only two states that impose an independent duty to redact on their clerks. Given the cost of that duty and the devastating impact on access, the rest of the nation's decision to reject a clerk redaction responsibility makes good sense. Those courts instead place the redaction duty squarely on the filer.
- The amendments facilitate technological efficiencies. Technology employed in many state courts throughout the country and the federal system ensure the contemporaneous and timely access required by law. Approaches vary, but nearly all federal courts and many courts in Alabama, California,

Connecticut, Georgia, Nevada, New York, and Utah, for example, use technology to provide contemporaneous access to filings received. Technology options are possible because clerks in those courts have no obligation to redact.

### **HISTORY ON KEY EVENTS PRIOR TO RULE 2.420 OPINION**

The history leading to the Court’s January 21, 2021 opinion in this matter is briefly summarized to provide context for the comment.

Historically, Florida’s judicial system provided exemplary, same-day access to court records, including new civil complaints. Earlier this century many state courts, including Florida, began contemplating an evolution to paperless courts. More than a decade ago, prior to the advent of mandatory e-filing and as a prerequisite to “the Court’s ongoing effort to provide the public with electronic access to court records,” this Court adopted extensive amendments to Rule 2.420 and the Florida Rules of Appellate Procedure. *In re Amends. to Fla. R. of Jud. Admin. 2.420 & The Fla. R. of App. P.*, 31 So. 3d 756, 757 (Fla. 2010). Subsection 2.420(d) placed the responsibility for identifying and maintaining specified confidential information in all filings on *both* filers and clerks of court. *Id.* at 765.

In 2013, e-filing became mandatory and paper filings began to evaporate. See *In re Amends. to Fla. R. of Civ. Pro.*, 102 So. 3d 451 (Fla. 2012). Access to court records has been increasingly pushed away from courthouse counters to clerk remote access websites. But technological advances have not maintained day-of-filing access. In fact, access to filings – particularly new civil complaints – is routinely delayed from days to weeks in many counties throughout the state. Many clerks' offices cite the time to redact as a central cause of the delays.

For years, the News Media Coalition made various attempts to resolve the system-wide access problems. Ultimately, in December 2018, the coalition provided a report to the Court illustrating the systemic delays in access to new civil complaints in 19 courthouses across the state and confirming the role of redaction in those delays. *Report: Tour of Florida Courthouses to Access Court Records* (Dec. 10, 2018) (*News Media Coalition Appendix*, Ex. 1). Two seasoned *Courthouse News* journalists visited 19 courthouses in 17 counties throughout the state and described the actual problems they experienced obtaining day-of-filing access to new civil complaints in about 75% of those courthouses. *Id.*

On January 31, 2019, the Court referred the delay issues raised by the coalition to the chairs of the Florida Courts Technology Commission

(“FCTC”) and the Rules of Judicial Administration Committee (“RJAC”), requesting “expedited review and evaluation of the issues concerning apparent delays in access to court records.” *Correspondence from Supreme Court Clerk John Tomasino* (Jan. 31, 2019) (*News Media Coalition Appendix*, Ex. 2). A joint subcommittee was formed and met regularly. The Court extended the reporting deadline to December 31, 2019.

The Florida Court Clerks & Comptrollers (“FCCC”) opposed any changes to Rule 2.420 limiting clerk redaction responsibilities. *Florida Clerks Position on Rule 2.420 RJA* (undated) (*News Media Coalition Appendix*, Ex. 3). In March 2019, the FCCC also provided the subcommittee a response to the courthouse tour report, disputing portions of the report but repeatedly confirming days of delays in access to civil complaints throughout the state. *Response of Florida Court Clerks & Comptrollers to the News Media Coalition’s Report – “Tour of Florida Courthouses to Access Court Records”* (March 2019) (*News Media Coalition Appendix*, Ex. 4). The response cited “time to docket”<sup>1</sup> and “time

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<sup>1</sup> As explained more fully below, there is a wealth of case law throughout the country recognizing a qualified First Amendment right of access to civil complaints. Courts have also stricken no-access-before-processing policies that place contemporaneous and timely access behind things like full docketing activities. See *Courthouse News Service v. Planet*, No. CV 11-8083-DMG at \*2, ¶ 1(d) (C.D. Cal. Jan. 26, 2021) (Amended

to redact” as the reason for delays and urged this Court’s motto, roughly translated to “soon enough if done rightly,” “not be forgotten.” *Id.* at p. 13.

