

By Senator Argenziano

3-1232A-06

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           55.01, F.S.; requiring that a person's date of  
4           birth rather than social security number be  
5           included on a final judgment; amending s.  
6           119.071, F.S.; providing that if confidential  
7           and exempt information is or has been included  
8           in a court file or in a document filed as an  
9           official record, the information may be  
10          included as part of the court record or  
11          official record available for public inspection  
12          and copying unless redaction is requested by  
13          specified individuals; requiring the individual  
14          requesting redaction to designate the statutory  
15          citation making the information confidential  
16          and exempt; requiring that, after a specified  
17          date, a person who files a document with the  
18          clerk of the court must redact any information  
19          the person deems confidential and exempt by  
20          state or federal law before filing the document  
21          with the clerk of the court; requiring the  
22          person to replace the redacted information with  
23          a unique number cross-referenced to a separate  
24          reference sheet of confidential information;  
25          requesting the Supreme Court to revise existing  
26          forms and to adopt a standardized reference  
27          sheet of confidential information for use in  
28          documents having information made confidential  
29          and exempt from inspection; providing  
30          procedures to be used when a person files a  
31          confidential document taken from one court file

1 in order to place the document in another court  
2 file; requiring the clerk of the court to give  
3 notice by a specified date of the changes to  
4 the procedures for filing information that is  
5 confidential and exempt from inspection;  
6 requiring the clerk to place the notice on the  
7 Internet and to publish the notice in the  
8 newspaper; providing the contents of the  
9 notice; reenacting s. 1007.35(8)(b), F.S.,  
10 relating to access to information necessary to  
11 evaluate the effectiveness of delivered  
12 services from the Florida Partnership for  
13 Minority and Underrepresented Student  
14 Achievement, to incorporate the amendments made  
15 to s. 119.071, F.S., in a reference thereto;  
16 providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (2) of section 55.01, Florida  
21 Statutes, is amended to read:

22 55.01 Judgments; general form.--

23 (2) Each final judgment shall contain thereon the  
24 address and the date of birth ~~social security number~~, if known  
25 to the prevailing party, of each person against whom judgment  
26 is rendered. Errors in names, addresses, or dates of birth  
27 ~~social security numbers~~ or failure to include same shall in no  
28 way affect the validity or finality of a final judgment.

29 Section 2. Paragraph (a) of subsection (5) of section  
30 119.071, Florida Statutes, is amended to read:

31

1           119.071 General exemptions from inspection or copying  
2 of public records.--

3           (5) OTHER PERSONAL INFORMATION.--

4           (a)1. The Legislature acknowledges that the social  
5 security number was never intended to be used for business  
6 purposes but was intended to be used solely for the  
7 administration of the federal Social Security System. The  
8 Legislature is further aware that over time this unique  
9 numeric identifier has been used extensively for identity  
10 verification purposes and other legitimate consensual  
11 purposes. The Legislature is also cognizant of the fact that  
12 the social security number can be used as a tool to perpetuate  
13 fraud against a person and to acquire sensitive personal,  
14 financial, medical, and familial information, the release of  
15 which could cause great financial or personal harm to an  
16 individual. The Legislature intends to monitor the commercial  
17 use of social security numbers held by state agencies in order  
18 to maintain a balanced public policy.

19           2. An agency may ~~shall~~ not collect an individual's  
20 social security number unless authorized by law to do so or  
21 unless the collection of the social security number is  
22 otherwise imperative for the performance of that agency's  
23 duties and responsibilities as prescribed by law. Social  
24 security numbers collected by an agency must be relevant to  
25 the purpose for which collected and may ~~shall~~ not be collected  
26 until and unless the need for social security numbers has been  
27 clearly documented. An agency that collects social security  
28 numbers shall also segregate that number on a separate page  
29 from the rest of the record, or as otherwise appropriate, in  
30 order that the social security number be more easily redacted,  
31 if required, pursuant to a public records request. An agency

1 collecting a person's social security number shall, upon that  
2 person's request, at the time of or prior to the actual  
3 collection of the social security number by that agency,  
4 provide that person with a statement of the purpose or  
5 purposes for which the social security number is being  
6 collected and used. Social security numbers collected by an  
7 agency may ~~shall~~ not be used by that agency for any purpose  
8 other than the purpose stated. Social security numbers  
9 collected by an agency before ~~prior to~~ May 13, 2002, shall be  
10 reviewed for compliance with this subparagraph. If the  
11 collection of a social security number before ~~prior to~~ May 13,  
12 2002, is found to be unwarranted, the agency shall immediately  
13 discontinue the collection of social security numbers for that  
14 purpose.

15           3. Effective October 1, 2002, all social security  
16 numbers held by an agency are confidential and exempt from s.  
17 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
18 exemption applies to all social security numbers held by an  
19 agency before, on, or after the effective date of this  
20 exemption.

