

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Brummer offered the following:

Amendment (with title amendment)

Remove 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

Amendment No. ____ (for drafter's use only)

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;

Amendment No. ____ (for drafter's use only)

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. If a social security number is or has been included
27 in a pleading filed in a court file before, on, or after
28 October 1, 2002, such number may be included as part of the
29 court record available for public inspection and copying
30 unless redaction is requested in a signed written request
31 specifying the case name, case number, and the pleading

Amendment No. ____ (for drafter's use only)

1 heading and page number, and delivered by mail, facsimile, or
2 electronic transmission, or delivered in person, to the clerk
3 of the court. No fee will be charged for the redaction of a
4 social security number pursuant to such request.

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

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 county recorder's publicly
18 available Internet website or a publicly available Internet
19 website used by a county recorder to display public records or
20 otherwise made electronically available to the general public
21 by such recorder, any social security number contained in that
22 official record. Such request must be made in writing and
23 delivered by mail, facsimile, or electronic transmission, or
24 delivered in person, to the county recorder. The request must
25 specify the identification page number that contains the
26 social security number to be redacted. No fee will be charged
27 for the redaction of a social security number pursuant to such
28 request.

29 (c) A county recorder shall immediately and
30 conspicuously post signs throughout his or her offices for
31 public viewing; shall immediately and conspicuously post a

Amendment No. ____ (for drafter's use only)

1 notice on any Internet website or remote electronic site made
2 available by the county recorder and used for the ordering or
3 display of official records or images or copies of official
4 records; and shall, prior to October 1, 2002, publish on two
5 separate dates in a newspaper of general circulation in the
6 county where the county recorder's office is located as
7 provided for in chapter 50, a notice, stating, in
8 substantially similar form, the following:

9 1. On or after October 1, 2002, any person preparing
10 or filing a document for recordation in the official records
11 may not include a social security number in such document,
12 unless required by law.

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

26 (7) 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

Amendment No. ____ (for drafter's use only)

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

Amendment No. ____ (for drafter's use only)

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

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

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

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

24 Section 2. The Legislature finds that it is a public
25 necessity that social security numbers held by an agency be
26 made confidential and exempt from public disclosure because
27 such numbers are of a sensitive personal nature and are often
28 the link to an individual's personal, financial, medical, or
29 familial records. The social security number is the only
30 nationwide, unique numeric form of identification in existence
31 in the United States. Release of a social security number is

Amendment No. ____ (for drafter's use only)

1 of concern due to the amount of sensitive personal information
2 which can be acquired by its use. The disclosure of such
3 number can provide access to private information about a
4 person which could be used to perpetrate fraud upon that
5 person or otherwise cause great harm to that person and his or
6 her family. Additionally, public disclosure of the social
7 security number constitutes an unwarranted invasion into the
8 life and personal privacy of a person. Thus, the harm from
9 disclosing such number outweighs any public benefit that can
10 be derived from widespread and unregulated public access to
11 such number. However, responsible commercial use of the
12 social security number does not result in personal or
13 financial harm to a person but allows more complete identity
14 verification, thereby enhancing the mutual benefits of the
15 commercial relationship. Accordingly, the Legislature finds
16 that an exception to the exemption for commercial entities is
17 warranted.

18 Section 3. This act shall take effect upon becoming
19 law. For purposes of codifying the Florida Statutes 2002, the
20 Division of Statutory Revision of the Office of Legislative
21 Services is directed to substitute the effective date of the
22 Council Substitute for House Bill 1673 for the language "the
23 effective date of this act" as used in subsections (9) and
24 (11) of Council Substitute for House Bill 1673.

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

28 And the title is amended as follows:
29 On page 1, lines 3 through 18,
30 remove: all of said lines

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Amendment No. ____ (for drafter's use only)

1 and insert:
2 for social security numbers; creating s.
3 119.072, F.S.; creating an exemption from
4 public records requirements for all social
5 security numbers held by an agency or its
6 agents, employees, or contractors; providing
7 exceptions to the exemption; providing
8 conditions under which social security numbers
9 may be provided to a commercial entity;
10 providing for civil and criminal penalties;
11 providing requirements and restrictions with
12 respect to collection and disclosure of social
13 security numbers by an agency; providing for
14 review of social security numbers collected
15 prior to the effective date of the exemption;
16 restricting the release of social security
17 numbers contained in official records;
18 providing certain notice requirements and
19 requiring publication of notice by county
20 recorders; requiring annual agency

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