

By the Committee on State Administration and  
Representative Brummer

1                                   A bill to be entitled  
2           An act relating to a public records exemption  
3           for social security numbers; amending s.  
4           119.07, F.S.; creating an exemption from public  
5           records requirements for social security  
6           numbers held by an agency or its agents,  
7           employees, or contractors; providing exceptions  
8           to the exemption; providing requirements and  
9           restrictions with respect to collection and  
10          disclosure of social security numbers by an  
11          agency; providing for review of social security  
12          numbers collected prior to the effective date  
13          of the exemption; providing conditions under  
14          which social security numbers may be provided  
15          to a commercial entity; providing a criminal  
16          penalty for false representation in order to  
17          obtain, or unlawful disclosure of, social  
18          security numbers; requiring annual agency  
19          reports; providing for future review and  
20          repeal; providing retroactive application of  
21          the exemption; providing a statement of public  
22          necessity; providing an effective date.

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

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26           Section 1. Paragraph (ee) is added to subsection (3)  
27 of section 119.07, Florida Statutes, to read:

28           119.07 Inspection, examination, and duplication of  
29 records; exemptions.--

30           (3)

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

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

13       3. An agency shall not deny a commercial entity  
14 engaged in the performance of a commercial activity as defined  
15 in s. 14.203 or its agents, employees, or contractors access  
16 to social security numbers, provided that the commercial  
17 entity reasonably identifies itself and the purposes for which  
18 it needs the social security numbers in a written request,  
19 signed by an authorized officer, employee, or agent of the  
20 commercial entity, and specifies in the written request that  
21 the social security numbers will be used only in the normal  
22 course of business for legitimate business purposes. A  
23 legitimate business purpose includes verification of the  
24 accuracy of personal information submitted in a commercial  
25 transaction; use in a civil, criminal, or administrative  
26 proceeding; use for insurance purposes; and use in research  
27 activities. A legitimate business purpose does not include  
28 public disclosure of social security numbers or the bulk sale  
29 of social security numbers. An agency may request any other  
30 information as may be reasonably necessary to verify the  
31 identity of the entity requesting the social security numbers.

1           4. Any person making a false representation in order  
2 to obtain social security numbers or who discloses social  
3 security numbers in violation of this paragraph commits a  
4 felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

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

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

30           b. An agency shall not collect an individual's social  
31 security number unless authorized by law to do so or unless

1 the collection of the social security number is otherwise  
2 imperative for the performance of the agency's duties and  
3 responsibilities as prescribed by law. Social security  
4 numbers collected by an agency must be relevant to the purpose  
5 for which collected and shall not be collected until and  
6 unless the need for social security numbers has been clearly  
7 documented. An agency collecting a person's social security  
8 number shall, upon the request of the person whom the social  
9 security number identifies, provide the person with a  
10 statement of the purpose or purposes for which the social  
11 security number is collected and used, at the time of or prior  
12 to the actual collection of the social security number by the  
13 agency. Agencies shall ensure that social security numbers  
14 collected by the agency shall not be used for any purpose  
15 other than the purpose stated in the request. Social security  
16 numbers collected by agencies prior to the effective date of  
17 this act shall be reviewed for compliance with this  
18 sub-subparagraph. If the collection of a social security  
19 number prior to the effective date of this act is found to be  
20 unwarranted, the social security number shall be removed from  
21 the records of the agency.

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23 This paragraph is subject to the Open Government Sunset Review  
24 Act of 1995 in accordance with s. 119.15, and shall stand  
25 repealed October 2, 2007, unless reviewed and saved from  
26 repeal through reenactment by the Legislature.

27 Section 2. The Legislature finds that it is a public  
28 necessity that social security numbers held by an agency be  
29 exempt from public disclosure because such numbers are of a  
30 sensitive personal nature and are often the link to an  
31 individual's personal, financial, medical, or familial

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

20           Section 3. This act shall take effect upon becoming a  
21 law.

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HOUSE SUMMARY

Creates an exemption from public records requirements for social security numbers held by a state agency or its agents, employees, or contractors. Provides specified exceptions to the exemption. Provides requirements and restrictions with respect to collection and disclosure of social security numbers by an agency. Provides for review of social security numbers collected prior to the effective date of the exemption. Provides conditions under which social security numbers may be disclosed to a commercial entity. Provides a third degree felony penalty for false representation in order to obtain, or unlawful disclosure of, social security numbers. Provides for annual agency reports relating to requests for and disclosure of social security numbers. Provides for retroactive application of the exemption. Provides for future review and repeal of the exemption. Provides a statement of public necessity.