

OFFICE OF THE CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER 92-06

ADMINISTRATIVE ORDER AUTHORIZING RECORDING OF DEATH CERTIFICATES

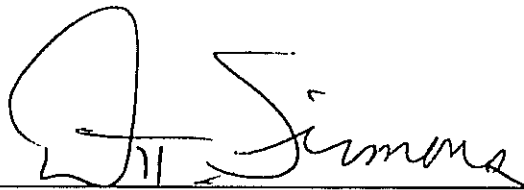
Under subsection 382.008(6), Florida Statutes, the cause of death section of all death and fetal death records is confidential and exempt from the provisions of subsection 119.07(1), Florida Statutes, except under limited circumstances. The Attorney's General's Opinion dated March 20, 1992 addressed to the attorney for Polk County Clerk of Circuit and County Courts states in sum, "Absent statutory authority or judicial direction, the Clerk of Court may not accept and record death certificates into the official records." As a result of the Opinion, the Clerks of Court in the Fourteenth Judicial Circuit need direction in recording certified copies of death certificates.

The practice of recording a certified copy of a death certificate has long been utilized in the State of Florida for both probate and real property matters. In particular, the recording of a certified copy of the death certificate of the deceased title holder has been recognized as a method for terminating a life estate in real property, vesting title in a surviving spouse to real property held as estates by the entirety or vesting title to real property in the co-owner of real property held as joint tenants with rights of survivorship. Based upon the foregoing, it is

ORDERED AND ADJUDGED: that the Clerks of the Circuit Court of

the Fourteenth Judicial Circuit of the State of Florida are hereby authorized in their discretion to record certified copies of death certificates which are presented for recordation. If the certified copy of the death certificate contains information deemed confidential by subsection 382.008(6), Florida Statutes, the filing party shall cover or in some manner conceal the cause-of-death section of the death certificate prior to its recordation. The Clerks of the Court may refuse to record a certified copy of a death certificate if the information deemed confidential by subsection 382.008(6), Florida Statutes, is readable.

DONE AND ORDERED this 12th day of October, 1992 at Panama City, Bay County, Florida.

A handwritten signature in black ink, appearing to read "Don T. Sirmons". The signature is written in a cursive style with a large initial "D".

DON T. SIRMONS, Chief Judge