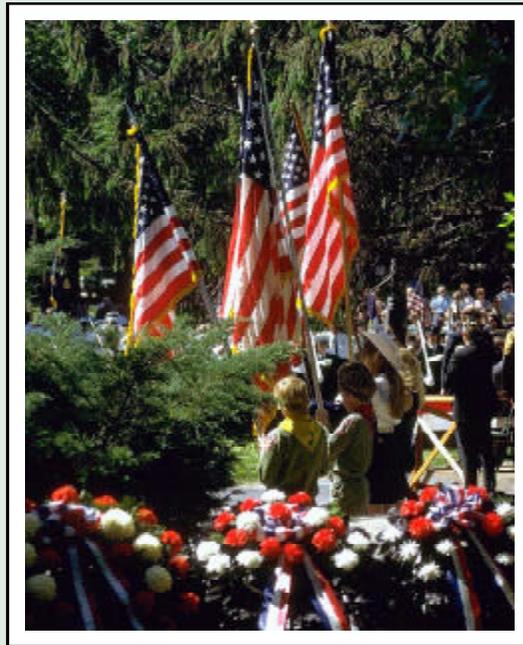


Guidance on Public Records Laws

SB 24-E

Veterans' Discharge Papers et. al.
Chapter 2002-391, Laws of Florida



INDEX

Definitions	3
Summary	4
Veterans' Records	5
Social Security Numbers Under SB 24-E	6
Banking Records Under SB 24-E	7
Commercial Exemption Under SB 24-E	8
Penalty Provisions of CS/HB 1673 Under HB 24-E	9
Notices	10
Request Form for Permanent Removal of Separation Document ...	13
Request Form for Social Security or Account Number Removal	14

DEFINITIONS

"**Official records**" are defined in s. 28.001 (1), F. S., to mean each instrument that the clerk of the circuit court is required or authorized to record in one general series called "Official Records" as provided for in s. 28.222, F.S.

"**Public records**" are defined in s. 28.001 (2), F.S., to have the same meaning as in s. 119.011, F.S., and includes each official record. Section 119.011 (1), F.S., provides that the term "**public records**" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

"**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).

"**Electronically available to the general public**" means any electronic mode of record publication *external* to the County Recorder's office, such as an Internet website, which is available to the public at large at no charge. By way of example, but not by way of limitation, this definition does not include Intranet sites, in-office Internet sites, microfilm, in-office viewing of any type, or subscription services.

"**Redaction**" means the *permanent* removal of identified information from a document.

"**Social security number**" means whatever number is given to the Clerk/Comptroller or County Recorder and identified as a person's social security number in a redaction request. The Clerk/Comptroller or County Recorder has no responsibility to determine whether the number identified in the request is actually a social security number.

SUMMARY

SB 24-E as passed in Special Session E of the 2002 Legislative Session, provided for the removal of veteran's discharge documents and clarification of the unintended consequences of both CS/HB 1673 and HB 1675. This bill was added to the call during special session and, in specific, provides that:

- Military discharge papers filed in the county Official Records are open and available unless the holder of the record or his or her widow, legal representative, executor, or court appointed guardian requests such paper be removed. At that point the discharge document is permanently "un-recorded" and the County Recorder is to provide a notice with the explanation that the record is no longer held with the county records. An example notice is included in this document.
- The privacy of social security numbers and complete bank account, credit, debit and charge card numbers, as provided for in HB 1675 and CS/HB 1673, is delayed until January 1, 2006, for such numbers contained in a court file or in an Official Record. The holder of the number may request redaction.
- Subsections (3) and (4) of section 119.072, F.S., as provided in CS/HB 1673 do not apply to Clerks of Court/Comptroller or County Recorders with respect to court records and Official Records. Subsection (3) provides for a verified form from a commercial entity. Subsection (4) provides penalties.
- Subsection (5) of section 119.072, F.S., is repealed. Subsection (5) provides for the social security numbers to be placed on separate attachments for court documents.
- On January 1, 2006, and thereafter, the Clerk of Court or County Recorder is required to keep complete social security numbers and complete bank account, credit, debit and charge card numbers confidential and exempt.

This bill is effective upon becoming a law.

