

1 A bill to be entitled
2 An act relating to public records; amending s. 119.071,
3 F.S.; revising provisions relating to confidential and
4 exempt information that is or has been included in a court
5 file and may be included as part of the court record
6 available for public inspection and copying; providing
7 requirements with respect to a request for redaction;
8 revising provisions relating to confidential and exempt
9 information included in a document presented to the county
10 recorder for recording in the official records of the
11 county that may be made available as part of the official
12 record available for public inspection and copying;
13 revising provisions with respect to a request of a county
14 recorder to remove from an image or copy of an official
15 record confidential or exempt information contained in the
16 official record; providing an additional requirement with
17 respect to a request for redaction; specifying that
18 provisions which prohibit an agency from denying a
19 commercial entity specified access to social security
20 numbers and which impose a fine on public officers who
21 violate provisions relating to the confidentiality of
22 personal information specified in s. 119.071(5)(a), F.S.,
23 do not apply to the clerks of court or the county recorder
24 with respect to circuit records and official records;
25 removing provisions which require the clerk of the circuit
26 court and the county recorder, on January 1, 2007, and
27 thereafter, to keep complete bank account, debit, charge,
28 and credit card numbers exempt and social security numbers

29 confidential and exempt without any person having to
30 request redaction; requiring that, after a specified date,
31 a party or person who files a document with the clerk of
32 the court must redact any information deemed confidential
33 and exempt by state or federal law before filing the
34 document with the clerk of the court and provide a
35 statutory citation supporting the exemption; requesting
36 the Supreme Court to revise existing forms and to adopt a
37 standardized reference sheet of confidential information
38 for use in documents having information made confidential
39 and exempt from inspection; providing procedures and
40 requirements of clerks of court with respect to such
41 reference sheets; providing for sealing of documents in
42 court records; providing for the inspection of documents;
43 providing for challenge of the basis of redaction;
44 providing requirements of a clerk of court or county
45 comptroller with respect to the redaction of specified
46 information from a document from a court file or official
47 record published on a publicly available website;
48 providing procedures to be used when a person or party
49 files a confidential document taken from one court file to
50 be placed in another court file; requiring clerks of court
51 to display and publish specified notice of the
52 requirements of the act by a specified date; amending s.
53 55.01, F.S.; revising the required contents of a final
54 judgment; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

HB 1563

2006

57

58 Section 1. Paragraph (a) of subsection (5) of section
59 119.071, Florida Statutes, is amended to read:

60 119.071 General exemptions from inspection or copying of
61 public records.--

62 (5) OTHER PERSONAL INFORMATION.--

63 (a)1. The Legislature acknowledges that the social
64 security number was never intended to be used for business
65 purposes but was intended to be used solely for the
66 administration of the federal Social Security System. The
67 Legislature is further aware that over time this unique numeric
68 identifier has been used extensively for identity verification
69 purposes and other legitimate consensual purposes. The
70 Legislature is also cognizant of the fact that the social
71 security number can be used as a tool to perpetuate fraud
72 against a person and to acquire sensitive personal, financial,
73 medical, and familial information, the release of which could
74 cause great financial or personal harm to an individual. The
75 Legislature intends to monitor the commercial use of social
76 security numbers held by state agencies in order to maintain a
77 balanced public policy.

78 2. An agency shall not collect an individual's social
79 security number unless authorized by law to do so or unless the
80 collection of the social security number is otherwise imperative
81 for the performance of that agency's duties and responsibilities
82 as prescribed by law. Social security numbers collected by an
83 agency must be relevant to the purpose for which collected and
84 shall not be collected until and unless the need for social

85 security numbers has been clearly documented. An agency that
86 collects social security numbers shall also segregate that
87 number on a separate page from the rest of the record, or as
88 otherwise appropriate, in order that the social security number
89 be more easily redacted, if required, pursuant to a public
90 records request. An agency collecting a person's social security
91 number shall, upon that person's request, at the time of or
92 prior to the actual collection of the social security number by
93 that agency, provide that person with a statement of the purpose
94 or purposes for which the social security number is being
95 collected and used. Social security numbers collected by an
96 agency shall not be used by that agency for any purpose other
97 than the purpose stated. Social security numbers collected by an
98 agency prior to May 13, 2002, shall be reviewed for compliance
99 with this subparagraph. If the collection of a social security
100 number prior to May 13, 2002, is found to be unwarranted, the
101 agency shall immediately discontinue the collection of social
102 security numbers for that purpose.

