

ADMINISTRATIVE ORDER
NO. 2014-03-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

AMENDED ORDER GOVERNING DOMESTIC VIOLENCE INJUNCTIONS

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, the clerks of court provide court-related functions which are essential to the orderly operation of the judicial branch and are required by section 28.13, Florida Statutes, to keep all papers filed in the clerk's office with the utmost care and security; and

WHEREAS, the protection of persons who are victims of domestic violence is a primary goal of the Ninth Judicial Circuit Court; and

WHEREAS, integral to protecting persons who are victims of domestic violence is providing a safe and secure method of navigating the process of seeking an injunction for protection; and

WHEREAS, the Court is aware of instances of attorneys and media contacting respondents in cases where a petitioner has filed for an injunction for protection before the respondent is served thereby creating a potentially volatile situation; and

WHEREAS, after consultation with the clerks of court and the judges who handle domestic violence matters each day, the Court finds that it is essential to protect all information related to a Petition for Injunction for Protection as confidential until such time as the court has issued an order and the respondent has been served with the petition; and

WHEREAS, in order to prevent a serious and imminent threat to the fair, impartial and orderly administration of justice, temporary confidentiality is required;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. Pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A), this Court finds that confidentiality is required to:

- (i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- (ii) avoid substantial injury to innocent third parties;
- (iii) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
- (iv) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law.

Further, this Court finds that degree, duration, and manner of confidentiality as contemplated by this Order is no broader than necessary to protect the interests set forth above and no less restrictive measures are available to protect the interests set forth in this Order.

2. The Orange County Clerk of Court and the Osceola County Clerk of Court are directed to temporarily seal as confidential any Petition for Injunction for Protection under sections 741.30, 784.046, or 784.0485, Florida Statutes, until such time as the court has reviewed

the Petition and either grants the Petition and the Respondent is served, denies the Petition, the Petition is voluntarily dismissed, or any other action occurs which concludes the case.

3. Once the order granting the Petition issues and the Respondent is served, or the court denies the Petition, the Orange County Clerk of Court and the Osceola County Clerk of Court are directed to make the Petition for Injunction for Protection which was temporarily confidential, public record unless some other confidentiality provision also applies.

Administrative Order 2014-03 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 5th day of February, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>