

By the Committee on Banking and Insurance; and Senator Burt

311-1288-02

1 A bill to be entitled
2 An act relating to public records; amending s.
3 717.117, F.S.; providing an exemption from
4 public-records requirements for social security
5 numbers and financial account numbers contained
6 in unclaimed property reports held by the
7 Department of Banking and Finance; providing
8 exceptions to the exemption; providing for
9 future review and repeal; providing a statement
10 of public necessity; providing an effective
11 date.

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

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15 Section 1. Subsection (8) is added to section 717.117,
16 Florida Statutes, to read:

17 717.117 Report of unclaimed property.--

18 (8) Social security numbers and financial account
19 numbers contained in reports required under this section, held
20 by the Department of Banking and Finance, are confidential and
21 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution. Notwithstanding this exemption, social security
23 numbers shall be released for the limited purpose of locating
24 owners of abandoned or unclaimed property to an attorney,
25 Florida-certified public accountant, private investigator who
26 is duly licensed in this state, or a private investigative
27 agency licensed under chapter 493 and registered with the
28 Department of Banking and Finance under chapter 717. This
29 subsection is subject to the Open Government Sunset Review Act
30 of 1995 in accordance with s. 119.15, and shall stand repealed

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1 October 2, 2007, unless reviewed and saved from repeal through
2 reenactment by the Legislature.

3 Section 2. The Legislature finds that it is a public
4 necessity to make confidential and exempt social security
5 numbers and financial account numbers of apparent owners of
6 abandoned or unclaimed property which are in the custody of
7 the Department of Banking and Finance to prevent identity
8 theft and related crimes. The Legislature further finds that
9 this exemption is necessary to prevent the use of such
10 information in forged documents demonstrating entitlement to
11 abandoned or unclaimed property and thereby defrauding the
12 rightful property owner or the State School Fund.

13 Notwithstanding the public necessity to make confidential such
14 information, it is necessary to provide access to social
15 security numbers to an attorney, Florida-certified public
16 accountant, private investigator duly licensed in this state,
17 or private investigative agencies that are licensed under
18 chapter 493, Florida Statutes, and registered with the
19 Department of Banking and Finance to facilitate the location
20 and return of unclaimed property to rightful owners. The
21 Legislature further finds that attorneys, Florida-certified
22 public accountants, private investigators, and private
23 investigative agencies are subject to more stringent
24 regulation and oversight than the public as a whole. In
25 addition, such professionals are the only persons authorized
26 to file claims on behalf of apparent owners of abandoned or
27 unclaimed property pursuant to chapter 717, Florida Statutes.

28 Section 3. This act shall take effect upon becoming a
29 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 468

Limits the release of the confidential and exempt information to a private investigated agency that is licensed under chapter 493, F.S., and registered with the Department of Banking and Finance under chapter 717, F.S.

Eliminates the provision that reiterated that private investigative agencies would continue to receive information required under s. 717.118, F.S.

Provides that the Act becomes effective upon becoming a law, rather than October 1, 2002.