

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senator Burt

308-2207-02

1 A bill to be entitled
2 An act relating to a public-records exemption
3 for social security numbers; creating s.
4 119.072, F.S.; creating an exemption from
5 public-records requirements for all social
6 security numbers held by an agency or its
7 agents, employees, or contractors; providing
8 exceptions to the exemption; providing
9 conditions under which social security numbers
10 may be provided to a commercial entity;
11 providing for civil and criminal penalties;
12 providing for review of social security numbers
13 collected prior to the effective date of the
14 exemption; restricting the release of social
15 security numbers contained in official records;
16 providing certain notice requirements and
17 requiring publication of notice by county
18 recorders; requiring annual agency reports;
19 providing for future review and repeal;
20 providing retroactive application of the
21 exemption; providing a statement of public
22 necessity; providing an effective date.

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

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

28 119.072 Social security number exemption.--
29 (1) Effective October 1, 2002, all social security
30 numbers held by an agency or its agents, employees, or
31 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) The provisions of this section do not supersede
6 any other public-records-exemption law.

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

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

1 security numbers and the specific purposes for which such
2 numbers will be used, but shall have no duty to inquire beyond
3 the sworn request. A legitimate business purpose includes
4 verification of the accuracy of personal information received
5 by a commercial entity in the normal course of its business;
6 use in a civil, criminal, or administrative proceeding; use
7 for insurance purposes; use in law enforcement and
8 investigation of crimes; use in identifying and preventing
9 fraud; use in matching, verifying, or retrieving information;
10 and use in research activities. A legitimate business purpose
11 does not include the display or bulk sale of social security
12 numbers for purposes other than commercial activities as
13 defined in s. 14.203.

14 (5) Any person who makes a false representation in
15 order to obtain a social security number pursuant to this
16 section, or any person who willfully and knowingly violates
17 the provisions of this section, commits a felony of the third
18 degree, punishable as provided in s. 775.082 or s. 775.083.
19 The publishing of information in court files and official
20 records as provided in this section is not a violation of this
21 subsection. Any public officer who violates any provision of
22 this section is guilty of a noncriminal infraction, punishable
23 by a fine not exceeding \$500.

24 (6) Notwithstanding any other provision of law to the
25 contrary, on or after October 1, 2002, no final judgment,
26 court order, or docket sheet may contain a social security
27 number. If the court determines that it is imperative that a
28 social security number be included in a final judgment, court
29 order, or docket sheet, that number shall be entered on a
30 separate page from the rest of the judgment, order, or docket
31 sheet and shall be maintained as a separate attachment. Where

1 a social security number is or has been included in a document
2 presented for filing in a court file before, on or after
3 October 1, 2002, it may be included as part of the court
4 record available for public inspection and copying unless
5 redaction is requested in the same manner provided in (6)(b).

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

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

26 (c) A county recorder shall immediately and
27 conspicuously post signs throughout his or her offices for
28 public viewing; shall immediately and conspicuously post a
29 notice on any Internet website or remote electronic site made
30 available by the county recorder and used for the ordering or
31 display of official records or images or copies of official

1 records; and shall, prior to October 1, 2002, publish on two
2 separate dates in a newspaper of general circulation in the
3 county where the county recorder's office is located as
4 provided for in chapter 50, a notice, stating, in
5 substantially similar form, the following:

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

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

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

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

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

19 (10) Except as otherwise provided in this section, an
20 agency shall not collect an individual's social security
21 number unless authorized by law to do so or unless the
22 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 (11) 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 CS for Senate Bill 1588

19 The Committee Substitute provides that the provisions of this
20 bill are not intended to supersede any other
public-records-exemption related to social security numbers.

21 The social security numbers may not be provided for bulk sale
22 for purposes other than commercial activities as defined in s.
14.203, F.S.

23 It will not be a felony to display or sell social security
24 numbers that are found in court files and official records
that are otherwise public records.

25 The person filing a document in court files will be
26 responsible for ensuring that no social security numbers are
filed in the court files unless otherwise required by law.
27 When a social security number is filed it will be part of the
public records of the court file unless the individual later
request redaction from the Internet or electronic records.

28
29 The person filing a document in the official records
maintained by the clerk of court is prohibited from including
30 any social security number in the official record unless
required by law. When a social security number is filed it
31 will be part of the public records of the official records
unless the individual later request redaction from the
Internet or electronic records.