

By the Committee on Governmental Oversight and Productivity;
and Senator Burt

302-2127-02

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A bill to be entitled
An act relating to a public records exemption
for social security numbers; creating s.
119.072, F.S.; creating an exemption from
public records requirements for all social
security numbers held by an agency or its
agents, employees, or contractors; providing
exceptions to the exemption; providing
conditions under which social security numbers
may be provided to a commercial entity;
providing for civil and criminal penalties;
providing for review of social security numbers
collected prior to the effective date of the
exemption; restricting the release of social
security numbers contained in official records;
providing certain notice requirements and
requiring publication of notice by county
recorders; requiring annual agency reports;
providing for future review and repeal;
providing retroactive application of the
exemption; providing a statement of public
necessity; providing an effective date.

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

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

1 s. 24(a), Art. I of the State Constitution. This exemption
2 applies to all social security numbers held by an agency and
3 its agents, employees, or contractors before, on, or after the
4 effective date of this exemption.

5 (2) Social security numbers may be disclosed to
6 another governmental entity or its agents, employees, or
7 contractors if disclosure is necessary for the receiving
8 entity to perform its duties and responsibilities. The
9 receiving governmental entity and its agents, employees, and
10 contractors shall maintain the confidential and exempt status
11 of such numbers.

12 (3) An agency shall not deny a commercial entity
13 engaged in the performance of a commercial activity as defined
14 in s. 14.203, or its agents, employees, or contractors, access
15 to social security numbers, as long as the social security
16 numbers will be used only in the normal course of business for
17 legitimate business purposes and the commercial entity makes a
18 written request for social security numbers legibly signed by
19 an authorized officer, employee, or agent of the commercial
20 entity. The written request must contain the commercial
21 entity's name, business mailing and location addresses,
22 business telephone number, and a statement of the specific
23 purposes for which it needs the social security numbers and
24 how the social security numbers will be used in the normal
25 course of business for legitimate business purposes. The
26 aggregate of these requests shall form the basis for the
27 agency report required by subsection (7). An agency may
28 request any other information as is reasonably necessary to
29 verify the identity of the entity requesting the social
30 security numbers and the specific purposes for which such
31 numbers will be used. A legitimate business purpose includes

1 verification of the accuracy of personal information received
2 by a commercial entity in the normal course of its business;
3 use in a civil, criminal, or administrative proceeding; use
4 for insurance purposes; use in law enforcement and
5 investigation of crimes; use in identifying and preventing
6 fraud; use in matching, verifying, or retrieving information;
7 and use in research activities. A legitimate business purpose
8 does not include the display or bulk sale of social security
9 numbers to a noncommercial entity.

10 (4) Any person who makes a false representation in
11 order to obtain a social security number pursuant to this
12 section, or any person who willfully and knowingly violates
13 the provisions of this section, commits a felony of the third
14 degree, punishable as provided in s. 775.082 or s. 775.083.
15 Any public officer who violates any provision of this section
16 is guilty of a noncriminal infraction, punishable by a fine
17 not exceeding \$500.

18 (5) Notwithstanding any other provision of law to the
19 contrary, on or after October 1, 2002, no final judgment,
20 court order, or docket sheet may contain a social security
21 number. If the court determines that it is imperative that a
22 social security number be included in a final judgment, court
23 order, or docket sheet, that number shall be entered on a
24 separate page from the rest of the judgment, order, or docket
25 sheet in order to facilitate the redaction of all social
26 security numbers from such records, if necessary, pursuant to
27 a public-records request to inspect or copy such judgment,
28 order, or docket sheet.

29 (6)(a) On or after October 1, 2002, no person
30 preparing or filing a document to be recorded in the official
31 records by the county recorder as provided for in chapter 28

1 may include any person's social security number in that
2 document, unless otherwise expressly required by law. If a
3 person is required by law to include a social security number
4 in a document to be recorded, that number and the name of the
5 person to whom the number belongs shall be included on a
6 separate page, segregated from the contents of the rest of the
7 document.

8 (b) A hard copy of a document recorded in the official
9 records on or after October 1, 2002, provided by the county
10 recorder shall not include any attached page containing a
11 social security number, except as otherwise provided in this
12 section. A social security number contained in a document
13 recorded in the official records prior to October 1, 2002, and
14 stored in microfiche or microfilm need not be redacted by the
15 county recorder prior to a person's inspection or copying of
16 that official record. If a county recorder stores official
17 records recorded on or after October 1, 2002, in microfiche or
18 microfilm, any attached page containing a social security
19 number must be adequately segregated in order that such number
20 not be available for inspection or copying, except as
21 otherwise provided in this section. On or after October 1,
22 2002, if a county recorder makes official records available
23 for inspection or copying in an electronic format, including
24 over a publicly available Internet website, any social
25 security number attached separately to an official record
26 recorded on or after October 1, 2002, shall not be included in
27 such electronic transmission or made available over a publicly
28 available Internet website, except as otherwise provided in
29 this section.

30 (c) If a county recorder can within current resources
31 and with current technological capabilities, remove social

1 security numbers from official records made available
2 electronically, including over a publicly available Internet
3 website, irrespective of when the document was recorded, the
4 county recorder must do so. As county recorders acquire
5 improved computer technology and upgrade their computer
6 capabilities, consideration must be given to the ability of
7 such programs or software to identify social security numbers
8 contained in official records so that such numbers can be
9 readily redacted.