VETERANS' RECORDS

- **SB 24-E** creates the right to request removal of certain military discharge document from the Official Record. Specifically, the following recorded documents may be permanently removed from the Official Record upon request:
 - DD-214
 - DD-215
 - WD AGO 53
 - WD AGO 55
 - WD AGO 53-55
 - NAVMC 78-PD
 - NAVPERS 553

- Removal is only upon the written request of the veteran, his or her widow or widower, attorney, personal representative, executor, or court appointed guardian.

- Requests must be in person and with appropriate identification.

- Requests must specify the "identification page number" of the document to be removed.

- No fee may be charged.

- A written notice must be provided by the Clerk/Comptroller or County Recorder to the requesting party informing them that once the request for removal is implemented, there will no longer be any record of the removed document in the Official Record and such process will be permanent and irreversible. Therefore, it would be wise for any requesting individual to obtain a certified copy, or two, of the subject document before removal is effected.

SOCIAL SECURITY NUMBERS UNDER SB 24-E

SB 24-E replaces certain portions of **CS/HB 1673** as they relate to the Clerk/Comptroller and County Recorder when they are dealing with court records and/or the Official Record. All provisions of **CS/HB 1673** relating to social security numbers held by the Clerks/Comptrollers in their *administrative capacity* remain unchanged by **SB 24-E**.

In Court Records BEFORE January 1, 2006:

CS/HB 1673 required that social security numbers be placed on separate sheets whenever such a number was part of a final judgment, court order or docket sheet. That separate sheet was to be segregated, not recorded and not held available to the general public. It was available to commercial entities and/or governmental entities. Under **SB 24-E**, section (5) of **CS/HB 1673**, which had set forth these requirements, was repealed. Therefore, there is no requirement for that separate sheet.

Until January 1, 2006, **SB 24-E** makes social security numbers contained in a court record open and available to the general public *unless* redaction/removal is requested. The holder of a social security number, the holder's attorney or legal guardian may request redaction/removal of such number from a court record in a signed, legibly written request. The request must include: (a) the case name; (b) the document heading; and (c) the page number.

This is substantially the same redaction/removal request procedure as set forth under **CS/HB 1673**. (Example Request Forms have been provided in the **CS/HB 1673** Guidance Document.)

In Court Records ON AND AFTER January 1, 2006:

The Clerk/Comptroller must keep social security numbers confidential *without* a redaction/removal request. This makes the responsibilities of the Clerk/Comptroller regarding social security numbers *after* January 1, 2006, under **SB 24-E**, the same as the responsibilities of any agency under **CS/HB 1673**. Consequently, after January 1, 2006, the Clerk/Comptroller will be prohibited from allowing disclosure of a social security number. (Remember, there is no longer a Commercial Entity Exemption as to court records.)

In The Official Record BEFORE January 1, 2006:

SB 24-E does not alter the responsibilities of the County Recorder that were set forth under **CS/HB 1673**. Specifically, a social security number contained in the Official Record (no matter where it is contained, including on a "publicly available Internet website") is open and available to the general public *unless* the holder, the holder's attorney or legal guardian request redaction/removal. Redaction/removal is still limited to the *image* on a "publicly available Internet website." (See the discussion in the Guidance Document on **CS/HB 1673**). **SB 24-E** does clarify the confusing language of "otherwise electronically available" and confirms that it refers to any display of public documents to the general public *outside* the County Recorder's office. The related definition provided in this Guidance is correct.

In The Official Record ON AND AFTER January 1, 2006:

The County Recorder must keep social security numbers confidential *without* a redaction/removal request. This makes the responsibilities of the County Recorder regarding social security numbers *after* January 1, 2006, under **SB 24-E**, the same as the responsibilities of any agency under **CS/HB 1673**. Consequently, after January 1, 2006, the County Recorder will be prohibited from disclosing a social security number in the Official Record. (Remember, there is no Commercial Entity Exemption as to the Official Record.)

Documents Containing Bank Numbers Under SB 24-E:

HB 1675 made all bank account, debit, charge and credit card numbers held by an agency exempt from disclosure with or without request. **SB 24-E** sets forth the public disclosure responsibilities of the Clerk/Comptroller and County Recorder regarding complete bank account, debit, charge or credit card numbers. **SB 24-E** did not alter the responsibilities of the Clerks/Comptrollers under **HB 1675** when performing their administrative functions. (See Guidance Document on **HB 1675** for details.)

In Court Records BEFORE January 1, 2006:

All complete bank account, debit, charge and credit card numbers included in a court record are open and available to the general public unless redaction/removal is requested by the holder of such number, the holder's attorney or legal guardian as set forth in **SB 24-E**.