103 3. Effective October 1, 2002, all social security numbers
104 held by an agency are confidential and exempt from s. 119.07(1)
105 and s. 24(a), Art. I of the State Constitution. This exemption
106 applies to all social security numbers held by an agency before,
107 on, or after the effective date of this exemption.

108 4. Social security numbers may be disclosed to another
109 governmental entity or its agents, employees, or contractors if
110 disclosure is necessary for the receiving entity to perform its
111 duties and responsibilities. The receiving governmental entity

112 and its agents, employees, and contractors shall maintain the
113 confidential and exempt status of such numbers.

114 5. An agency shall not deny a commercial entity engaged in
115 the performance of a commercial activity as defined in s. 14.203
116 or its agents, employees, or contractors access to social
117 security numbers, provided the social security numbers will be
118 used only in the normal course of business for legitimate
119 business purposes, and provided the commercial entity makes a
120 written request for social security numbers, verified as
121 provided in s. 92.525, legibly signed by an authorized officer,
122 employee, or agent of the commercial entity. The verified
123 written request must contain the commercial entity's name,
124 business mailing and location addresses, business telephone
125 number, and a statement of the specific purposes for which it
126 needs the social security numbers and how the social security
127 numbers will be used in the normal course of business for
128 legitimate business purposes. The aggregate of these requests
129 shall serve as the basis for the agency report required in
130 subparagraph 13 &. An agency may request any other information
131 reasonably necessary to verify the identity of the entity
132 requesting the social security numbers and the specific purposes
133 for which such numbers will be used; however, an agency has no
134 duty to inquire beyond the information contained in the verified
135 written request. A legitimate business purpose includes
136 verification of the accuracy of personal information received by
137 a commercial entity in the normal course of its business; use in
138 a civil, criminal, or administrative proceeding; use for
139 insurance purposes; use in law enforcement and investigation of

HB 1563

2006

140 crimes; use in identifying and preventing fraud; use in
141 matching, verifying, or retrieving information; and use in
142 research activities. A legitimate business purpose does not
143 include the display or bulk sale of social security numbers to
144 the general public or the distribution of such numbers to any
145 customer that is not identifiable by the distributor.

146 6. Any person who makes a false representation in order to
147 obtain a social security number pursuant to this paragraph, or
148 any person who willfully and knowingly violates this paragraph,
149 commits a felony of the third degree, punishable as provided in
150 s. 775.082 or s. 775.083. Any public officer who violates this
151 paragraph is guilty of a noncriminal infraction, punishable by a
152 fine not exceeding \$500. A commercial entity that provides
153 access to public records containing social security numbers in
154 accordance with this paragraph is not subject to the penalty
155 provisions of this subparagraph.

156 7.a. On or after October 1, 2002, a person preparing or
157 filing a document to be recorded in the official records by the
158 county recorder as provided for in chapter 28 may not include
159 any person's social security number in that document, unless
160 otherwise expressly required by law. If a social security number
161 is or has been included in a document presented to the county
162 recorder for recording in the official records of the county
163 before, on, or after October 1, 2002, it may be made available
164 as part of the official record available for public inspection
165 and copying.

166 b. Any person, or his or her attorney or legal guardian,
167 has the right to request that a county recorder remove, from an

HB 1563

2006

168 image or copy of an official record placed on a county
169 recorder's publicly available Internet website or a publicly
170 available Internet website used by a county recorder to display
171 public records or otherwise made electronically available to the
172 general public by such recorder, his or her social security
173 number contained in that official record. Such request must be
174 made in writing, legibly signed by the requester and delivered
175 by mail, facsimile, or electronic transmission, or delivered in
176 person, to the county recorder. The request must specify the
177 identification page number that contains the social security
178 number to be redacted. The county recorder has no duty to
179 inquire beyond the written request to verify the identity of a
180 person requesting redaction. A fee shall not be charged for the
181 redaction of a social security number pursuant to such request.

182 c. A county recorder shall immediately and conspicuously
183 post signs throughout his or her offices for public viewing and
184 shall immediately and conspicuously post, on any Internet
185 website or remote electronic site made available by the county
186 recorder and used for the ordering or display of official
187 records or images or copies of official records, a notice
188 stating, in substantially similar form, the following:

189 (I) On or after October 1, 2002, any person preparing or
190 filing a document for recordation in the official records may
191 not include a social security number in such document, unless
192 required by law.

