

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: IMPLEMENTATION OF COMMITTEE ON PRIVACY  
AND COURT RECORDS RECOMMENDATIONS —  
AMENDMENTS TO THE FLORIDA RULES OF  
CIVIL PROCEDURE; 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           CASE NO. SC08-2443**

**COMMENT OF FLORIDA PROBATE RULES COMMITTEE**

The Florida Probate Rules Committee (Rules Committee) files this comment on the recommendations of the Committee on Access to Court Records (Access Committee) filed with this Court on December 22, 2008. The Rules Committee had previously recommended to the Access Committee that references to the decedent’s social security number in Florida Probate Rules 5.200(b), 5.210(b), and 5.260(b) be amended to refer to only the last four digits of the number. The Access Committee adopted the Rules Committee’s recommendations in its report to the Court in December. However, the Rules Committee has since noted an additional reference to the decedent’s social security number, in Rule 5.530(a)(2). At its January 2009 meeting, the PRC voted 30-0 to file a comment to the Access Committee’s report, recommending the additional change in subdivision (a)(2) to refer to only the last four digits of the social security number, and additional minor editorial changes to conform to similar changes recommended by the Access Committee. The recommended changes are as follows:

**RULE 5.530           SUMMARY ADMINISTRATION**

**(a) Petition.** The petition shall be verified and shall contain:

(1) [No Change]

(2) the name, and last known address of the decedent, last 4 digits of the decedent’s social security number, and date and place of death of the decedent, and the state and county of the decedent’s domicile;...

The Florida Bar Board of Governors recommended acceptance of this comment by a vote of 37-0.

The Probate Rules Committee respectfully requests that the Court accept this Comment to the Access Committee's report and amend the Florida Probate Rules as recommended herein.<sup>1</sup>

Respectfully submitted on April 9, 2009.

/s/ Frank T. Pilotte  
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<sup>1</sup>The Rules Committee also wishes to bring to the Court's attention some discrepancies and duplications in the Access Committee's December 22, 2008 report. Pages 68–76 of the report contain erroneous and duplicative material:

- (1) Rule 5.200 is missing updated text in subdivision (i) and in the Rule History and Statutory References.
- (2) Rule 5.210 appears twice (on pages 71–73 and again on pages 74–76). In the first iteration, text is underlined in the “2007 Revision” portion of the Rule History, and the Rule Reference to 5.240 is also underlined. This is existing text and should not be shown as new. Furthermore, it does not show the “2008 Revision” text proposed by the Access Committee. In the latter version, the 2008 Revision text is shown, but the (erroneously) underlined text in the first version does not appear at all, and the subdivisions do not reflect the current numbering scheme; the reference in the proposed “2008 Revision” Rule History should therefore be to subdivision (a)(2), not subdivision (b).

To assist the Court, the Rules Committee is attaching, as Appendix A to this comment, the text of Rules 5.200 and 5.210 as the Committee believes the Access Committee intended them to appear. The Rules Committee is also including the full text of Rule 5.530, showing the change recommended in the body of this comment.

READ-AGAINST CERTIFICATION

I certify that the rules referenced in this comment were read against *West's Florida Rules of Court – State* (2009).

CERTIFICATION AS TO FONT COMPLIANCE

I certify that this comment was prepared in MS Word using 14 point Times New Roman font.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail to the following persons on April 9, 2009:

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/s/ J. Craig Shaw  
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