

By Representative Paul

1 A bill to be entitled
2 An act relating to public-records exemptions;
3 exempting personal identifying information
4 contained in armed forces military-separation
5 forms from disclosure when held by the clerk of
6 the court; providing exceptions; providing for
7 future review and repeal; providing findings of
8 public necessity; providing an effective date.

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

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12 Section 1. Personal identifying information contained
13 in the following forms held by the clerk of court is
14 confidential and exempt from section 119.07(1), Florida
15 Statutes, and Section 24(a), Article I of the State
16 Constitution: DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO
17 53-55; NAVMC 78-PD; and NAVPERS 553. "Personal identifying
18 information" includes the name, social security number, date
19 of birth, home of record, and next of kin. The clerk of court
20 may release a complete copy of any of these forms that include
21 personal identifying information to the person named in the
22 form as having served in the United States Armed Forces or his
23 or her personal representative, executor, or court-appointed
24 guardian. This section is subject to the Open Government
25 Sunset Review Act of 1995 in accordance with section 119.15,
26 Florida Statutes, and shall stand repealed on October 2, 2006,
27 unless reviewed and saved from repeal through reenactment by
28 the Legislature.

29 Section 2. The Legislature finds that exempting
30 personal identifying information contained in
31 military-separation forms is a public necessity because the

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

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

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13 LEGISLATIVE SUMMARY

14 Makes confidential and exempt from public-records
15 requirements personal identifying information in military
16 separation forms that are held by the Clerk of the Court.
Provides exemptions. Provides for future review and
17 repeal. Provides findings of public necessity.
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