

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 2.006

IN RE:

RECORDATION OF
DEATH CERTIFICATES

_____:

WHEREAS, it has become necessary for the 16th Judicial Circuit to institute a procedure to allow the Clerk of Court to accept and to record certified copies of death certificates under certain limitations as outlined herein below; and

WHEREAS, pursuant to F.S. 382.008(6), the cause-of-death section of all death and fetal death records is confidential and exempt from the provisions of F.S. 119.07(1) (except under limited circumstances); and

WHEREAS, on March 20, 1992, the Attorney General of the State of Florida issued an Opinion addressed to the attorney for Polk County Clerk of Circuit and County Courts, stating, in sum: "Absent statutory authority or judicial direction, the Clerk of Court may not accept and record death certificates into the official records;" and

WHEREAS, 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 titled holder has been recognized as 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-owners of real property held as joint tenants with rights of survivorship;

It is therefore ORDERED that:

1. The Clerk of the Court for the Sixteenth Judicial Circuit of the State of Florida is hereby authorized and directed to record certified copies of death certificates which are presented for recordation. If the certified copy of the death certificate contains information deemed confidential pursuant to F.S. 382.008(6), the filing party or the Clerk shall conceal the cause-of-death section of the death certificate prior to its recordation with a slip of paper stating:

"This section deleted per F.S. 382.008 and F.S. 382.025."

2. The Clerk of the Court may refuse to record a certified copy of a death certificate if the information deemed confidential by F.S. 382.008(6) is not covered and concealed as required herein.

DONE AND ORDERED at Plantation Key, Monroe County, Florida, this the 13 day of December, 1994.

J. Jefferson Overby
Chief Judge