

Senate Bill No. 24-E

An act relating to court records and official records maintained by the clerk of the court or the county recorder; providing a process for removal from official records certain specified armed forces military separation forms; providing requirements with respect thereto; requiring the county recorder to provide written notice; providing for the redaction of a social security number, and of a complete bank account, debit, charge, or credit card number that is part of a court record or official record; prohibiting a person preparing or filing an official record from including a person's social security number or a complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by law; providing for the redaction of such information; providing for the nonapplicability of subsections (3) and (4) of s. 119.072, created by CS/HB 1673, passed in the 2002 regular session, to clerks of the court and to county recorders with regard to court records and official records; repealing subsection (5) of s. 119.072; providing an effective date.

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

Section 1. Any veteran of the United States Armed Forces or his or her widow or widower, attorney, personal representative, executor, or court appointed guardian has the right to request that a county recorder remove from the official records any of the following forms recorded before, on, or after the effective date of this act, by or on behalf of the requesting veteran: DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553. The request must specify the identification page number of the form to be removed. The request shall be made in person and with appropriate identification to allow determination of the identity of the requested. The county recorder has no duty to inquire beyond the request to verify the identity of the person requesting the removal. No fee shall be charged for the removal. When the request for removal is made, the county recorder shall provide a written notice to the requesting party that the removal of the document from the official records is permanent and no further record of the document will exist in the official records of the county.

Section 2. Paragraph (ff) of subsection (3) of section 119.07, Florida Statutes, is created to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(ff)1. Until January 1, 2006, if a social security number, made confidential and exempt pursuant to s. 119.072, created pursuant to CS/HB 1673 passed during the 2002 regular legislative session, or a complete bank account, debit, charge, or credit card number made exempt pursuant to s. 119.07(ee), created pursuant to HB 1675 passed during the 2002 regular

legislative session, is or has been included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number, or by the holder's attorney or legal guardian, in a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the court. The clerk of the court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.

2. Any person who prepares or files a document to be recorded in the official records by the county recorder as provided in chapter 28, Florida Statutes, may not include a person's social security number or complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by law. Until January 1, 2006, if a social security number or a complete bank account, debit, charge or credit card number is or has been included in a document presented to the county recorder for recording in the official records of the county, such number may be made available as part of the official record available for public inspection and copying. Any person, or his or her attorney or legal guardian, may request that a county recorder remove from an image or copy of an official record placed on a county recorder's publicly available Internet website, or a publicly available Internet website used by a county recorder to display public records outside the office or otherwise made electronically available outside the county recorder's office to the general public, his or her social security number or complete account, debit, charge, or credit card number contained in that official record. Such request must be legibly written, signed by the requestor, and delivered by mail, facsimile, electronic transmission, or in person to the county recorder. The request must specify the identification page number of the document that contains the number to be redacted. The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for redacting such numbers.

3. Upon the effective date of this act, subsections (3) and (4) of s. 119.072, do not apply to the clerks of the court or the county recorder with respect to court records and official records.

4. On January 1, 2006, and thereafter, the clerk of the court and the county recorder must keep complete bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.07(3)(ee), and must keep social security numbers confidential and exempt as provided for in s. 119.072, without any person having to request redaction.

Section 3. Subsection (5) of s. 119.072, created by CS/HB 1673, passed in the 2002 regular session, is hereby repealed.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.