The subcommittee majority agreed that no changes to the rule should be made. A minority recommended three possible options for amending Rule 2.420 to lessen the civil filings clerks would have to redact, including the option ultimately adopted by the Court. On December 30, 2019, the Honorable Lisa Taylor Munyon, chair of the FCTC, and the Honorable Josephine Gagliardi, then-chair of the RJAC, wrote the Court and provided the subcommittee’s no-action recommendation, including both the majority and minority positions with extensive appendices. *Access to Court Records--No Action Report* (Dec. 30, 2019) (appendices omitted) (*News Media Coalition Appendix*, Ex. 5). The Court’s *per curiam* opinion amending Rule 2.420(d) to remove clerks from redacting traditional civil filings in Florida circuit, county, and small claims courts was issued on January 21, 2021.

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Judgment for Declaratory Relief & Permanent Injunction, D.E. 270) (*News Media Coalition Appendix*, Ex. 9); *Courthouse News v. Schaefer*, 440 F. Supp. 3d 532, 562 (E.D. Va. 2020).

## **FACTUAL BACKGROUND**

### **Delays are Real & Significant**

It has become increasingly difficult in many counties to access new civil complaints on the day of filing. Imaged civil complaints often do not appear on remote access sites for days, a week or more. These problems persist even at courthouse counters and computer terminals. While the timing involved varies, the processes employed by the various clerks' offices appear similar. And while these processes are playing out, civil complaints often remain hidden.

Generally, a civil complaint is e-filed via the statewide portal and flows into automated receiving software called an "e-file manager" ("EFM"), which functions as an intake clerk and automatically distributes e-filings into the designated county clerk's inbox. Those inboxes are often called a "clerk review queue." At that point, new filings have crossed the court's virtual threshold and, by court rule, are filed. See Fla. R. Jud. Admin. 2.525(f)(3); *Florida Courts E-Filing Portal Standards* 1.2.4 Electronic Notification of Receipt. In the paper era, journalists in state courts all around Florida saw the new civil complaints the day they crossed the intake counter, before they were docketed.

After new filings are received, typical docketing activities for new cases occur. In the e-filing context, these activities normally are referred to collectively as “processing.” Generally, clerk employees review a series of clerical entries made in advance by filers on the e-filing portal, confirm payment, and perform other clerical tasks that can vary from court to court. At the end of these processing tasks, the new filing enters the clerk docket – or “case management system” – and a case docket is created for the new matter. On statewide average, these routine administrative activities took about a day in 2020, with some counties taking less time and some significantly more time. *See Limited Excerpts from Florida Courts E-Filing Authority Board Portal Progress Report (Dec. 2020) (News Media Coalition Appendix, Ex. 6, p. 2).* While all of this is happening, the imaged complaints – and often the very existence of a case – remain hidden from the public.

Limited docket information is usually available first and provides the only public indication that parties have invoked the jurisdiction of the branch. The imaged complaints, however, often are still hidden. No redaction activities have yet to occur, which require additional time. Even when a journalist goes to the courthouse seeking access to new filings, many clerks send the journalist to the clerk’s website, where the

reporter is required to make individual requests to unlock specific records via email, a request that is sometimes answered quickly and sometimes slowly.<sup>2</sup> A few courts still provide access at the courthouse on request, but typically only if the journalist pays \$1 per page for a printout, essentially paying for the right to inspect a public record. In sum, the rights to inspect and copy public record civil complaints are placed behind all administrative processing tasks, from reviewing party names and other filer-entered information to additional clerical tasks to redaction. See Art. I, ¶ 24(a), Fla. Const.

Meanwhile, the public remains in the dark. It is the complaint, of course, that contains the substantive information about the factual allegations and legal claims. But depending on the county, a day to weeks might pass prior to public access to that judicial record. Even within a county, delays vary as courts lag in processing and then catch up. In fact, when two experienced journalists physically visited 19 courthouses from the Florida Keys to Tallahassee, they were unable to obtain day-of-filing

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<sup>2</sup> The Honorable Rachel M. Sadoff, Clerk of Brevard County, filed a comment in which she mentions statistics on individual requests to view court documents. See April 1, 2021 *Comment of Rachel M. Sadoff, in Her Official Capacity as Brevard County Clerk of the Circuit Court & Comptroller* at pp. 9-10. Whatever the statistics on fulfilling VORs might be in Brevard, there are 66 other counties in the state, and the courthouse tour report reveals the very real problems experienced by trained journalists who seek to review and then cover civil complaints the day they are filed.

access to new civil complaints in about 75% of the courthouses visited. See *News Media Coalition Appendix*, Ex. 1). They left 15 courthouses empty-handed. *Id.* At least one major metropolitan Clerk of Court publicly notes that processing electronic requests for court records can take up to two weeks from receipt of the request to satisfy. See “Options for Obtaining Court Documents,” *available at* <https://www.browardclerk.org/GeneralInformation/RecordsRequest#Overview> (last accessed on Mar. 29, 2021) (*News Media Coalition Appendix*, Ex. 7, p. 2).

