



HB 1637

2003

1 A bill to be entitled

2 An act relating to public records; amending s. 717.117,  
3 F.S.; expanding the exemption from public records  
4 requirements for social security numbers and financial  
5 account numbers contained in reports of unclaimed property  
6 held by the Department of Financial Services to include  
7 the dollar amounts of unclaimed property accounts and the  
8 number of reported shares of stock contained in such  
9 reports; providing for retroactive applicability of the  
10 exemption; providing for future review and repeal;  
11 providing for construction; authorizing the withholding of  
12 confidential information offered in evidence in  
13 administrative, civil, or criminal proceedings; creating  
14 s. 717.1231, F.S.; creating an exemption from public  
15 records requirements for social security numbers, dollar  
16 amounts of unclaimed property accounts, the number of  
17 reported shares of stock, and financial account numbers  
18 contained in legal and claim files held by the Department  
19 of Financial Services; providing exceptions to the  
20 exemption; providing for retroactive applicability of the  
21 exemption; providing for future review and repeal of the  
22 exemption; providing construction; authorizing the  
23 withholding of confidential information offered in  
24 evidence in administrative, civil, or criminal  
25 proceedings; creating s. 717.12401, F.S.; creating an  
26 exemption from public records requirements for personal  
27 photographic identification held by the Department of  
28 Financial Services pursuant to ch. 717, F.S.; providing  
29 construction; authorizing the withholding of personal  
30 photographic identification offered in evidence in



HB 1637

2003

31 administrative, civil, or criminal proceedings; amending  
32 s. 717.1301, F.S.; creating an exemption from public  
33 records requirements for social security numbers, dollar  
34 amounts of unclaimed property accounts, the number of  
35 shares of stock, and financial account numbers contained  
36 in an investigation or examination held by the Department  
37 of Financial Services; providing exceptions to the  
38 exemption; providing for retroactive applicability of the  
39 exemption; providing for future review and repeal of the  
40 exemption; providing construction; authorizing the  
41 withholding of confidential information offered in  
42 evidence in administrative, civil, or criminal  
43 proceedings; creating s. 717.1342, F.S.; providing a  
44 third-degree felony penalty for violation of ss.  
45 717.117(8), 717.1231, 717.12401, and 717.1301(5)(b)1.,  
46 F.S.; creating s. 717.1402, F.S.; providing a public  
47 records exemption for a database to which the Department  
48 of Financial Services subscribes if such database is  
49 required by the database vendor to be kept confidential;  
50 creating s. 717.1403, F.S.; providing a public records  
51 exemption for trade secrets of holders of unclaimed  
52 property and persons providing services for auditing or  
53 examining holders of unclaimed property; providing  
54 procedure if an action is brought to compel the release of  
55 a trade secret; providing for the release of information  
56 to specified entities; authorizing the withholding of  
57 confidential information offered in evidence in  
58 administrative, civil, or criminal proceedings; providing  
59 a statement of public necessity; providing an effective  
60 date.



61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90

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

Section 1. Subsection (8) of section 717.117, Florida Statutes, is amended to read:

717.117 Report of unclaimed property.--

(8)(a) Social security numbers, unclaimed property account dollar amounts, the number of reported shares of stock, and financial account numbers contained in reports required under this section, held by the department of Banking and Finance, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption, social security numbers, unclaimed property account dollar amounts, and the number of reported shares of stock shall be released, for the limited purpose of locating owners of abandoned or unclaimed property, to an attorney, Florida-certified public accountant, private investigator who is duly licensed in this state, or a private investigative agency licensed under chapter 493 and registered with the department of Banking and Finance under this chapter. This exemption applies to social security numbers, unclaimed property account dollar amounts, the number of reported shares of stock, and financial account numbers held by the department of Banking and Finance before, on, or after the effective date of this exemption. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature. ~~This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless~~



HB 1637

2003

91 ~~reviewed and saved from repeal through reenactment by the~~  
92 ~~Legislature.~~

93 (b) Nothing in paragraph (a) shall be construed to prohibit  
94 the department from providing information to any law enforcement  
95 agency, administrative agency, or regulatory body.

96 (c) If information subject to paragraph (a) is offered in  
97 evidence in any administrative, civil, or criminal proceeding,  
98 or is otherwise subject to such proceeding, the presiding  
99 officer may, in her or his discretion, prevent the disclosure of  
100 information which would be confidential pursuant to paragraph  
101 (a).