21           4. Social security numbers may be disclosed to another  
22 governmental entity or its agents, employees, or contractors  
23 if disclosure is necessary for the receiving entity to perform  
24 its duties and responsibilities. The receiving governmental  
25 entity and its agents, employees, and contractors shall  
26 maintain the confidential and exempt status of the ~~such~~  
27 numbers.

28           5. An agency may ~~shall~~ not deny a commercial entity  
29 engaged in the performance of a commercial activity as defined  
30 in s. 14.203 or its agents, employees, or contractors access  
31 to social security numbers, provided the social security

1 numbers will be used only in the normal course of business for  
2 legitimate business purposes, and provided the commercial  
3 entity makes a written request for social security numbers,  
4 verified as provided in s. 92.525, legibly signed by an  
5 authorized officer, employee, or agent of the commercial  
6 entity. The verified written request must contain the  
7 commercial entity's name, business mailing and location  
8 addresses, business telephone number, and a statement of the  
9 specific purposes for which it needs the social security  
10 numbers and how the social security numbers will be used in  
11 the normal course of business for legitimate business  
12 purposes. The aggregate of these requests shall serve as the  
13 basis for the agency report required in subparagraph 8. An  
14 agency may request any other information reasonably necessary  
15 to verify the identity of the entity requesting the social  
16 security numbers and the specific purposes for which the ~~such~~  
17 numbers will be used; however, an agency has no duty to  
18 inquire beyond the information contained in the verified  
19 written request. A legitimate business purpose includes  
20 verification of the accuracy of personal information received  
21 by a commercial entity in the normal course of its business;  
22 use in a civil, criminal, or administrative proceeding; use  
23 for insurance purposes; use in law enforcement and  
24 investigation of crimes; use in identifying and preventing  
25 fraud; use in matching, verifying, or retrieving information;  
26 and use in research activities. A legitimate business purpose  
27 does not include the display or bulk sale of social security  
28 numbers to the general public or the distribution of such  
29 numbers to any customer that is not identifiable by the  
30 distributor.

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1           6. Any person who makes a false representation in  
2 order to obtain a social security number pursuant to this  
3 paragraph, or any person who willfully and knowingly violates  
4 this paragraph, commits a felony of the third degree,  
5 punishable as provided in s. 775.082 or s. 775.083. Any public  
6 officer who violates this paragraph is guilty of a noncriminal  
7 infraction, punishable by a fine not exceeding \$500. A  
8 commercial entity that provides access to public records  
9 containing social security numbers in accordance with this  
10 paragraph is not subject to the penalty provisions of this  
11 subparagraph.

12           7.a. On or after October 1, 2002, a person preparing  
13 or filing a document to be recorded in the official records by  
14 the county recorder as provided for in chapter 28 may not  
15 include any person's social security number in that document,  
16 unless otherwise expressly required by law. If a social  
17 security number is or has been included in a document  
18 presented to the county recorder for recording in the official  
19 records of the county before, on, or after October 1, 2002, it  
20 may be made available as part of the official record available  
21 for public inspection and copying.

22           b. Any person, or his or her attorney or legal  
23 guardian, has the right to request that a county recorder  
24 remove, from an image or copy of an official record placed on  
25 a county recorder's publicly available Internet website or a  
26 publicly available Internet website used by a county recorder  
27 to display public records or otherwise made electronically  
28 available to the general public by such recorder, his or her  
29 social security number contained in that official record. The  
30 ~~Such~~ request must be made in writing, legibly signed by the  
31 requester and delivered by mail, facsimile, or electronic

1 transmission, or delivered in person, to the county recorder.  
2 The request must specify the identification page number that  
3 contains the social security number to be redacted. The county  
4 recorder has no duty to inquire beyond the written request to  
5 verify the identity of a person requesting redaction. A fee  
6 ~~may shall~~ not be charged for the redaction of a social  
7 security number pursuant to such request.

8 c. A county recorder shall immediately and  
9 conspicuously post signs throughout his or her offices for  
10 public viewing and shall immediately and conspicuously post,  
11 on any Internet website or remote electronic site made  
12 available by the county recorder and used for the ordering or  
13 display of official records or images or copies of official  
14 records, a notice stating, in substantially similar form, the  
15 following:

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

20 (II) Any person has a right to request a county  
21 recorder to remove, from an image or copy of an official  
22 record placed on a county recorder's publicly available  
23 Internet website or on a publicly available Internet website  
24 used by a county recorder to display public records or  
25 otherwise made electronically available to the general public,  
26 any social security number contained in an official record.  
27 Such request must be made in writing and delivered by mail,  
28 facsimile, or electronic transmission, or delivered in person,  
29 to the county recorder. The request must specify the  
30 identification page number that contains the social security  
31 number to be redacted. ~~A No fee may not will~~ be charged for

1 the redaction of a social security number pursuant to such a  
2 request.

