

New Rule of Judicial Administration

July 01, 2011

New Rule of Judicial Administration 2.425 and Other Amendments Limiting the Filing of Extraneous Personal Information Becomes Effective October 1, 2011 On June 30, 2011, the Florida Supreme Court issued a decision adopting new Rule of Judicial Administration 2.245 (Minimization of the Filing of Sensitive Information) to govern the filing of sensitive personal information. The court also amended the Florida Rules of Civil Procedure, the Florida Rules of Judicial Administration, the Florida Rules of Criminal Procedure, the Florida Probate Rules, the Florida Rules of Appellate Procedure, and the Florida Family Law Rules of Procedure and forms, to require compliance with the new rule. *In re: Implementation of Committee on Privacy and Court Records Recommendations – Amendments to the Florida Rules of Civil Procedure; the Florida Rules of Judicial Administration; the Florida Rules of Criminal Procedure; the Florida Probate Rules; the Florida Small Claims Rules; the Florida Rules of Appellate Procedure; and the Florida Family Law Rules of Procedure*, Case No. SC08-2443 (Fla. June 30, 2011). New rule 2.245 and the amendments to the other rules will become effective on October 1, 2011. Rule 2.425 is intended to govern the filing of sensitive personal information in all types of cases, except traffic and criminal proceedings, and to avoid the filing of personal information that is not necessary for adjudication or case management. Rule 2.245 serves as a companion to Rule of Judicial Administration 2.420 (Public Access to Judicial Branch Records), which went into effect on October 1, 2010. Rule 2.425 provides the procedures for protecting personal information being filed with the court, while rule 2.420 governs the procedures for determining the confidentiality of information after it has been filed and for providing public access to non-confidential information. The following is a brief summary of new rule 2.425 and the amendments to the other rules. Under Rule 2.425(a) (Limitations for Court Filings), unless exempted by subdivision (b) (Exceptions), or authorized by statute, another rule or court order, which control over the rule 2.425 requirements, personal information of the type listed either must not be filed or must be truncated or redacted before filing. Under subdivisions (a)(1) and (a)(2), only the initials of a minor child and the year of birth of a person's birth date may be included in filings. Under subdivision (a)(3), no portion of a Social Security number, bank account number, credit card number, charge account number, or debit account number can be filed, unless the number falls within one of the subdivision (b) exceptions, or is authorized by statute, another rule, or court order. Under subdivision (a)(4), only the last four digits of taxpayer identification numbers, employee

identification numbers, driver's license numbers, passport numbers, telephone numbers and financial accounts numbers, brokerage account numbers, insurance policy account numbers, loan account numbers, customer account numbers, or patient or health care numbers are allowed. Under subsection (a)(5), only truncated versions of email addresses, computer names, passwords and personal identification (PIN) numbers are allowed. Pursuant to rule 2.425(e), sanctions are available for violations of subdivision (a). Rule 2.426(b) (Exceptions) allows for the filing of complete information under certain circumstances. For example, under subdivision (b)(1), (b)(5), and (b)(6), an account number that identifies the property which is the subject of the proceeding, the birth date of a minor whenever the birth date is necessary for the court to establish or maintain subject matter jurisdiction, and the name of a minor in any document or order affecting the minor's ownership of real property are exempt from subdivision (a) limitations. Under subdivision (b)(10), information that is relevant and material to an issue before the court is also exempt. New Rule of Appellate Procedure 9.050 (maintaining Privacy of Personal Data) requires all briefs, petitions, replies, appendices, motions, notices, stipulations, and responses filed with the court comply with rule 2.425. Amendments to the civil and family law discovery rules also incorporate the requirements of rule 2.425. In particular, Florida Rules of Civil Procedure 1.280, 1.310, 1.340 and 1.350 require that any discovery which contains personal information shall not be filed with the court unless the private information is redacted as required by rule 2.425. Family Law Rules 12.130(c), 12.540, and 12.620 are also amended to require compliance with rule 2.425. Civil judgment forms 1.988, 1.990, 1.991, 1.993, 1.994, and 1.995 are amended to require that only the last four digits of the judgment debtor's Social Security number be included in the judgment. The NOTE to civil judgment forms provides:

The address of the person who claims a lien as a result of the judgment must be included in the judgment in order for the judgment to become a lien on real estate when a certified copy of the judgment is recorded. Alternatively, an affidavit with this information may be simultaneously recorded. For the specific requirements, see section 55.10(1), Florida Statutes; *Hott Interiors, Inc. v. Fostock*, 721 So. 2d 1236 (Fla. 4th DCA 1998). The address and Social Security number (if known) of each person against whom the judgment is rendered must be included in the judgment, pursuant to section 55.01(2), Florida Statutes. However, for privacy reasons, only the last 4 digits of the Social Security number should be shown.

In other words, while the general provisions of new rule 2.425 prohibit the inclusion of any portion of a Social Security number in a court filing, the requirements of other rules or statutes, such as the requirement that the last four digits of a social security number be included in certain documents, control over conflicting requirements in the new rule. Therefore, Social Security numbers should be identified as ***-**-last four digits in final judgments. For further information, please contact [Nancy C. Ciampa](#)

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