102 (d) Any person receiving information which would be  
103 confidential pursuant to paragraph (a) shall maintain the  
104 confidentiality of the information so long as it would otherwise  
105 be confidential.

106 Section 2. Section 717.1231, Florida Statutes, is created  
107 to read:

108 717.1231 Confidentiality of legal and claim files.--

109 (1) Social security numbers, unclaimed property account  
110 dollar amounts, the number of reported shares of stock, and  
111 financial account numbers contained in legal and claim files  
112 held by the department are confidential and exempt from s.  
113 119.07(1) and s. 24(a), Art. I of the State Constitution.  
114 Notwithstanding this exemption, social security numbers,  
115 unclaimed property account dollar amounts, and the number of  
116 reported shares of stock in legal and claim files held by the  
117 department shall be released, for the limited purpose of  
118 locating owners of abandoned or unclaimed property, to an  
119 attorney, a Florida-certified public accountant, a private  
120 investigator who is duly licensed in this state, or a private



HB 1637

2003

121 investigative agency licensed under chapter 493 and registered  
122 with the department under this chapter. This exemption applies  
123 to social security numbers, unclaimed property account dollar  
124 amounts, the number of reported shares of stock, and financial  
125 account numbers held by the department before, on, or after the  
126 effective date of this exemption. This subsection is subject to  
127 the Open Government Sunset Review Act of 1995 in accordance with  
128 s. 119.15, and shall stand repealed October 2, 2008, unless  
129 reviewed and saved from repeal through reenactment by the  
130 Legislature.

131 (2) Nothing in subsection (1) shall be construed to  
132 prohibit the department from providing information to any law  
133 enforcement or administrative agency or regulatory body.

134 (3) If information subject to subsection (1) is offered in  
135 evidence in any administrative, civil, or criminal proceeding,  
136 or is otherwise subject to such proceeding, the presiding  
137 officer may, in her or his discretion, prevent the disclosure of  
138 information which would be confidential pursuant to subsection  
139 (1).

140 (4) Any person receiving information which would be  
141 confidential pursuant to subsection (1) shall maintain the  
142 confidentiality of the information so long as it would otherwise  
143 be confidential.

144 Section 3. Section 717.12401, Florida Statutes, is created  
145 to read:

146 717.12401 Personal photographic identification; public  
147 records exemption.--

148 (1) Personal photographic identification held by the  
149 department pursuant to this chapter is confidential and exempt  
150 from s. 119.07(1) and s. 24(a), Art. I of the State



HB 1637

2003

151 Constitution.

152 (2) Nothing in this section shall be construed to prohibit  
153 the department from providing personal photographic  
154 identification to any law enforcement agency, administrative  
155 agency, or regulatory body.

156 (3) If personal photographic identification is offered in  
157 evidence in any administrative, civil, or criminal proceeding,  
158 or is otherwise subject to such proceeding, the presiding  
159 officer may, in her or his discretion, prevent the disclosure of  
160 information which would be confidential pursuant to this  
161 section.

162 (4) Any person receiving information which would be  
163 confidential pursuant to this section shall maintain the  
164 confidentiality of the information so long as it would otherwise  
165 be confidential.

166 Section 4. Subsection (5) of section 717.1301, Florida  
167 Statutes, is amended to read:

168 717.1301 Investigations; examinations; subpoenas; public  
169 records exemption .--

170 (5)(a) The material compiled by the department in an  
171 investigation or examination under this chapter is confidential  
172 until the investigation or examination is complete. The material  
173 compiled by the department in an investigation or examination  
174 under this chapter remains confidential after the department's  
175 investigation or examination is complete if the department has  
176 submitted the material or any part of it to any law enforcement  
177 agency or other administrative agency for further investigation  
178 or for the filing of a criminal or civil prosecution and such  
179 investigation has not been completed or become inactive.

180 (b)1. Social security numbers, unclaimed property account



HB 1637

2003

181 dollar amounts, the number of shares of stock, and financial  
182 account numbers contained in an investigation or examination  
183 held by the department are confidential and exempt from s.  
184 119.07(1) and s. 24(a), Art. I of the State Constitution.  
185 Notwithstanding this exemption, social security numbers,  
186 unclaimed property account dollar amounts, and the number of  
187 reported shares of stock contained in an investigation or  
188 examination held by the department shall be released, for the  
189 limited purpose of locating owners of abandoned or unclaimed  
190 property, to an attorney, a Florida-certified public accountant,  
191 a private investigator who is duly licensed in this state, or a  
192 private investigative agency licensed under chapter 493 and  
193 registered with the department under this chapter. This  
194 exemption applies to social security numbers, unclaimed property  
195 account dollar amounts, the number of reported shares of stock,  
196 and financial account numbers held by the department before, on,  
197 or after the effective date of this exemption. This subsection  
198 is subject to the Open Government Sunset Review Act of 1995 in  
199 accordance with s. 119.15, and shall stand repealed October 2,  
200 2008, unless reviewed and saved from repeal through reenactment  
201 by the Legislature.

