

By the Council for Smarter Government and 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. An agency  
23 may request any other information as may be reasonably  
24 necessary to verify the identity of the entity requesting the  
25 social security numbers. A legitimate business purpose  
26 includes verification of the accuracy of personal information  
27 received by a commercial entity in the normal course of its  
28 business; use in a civil, criminal, or administrative  
29 proceeding; use for insurance purposes; use in law enforcement  
30 and investigation of crimes; use in identifying and preventing  
31 fraud; use in matching, verifying, or retrieving information;

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. Nothing in this section shall  
4 prohibit the display of social security numbers to a business  
5 entity engaged in a legitimate business purpose as provided  
6 for in this paragraph.

7 4. Any person who knowingly makes a false  
8 representation in order to obtain social security numbers or  
9 who discloses social security numbers in violation of this  
10 paragraph commits a felony of the third degree, punishable as  
11 provided in s. 775.082, s. 775.083, or s. 775.084.

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

21 6.a. The Legislature acknowledges that the social  
22 security number was never intended to be used for business  
23 purposes but was intended to be used solely for the  
24 administration of the federal Social Security System. The  
25 Legislature is further aware that over time this unique  
26 numeric identifier has been used extensively for identity  
27 verification purposes and other legitimate consensual  
28 purposes. The Legislature is also cognizant of the fact that  
29 the social security number can be used as a tool to perpetuate  
30 fraud against a person and to acquire sensitive personal,  
31 financial, medical, and familial information, the release of

1 which could cause great financial and personal harm to an  
2 individual. The Legislature intends to monitor the commercial  
3 use of social security numbers held by state agencies in order  
4 to maintain a balanced public policy.

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

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

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

27           Section 3. This act shall take effect October 1, 2002.  
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