193 (II) Any person has a right to request a county recorder
194 to remove, from an image or copy of an official record placed on
195 a county recorder's publicly available Internet website or on a

HB 1563

2006

196 publicly available Internet website used by a county recorder to
197 display public records or otherwise made electronically
198 available to the general public, any social security number
199 contained in an official record. Such request must be made in
200 writing and delivered by mail, facsimile, or electronic
201 transmission, or delivered in person, to the county recorder.
202 The request must specify the identification page number that
203 contains the social security number to be redacted. No fee will
204 be charged for the redaction of a social security number
205 pursuant to such a request.

206 d. Notwithstanding any other provision of law, any
207 information made confidential and exempt, if such information
208 ~~Until January 1, 2007, if a social security number, made~~
209 ~~confidential and exempt pursuant to this paragraph, or a~~
210 ~~complete bank account, debit, charge, or credit card number made~~
211 ~~exempt pursuant to paragraph (b)~~ is or has been included in a
212 court file, ~~such number~~ may be included as part of the court
213 record available for public inspection and copying unless
214 redaction is requested by the holder of such information ~~number~~,
215 or by the holder's attorney or legal guardian, in a signed,
216 legibly written request specifying the case name, case number,
217 document heading, and page number. The request must identify the
218 information to be redacted together with the statutory citation
219 designating the information as confidential or exempt. Such
220 request must be delivered by mail, facsimile, electronic
221 transmission, or in person to the clerk of the circuit court.
222 The clerk of the circuit court does not have a duty to inquire
223 beyond the written request to verify the identity of a person

HB 1563

2006

224 requesting redaction. A fee may not be charged for the redaction
225 of such information ~~a social security number or a bank account,~~
226 ~~debit, charge, or credit card number~~ pursuant to such request.

227 e. Any person who prepares or files a document to be
228 recorded in the official records by the county recorder as
229 provided in chapter 28 may not include a person's social
230 security number or complete bank account, debit, charge, or
231 credit card number in that document unless otherwise expressly
232 required by law. Notwithstanding any other provision of law, any
233 information made confidential and exempt, if such information
234 ~~Until January 1, 2007, if a social security number or a complete~~
235 ~~bank account, debit, charge, or credit card number~~ is or has
236 been included in a document presented to the county recorder for
237 recording in the official records of the county, ~~such number~~ may
238 be made available as part of the official record available for
239 public inspection and copying. Any person, or his or her
240 attorney or legal guardian, may request that a county recorder
241 remove from an image or copy of an official record ~~placed on a~~
242 ~~county recorder's publicly available Internet website, or a~~
243 ~~publicly available Internet website used by a county recorder to~~
244 ~~display public records outside the office or otherwise made~~
245 ~~electronically available outside the county recorder's office to~~
246 ~~the general public,~~ his or her confidential or exempt
247 information ~~social security number or complete account, debit,~~
248 ~~charge, or credit card number~~ contained in that official record.
249 Such request must be legibly written, signed by the requester,
250 and delivered by mail, facsimile, electronic transmission, or in
251 person to the county recorder. The request must specify the

HB 1563

2006

252 identification page number of the document that contains the
253 information number to be redacted and a statutory citation
254 designating the information as being confidential or exempt. The
255 county recorder does not have a duty to inquire beyond the
256 written request to verify the identity of a person requesting
257 redaction. A fee may not be charged for redacting such
258 information numbers.

259 f. Subparagraphs 5. 2- and 6. 3- do not apply to the
260 clerks of the court or the county recorder with respect to
261 circuit court records and official records.

262 g. On January 1, 2007, and thereafter, any party or person
263 who files a document with the clerk of the court must redact any
264 information deemed confidential and exempt by this chapter or
265 any other provision of state or federal law before filing the
266 document with the clerk of the court and provide the statutory
267 citation supporting the confidential or exempt status of the
268 redacted information.

269 ~~g. On January 1, 2007, and thereafter, the clerk of the~~
270 ~~circuit court and the county recorder must keep complete bank~~
271 ~~account, debit, charge, and credit card numbers exempt as~~
272 ~~provided for in paragraph (b), and must keep social security~~
273 ~~numbers confidential and exempt as provided for in subparagraph~~
274 ~~3., without any person having to request redaction.~~

275 8. The Supreme Court is requested to revise all existing
276 forms to facilitate the segregation of the collection of
277 information that is confidential and exempt from public
278 inspection. The Supreme Court is requested to adopt a
279 standardized reference sheet of confidential information for use

HB 1563

2006

280 in documents having information made confidential and exempt
281 from inspection by this chapter or any other provision of state
282 or federal law.