10 (d) Any person has a right to request, in writing,
11 that a county recorder remove from an image or copy of an
12 official record placed on a publicly available Internet
13 website or otherwise made available electronically any social
14 security number contained in that official record. Such
15 request must be made in writing and delivered by mail,
16 facsimile, or electronic transmission, or in person. The
17 request must identify the official record book number and page
18 number that contains the social security number to be
19 redacted. No fee will be charged for the redaction of a
20 social security number pursuant to such request.

21 (e) A county recorder shall immediately and
22 conspicuously post signs throughout his or her offices for
23 public viewing; shall immediately and conspicuously post a
24 notice on any Internet website or remote electronic site made
25 available by the county recorder and used for the ordering or
26 display of official records or images or copies of official
27 records; and shall, prior to October 1, 2002, publish on two
28 separate dates in a newspaper of general circulation in the
29 county where the county recorder's office is located as
30 provided for in chapter 50, a notice, stating, in
31 substantially similar form, the following:

1 1. On or after October 1, 2002, social security
2 numbers held by government agencies must be held confidential
3 and exempt from public disclosure, except that social security
4 numbers may be released to commercial entities for legitimate
5 business purposes and to other governmental entities, as
6 specifically allowed by law.

7 2. On or after October 1, 2002, any person preparing
8 or filing a document for recordation in the official records
9 may not include a social security number in such document,
10 unless required by law; and, if the law so requires, the
11 social security number and the name of the person to whom it
12 belongs must be included on a separate page, segregated from
13 the contents of the rest of the document to be recorded.
14 Social security numbers contained on a separate page shall not
15 be released, except as otherwise provided by law.

16 3. Any person has a right to request a county recorder
17 to remove, from an image or copy of an official record made
18 available by the county recorder on a publicly available
19 Internet website or otherwise made available electronically,
20 any social security number contained in an official record.
21 Such request must be made in writing and delivered by mail,
22 facsimile, or electronic transmission, or in person. The
23 request must identify the official record book number and page
24 number that contains the social security number to be
25 redacted. No fee will be charged for the redaction of a
26 social security number pursuant to such a request.

27 (7) Beginning January 31, 2004, and each January 31
28 thereafter, every agency must file a report with the Secretary
29 of State, the President of the Senate, and the Speaker of the
30 House of Representatives listing the identity of all
31 commercial entities that have requested social security

1 numbers during the preceding calendar year and the specific
2 purpose or purposes stated by each commercial entity regarding
3 its need for social security numbers. If no disclosure
4 requests were made, the agency shall so indicate.

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

20 (9) An agency shall not collect an individual's social
21 security number unless authorized by law to do so or unless
22 the collection of the social security number is otherwise
23 imperative for the performance of that agency's duties and
24 responsibilities as prescribed by law. Social security numbers
25 collected by an agency must be relevant to the purpose for
26 which collected and shall not be collected until the need for
27 social security numbers has been clearly documented. An agency
28 that collects social security numbers shall also segregate
29 that number on a separate page from the rest of the record, or
30 as otherwise appropriate, in order that the social security
31 number be more easily redacted, if required, pursuant to a

1 public-records request. An agency collecting a person's social
2 security number shall, upon that person's request, at the time
3 of or prior to the actual collection of the social security
4 number by that agency, provide that person with a statement of
5 the purpose or purposes for which the social security number
6 is being collected and used. Social security numbers collected
7 by an agency shall not be used by that agency for any purpose
8 other than the purpose stated. Social security numbers
9 collected by an agency prior to the effective date of this
10 section shall be reviewed for compliance with this subsection.
11 If the collection of a social security number prior to the
12 effective date of this section is found to be unwarranted, the
13 agency shall immediately discontinue the collection of social
14 security numbers for that purpose.

15 (10) This section is subject to the Open Government
16 Sunset Review Act of 1995 in accordance with s. 119.15, and
17 shall stand repealed October 2, 2007, unless reviewed and
18 saved from repeal through reenactment by the Legislature.

19 Section 2. The Legislature finds that it is a public
20 necessity that social security numbers held by an agency be
21 made confidential and exempt from public disclosure because
22 such numbers are of a sensitive personal nature and are often
23 the link to an individual's personal, financial, medical, or
24 familial records. The social security number is the only
25 nationwide, unique numeric form of identification in existence
26 in the United States. Release of a social security number is
27 of concern due to the amount of sensitive personal information
28 which can be acquired by its use. The disclosure of such
29 number can provide access to private information concerning a
30 person which could be used to perpetrate fraud upon that
31 person or otherwise cause great harm to that person and his or

1 her family. Additionally, public disclosure of the social
2 security number constitutes an unwarranted invasion into the
3 life and personal privacy of a person. Thus, the harm from
4 disclosing such number outweighs any public benefit that can
5 be derived from widespread and unregulated public access to
6 such number. However, responsible commercial use of the
7 social security number does not result in personal or
8 financial harm to a person but allows more complete identity
9 verification, thereby enhancing the mutual benefits of the
10 commercial relationship. Accordingly, the Legislature finds
11 that a narrow exception to the exemption for commercial
12 entities is warranted.

13 Section 3. This act shall take effect upon becoming a
14 law.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 1588

19 Makes social security numbers held by an agency, its
20 employees, or contractors confidential and exempt.
21 Makes the exemption confidential and exempt.
22 Authorizes disclosure of social security numbers to other
23 governmental entities.
24 Authorizes disclosure to commercial entities. Requires written
25 request with specified information.
26 Creates a felony of third degree for false representation in
27 order to obtain a social security number.
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