

By the Committee on Governmental Oversight and Productivity;  
and Senators Brown-Waite and Crist

302-2303-02

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A bill to be entitled

An act relating to public-records exemptions;  
exempting personal identifying information  
contained in armed forces military-separation  
forms from disclosure when held by the clerk of  
the court; providing exceptions; providing for  
future review and repeal; providing findings of  
public necessity; providing an effective date.

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

Section 1. Personal identifying information contained  
in the following forms held by the clerk is confidential and  
exempt from section 119.07(1), Florida Statutes, and Section  
24(a), Article I of the State Constitution: DD-214; DD-215; WD  
AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553.  
"Personal identifying information" includes the name, social  
security number, date of birth, home of record, and next of  
kin. The clerk of court may release a complete copy of any of  
these forms that include personal identifying information to  
the person named in the form as having served in the United  
States armed forces or his or her personal representative,  
executor, or court-appointed guardian. This section is subject  
to the Open Government Sunset Review Act of 1995 in accordance  
with section 119.15, Florida Statutes, and shall stand  
repealed on October 2, 2006, unless reviewed and saved from  
repeal through reenactment by the Legislature.

Section 2. The Legislature finds that exempting  
personal identifying information contained in  
military-separation forms is a public necessity because the  
availability of that information in public records, especially

1 when accessible on the internet, facilitates the crime of  
2 identity theft as well as permits the identification of  
3 specific individuals who have served in the armed forces,  
4 which information may be of use in planning for terrorist  
5 acts. The United States armed forces issues these forms to  
6 members of the armed forces that are being released from  
7 active military duty. The United States armed forces advises  
8 persons who are discharged to file these forms with the clerk  
9 of the court to ensure that there is a record of their service  
10 in the United States armed forces. These forms contain much  
11 information about these former military personnel. Personal  
12 identifying information contained in these forms, including  
13 names, social security numbers, date of birth, home of record,  
14 and next of kin, when revealed together on a single form, can  
15 be used to facilitate the crime of identity theft, especially  
16 when made available to the public, because such information  
17 can be used to convincingly recreate the identity of former  
18 military personnel. Successful identity theft may result in  
19 severe economic harm to former military personnel, as well as  
20 subject them to an invasion of privacy through access to  
21 medical or other personal files. As such, this personal  
22 identifying information must be made confidential and exempt.  
23 Further, given the increased threat of terrorism in the United  
24 States, and the large number of military personnel who choose  
25 to retire in Florida, terrorists could use the information  
26 contained in these forms to identify and target former  
27 military personnel and use such information in planning for  
28 terrorist acts. For example, terrorists may seek to avoid an  
29 area with a large concentration of former military personnel  
30 because those individuals may be armed and, given their  
31 military training, could threaten the success of a terrorist

1 action. In the alternative, terrorists could seek to target a  
2 neighborhood with a large number of military retirees in order  
3 to seek revenge against persons who have been in the frontline  
4 of United States military actions. As a result, the  
5 Legislature finds that it is a public necessity to make  
6 confidential and exempt the personal identifying information,  
7 including name, social security numbers, date of birth, home  
8 of record, and next of kin, which is contained in  
9 military-separation forms.

10 Section 3. This act shall take effect upon becoming a  
11 law.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 Senate Bill 980

16 Creates an exemption for personal identifying information in  
17 military separation forms filed with a clerk of court.

18 Authorizes the release of a form with personal identifying  
19 information in form to the person named in the form or his or  
20 her personal representative.

21 Creates a statement of public necessity.  
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