3 d. Notwithstanding any other law, if any information  
4 made confidential and exempt ~~Until January 1, 2007, if a~~  
5 ~~social security number, made confidential and exempt pursuant~~  
6 ~~to this paragraph, or a complete bank account, debit, charge,~~  
7 ~~or credit card number made exempt pursuant to paragraph (b) is~~  
8 or has been included in a court file, this information ~~such~~  
9 ~~number~~ may be included as part of the court record available  
10 for public inspection and copying unless redaction is  
11 requested by the person to whom the information pertains  
12 ~~holder of such number~~, or by that person's ~~the holder's~~  
13 attorney or legal guardian, in a signed, legibly written  
14 request specifying the case name, case number, document  
15 heading, and page number. The request must identify the  
16 information to be redacted, together with the statutory  
17 citation designating the information as confidential or  
18 exempt, and must be delivered by mail, facsimile, electronic  
19 transmission, or in person to the clerk of the circuit court.  
20 The clerk of the circuit court does not have a duty to inquire  
21 beyond the written request to verify the identity of a person  
22 requesting redaction. A fee may not be charged for the  
23 redaction of the information ~~a social security number or a~~  
24 ~~bank account, debit, charge, or credit card number~~ pursuant to  
25 the ~~such~~ request.

26 e. Any person who prepares or files a document to be  
27 recorded in the official records by the county recorder as  
28 provided in chapter 28 may not include a person's social  
29 security number or complete bank account, debit, charge, or  
30 credit card number in that document unless otherwise expressly  
31 required by law. Notwithstanding any other law, if any



1 information made confidential and exempt ~~Until January 1,~~  
2 ~~2007, if a social security number or a complete bank account,~~  
3 ~~debit, charge, or credit card number~~ is or has been included  
4 in a document presented to the county recorder for recording  
5 in the official records of the county, this information ~~such~~  
6 ~~number~~ may be made available as part of the official record  
7 available for public inspection and copying. Any person, or  
8 his or her attorney or legal guardian, may request that a  
9 county recorder remove from an image or copy of an official  
10 record ~~placed on a county recorder's publicly available~~  
11 ~~Internet website, or a publicly available Internet website~~  
12 ~~used by a county recorder to display public records outside~~  
13 ~~the office or otherwise made electronically available outside~~  
14 ~~the county recorder's office to the general public,~~ his or her  
15 confidential or exempt information ~~social security number or~~  
16 ~~complete account, debit, charge, or credit card number~~  
17 contained in that official record. The ~~Such~~ request must be  
18 legibly written, signed by the requester, and delivered by  
19 mail, facsimile, electronic transmission, or in person to the  
20 county recorder. The request must specify the identification  
21 page number of the document that contains the information  
22 ~~number~~ to be redacted and a statutory citation designating the  
23 information as being confidential or exempt. The county  
24 recorder does not have a duty to inquire beyond the written  
25 request to verify the identity of a person requesting  
26 redaction. A fee may not be charged for redacting the  
27 information ~~such numbers~~.

28 f. Subparagraphs 5. ~~2.~~ and 7. ~~3.~~ do not apply to the  
29 clerks of the court or the county recorder with respect to  
30 circuit court records and official records.

31

1           g. On January 1, 2007, and thereafter, any party or  
2 person who files a document with the clerk of the court must  
3 redact any information deemed confidential and exempt by this  
4 chapter or any other provision of state or federal law before  
5 filing the document with the clerk of the court. The person or  
6 party must replace the redacted information with a unique  
7 number that is cross-referenced to a separate reference sheet  
8 of confidential information.

9           8. The Supreme Court is requested to revise all  
10 existing forms to facilitate the segregation of the collection  
11 of information that is confidential and exempt from public  
12 inspection. The Supreme Court is requested to adopt a  
13 standardized reference sheet of confidential information for  
14 use in documents having information made confidential and  
15 exempt from inspection by this chapter or any other provision  
16 of state or federal law.

17           9. The clerk of the court shall make the reference  
18 sheet available to the public at no cost and shall assist pro  
19 se litigants in preparing the reference sheet. After a  
20 completed reference sheet of confidential information is  
21 filed, the clerk of the court shall seal the document in the  
22 court records. However, the document may be inspected by any  
23 party to the case, an attorney of record, and any governmental  
24 agency, including any court or law enforcement agency, when  
25 carrying out its assigned functions or a party otherwise  
26 authorized by the court.

27           10. If a person or party files a confidential and  
28 exempt document taken from one court file to be placed into  
29 another court file, the party or person filing the document  
30 has the burden to identify which information must be redacted  
31 by the clerk of the court. The person or party must include a

1 reference sheet of confidential information at the time of the  
2 filing.

