

**1IN THE COUNTY COURT OF THE  
FOURTH JUDICIAL CIRCUIT, IN AND  
FOR DUVAL COUNTY, FLORIDA  
CASE NO. 16-2023-CC-016007  
DIV: CC-Q**

HARD LIFE INVESTMENTS LLC,  
Plaintiff,

vs.

SABRINA SMITH,  
Defendant.

\_\_\_\_\_ /

**FINAL ORDER DETERMINING CONFIDENTIALITY OF COURT RECORDS, AND  
SEALING COURT RECORDS FROM PUBLIC EXAMINATION**

THIS MATTER came before the Court on the parties Joint Motion to Determine Confidentiality of Court Records, and to Seal Court Records from Public Examination. The Court, having reviewed the Motion, and being otherwise fully advised in the premises, FINDS AS FOLLOWS:

1. On October 11, 2023 this action for possession of the subject real property was filed by Plaintiff, alleging nonpayment of rent.
2. Previously on February 28, 2022, Plaintiff filed eviction action Case Number 16-2022-CC 002151 (“First Case”).
3. Both this action and the First Case were filed in error.
4. Prior to the filing of both actions, Defendant had actually paid Plaintiff sums in excess of The total rent owed.
5. On December 11, 2023, Plaintiff filed a Voluntary Dismissal of this action.

6. On December 15, 2023, the parties entered into a Settlement Agreement whereby Plaintiff

acknowledged that both actions were filed in error, agreed to refund all overpayments, and consented to the filing of this Motion to Determine Confidentiality of Court Records and Seal Court Records from Public Examination (as well as to the filing of a separate Motion to Determine Confidentiality of Court Records in the First Case).

7. On January 11, 2024, the Court issued a Consent Order Amending Notice of Dismissal and

Releasing Registry Funds thereby dismissing this action with prejudice and releasing the Registry Funds to Defendant.

8. The parties filed a Joint Motion to Determine Confidentiality to avoid undue prejudice to Defendant from the existence of an eviction case filing, asserting that third parties including consumer reporting agencies and landlords, misuse, abuse, and mishandle court records of eviction cases irrespective of outcomes.

9. In civil cases, Fla. R. Gen. Prac. & Jud. Admin. 2.420(e)(1) sets forth a three-part test for evaluating a motion to make court records confidential.

The movant must:

- a. Identify the particular court records or a portion of a record that the movant seeks to have determined as confidential with as much specificity as possible without revealing the information subject to the confidentiality determination;
- b. Specify the bases for determining that such court records are confidential without revealing confidential information; and

- c. Set forth the specific legal authority and any applicable legal standards for determining such court records to be confidential without revealing confidential information.

**10.** In this action, the parties seek to make the following records confidential:

- a. The parties' names and identities;
- b. All docketed filings in this action through and including the instant filing and subsequent orders;
- c. The entire "court record," including the progress docket and other electronic records of this action as maintained by the Clerk of Court that are publicly searchable via the Internet.

**11.** In Barron v. Florida Freedom Newspapers, Inc., 531 So. 2d 113, 118 (Fla. 1988), the Florida Supreme Court gave guidance to trial courts in evaluating whether a trial court should exercise its power to make certain civil proceedings confidential. The factors in Barron were later adopted with a slight expansion in Fla. R. Jud. Admin. 2.420(c)(9).

**12.** Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9) provides a court with the power to determine the confidentiality of any court record in individual cases, so long as confidentiality is required to accomplish one of seven possible interests, the order is not overbroad as it relates to protecting those interests, and no less restrictive means are available to protect to those interests.

**13.** In considering these factors, the Court finds that confidentiality is required to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice, as misuse of court records creates public distrust in the court system and results in arbitrary or capricious actions when parties fail to utilize complete or accurate information derived from

court records. See Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9)(A)(i); see also, Lauren Kirchner and Matthew Goldstein, How Automated Background Checks Freeze Out Renters, New York Times (May 28, 2020) <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html> (last visited March 13, 2024); Defendant is at substantial risk of such arbitrary and capricious denial of future rental applications based upon the court records in this action and has already suffered such denials.

