

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 requirements and restrictions with  
13          respect to collection and disclosure of social  
14          security numbers by an agency; providing for  
15          review of social security numbers collected  
16          prior to the effective date of the exemption;  
17          restricting the release of social security  
18          numbers contained in official records;  
19          providing certain notice requirements and  
20          requiring publication of notice by county  
21          recorders; requiring annual agency reports;  
22          providing for future review and repeal;  
23          providing retroactive application of the  
24          exemption; providing a statement of public  
25          necessity; providing an effective date.

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

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29           Section 1. Section 119.072, Florida Statutes, is  
30 created to read:

31           119.072 Social Security number exemption.--

1           (1) Effective October 1, 2002, all social security  
2 numbers held by an agency or its agents, employees, or  
3 contractors are confidential and exempt from s. 119.07(1) and  
4 s. 24(a), Art. I of the State Constitution. This exemption  
5 applies to all social security numbers held by an agency and  
6 its agents, employees, or contractors before, on, or after the  
7 effective date of this exemption.

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

15           (3) An agency shall not deny a commercial entity  
16 engaged in the performance of a commercial activity as defined  
17 in s. 14.203 or its agents, employees, or contractors access  
18 to social security numbers, provided the social security  
19 numbers will be used only in the normal course of business for  
20 legitimate business purposes, and provided the commercial  
21 entity makes a written request for social security numbers,  
22 verified as provided in s. 92.525, legibly signed by an  
23 authorized officer, employee, or agent of the commercial  
24 entity. The verified written request must contain the  
25 commercial entity's name, business mailing and location  
26 addresses, business telephone number, and a statement of the  
27 specific purposes for which it needs the social security  
28 numbers and how the social security numbers will be used in  
29 the normal course of business for legitimate business  
30 purposes. The aggregate of these requests shall serve as the  
31 basis for the agency report required in subsection (7). An

1 agency may request any other information as may be reasonably  
2 necessary to verify the identity of the entity requesting the  
3 social security numbers and the specific purposes for which  
4 such numbers will be used, however, an agency has no duty to  
5 inquire beyond the information contained in the verified  
6 written request. A legitimate business purpose includes  
7 verification of the accuracy of personal information received  
8 by a commercial entity in the normal course of its business;  
9 use in a civil, criminal, or administrative proceeding; use  
10 for insurance purposes; use in law enforcement and  
11 investigation of crimes; use in identifying and preventing  
12 fraud; use in matching, verifying, or retrieving information;  
13 and use in research activities. A legitimate business purpose  
14 does not include the display or bulk sale of social security  
15 numbers to the general public or the distribution of such  
16 numbers to any customer that is not identifiable by the  
17 distributor.

18 (4) Any person who makes a false representation in  
19 order to obtain a social security number pursuant to this  
20 section, or any person who willfully and knowingly violates  
21 the provisions of this section, commits a felony of the third  
22 degree, punishable as provided in s. 775.082 or s. 775.083.  
23 Any public officer who violates any provision of this section  
24 is guilty of a noncriminal infraction, punishable by a fine  
25 not exceeding \$500. A commercial entity that provides access  
26 to public records containing social security numbers in  
27 accordance with this section, is not subject to the penalty  
28 provisions of this subsection.

29 (5) On or after October 1, 2002, if any final  
30 judgment, court order, or docket sheet contains a social  
31 security number, then that number shall be entered on a

1 separate page from the rest of the judgment, order, or docket  
2 sheet and shall be maintained as a separate attachment, which  
3 shall not be filed with or recorded by the county recorder in  
4 the official records. The separate attachments containing  
5 social security numbers are available to other governmental  
6 entities and to commercial entities as provided for in this  
7 section. Except for final judgments, court orders, or docket  
8 sheets, if a social security number is or has been otherwise  
9 included in a court file before, on, or after October 1, 2002,  
10 such number may be included as part of the court record  
11 available for public inspection and copying unless redaction  
12 is requested by the holder of the social security number, or  
13 his or her attorney or legal guardian, in a legibly signed  
14 written request specifying the case name, case number, and the  
15 document heading and page number, and delivered by mail,  
16 facsimile, or electronic transmission, or delivered in person,  
17 to the clerk of the court. The clerk of the court shall have  
18 no duty to inquire beyond the written request to verify the  
19 identity of a person requesting redaction. No fee will be  
20 charged for the redaction of a social security number pursuant  
21 to such request.

22 (6)(a) On or after October 1, 2002, no person  
23 preparing or filing a document to be recorded in the official  
24 records by the county recorder as provided for in chapter 28  
25 may include any person's social security number in that  
26 document, unless otherwise expressly required by law. If a  
27 social security number is or has been included in a document  
28 presented to the county recorder for recording in the official  
29 records of the county before, on, or after October 1, 2002, it  
30 may be made available as part of the official record available  
31 for public inspection and copying.