3 11. By December 1, 2006, the clerk of the court shall:

4 a. Conspicuously and clearly post a notice of the  
5 procedures required by this subsection on the publicly  
6 available Internet website on which images or copies of the  
7 public records of the county are placed. The same notice must  
8 also be displayed in each office of the clerk of the court.

9 b. Publish, on two separate dates, the notice of the  
10 required procedures in a newspaper of general circulation in  
11 the county where the office of the clerk of the court is  
12 located in a manner prescribed in chapter 50. Each notice must  
13 include the following:

14  
15 Any person who files a document with the clerk  
16 of the circuit court must redact any  
17 information that he or she believes is  
18 confidential and exempt from public inspection  
19 by state or federal law before filing the  
20 document with the clerk of the court. The  
21 person must replace the redacted information  
22 with a unique number that is cross-referenced  
23 to a reference sheet of separate confidential  
24 information. The clerk of the court will make  
25 the reference sheet available at no cost and  
26 will assist persons in preparing the reference  
27 sheet of confidential information. After a  
28 reference sheet of confidential information is  
29 completed and filed with the clerk, the clerk  
30 will seal the reference sheet. ~~the clerk of the~~  
31 ~~circuit court and the county recorder must keep~~

1           ~~complete bank account, debit, charge, and~~  
2           ~~credit card numbers exempt as provided for in~~  
3           ~~paragraph (b), and must keep social security~~  
4           ~~numbers confidential and exempt as provided for~~  
5           ~~in subparagraph 3., without any person having~~  
6           ~~to request redaction.~~

7           ~~12.8.~~ Beginning January 31, 2004, and each January 31  
8 thereafter, every agency must file a report with the Secretary  
9 of State, the President of the Senate, and the Speaker of the  
10 House of Representatives listing the identity of all  
11 commercial entities that have requested social security  
12 numbers during the preceding calendar year and the specific  
13 purpose or purposes stated by each commercial entity regarding  
14 its need for social security numbers. If no disclosure  
15 requests were made, the agency shall so indicate.

16           ~~13.9.~~ Any affected person may petition the circuit  
17 court for an order directing compliance with this paragraph.

18           ~~14.10.~~ This paragraph does not supersede any other  
19 applicable public records exemptions existing before ~~prior to~~  
20 May 13, 2002, or created thereafter.

21           ~~15.11.~~ This paragraph is subject to the Open  
22 Government Sunset Review Act in accordance with s. 119.15 and  
23 shall stand repealed October 2, 2007, unless reviewed and  
24 saved from repeal through reenactment by the Legislature.

25           Section 3. For the purpose of incorporating the  
26 amendments made by this act to section 119.071, Florida  
27 Statutes, in a reference thereto, paragraph (b) of subsection  
28 (8) of section 1007.35, Florida Statutes, is reenacted to  
29 read:

30           1007.35 Florida Partnership for Minority and  
31 Underrepresented Student Achievement.--

1           (8)  
2           (b) The department shall contribute to the evaluation  
3 process by providing access, consistent with s. 119.071(5)(a),  
4 to student and teacher information necessary to match against  
5 databases containing teacher professional development data and  
6 databases containing assessment data for the PSAT/NMSQT, SAT,  
7 AP, and other appropriate measures. The department shall also  
8 provide student-level data on student progress from middle  
9 school through high school and into college and the workforce,  
10 if available, in order to support longitudinal studies. The  
11 partnership shall analyze and report student performance data  
12 in a manner that protects the rights of students and parents  
13 as required in 20 U.S.C. s. 1232g and s. 1002.22.

14           Section 4. This act shall take effect July 1, 2006.

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16           \*\*\*\*\*

17           SENATE SUMMARY

18           Removes the social security number of each person against  
19 whom a final judgment is rendered and replaces it with  
20 the person's date of birth. Provides that if confidential  
21 and exempt information is or has been included in a court  
22 file or in a document filed as an official record, the  
23 information may be included as part of the court record  
24 or official record available for public inspection and  
25 copying unless redaction is requested by specified  
26 individuals. Requires the individual requesting redaction  
27 to designate the statutory citation making the  
28 information confidential and exempt. Requires that after  
29 a specified date, a person who files a document with the  
30 clerk of the court must redact any information the person  
31 deems confidential and exempt by state or federal law  
before filing the document with the clerk of the court.  
Requires the person to replace the redacted information  
with a unique number cross-referenced to a separate  
reference sheet of confidential information. Requests the  
Supreme Court to revise existing forms and to adopt a  
standardized reference sheet for use in cases with  
information made confidential and exempt. Requires the  
clerk of the court to give notice by a specified date of  
the changes to the procedures for filing confidential and  
exempt information.