Delays matter. The public demands timely information. News outlets report today’s events today, in the current 24-hour news cycle. They report on today’s events on the evening news and in the morning paper. They routinely update news websites and push information of the moment out on social media. Delays of a day or more in access to the news push that news outside of the current cycle and often will mean that news will not be reported at all. It is too old, so the public is denied information and reporting on government suffers.

And if experienced journalists have trouble getting access to what should be public information, what does that mean for individuals trying to obtain the same records? Obtaining access can be difficult. Prioritizing

the bureaucratic processes of 67 different counties often results in public access rights – rights protected by the Florida Constitution and the First Amendment – taking the proverbial backseat. As discussed more fully below, contemporaneous access to civil complaints is required by the First Amendment. The Court’s action clears a barrier to the contemporaneous, timely access the law mandates.

### **Reading Through & Redacting Filings Is Costly**

Reading through and redacting filings is cumbersome and expensive. Complaints often exceed twenty pages, so even skimming a routine breach of contract claim takes time. To quantify the cost, the News Media Coalition obtained information in early 2017. Estimates were provided by Clerks in fourteen counties: Brevard, Clay, Duval, Hillsborough, Lee, Leon, Manatee, Martin, Miami-Dade, Orange, Palm Beach, Pinellas, Sarasota, and Walton. The total personnel-related cost for redacting and processing records for viewing on request was more than \$4.1 million for those counties alone. Annual redaction software maintenance fees for the eight counties providing numbers totaled more than a half-million annually. Extrapolating statewide for all 67 counties using 2017 numbers, the annual cost exceeded \$20 million. Removing clerks from redaction duties in many

civil case types will permit offices to shift costly personnel time to other tasks.

### **Clerks Throughout the Nation Do Not Read & Redact Records**

The amended rule institutes filer-only redaction in traditional circuit, county, and small claims civil matters, aligning Florida more closely with state and federal courts throughout the country. In fact, Florida and tiny Vermont are the only states the coalition is aware of that mandate clerks read filings and redact them when confidential information is discovered. The federal system places no such obligation on its clerks. Fed. R. Civ. P. 5.2(a). Forty-five states clarify that filers only are affirmatively responsible for redactions: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming. *See 49-State Survey of Court Records Confidentiality Obligations on Filers (News Media Coalition Appendix, Ex. 8)* Three other states have not spoken as to who is responsible, but do

not specify that clerks are. *Id.* at p. 1. Consequently, the amendments to Rule 2.420 are supported by the extensive state and federal experience on filer-only responsibility. The amended rule aligns Florida more closely with the national practice.

### **Technology Should Speed Access**

It is ironic that the historic same-day access to paper complaints and other civil filings was often lost amid technological advances. Technology should facilitate greater efficiencies. Removing clerks from reading and redacting traditional civil filings should accelerate a transition to the technological options employed in other courts that ensure civil filings are publicly available the day they are filed. Nearly all federal courts make filings accessible via PACER virtually instantaneously. Courts in Alabama, California, Connecticut, Georgia, Hawaii, Nevada, New York, Utah, and Washington have used technology to provide same-day access to filings through various technological options, including public review queues where replicated images of filings like complaints flow for public viewing prior to processing. The technology options work, ensure contemporaneous access to non-confidential records, eliminate unnecessary and costly manual activity, and insulate public access rights from the vagaries of operational issues.

## The Amended Rule Is Targeted

The amended rule is a more limited version of filer-only responsibility than most states and the federal system employ. The Court's approach eliminates the redaction role of clerks only in traditional civil matters. Family/Domestic Relations, Probate, Guardianship, County Criminal Appeals Sexual Abuse, Jimmy Ryce Act, Circuit Civil Private (Sexual Abuse & Medical Malpractice), Felony - sexual cases, Sexual Violence, Extradition, Misdemeanor - sexual cases, and Misdemeanor - Miscellaneous still require clerk involvement. Of those, only Jimmy Ryce Act and Circuit Civil sexual abuse and medical malpractice actions fall within the types of civil actions affected by the amended rule. With such a limited approach as that employed by the Court, filers in Florida are no doubt capable of bearing the sole responsibility for redacting confidential information in the more routine civil matters. In fact, attorneys and judges make up about 93% of the filers using the Florida E-Filing Portal generally. *See News Media Coalition Appendix, Ex. 6, p. 3*). Self-represented litigants are less than one percent of filers. *Id.* Many of those filings are in domestic relations matters that are not impacted by the amended rule. The new rule applies in a narrow category of cases that filers, most of whom are

members of The Florida Bar, can handle as well as filers in state courts around the country and the federal system.