1           (b) Any person, or his or her attorney or legal  
2 guardian, has the right to request that a county recorder  
3 remove, from an image or copy of an official record placed on  
4 a county recorder's publicly available Internet website or a  
5 publicly available Internet website used by a county recorder  
6 to display public records or otherwise made electronically  
7 available to the general public by such recorder, his or her  
8 social security number contained in that official record.  
9 Such request must be made in writing, legibly signed by the  
10 requestor and delivered by mail, facsimile, or electronic  
11 transmission, or delivered in person, to the county recorder.  
12 The request must specify the identification page number that  
13 contains the social security number to be redacted. The  
14 county recorder shall have no duty to inquire beyond the  
15 written request to verify the identity of a person requesting  
16 redaction. No fee will be charged for the redaction of a  
17 social security number pursuant to such request.

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

29           1. On or after October 1, 2002, any person preparing  
30 or filing a document for recordation in the official records  
31

1 may not include a social security number in such document,  
2 unless required by law.

3 2. Any person has a right to request a county recorder  
4 to remove, from an image or copy of an official record placed  
5 on a county recorder's publicly available Internet website or  
6 on a publicly available Internet website used by a county  
7 recorder to display public records or otherwise made  
8 electronically available to the general public, any social  
9 security number contained in an official record. Such request  
10 must be made in writing and delivered by mail, facsimile, or  
11 electronic transmission, or delivered in person, to the county  
12 recorder. The request must specify the identification page  
13 number that contains the social security number to be  
14 redacted. No fee will be charged for the redaction of a  
15 social security number pursuant to such a request.

16 (7) Beginning January 31, 2004, and each January 31  
17 thereafter, every agency must file a report with the Secretary  
18 of State, the President of the Senate, and the Speaker of the  
19 House of Representatives listing the identity of all  
20 commercial entities that have requested social security  
21 numbers during the preceding calendar year and the specific  
22 purpose or purposes stated by each commercial entity regarding  
23 its need for social security numbers. If no disclosure  
24 requests were made, the agency shall so indicate.

25 (8) The Legislature acknowledges that the social  
26 security number was never intended to be used for business  
27 purposes but was intended to be used solely for the  
28 administration of the federal Social Security System. The  
29 Legislature is further aware that over time this unique  
30 numeric identifier has been used extensively for identity  
31 verification purposes and other legitimate consensual

1 purposes. The Legislature is also cognizant of the fact that  
2 the social security number can be used as a tool to perpetuate  
3 fraud against a person and to acquire sensitive personal,  
4 financial, medical, and familial information, the release of  
5 which could cause great financial or personal harm to an  
6 individual. The Legislature intends to monitor the commercial  
7 use of social security numbers held by state agencies in order  
8 to maintain a balanced public policy.

9 (9) An agency shall not collect an individual's social  
10 security number unless authorized by law to do so or unless  
11 the collection of the social security number is otherwise  
12 imperative for the performance of that agency's duties and  
13 responsibilities as prescribed by law. Social security numbers  
14 collected by an agency must be relevant to the purpose for  
15 which collected and shall not be collected until and unless  
16 the need for social security numbers has been clearly  
17 documented. An agency that collects social security numbers  
18 shall also segregate that number on a separate page from the  
19 rest of the record, or as otherwise appropriate, in order that  
20 the social security number be more easily redacted, if  
21 required, pursuant to a public records request. An agency  
22 collecting a person's social security number shall, upon that  
23 person's request, at the time of or prior to the actual  
24 collection of the social security number by that agency,  
25 provide that person with a statement of the purpose or  
26 purposes for which the social security number is being  
27 collected and used. Social security numbers collected by an  
28 agency shall not be used by that agency for any purpose other  
29 than the purpose stated. Social security numbers collected by  
30 an agency prior to the effective date of this act shall be  
31 reviewed for compliance with this subsection. If the

1 collection of a social security number prior to the effective  
2 date of this act is found to be unwarranted, the agency shall  
3 immediately discontinue the collection of social security  
4 numbers for that purpose.

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

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

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

14 Section 2. The Legislature finds that it is a public  
15 necessity that social security numbers held by an agency be  
16 made confidential and exempt from public disclosure because  
17 such numbers are of a sensitive personal nature and are often  
18 the link to an individual's personal, financial, medical, or  
19 familial records. The social security number is the only  
20 nationwide, unique numeric form of identification in existence  
21 in the United States. Release of a social security number is  
22 of concern due to the amount of sensitive personal information  
23 which can be acquired by its use. The disclosure of such  
24 number can provide access to private information about a  
25 person which could be used to perpetrate fraud upon that  
26 person or otherwise cause great harm to that person and his or  
27 her family. Additionally, public disclosure of the social  
28 security number constitutes an unwarranted invasion into the  
29 life and personal privacy of a person. Thus, the harm from  
30 disclosing such number outweighs any public benefit that can  
31 be derived from widespread and unregulated public access to

1 such number. However, responsible commercial use of the  
2 social security number does not result in personal or  
3 financial harm to a person but allows more complete identity  
4 verification, thereby enhancing the mutual benefits of the  
5 commercial relationship. Accordingly, the Legislature finds  
6 that an exception to the exemption for commercial entities is  
7 warranted.

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