

IN THE SUPREME COURT OF FLORIDA

IN RE: REPORT AND RECOMMENDATIONS CASE NO: 08-2443  
OF THE COMMITTEE ON PRIVACY  
AND COURT RECORDS

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COMMENTS TO THE REPORT

1. For probate with respect to Decedents, truncating the SSN is ill advised. The information is available online via the Social Security Death Master file compiled by the Social Security Administration, and legally disseminated by third party vendors, to wit:

<http://ssdi.rootsweb.ancestry.com/cgi-bin/ssdi.cgi>

2. For example, the late Supreme Court Justice Alan C. Sundberg died Jan. 26, 2002. The reader is invited to go to the above link, input the name, and viola, the SSN appears. In fact, for \$27.00, anyone can obtain the actual application for a Social Security card (Form SS-5--Social Security Number Record Third Party Request for Photocopy) submitted by the late Justice Sundberg.
3. Unless the Federal Government restricts SSN information for Decedents, it's not effective for the Florida Courts to do so; it presupposes those with nefarious intent are unaware of the availability of this information.
4. Invoking this rule in Probate will slow the processing of all Estates, especially for the first few years until creditors nationwide know not to include the full SSN in a Probate claim. Probate is the only division that routinely receives pleadings ("statements of claim") from creditors throughout the country.
5. The Supreme Court should overrule any Circuit Court administrative order which restricts SSN's for Decedents. We should have a uniform statewide policy.

6. One argument in favor of restricting the information in the Probate context even though the information is eventually available on-line is the brief lag time between this information being available on-line, and the time that it is filed in Probate, which is the time when the family may be least aware of the Decedent's finances, and the Estate most susceptible to financial fraud, but this is offset by the ridicule the media is likely to heap upon the Courts, by simply pointing out that SSN's for Decedents are available for free, anonymously, on-line, yet the Florida Supreme Court requires the information be truncated.
7. One final issue, and this applies to all the divisions: After the security breaches at ChoicePoint (now LexisNexis) were revealed to the public, many data providers began restricting access to their data, even for valid users of their service, such as legitimate private investigators. The most significant change has been the truncating of social security numbers. Instead of listing the complete SSN (999-99-9999), the SSN is listed as 999-99-xxxx. This means that the Courts are requiring the exact 4 digits that LexisNexis is truncating.

Respectfully submitted on April 7, 2009.

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Russell R. Winer  
Attorney at Law  
821 16<sup>th</sup> Street North  
Saint Petersburg, FL 33705-1236  
(727) 821-4000  
(866) 774-2476 (fax toll free)  
Florida Bar No. 517070

## Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been furnished by regular U.S. Mail to Hon. Judith Kreeger, Chair, Subcommittee on Access to Court Records, c/o Steve Henley, Office of the State Courts Administrator, Supreme Court Building, 500 South Duval Street, Tallahassee, FL 32399-1900; John S. Mills, Chair, Appellate Court Rules Committee, 865 May St., Jacksonville, Florida 32204-3310; Marianne A. Trussell, Chair, Civil Procedure Rules Committee, Dept. of Transportation MS 58, 605 Suwannee St., Tallahassee, Florida 32399-6544; Hon. Thomas H. Bateman, III, Chair, Criminal Procedure Rules Committee, 6551 Velda Dairy Road, Tallahassee, FL 32309-6322; Robyn L. Vines, Chair, Family Law Rules Committee, Ruden McClosky, 200 E. Broward Blvd., 15th Floor, Fort Lauderdale, Florida 33301-1963; David N. Silverstein, Chair, Juvenile Court Rules Committee, 501 E. Kennedy Blvd, Suite 1100, Tampa, Florida 33602-5242; Scott M. Dimond, Chair, Rules of Judicial Administration Committee, 2665 S. Bayshore Dr., Penthouse 2, Miami, Florida 33133; Frank T. Pilotte, Chair, Probate Rules Committee, 340 Royal Palm Way, Suite 100, Palm Beach, Florida 33480-4323; Hon. Debra Roberts, Chair, Small Claims Rules Committee, 7530 Little Rd., New Port Richey, Florida 34654-5598; Kathy A. Jimenez-Morales, Chair, Traffic Court Rules Committee, Dept. of Highway Safety MS 97, 2900 Apalachee Parkway, Rm A-201, Tallahassee, Florida 32399-6552 on April 7, 2009, and an electronic copy was filed in accordance with the Court's administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84.

### CERTIFICATE OF COMPLIANCE

I certify that these rules were read against Florida Rules of Court. I certify that this report was prepared in MS Word using 14 point Times New Roman font.

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Russell R. Winer  
Attorney at Law