

Bill No. CS for CS for SB 1588

Amendment No. Barcode 702108

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Burt moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 119.072, Florida Statutes, is created to read:

119.072 Social Security number exemption.--

(1) Effective October 1, 2002, all social security numbers held by an agency or its agents, employees, or contractors are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency and its agents, employees, or contractors before, on, or after the effective date of this exemption.

(2) Social security numbers may be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and

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1 contractors shall maintain the confidential and exempt status
2 of such numbers.

3 (3) An agency shall not deny a commercial entity
4 engaged in the performance of a commercial activity as defined
5 in s. 14.203 or its agents, employees, or contractors access
6 to social security numbers, provided the social security
7 numbers will be used only in the normal course of business for
8 legitimate business purposes, and provided the commercial
9 entity makes a written request for social security numbers,
10 verified as provided in s. 92.525, legibly signed by an
11 authorized officer, employee, or agent of the commercial
12 entity. The verified written request must contain the
13 commercial entity's name, business mailing and location
14 addresses, business telephone number, and a statement of the
15 specific purposes for which it needs the social security
16 numbers and how the social security numbers will be used in
17 the normal course of business for legitimate business
18 purposes. The aggregate of these requests shall serve as the
19 basis for the agency report required in subsection (7). An
20 agency may request any other information as may be reasonably
21 necessary to verify the identity of the entity requesting the
22 social security numbers and the specific purposes for which
23 such numbers will be used, however, an agency has no duty to
24 inquire beyond the information contained in the verified
25 written request. A legitimate business purpose includes
26 verification of the accuracy of personal information received
27 by a commercial entity in the normal course of its business;
28 use in a civil, criminal, or administrative proceeding; use
29 for insurance purposes; use in law enforcement and
30 investigation of crimes; use in identifying and preventing
31 fraud; use in matching, verifying, or retrieving information;

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1 and use in research activities. A legitimate business purpose
2 does not include the display or bulk sale of social security
3 numbers to the general public or the distribution of such
4 numbers to any customer that is not identifiable by the
5 distributor.

6 (4) Any person who makes a false representation in
7 order to obtain a social security number pursuant to this
8 section, or any person who willfully and knowingly violates
9 the provisions of this section, commits a felony of the third
10 degree, punishable as provided in s. 775.082 or s. 775.083.
11 Any public officer who violates any provision of this section
12 is guilty of a noncriminal infraction, punishable by a fine
13 not exceeding \$500. A commercial entity that provides access
14 to public records containing social security numbers in
15 accordance with this section, is not subject to the penalty
16 provisions of this subsection.

17 (5) On or after October 1, 2002, if any final
18 judgment, court order, or docket sheet contains a social
19 security number, then that number shall be entered on a
20 separate page from the rest of the judgment, order, or docket
21 sheet and shall be maintained as a separate attachment, which
22 shall not be filed with or recorded by the county recorder in
23 the official records. The separate attachments containing
24 social security numbers are available to other governmental
25 entities and to commercial entities as provided for in this
26 section. Except for final judgments, court orders, or docket
27 sheets, if a social security number is or has been otherwise
28 included in a court file before, on, or after October 1, 2002,
29 such number may be included as part of the court record
30 available for public inspection and copying unless redaction
31 is requested by the holder of the social security number, or

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1 his or her attorney or legal guardian, in a legibly signed
2 written request specifying the case name, case number, and the
3 document heading and page number, and delivered by mail,
4 facsimile, or electronic transmission, or delivered in person,
5 to the clerk of the court. The clerk of the court shall have
6 no duty to inquire beyond the written request to verify the
7 identity of a person requesting redaction. No fee will be
8 charged for the redaction of a social security number pursuant
9 to such request.

10 (6)(a) On or after October 1, 2002, no person
11 preparing or filing a document to be recorded in the official
12 records by the county recorder as provided for in chapter 28
13 may include any person's social security number in that
14 document, unless otherwise expressly required by law. If a
15 social security number is or has been included in a document
16 presented to the county recorder for recording in the official
17 records of the county before, on, or after October 1, 2002, it
18 may be made available as part of the official record available
19 for public inspection and copying.

20 (b) Any person, or his or her attorney or legal
21 guardian, has the right to request that a county recorder
22 remove, from an image or copy of an official record placed on
23 a county recorder's publicly available Internet website or a
24 publicly available Internet website used by a county recorder
25 to display public records or otherwise made electronically
26 available to the general public by such recorder, his or her
27 social security number contained in that official record.
28 Such request must be made in writing, legibly signed by the
29 requestor and delivered by mail, facsimile, or electronic
30 transmission, or delivered in person, to the county recorder.
31 The request must specify the identification page number that

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1 contains the social security number to be redacted. The
2 county recorder shall have no duty to inquire beyond the
3 written request to verify the identity of a person requesting
4 redaction. No fee will be charged for the redaction of a
5 social security number pursuant to such request.

6 (c) A county recorder shall immediately and
7 conspicuously post signs throughout his or her offices for
8 public viewing; shall immediately and conspicuously post a
9 notice on any Internet website or remote electronic site made
10 available by the county recorder and used for the ordering or
11 display of official records or images or copies of official
12 records; and shall, prior to October 1, 2002, publish on two
13 separate dates in a newspaper of general circulation in the
14 county where the county recorder's office is located as
15 provided for in chapter 50, a notice, stating, in
16 substantially similar form, the following:

17 1. On or after October 1, 2002, any person preparing
18 or filing a document for recordation in the official records
19 may not include a social security number in such document,
20 unless required by law.

