

By the Committee on Banking and Insurance; and Senator Burt

311-1619-01

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public-records requirements for
4 certain information relating to abandoned
5 property which is contained in reports to the
6 Department of Banking and Finance under s.
7 717.117, F.S.; providing an exception to the
8 exemption; providing for future review and
9 repeal; providing findings of public necessity;
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Report of abandoned or unclaimed property;
15 public-records exemption.--The following information contained
16 in reports required under section 717.117, Florida Statutes,
17 is confidential and exempt from section 119.07(1), Florida
18 Statutes, and Section 24(a), Article I of the State
19 Constitution: social security numbers and financial account
20 numbers. Notwithstanding this exemption, social security
21 numbers shall be released for the limited purpose of locating
22 abandoned or unclaimed property owners to an attorney,
23 Florida-certified public account, or private investigator who
24 is duly licensed in this state. This section is subject to the
25 Open Government Sunset Review Act of 1995 in accordance with
26 section 119.15, Florida Statutes, and shall stand repealed
27 October 2, 2006, unless reviewed and saved from repeal through
28 reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public
30 necessity to make confidential and exempt the social security
31 numbers and financial account numbers of apparent owners of

1 abandoned or unclaimed property which are in the custody of
2 the Department of Banking and Finance to prevent
3 identity-theft and related crimes. The Legislature further
4 finds that this exemption is necessary to prevent the
5 information from use in forged documents demonstrating
6 entitlement to abandoned or unclaimed property and thereby
7 defrauding the rightful property owner or the State School
8 Fund. Notwithstanding the public necessity to make
9 confidential such information, it is necessary to provide
10 access to social security numbers to an attorney,
11 Florida-certified public accountant, and private investigator
12 duly licensed in this state to facilitate the location and
13 return of unclaimed property to rightful owners. The
14 Legislature further finds that attorneys, Florida-certified
15 public accountants, and private investigators are subject to
16 more stringent regulation and oversight than the public as a
17 whole. In addition, such professionals are the only persons
18 authorized to file claims on behalf of apparent owners of
19 abandoned or unclaimed property pursuant to chapter 717,
20 Florida Statutes.

21 Section 3. This act shall take effect October 1, 2001.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1280

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- 5 1. Narrows the public records exemption for information
6 related to reports of unclaimed property submitted to
7 the Department of Banking and Finance to include only
8 the social security number and the financial account
9 numbers of apparent owners of the abandoned property,
10 rather than the entire report. However, an attorney,
11 certified public accountant, or private investigator
12 licensed in Florida would continue to have access to
13 this information, if the information was used for the
14 limited purpose of locating unclaimed property or
15 unclaimed property owners.
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2. Revises the public necessity for the exemption of this
information from public records to provide that such an
exemption is necessary to prevent identity theft,
related crimes and the misuse of such information to
claim entitlement to property and defraud the rightful
property owner or the State. The release of this
confidential and exempt information to an attorney, a
certified public accountant or a private investigator is
necessary to facilitate the return of unclaimed property
to the rightful owners.