

IN THE CIRCUIT COURT FOR THE
FIFTH JUDICIAL CIRCUIT IN THE
STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. A-2006-38

IN RE: EXPUNCTION AND SEALING OF COURT RECORDS

In order to ensure compliance with the requirements of Florida Rules of Judicial Administration, Rule 2.420 and Florida Rules of Criminal Procedure, Rule 3.692 and in accordance with the authority vested in the Chief Judge by Florida Rules of Judicial Administration, Rule 2.215, it is

ORDERED AND ADJUDGED as follows:

The Clerks of the Circuit and County Courts of the Fifth Judicial Circuit will use the following definitions:

1. "Court records" are the contents of the court file, including the progress docket and other similar records generated to document activity in a case, transcripts filed with the clerk, documentary exhibits in the custody of the clerk, and electronic records, videotapes, or stenographic tapes of depositions or other proceedings filed with the clerk, and electronic records, videotapes.
2. "Criminal history record" consists of information filed with the clerk that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and dispositions.
3. "Progress Docket" consists of the records generated to document activity in a case.
4. "Expunction" of a criminal history records means the court-ordered destruction of a record including case style, case number, and progress docket by the clerk.
5. "Sealing" of a criminal history record means the court-ordered removal of a record, or a portion of a record, by the clerk from public view and availability. The Clerk will remove only the record or portions specified in the court order, and will preserve the record or portions securely, so that they are inaccessible to any person not having a legal right of access. The case style, and case number shall not be sealed in the indices of cases maintained by the Clerk. However, if the order to seal specifically directs that the name as well as the contents of the file be sealed, the Clerk is hereby authorized and directed to remove the name and substitute different terminology such as "sealed name".

Petitions to seal or expunge any criminal court record must conform to the requirements in Florida Rules of Criminal Procedure, Rule 3.692.

Petitions to seal any civil court record must conform to the requirements in Florida Rules of Judicial Administration, Rule 2.420.

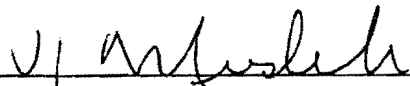
If a petition to seal either a criminal or civil court record is granted, the court shall enter its written order so stating and further setting forth the records to be sealed and agencies or departments to which it is directed. If information in the County's Official Record books is to be removed, the order should so state.

Orders to Seal: The Court shall specify the records or portions that are to be sealed. However, the case style, parties and case number shall not be sealed in the indices of cases maintained by the Clerk. If the order to seal specifically directs that the name as well as the contents of the file be sealed, the Clerk is hereby authorized and directed to remove the name and substitute different terminology such as "sealed name".

Orders to Expunge: The Clerk shall retain as confidential all orders of expunction, which can be made available only upon subsequent order of the Court.

The Clerk is hereby authorized to open any court file sealed by operation of law or court order for the purpose of filing documents pertinent to the particular file, as well as for microfilming or imaging files.

DONE AND ORDERED in Chambers, Marion County, Florida, this 27th day of November, 2006.


VICTOR J. MUSLEH
Chief Judge
Fifth Judicial Circuit