

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 5.112-3/21

IN RE: CONFIDENTIALITY OF CRIMINAL HISTORY CHECKS
OBTAINED BY THE CLERK PURSUANT TO
SECTIONS 68.07(2)(a) AND 744.3135, FLORIDA STATUTES

_____:

The Clerk of the Circuit Court and Comptroller is, per statute, charged with obtaining criminal history checks of persons petitioning to change their name and providing those results for the Court's review. § 68.07(2)(a), Fla. Stat. The Clerk is also responsible for obtaining and maintaining level 2 background screenings on persons seeking to be appointed as professional guardians for the Court's review. § 744.3135, Fla. Stat. The Clerk receives the level 2 background checks, which contain records from the Federal Bureau of Investigation's Fingerprint Identification Records System (FIRS) and III System, from the Florida Department of Law Enforcement and the Federal Bureau of Investigation. Pursuant to federal regulation, "criminal history records received from the III System or FIRS shall only be used for the purpose requested" and may not be further disseminated. 28 C.F.R. § 20.33(d). Accordingly, criminal history and background checks obtained by the Clerk pursuant to sections 68.07(2)(a) and 744.3135 should not be open to public inspection.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

1. Pursuant to Florida Rule of General Practice and Judicial Administration 2.420(c)(7) and 28 C.F.R. § 20.33(d), the Clerk shall maintain the confidentiality of the criminal history and background checks filed for the Court's review in name change and guardianship cases.

DONE and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this
25th day of March, 2021.

A handwritten signature in black ink, reading "Krista Marx", is written over a faint circular seal. The seal contains the text "CLERK OF THE CIRCUIT COURT" and "PALM BEACH COUNTY, FLORIDA".

Krista Marx, Chief Judge