

By Senator Brown-Waite

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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to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.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 and permits the identification of specific
3 individuals who have served in the armed forces, which
4 information may be of use in planning for terrorist acts. The
5 United States Armed Forces issues these forms to members of
6 the Armed Forces that are being released from active military
7 duty. The United States Armed Forces advises persons who are
8 discharged to file these forms with the clerk of the court to
9 ensure that there is a record of their service in the United
10 States Armed Forces. These forms contain much information
11 about these former military personnel. Personal identifying
12 information contained in these forms, including names, social
13 security numbers, date of birth, home of record, and next of
14 kin, when revealed together on a single form, can be used to
15 facilitate the crime of identity theft, especially when made
16 available to the public, because such information can be used
17 to convincingly recreate the identity of former military
18 personnel. Successful identity theft may result in severe
19 economic harm to former military personnel and subject them to
20 an invasion of privacy through access to medical or other
21 personal files. As such, this personal identifying information
22 must be made confidential and exempt. Further, given the
23 increased threat of terrorism in the United States and the
24 large number of military personnel who retire in Florida,
25 terrorists could use the information to identify and target
26 former military personnel and use such information in planning
27 terrorist acts. For example, terrorists may seek to avoid an
28 area with a large concentration of former military personnel
29 because those individuals may be armed and, given their
30 military training, could threaten the success of a terrorist
31 action. In the alternative, terrorists could seek to target a

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

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

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12 SENATE SUMMARY

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