283 9. The clerk of the court shall make the reference sheet
284 available to the public at no cost and shall assist pro se
285 litigants in preparing the reference sheet. After a completed
286 reference sheet of confidential information is filed, the clerk
287 of the court shall seal the document in the court records.
288 However, the document may be inspected by any party to the case,
289 an attorney of record, and any governmental agency, including
290 any court or law enforcement agency, when carrying out its
291 assigned functions or a party otherwise authorized by the court.
292 Any party or person may challenge the basis for redaction as
293 provided in this section by petition to the court for an in
294 camera review of the redacted information and determination of
295 the confidential or exempt status of the information.

296 10. If a clerk of the court or county comptroller
297 publishes any document from a court file or official record as
298 may be otherwise authorized by law or court rule on a publicly
299 available website, the clerk or county comptroller must first
300 use his or her best efforts to redact all social security
301 numbers and complete bank account, debit, charge, and credit
302 card numbers from the document. Application of an automated
303 redaction program that captures at least 95 percent of
304 information to be redacted shall be considered a "best effort"
305 and in compliance with the requirement of this subparagraph.

306 11. If a person or party files a confidential and exempt
307 document taken from one court file to be placed into another

308 court file, the party or person filing the document has the
309 burden to identify which information must be redacted by the
310 clerk of the court. The person or party must include a reference
311 sheet of confidential information at the time of the filing.

312 12. No less than 30 days prior to January 1, 2007, notice
313 of the requirements pursuant to sub-subparagraph 7.g. and
314 subparagraphs 8. and 9. shall be conspicuously and clearly
315 displayed by the clerk of the court on the publicly available
316 Internet website on which images or copies of the county's
317 public records are placed and in the office of each clerk of the
318 court. In addition, no less than 30 days prior to January 1,
319 2007, the clerk of the court must publish, on two separate
320 dates, a notice of such requirements in a newspaper of general
321 circulation in the county where the clerk of court's office is
322 located as provided for in chapter 50. The notice shall state,
323 in substantially similar form, that any person or party who
324 files a document with the clerk of the court must redact any
325 information deemed confidential and exempt from the provisions
326 of this chapter or any other provision of state or federal law
327 before filing the document with the clerk of court and provide
328 the statutory citation that supports the confidential or exempt
329 status of the redacted information. The notice shall state that
330 the person or party must replace the redacted information with a
331 standardized reference sheet of confidential information. The
332 clerk of the court will make the reference sheet available at no
333 cost and will assist persons in preparing the reference sheet of
334 confidential information. After a reference sheet of

335 confidential information is completed and filed with the clerk,
 336 the clerk will seal the reference sheet.

337 ~~13.8.~~ Beginning January 31, 2004, and each January 31
 338 thereafter, every agency must file a report with the Secretary
 339 of State, the President of the Senate, and the Speaker of the
 340 House of Representatives listing the identity of all commercial
 341 entities that have requested social security numbers during the
 342 preceding calendar year and the specific purpose or purposes
 343 stated by each commercial entity regarding its need for social
 344 security numbers. If no disclosure requests were made, the
 345 agency shall so indicate.

346 ~~14.9.~~ Any affected person may petition the circuit court
 347 for an order directing compliance with this paragraph.

348 ~~15.10.~~ This paragraph does not supersede any other
 349 applicable public records exemptions existing prior to May 13,
 350 2002, or created thereafter.

351 ~~16.11.~~ This paragraph is subject to the Open Government
 352 Sunset Review Act in accordance with s. 119.15 and shall stand
 353 repealed October 2, 2007, unless reviewed and saved from repeal
 354 through reenactment by the Legislature.

355 Section 2. Subsection (2) of section 55.01, Florida
 356 Statutes, is amended to read:

357 55.01 Judgments; general form.--

358 (2) Each final judgment shall contain thereon the address
 359 and the date of birth ~~social security number~~, if known to the
 360 prevailing party, of each person against whom judgment is
 361 rendered. Errors in names, addresses, or date of birth ~~social~~

HB 1563

2006

362 | ~~security numbers~~ or failure to include same shall in no way
363 | affect the validity or finality of a final judgment.

364 | Section 3. This act shall take effect July 1, 2006.