### **THE LAW**

The amendments to Rule 2.420 honor the First Amendment, Article I, Section 24 of the Florida Constitution, and the decisions of this Court. As this Court recognized long ago, “[n]ews delayed is news denied.” *State ex. Rel. Miami Herald Publ’g Co. v. McIntosh*, 340 So. 2d 904, 910 (Fla. 1976). The amendments are designed to address the delay problems that significantly impact access rights, particularly for new complaints, and hamper the delivery of news concerning the judicial branch.

Courts around the country have held that the public has a First Amendment right to contemporaneous access to newly-filed civil complaints. Earlier this year, the Court in *Courthouse News Service v. Planet*, on remand from the Ninth Circuit Court of Appeals, entered an Amended Judgment for Declaratory Relief & Permanent Injunction, declaring a qualified First Amendment right of access to new civil complaints attaches upon their receipt by the clerk. *Courthouse News Service v. Planet*, No. CV 11-8083-DMG, at \*2, ¶ 1(a) & (b) (C.D. Cal. Jan. 26, 2021) (Amended Judgment for Declaratory Relief and Permanent Injunction, D.E. 270) (*News Media Coalition Appendix*, Ex. 9). Clerk Planet

was also enjoined from “refusing... to make such complaints and exhibits accessible to the public and press in a timely manner from the moment they are received by the court.” *Id.* at \*3, ¶ 2. Just last year, the Court in *Courthouse News Service v. Schaefer*, 440 F. Supp. 3d 532, 562 (E.D. Va. 2020), ruled that “the press and public, including Plaintiff, enjoy a qualified right of access to newly-filed civil complaints contemporaneous with the filing of the complaint” and that “‘contemporaneous’ in this context means ‘the same day on which the complaint is filed, insofar as is practicable.’” See also *Courthouse News Service v. Planet*, 947 F.3d 581, 589 (9th Cir. 2020) (“Applying *Press-Enterprise Co. v. Superior Court (Press-Enterprise II)*, [478 U.S. 1 (1986)], we conclude that the press has a qualified right of timely access to newly filed civil nonconfidential complaints that attaches when the complaint is filed.”); *Courthouse News Service v. Yamasaki*, 950 F.3d 640 (9th Cir. 2020) (remanding access case for reconsideration in light of *Planet* opinion); *Courthouse News Service v. Tingling*, 2016 WL 8739010 at \*17 (S.D. NY Dec. 16, 2016) (“The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression. Each passing day may constitute a separate and cognizable infringement of the First Amendment.”); *Courthouse News*

*Service v. Jackson*, No. H-09-1844, 2009 WL 2163609, at \*5 (S.D. Tex. July 20, 2009) (ordering that news reporters “be given access on the same day the petitions are filed” in most cases). The delays in access to new civil complaints and other filings throughout Florida violate this line of First Amendment case law. The Court’s amended rule should facilitate Clerks’ ability to provide access to civil filings on the day of filing in a manner that comports with First Amendment access obligations.

Article I, Section 24 of the Florida Constitution further endows “every person” with the right to both inspect and copy records of the judicial branch. Art. I, ¶ 24(a), Fla. Const. That right is triggered every time a new filing is “received” at the E-Filing Portal on the branch’s behalf. *Id.* And in cases like *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988) and *In re Amends. to Fla. R. of Jud. Admin. 2.420-Sealing of Court Records & Dockets*, 954 So. 2d 16 (Fla. 2007), this Court confirmed its commitment to public access to civil court records. The targeted amendments to Rule 2.420 adopted by the Court further emphasize the Court’s ongoing commitment to timely access to court records, not only for the press but also for the public.

The arguments opposing the amendment are not sufficiently compelling to justify the delays arising from the current framework.

