

## EMAIL CORRESPONDENCE

### Background & Analysis

Email correspondence relating to administrative matters (not service by email) is not subject to any special requirements and is treated the same as if it was a writing. Emails sent within one court's jurisdiction will almost always fall under one of the public records exemptions in Fla. R. Jud. Admin. 2.420(c). However, the Commentary to this rule seems to anticipate that some of the available exemptions may not apply to emails that sent or received outside a court's jurisdiction. "Each court should develop a means to properly make a record of non-exempt official business e-mail by either electronically storing the mail or by making a hard copy." Committee Note regarding 1995 Amendment, Fla. R. Jud. Admin.2.420.

Fla. R. Jud. Admin. 2.420(c) provides in part:

The following records of the judicial branch shall be confidential:

- (1) Trial and appellate court memoranda, drafts of opinions and orders, court conference records, notes, and other written materials of a similar nature prepared by judges or court staff acting on behalf of or at the direction of the court ... unless filed as a part of the court record;
- (2) Memoranda or advisory opinions that relate to the administration of the court and that require confidentiality to protect a compelling governmental interest....

Note: For information regarding service by email, please see Fla. R. Jud. Admin., Rule 2.516.