

By the Committee on Judiciary; and Senator Burt

308-1941-02

1 A bill to be entitled
2 An act relating to public-records exemptions
3 relating to the judiciary; creating s. 44.1026,
4 F.S.; providing for exemptions for social
5 security numbers in judicial records and for
6 communications and documents in presuit and
7 voluntary mediations; providing an effective
8 date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Social security numbers of individuals
13 collected, used or otherwise in the possession of the courts
14 and the clerks of the court in accordance with section 25.375,
15 Florida Statutes, are confidential and exempt from the
16 requirements of Section 24(a), Article I of the State
17 Constitution. This section is subject to the Open Government
18 Sunset Review Act of 1995 in accordance with section 119.15,
19 Florida Statutes, and shall stand repealed on October 2, 2007,
20 unless reviewed and saved from repeal through reenactment by
21 the Legislature.

22 Section 2. The Legislature finds that the
23 confidentiality and exemption from public records of social
24 security numbers is a public necessity because the public
25 availability of a person's social security number collected,
26 used, or otherwise possessed by the courts and the clerks of
27 the court and retained in public records can threaten a
28 person's safety, invade his or her privacy, lead to
29 unnecessary and illegal intrusion, and result in personal
30 identity theft. The Legislature further finds that persons,
31 however, are frequently involved in multiple or related court

1 actions. The collection of personal identifying information
2 such as social security numbers is integral to the development
3 and implementation of a unique identifier system that
4 facilitates the identification, coordination, management,
5 tracking and resolution of all related cases affecting these
6 persons and their families.

7 Section 3. Section 44.1026, Florida Statutes, is
8 created to read:

9 44.1026 Presuit and voluntary mediation; public
10 records exemption.--All oral or written communications or
11 documents, including written documents of the mediator, in a
12 presuit or voluntary mediation proceeding, are confidential
13 and exempt from the provisions of s. 119.07(1) and s. 24(a),
14 Art. I of the State Constitution. Such communications and
15 documents, however, may be disclosed upon the consent of all
16 participants to the presuit mediation or parties to the
17 voluntary mediation. Executed settlement agreements or
18 communications as provided in s. 44.1025(3) are neither
19 confidential nor exempt. This section is subject to the Open
20 Government Sunset Review Act of 1995 in accordance with s.
21 119.15, and shall stand repealed on October 2, 2007, unless
22 reviewed and saved from repeal through reenactment by the
23 Legislature.

24 Section 4. The Legislature finds that the
25 confidentiality and public records exemption for all oral and
26 written communications or documents in a presuit or voluntary
27 mediation is a public necessity in order to promote the
28 effective and efficient use of mediation and minimize court
29 involvement and intervention. Confidentiality enhances candor
30 and confidence in the mediation process such that participants
31 can develop creative solutions to the issues in dispute. The

1 Legislature also finds that the public policy provided for in
2 the promotion and use of presuit and voluntary mediations will
3 be served by the confidentiality and public records exemption
4 of the communications and documents made or created during the
5 mediation process.

6 Section 5. This act shall take effect July 1, 2002,
7 but it shall not take effect unless Committee Substitute for
8 SB 1226 and CS/SB 734 or similar legislation is enacted at the
9 2002 Regular Session or an extension thereof.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1648

- 14 -- Creates public records exemption for social
15 security numbers collected and used by the courts
16 and the clerks of the court for the purpose of
17 facilitating comprehensive case management,
18 processing; and resolution; and
19 -- Creates public records exemption for specified
20 communications and documents made during presuit
21 and voluntary mediations in order to promote the
22 use of mediations, minimize court involvement, and
23 enhance alternative dispute resolution options to
24 the adversarial process.
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