



Clerk COMMUNICATION

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Date: September 28, 2009

FROM: Karen E. Rushing, Clerk of the Circuit Court and County Comptroller

RE: **Notice of the Collection, Use and Release of Social Security Numbers, Pursuant to Florida Statute 119.071**

Effective October 1, 2009, House Bill 7051 amends Florida Statute 119.071(5) requiring each agency to identify, in writing, the specific federal or state law governing the collection, use, or release of social security numbers (SSNs) for each purpose for which the agency collects SSNs, including any authorized exceptions that apply to such collection, use, or release. Each agency shall ensure that the collection, use, or release of SSNs complies with the specific applicable federal or state law. This list is provided to comply with this mandate.

Note: The Clerk of the Circuit Court is not a state agency when acting as an arm of the judiciary, and court records are not subject to the notice requirement of FS 119.071. Nevertheless, the court section of this notice is provided for your information.

Department	Legal Authority	Use of Social Security Number
Administration		
Human Resources / Payroll Department	42 USC § 405(c)(2)(A)	Social Security taxes, Medicare taxes, US federal income tax withholdings, W2, W4, 1099
	8 USC § 1324(a)	Federal I-9 (US Department of Homeland Security)
	Chapter 12, FAC	Unemployment Reports (FL Dept of Revenue)
	FS 409.2576 (3)	New hire's SSN forwarded to the Florida Department of Revenue - Child Support Enforcement
	Chapter 19, FAC	Florida Retirement Contribution reports (FL Dept of Revenue)
	Chapter 60, FAC	Workers Comp Claims (FCCRM and Department of Labor)
	26 USC § 403(b)	403b contribution reports
	26 USC § 401(k)	401k contribution reports
	26 USC § 457	457 contribution reports
	42 USC § 1395y(b)(7) & (8)	State sponsored insurance enrollment forms and reports (group health, life and dental coverage)
	Chapter 11, FAC	Background checks
	26 USC §1	Pretax benefits
Marriage	FS 741.04(1)	"No county court judge or clerk of the circuit court in this state shall issue a license for the marriage of any person unless there shall be first presented and filed with him or her an affidavit in writing, signed by both parties to the marriage, providing the social security numbers or any other available identification numbers of each party"
Official Records	FS 55.01(2)	"Each final judgment shall contain thereon the address and the social security number, if known to the prevailing party, of each person against whom judgment is rendered. Errors in names, addresses, or social security numbers or failure to include same shall in no way affect the validity or finality of a final judgment."
	FS 55.505 & 55.604	"At the time of the recording of a foreign judgment, the judgment creditor shall make and record with the clerk of the circuit court an affidavit setting forth the name, social security number, if know, and the last known post office address of the judgment debtor and of the judgment creditor."

Official Records	FS 689.02(2)	"The form for warranty deeds of conveyance to land shall include a blank space for the property appraiser's parcel identification number describing the property conveyed, which number, if available, shall be entered on the deed before it is presented for recording, and blank spaces for the social security numbers of the grantees named in the deed, if available, which numbers may be entered on the deed before it is presented for recording."
Passport	26 USC § 6039E	SSN required on passport application and for replacements
Courts		
	FS 39.812(5)	Termination of parental Rights (TPR) petition "must be accompanied by a statement, signed by the prospective adoptive parents, acknowledging receipt of all information required to be disclosed under s. 63.085 and a form provided by the department which details the social and medical history of the child and each parent and includes the social security number and date of birth for each parent, if such information is available or readily obtainable."
	FS 61.052(7)	"In the initial pleading for a dissolution of marriage as a separate attachment to the pleading, each party is required to provide his or her social security number and the full names and social security numbers of each of the minor children of the marriage." This document is kept in a manila envelope as confidential in the court file, and is removed from the file before public viewing of the file.
	FS 61.13, 61.14 & 61.181	Child support
	FS 88.3111 & 88.6021	Uniform Interstate Family Support Act – "A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act must . . . provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought."
	FS 98.093	List of mentally incapacitated persons, list of mental capacity restorations re voting, and list of jurors w/ returned summons indicating address changes from clerk to DOS shall contain SSNs
	FS 731.110(2)	"A caveat shall contain the decedent's social security number, last known residence address, and date of birth . . ."
	FS 732.901(1)	"The custodian of a will must deposit the will with the clerk of the court having venue of the estate of the decedent within 10 days after receiving information that the testator is dead. The custodian must supply the testator's date of death or social security number to the clerk upon deposit."
	FS 742.10	In determination of parentage cases, both parents must provide their SSNs on acknowledgments of paternity, consent affidavits, and stipulations of paternity.
	FS 744.3046(2)	"The written declaration must reasonably identify the declarant or declarants and the designated preneed guardian and must be signed by the declarant or declarants in the presence of at least two attesting witnesses present at the same time. The written declaration must also provide the following information for each minor child named in such declaration: the full name as it appears on the birth certificate or as ordered by a court, date of birth, and social security number, if any."
	FS 921.241(4)	SSNs required in felony judgments
	FS 960.292(3)	"The court shall enter separate civil restitution lien orders as appropriate in favor of the crime victims, the state, its local subdivisions, or aggrieved parties. The civil restitution lien order shall include the name of the convicted offender, the case number assigned to the applicable criminal case, and the names and social security numbers of the crime victim, state, its local subdivisions, or aggrieved parties, as appropriate."

	Civil court rules 1.977, 1.988, 1.990, 1.991, 1.993, 1.994, 1.995 & 1.996	SSNs required on a variety of civil forms
	Criminal court rules 3.125 & 3.140	SSN required on Notice to Appear Form, Personal Data
	Probate court rules 5.200, 5.210 & 5.260	SSNs required on petitions for administration, affidavits of no estate tax due, probates without administration, and caveats
	Small claims court rules 7.340 & 7.343	SSNs required on small claims forms
	Juvenile court rule 8.969	SSNs required on juvenile form
	Family law court rules 12.650, 12.902(j) & 12.912	SSNs required on family law forms
Finance		
	FS 717.117	SSNs required on reports of unclaimed property
	31 USC § 3332(g)	Direct deposit
	26 USC § 6109	Tax deed surplus claim, W-9 form
	26 USC § 60501 & 31 USC § 5331	Tax deed sale over \$10k, Form 8330
	26 USC § 6109	Request for ID#, W-9
	26 USC, § 1441, § 1442, § 6041, § 6045 & § 6049	Income Earned Reporting, Form 1099 (§ 6045 is the legal authority for 1099-S and attorney payments; § 1441, 1442 pertain to foreign payees on form 1042-S.)
	69I-22.003, FAC	Traveling expenses voucher
	Local State Attorney Requirement	SSN required on worthless check complaint forms

Last Updated 09/30/09

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