202 2. Any person receiving information which would be  
203 confidential pursuant to paragraph(a) or sub-paragraph 1. shall  
204 maintain the confidentiality of the information so long as it  
205 would otherwise be confidential.

206 (c) If information subject to subsection (5) is offered in  
207 evidence in any administrative, civil, or criminal proceeding,  
208 or is otherwise subject to such proceeding, the presiding  
209 officer may, in her or his discretion, prevent the disclosure of  
210 information which would be confidential pursuant to subsection



HB 1637

2003

211 (5).

212 Section 5. Section 717.1342, Florida Statutes, is created  
213 to read:

214 717.1342 Criminal penalties for disclosure of confidential  
215 records.--Any person who willfully and knowingly violates s.  
216 717.117(8), s. 717.1231, s. 717.12401, s. or 717.1301(5)(b)1  
217 commits a felony of the third degree, punishable as provided in  
218 s. 775.082, s. 775.083, or s. 775.084.

219 Section 6. Section 717.1402, Florida Statutes, is created  
220 to read:

221 717.1402 Database subscriptions; public records  
222 exemption.--The department may subscribe to one or more  
223 databases for the purpose of verifying the validity of unclaimed  
224 property claims. Such a database, if required to be kept  
225 confidential by the database vendor, is confidential and exempt  
226 from s. 119.07(1) and s. 24(a), Art. I of the State  
227 Constitution.

228 Section 7. Section 717.1403, Florida Statutes, is created  
229 to read:

230 717.1403 Trade secrets; public records exemption.--

231 (1) Trade secrets, as defined in s. 688.002, of holders of  
232 unclaimed property and persons providing services for auditing  
233 or examining holders of unclaimed property are confidential and  
234 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
235 Constitution.

236 (2) If an action is brought to compel the release of a  
237 trade secret, it is the responsibility of the person asserting  
238 that the requested information is a trade secret to defend any  
239 action brought to compel the release. The department shall not  
240 be subject to costs, attorney's fees, or any other sanction in





HB 1637

2003

241 any action to compel the release of information alleged to be a  
242 trade secret.

243 (3) Nothing in this section shall be construed to prohibit  
244 the department from providing information to any law enforcement  
245 agency, administrative agency, or regulatory body.

246 (4) If information subject to this section is offered in  
247 evidence in any administrative, civil, or criminal proceeding,  
248 or is otherwise subject to such proceeding, the presiding  
249 officer may, in her or his discretion, prevent the disclosure of  
250 information which would be confidential pursuant to this  
251 section.

252 (5) Any person receiving information which would be  
253 confidential pursuant to this section shall maintain the  
254 confidentiality of the information so long as it would otherwise  
255 be confidential.

256 Section 8. The Legislature finds that the exemption from  
257 public records requirements provided by this act for the dollar  
258 amounts of unclaimed property accounts and the number of  
259 reported shares of stock contained in reports of unclaimed  
260 property held by the Department of Financial Services; social  
261 security numbers, dollar amounts of unclaimed property accounts,  
262 the number of reported shares of stock, and financial account  
263 numbers contained in legal and claim files held by the  
264 Department of Financial Services; personal photographic  
265 identification held by the Department of Financial Services  
266 pursuant to ch. 717, F.S.; social security numbers, dollar  
267 amounts of unclaimed property accounts, the number of shares of  
268 stock, and financial account numbers contained in an  
269 investigation or examination held by the Department of Financial  
270 Services; for a database to which the Department of Financial



HB 1637

2003

271 Services subscribes if such database is required by the  
272 database; and for trade secrets of holders of unclaimed property  
273 and persons providing services for auditing or examining holders  
274 of unclaimed property is a public necessity because any minor  
275 public benefit that might be derived from the release to the  
276 public of such sensitive personal and financial information and  
277 trade secret information traditionally exempt from public  
278 records requirements is vastly outweighed by the benefit to the  
279 public served by the creation of the described exemptions.

280 Section 9. This act shall take effect upon becoming a law.