

Guidance on Public Records Laws

HB 1675

Non-disclosure of Bank Account, Credit, Debit and Charge Card Numbers

Chapter 2002-257, Laws of Florida



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DEFINITIONS

“Complete” Bank Account, Debit, Charge or Credit Card Number” means the number including every digit of such number (*i.e.*, when such numbers appear in the record with xxxx’s or with any numbers deleted, you do not have a complete number, and as such the number is not confidential).

“Held by an agency” means within the care, custody or control of the agency regardless of where it resides within the records held by such agency.

Summary

HB 1675 adds a paragraph to section 119.07, F.S., for the purpose of creating an exemption from public disclosure for bank account numbers, debit, charge and credit card numbers held by an agency. This exemption is retrospective and prospective. As written, this would make a Clerk/Comptroller or County Recorder responsible to prevent disclosure to the general public of any of these numbers in any form. There is no differentiation among Clerk/Comptroller or County Recorder functions and there is no distinction among agency records, court records or the Official Record.

As revised by SB 24-E, HB 1675 requires that complete bank account numbers, debit, charge and credit card numbers are open and available in court records and Official Records until 2006, unless redaction (permanent removal) is requested. The above-listed types of bank numbers in "agency" files are exempt from public disclosure.

Upon request for redaction, the rule of thumb is:

Court file—redact the requested number from the original court file and on *any* copies made of the document containing the number. This includes microfilm, intranet, and the like. Remove the number permanently.

Official Records—remove the requested number from image of the record on the publicly available Internet website, that site which is available outside your office.

Administrative/Personnel/Board Records—bank account numbers, charge, debit and credit card numbers are not to be disclosed. They are not available to any other entity.

These bank numbers are not confidential, but rather, not subject to public viewing. Therefore, only after a member of the public has identified a document for viewing would the Clerk/Comptroller need to review the document to determine if it contained one of the prohibited numbers. If a document contained a prohibited number, then that number would have to be blocked from public view. The imposition of this responsibility will prevent a Clerk/Comptroller from allowing a member of the general public from having free and full access to records held by the Clerks/Comptrollers in their "agency" capacity.

The legislation does not require any notices to be posted or published.

The legislation does not provide for any redaction request forms. However the form provided at the end of this guidance can be used for this purpose.

The legislation does not specify any penalties. It is assumed that regular penalties imposed by chapter 119, F.S., would apply.

The blanket prohibition on the disclosure of banking records in any form still applies to the Clerks/Comptrollers in their agency capacity, but only until January 1, 2006 when the prohibition extends to the Clerk/Comptroller and County Recorder in all capacities, but is limited to the complete bank account, debit, charge or credit card number.

IMPLEMENTATION BY CLERKS/COMPTROLLERS IN THEIR " AGENCY " CAPACITY

As written, **HB 1675** anticipates that the Clerk/Comptroller would remove any bank account, credit, debit or charge card numbers from an agency document before allowing a member of the public to review such a document containing such number.

NOTE: **A bank account number, debit, charge and credit card number need not be a complete number under HB 1675 to be one that must be kept closed.**

As written, HB 1675 anticipates that the Clerk/Comptroller would remove any of the aforementioned types of numbers from an agency document before allowing a member of the public to review such a document containing such number.

These numbers are not confidential, but rather, not subject to public viewing. Therefore, only after a member of the public has identified a document for viewing would the Clerk/Comptroller need to review such document to determine if it contained one of the prohibited numbers. If a document contained a prohibited number, then that number would have to be blocked from public view. The imposition of this responsibility will prevent a Clerk/Comptroller from allowing a member of the general public from having free and full access to records held by the Clerks/Comptrollers in their "agency" capacity. (See Guidance on **CS/HB 1673** for a discussion of the Clerk/Comptroller as an "agency.")

There is no commercial entity exemption in **HB 1675**.

There is also no penalty provision.

The following page is a form that can be reproduced and used as a request form for the removal of both bank numbers and social security numbers.

Request Form for Social Security or Account Number* Removal

*includes *complete* bank account, debit, charge, or credit card number

Date: _____

Name of Holder of SSN or Account Number: _____

Phone Number: (optional) _____

Relationship to Requester:

Self

Attorney, specify

Legal Guardian, specify

For Redaction/Removal of SSN or Account Number from an Official Record Image on a Publicly Available Internet website, please provide:

Instrument Number/Book and Page Number/Document Type

For Redaction/Removal of SSN or Account Number from Court Records, please specify:

Case Number/Document Name/Page Number

Signature: _____



For Office Use Only:

Date Request Received _____

Date Request Completed _____

Clerk Processing Request _____