21 2. Any person has a right to request a county recorder
22 to remove, from an image or copy of an official record placed
23 on a county recorder's publicly available Internet website or
24 on a publicly available Internet website used by a county
25 recorder to display public records or otherwise made
26 electronically available to the general public, any social
27 security number contained in an official record. Such request
28 must be made in writing and delivered by mail, facsimile, or
29 electronic transmission, or delivered in person, to the county
30 recorder. The request must specify the identification page
31 number that contains the social security number to be

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1 redacted. No fee will be charged for the redaction of a
2 social security number pursuant to such a request.

3 (7) Beginning January 31, 2004, and each January 31
4 thereafter, every agency must file a report with the Secretary
5 of State, the President of the Senate, and the Speaker of the
6 House of Representatives listing the identity of all
7 commercial entities that have requested social security
8 numbers during the preceding calendar year and the specific
9 purpose or purposes stated by each commercial entity regarding
10 its need for social security numbers. If no disclosure
11 requests were made, the agency shall so indicate.

12 (8) The Legislature acknowledges that the social
13 security number was never intended to be used for business
14 purposes but was intended to be used solely for the
15 administration of the federal Social Security System. The
16 Legislature is further aware that over time this unique
17 numeric identifier has been used extensively for identity
18 verification purposes and other legitimate consensual
19 purposes. The Legislature is also cognizant of the fact that
20 the social security number can be used as a tool to perpetuate
21 fraud against a person and to acquire sensitive personal,
22 financial, medical, and familial information, the release of
23 which could cause great financial or personal harm to an
24 individual. The Legislature intends to monitor the commercial
25 use of social security numbers held by state agencies in order
26 to maintain a balanced public policy.

27 (9) An agency shall not collect an individual's social
28 security number unless authorized by law to do so or unless
29 the collection of the social security number is otherwise
30 imperative for the performance of that agency's duties and
31 responsibilities as prescribed by law. Social security numbers

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1 collected by an agency must be relevant to the purpose for
2 which collected and shall not be collected until and unless
3 the need for social security numbers has been clearly
4 documented. An agency that collects social security numbers
5 shall also segregate that number on a separate page from the
6 rest of the record, or as otherwise appropriate, in order that
7 the social security number be more easily redacted, if
8 required, pursuant to a public records request. An agency
9 collecting a person's social security number shall, upon that
10 person's request, at the time of or prior to the actual
11 collection of the social security number by that agency,
12 provide that person with a statement of the purpose or
13 purposes for which the social security number is being
14 collected and used. Social security numbers collected by an
15 agency shall not be used by that agency for any purpose other
16 than the purpose stated. Social security numbers collected by
17 an agency prior to the effective date of this act shall be
18 reviewed for compliance with this subsection. If the
19 collection of a social security number prior to the effective
20 date of this act is found to be unwarranted, the agency shall
21 immediately discontinue the collection of social security
22 numbers for that purpose.

23 (10) Any affected person may petition the circuit
24 court for an order directing compliance with this section.

25 (11) The provisions of this section do not supersede
26 any other applicable public records exemptions existing prior
27 to the effective date of this act or created thereafter.

28 (12) This section is subject to the Open Government
29 Sunset Review Act of 1995 in accordance with s. 119.15, and
30 shall stand repealed October 2, 2007, unless reviewed and
31 saved from repeal through reenactment by the Legislature.

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1 Section 2. The Legislature finds that it is a public
2 necessity that social security numbers held by an agency be
3 made confidential and exempt from public disclosure because
4 such numbers are of a sensitive personal nature and are often
5 the link to an individual's personal, financial, medical, or
6 familial records. The social security number is the only
7 nationwide, unique numeric form of identification in existence
8 in the United States. Release of a social security number is
9 of concern due to the amount of sensitive personal information
10 which can be acquired by its use. The disclosure of such
11 number can provide access to private information about a
12 person which could be used to perpetrate fraud upon that
13 person or otherwise cause great harm to that person and his or
14 her family. Additionally, public disclosure of the social
15 security number constitutes an unwarranted invasion into the
16 life and personal privacy of a person. Thus, the harm from
17 disclosing such number outweighs any public benefit that can
18 be derived from widespread and unregulated public access to
19 such number. However, responsible commercial use of the
20 social security number does not result in personal or
21 financial harm to a person but allows more complete identity
22 verification, thereby enhancing the mutual benefits of the
23 commercial relationship. Accordingly, the Legislature finds
24 that an exception to the exemption for commercial entities is
25 warranted.

26 Section 3. This act shall take effect upon becoming
27 law. For purposes of codifying the Florida Statutes 2002, the
28 Division of Statutory Revision of the Office of Legislative
29 Services is directed to substitute the effective date of the
30 CS for CS for Senate Bill 1588 or similar legislation for the
31 language "the effective date of this act" as used in

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1 subsections (9) and (11) of this act.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9

A bill to be entitled

10 An act relating to a public records exemption
11 for social security numbers; creating s.
12 119.072, F.S.; creating an exemption from
13 public records requirements for all social
14 security numbers held by an agency or its
15 agents, employees, or contractors; providing
16 exceptions to the exemption; providing
17 conditions under which social security numbers
18 may be provided to a commercial entity;
19 providing for civil and criminal penalties;
20 providing requirements and restrictions with
21 respect to collection and disclosure of social
22 security numbers by an agency; providing for
23 review of social security numbers collected
24 prior to the effective date of the exemption;
25 restricting the release of social security
26 numbers contained in official records;
27 providing certain notice requirements and
28 requiring publication of notice by county
29 recorders; requiring annual agency reports;
30 providing for future review and repeal;
31 providing retroactive application of the

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1 exemption; providing a statement of public
2 necessity; providing an effective date.
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