Yes, prior groups and committees studied a breadth of issues related to remote access and proposed dual filer and clerk responsibility to the Court. But those proposals were necessarily made without the benefit of actual experience. They came prior to the commencement of mandatory e-filing and chronic actual delays in access to filings, particularly civil complaints, that had historically been made available on the day of filing. The amended rule is designed to address these issues and limited to traditional civil cases. The intervening real-life delays and resulting constitutional access concerns more than justify the Court's action. Moreover, any purported issues with the matrix, civil cover sheets, or case type designations do not justify abandoning the substantive change to redaction in the amended rule. *See Comment of Rachel M. Sadoff* at pp. 14-16. The Court has already referred the amendments to the FCTC to update the matrix and standards, if necessary.

Privacy issues have also repeatedly been cited as the reason for dual clerk and filer responsibility in all case types, for all filings. For example, in opposing any change to filer-only responsibility, the FCCC wrote: "If the public's right to know is discussed in the same breath as the individual's right to privacy, keeping the Clerk's role in the redaction process, as has been the successful model for decades, is undoubtedly the Best Practice."

(*News Media Coalition Appendix*, Ex. 3, p. 2). Florida’s Constitution, however, does not discuss those rights in the same breath. Florida’s privacy amendment is expressly subordinate to the public right to access records:

SECTION 23. Right of privacy.—Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein. *This section shall not be construed to limit the public’s right of access to public records and meetings as provided by law.*

Art. I, § 23, Fla. Const. (emphasis supplied). Article I, Section 23 is no impediment to the targeted changes adopted by the Court, changes designed to honor the voters’ choice to prioritize access to the records of all three government branches over privacy interests.

The FCCC RJAC position statement opposing any changes to Rule 2.420 also asserted, “The Clerks support the current rule and have hawkishly served as the primary protectors of confidential information, as the overwhelming majority of court filings are filed without the rule’s required notice.” (*News Media Coalition Appendix*, Ex. 3, p. 1). Traditional civil cases, like those identified in the amended rule, should contain a minimal amount of Rule 2.420 confidential information in the first place. Again, the federal courts and 45 other states have succeeded in creating systems where filers – not clerks – are expressly responsible in ALL case

types for handling confidential information. The amended rule establishes a more targeted approach for Florida. This state's filers are equally capable of handling confidential information as the filers in 45 other states. In fact, Clerk Sadoff's comment confirms that filers in Brevard County are filing the notices in traditional civil cases. *Comment of Rachel M. Sadoff* at p. 10. Moreover, many attorney filers practice in the federal system where they have already borne sole responsibility for redacting filings for decades. Fed. R. Civ. P. 5.2(a).<sup>3</sup>

Nor do fears of identity theft from court records provide a compelling basis for opposing the amended rule. Clerk Sadoff cites an article on identity theft in her comment. *Comment of Rachel M. Sadoff* at p. 12, fn. 8. That article, however, does not cite court records as a source of identity theft, much less a significant cause. The federal system and many states already place the obligation on filers alone to redact Social Security and financial account information, without asking clerks to police filings. See *News Media Coalition Appendix*, Ex. 8.

Finally, making the rule permissive and delaying its effective date only perpetuate the redaction impediment to contemporaneous access to

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<sup>3</sup> Clerk Sadoff's comment mentions that the amended rule does not "contemplate abuse" by filers. *Comment of Rachel M. Sadoff* at p. 11. Rule 2.420(i) already provides for sanctions when filers act in bad faith.

civil filings throughout the state. *See Comment of Rachel M. Sadoff* at pp. 16-19. A permissive rule changes nothing and undermines the Court's decision. Postponing the effective date, particularly considering the demonstrated constitutional infirmities with Florida's access delays, also undermines the urgency repeatedly expressed by this Court. *See News Media Coalition Appendix, Ex. 2.*

In short, there are ample justifications for the amended rule.

### **CONCLUSION**

Technology should illuminate the halls of justice, not darken them. The amendments to Rule 2.420 adopted by the Court on January 21, 2021, are supported by sound factual, legal, and public policy reasons. The News Media Coalition supports the amendments and is grateful to the Court for recognizing the delay problems and taking a significant step toward alleviating unlawful delays.

Dated: April 6, 2021.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy has been furnished  
via the Florida Courts E-Filing Portal this **6<sup>th</sup>** day of **April, 2021** to:

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**CERTIFICATE OF COMPLIANCE**

I certify that this document complies with the requirements of Fla. R. App. Pro. 9.045. This document is double-spaced and was prepared using Arial font, 14-point. The document word count is less than 4,800 words.

*s/ Carol Jean LoCicero*  
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