**14.** The Court also finds that there are substantial risks to tenants, including Defendant, from the misuse of court records in eviction cases, deprived of their full context, by potential landlords and third-party tenant-screening companies. Specifically, tenant-screening companies use algorithms that scrape identifying data from electronic court records, such as the data here, and pass those reports to participating landlords or lenders without verifying the disposition of cases or reviewing the actual allegations or factual determinations therein. See Connecticut Fair Housing Center v. CoreLogic Rental Property Solutions, LLC, 478 F.Supp. 3d 259, 288-89 (D.Conn. 2020).

**15.** In this action, all disputes between the parties relating to this lawsuit have been fully and completely resolved.

**16.** There are no third parties who have an interest in the outcome of this action, which is for possession of a residential rental dwelling. There is no prejudice or harm that will occur to any third party if the court records in this action are made confidential.

**17.** The Court finds that changing the names of the parties and identity in the caption and progress docket of the action as maintained by the Clerk of Court would be the least restrictive means to accomplish the goals of confidentiality set forth above. See Fla. R. Jud. Admin. 2.420(e)(3) (“Any order granting in whole or in part a motion . . . must state with as much

specificity as possible without revealing the confidential information: . . . (C) whether any party's name determined to be confidential and, if so, the particular pseudonym or other term to be substituted for the party's name.”). The Court further finds that the more restrictive seal of the entire “court record,” as contemplated in Amended Administrative Order 2006-05, from physical or online search is the best and most appropriate means to accomplish the goals of confidentiality set forth above.

**18.** Notwithstanding the general confidentiality and seal of this action, the Defendant, Defendant's attorney, as well as Plaintiff, in addition to persons directly employed by Plaintiff should be permitted to view the confidential information after seal. See Fla. R. Jud. Admin. 2.420(e)(3)(F).

**THEREFORE, it is ORDERED and ADJUDGED:**

The Joint Motion to Determine Confidentiality of Court Records, and to Seal Court Records from Public Examination is **GRANTED**.

- 1.** The Clerk of Court is directed to make the court record of this action confidential and seal it in compliance with Fourth Judicial Circuit Amended Administrative Order No. 2006-05 and as prescribed below.
- 2.** The Clerk of Court shall change both Plaintiff and Defendant's names in the Clerk's progress docket and all other viewable electronic records to make Plaintiff and Defendant's names confidential, replacing any first name with "Case" and last name with "Confidential."
- 3.** The Clerk of Court shall not record any document in this action in the official records of Duval County, Florida, as no document in this action is subject to mandatory recording.
- 4.** The Clerk of Court shall seal the entire "court record," including the progress docket and other similar records generated to document activity in a case, all pleadings, notices, and

other documents filed in this case, and any other electronic records in this case. It is critical that the progress docket is not made available on any public information system.

5. Any materials sealed pursuant to this Order shall be conditionally disclosed upon the Court's entry of any subsequent order finding that such opening is necessary for the purposes of judicial or governmental accountability or First Amendment rights.
6. Any materials sealed pursuant to this Order may otherwise be disclosed only to (a) any judge of this Circuit for case-related reasons, (b) the Chief Judge, Administrative Judge, or their designee, (c) to Plaintiff and Defendant, their lawful agents, or their attorneys of record, or (d) by further order of the Court.
7. The Clerk of Court shall post a copy of this Order on the Clerk's website and in a "prominent public location" in the Duval County Courthouse within 10 days of the rendition of this Order, and the posted copy shall remain there for at least 30 days from the date it is first posted. After the 30th day from the date this Order is posted and unless further ordered by the Court, the Clerk of Court shall remove the posted copy of this Order.

**DONE AND ORDERED**, in Duval County, Florida, on Wednesday, April 24, 2024.

16-2023-CC-016007-XXXX-MA 04/24/2024 12:26:37 PM  
  
DAWN K. HUDSON, COUNTY JUDGE  
Dawn Hudson, Judge  
16-2023-CC-016007-XXXX-MA 04/24/2024 12:26:37 PM

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