In Court Records ON AND AFTER January 1, 2006:

The Clerk/Comptroller must keep all bank account, debit, charge and credit card numbers exempt from public disclosure *without* a redaction/removal request. This makes the responsibilities of the Clerk/Comptroller regarding banking record numbers *after* January 1, 2006, under **SB 24-E**, almost the same as the responsibilities of any agency under **HB 1675**. The difference between the Clerks/Comptrollers and the other agencies under **HB 1675** is that **SB 24-E** provides that after January 1, 2006 the responsibilities of the Clerks/Comptrollers regarding banking records are to the "complete" record whereas **HB 1675** is not limited to the complete record. (See the Guidance Document on **HB 1675**.)

In The Official Record BEFORE January 1, 2006:

SB 24-E makes it clear that if a complete bank account, debit, charge or credit card number is included in a document presented for recording, then that document is recorded and is open and available to the general public as part of the Official Record. Removal of such numbers is by written request and limited to redaction/removal from an *image* contained on a "publicly available Internet website."

In The Official Record ON AND AFTER January 1, 2006:

After January 1, 2006, the County Recorder must keep all complete bank account, debit, charge or credit card numbers exempt from public disclosure *without* a request for redaction/removal.

COMMERCIAL EXEMPTION UNDER SB 24-E

No commercial exemption exists for court records or the Official Record. It had been contained in section (3) of **CS/HB 1673**, but that section was made inapplicable to the Clerk/Comptroller and County Recorder with regard to court records and the Official Record.

PENALTY PROVISIONS OF CS/HB 1673 UNDER SB 24-E:

SB 24-E eliminates the penalty provisions of **CS/HB 1673** from the Clerk/Comptroller and County Recorder, but only with respect to court records and the Official Record. Therefore, the penalty provisions of **CS/HB 1673** still apply to the Clerks/Comptrollers when performing their administrative functions.

NOTICES

While SB 24-E does not require any media advertisement or specific wording for a form, short of the requirement to give a veteran a notice stating that his or her discharge papers are permanently "unrecorded" from the county's Official Records. The following forms are provided.

The first form is a notice which can be given to a veteran wishing his or her discharge document to be removed from the county Official Records.

The second form is that which can be used in the event you wish to advertise in your local paper, or other public forum.

The third form is a Removal Request form a veteran may fill out in order to have his or her documents permanently removed.

The fourth form is a combination form such that a person could identify either bank account or credit card numbers or social security numbers, or both. You may use this in lieu of the form provided in CS/HB 1673.

Notice to be provided in the office

NOTICE

In recognition that there is sensitive information contained in a military discharge document, the Clerks and Comptroller of Florida have worked to assist in the passage of SB 24-E as passed in the 2002 E Special Legislative Session to prevent identity theft and keep the veterans personal information protected.

Please be advised that once your request for removal is implemented, there will no longer be any record of the removed document in the Official Records and such process will be permanent and irreversible. Please obtain as many certified copies of your separation document as you might need in the future before removal is made.

Media notice

NOTICE

In recognition that there is sensitive information contained in a military discharge document, the Clerks and Comptroller of Florida have worked to assist in the passage of SB 24-E as passed in the 2002 E Special Legislative Session to prevent identity theft and keep the veterans personal information protected.

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 the Clerk/County Recorder to remove from the Official Records any military-separation forms recorded by or on behalf of the requesting veteran. The forms eligible for removal include: DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553.

The request must be made in person at the Clerk/County Recorder's Office. The requestor must present appropriate identification and be able to specify the identification page number of the form to be removed. No fee is charged for this service.

Place Office Name, Contact Person's Name and Address here

REQUEST FORM FOR PERMANENT REMOVAL
OF SEPARATION DOCUMENT

Date: _____

Name of Veteran: _____

Name of Requester: _____

Type of Identification Provided: _____

Phone Number: (optional) _____

Relationship to Veteran:

- Self
- Widow or Widower
- Attorney, specify
- Personal Representative, specify
- Executor, specify
- Court Appointed Guardian, specify

For Permanent Redaction/Removal of Separation from Military Service Document from the Official Records pursuant to SB 24-E, please provide:

Instrument Number/Book and Page Number

For Office Use Only:

Date Request Received _____

Date Request Completed _____

Clerk Processing Request _____

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 _____