

By Senator Campbell

32-1552-03

See HB

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

1 requirements for personal photographic  
2 identification held by the Department of  
3 Financial Services pursuant to ch. 717, F.S.;  
4 providing construction; authorizing the  
5 withholding of personal photographic  
6 identification offered in evidence in  
7 administrative, civil, or criminal proceedings;  
8 amending s. 717.1301, F.S.; creating an  
9 exemption from public records requirements for  
10 social security numbers, dollar amounts of  
11 unclaimed property accounts, the number of  
12 shares of stock, and financial account numbers  
13 contained in an investigation or examination  
14 held by the Department of Financial Services;  
15 providing exceptions to the exemption;  
16 providing for retroactive applicability of the  
17 exemption; providing for future review and  
18 repeal of the exemption; providing  
19 construction; authorizing the withholding of  
20 confidential information offered in evidence in  
21 administrative, civil, or criminal proceedings;  
22 creating s. 717.1342, F.S.; providing a  
23 third-degree felony penalty for violation of  
24 ss. 717.117(8), 717.1231, 717.12401, and  
25 717.1301(5)(b)1., F.S.; creating s. 717.1402,  
26 F.S.; providing a public records exemption for  
27 a database to which the Department of  
28 Financial Services subscribes if such database  
29 is required by the database vendor to be kept  
30 confidential; creating s. 717.1403, F.S.;

31 providing a public records exemption for trade

1           secrets of holders of unclaimed property and  
2           persons providing services for auditing or  
3           examining holders of unclaimed property;  
4           providing procedure if an action is brought to  
5           compel the release of a trade secret; providing  
6           for the release of information to specified  
7           entities; authorizing the withholding of  
8           confidential information offered in evidence in  
9           administrative, civil, or criminal proceedings;  
10          providing a statement of public necessity;  
11          providing an effective 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) of section 717.117, Florida  
16 Statutes, is amended to read:

17           717.117 Report of unclaimed property.--

18           (8)(a) Social security numbers, unclaimed property  
19 account dollar amounts, the number of reported shares of  
20 stock, and financial account numbers contained in reports  
21 required under this section, held by the department of Banking  
22 and Finance, are confidential and exempt from s. 119.07(1) and  
23 s. 24(a), Art. I of the State Constitution. Notwithstanding  
24 this exemption, social security numbers, unclaimed property  
25 account dollar amounts, and the number of reported shares of  
26 stock shall be released, for the limited purpose of locating  
27 owners of abandoned or unclaimed property, to an attorney,  
28 Florida-certified public accountant, private investigator who  
29 is duly licensed in this state, or a private investigative  
30 agency licensed under chapter 493 and registered with the  
31 department of ~~Banking and Finance~~ under this chapter. This

1 exemption applies to social security numbers, unclaimed  
2 property account dollar amounts, the number of reported shares  
3 of stock, and financial account numbers held by the department  
4 ~~of Banking and Finance~~ before, on, or after the effective date  
5 of this exemption. This subsection is subject to the Open  
6 Government Sunset Review Act of 1995 in accordance with s.  
7 119.15, and shall stand repealed October 2, 2008, unless  
8 reviewed and saved from repeal through reenactment by the  
9 Legislature. ~~This subsection is subject to the Open~~  
10 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
11 ~~119.15, and shall stand repealed October 2, 2007, unless~~  
12 ~~reviewed and saved from repeal through reenactment by the~~  
13 ~~Legislature.~~

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

17 (c) If information subject to paragraph (a) is offered  
18 in evidence in any administrative, civil, or criminal  
19 proceeding, or is otherwise subject to such proceeding, the  
20 presiding officer may, in her or his discretion, prevent the  
21 disclosure of information which would be confidential pursuant  
22 to paragraph (a).

23 (d) Any person receiving information which would be  
24 confidential pursuant to paragraph (a) shall maintain the  
25 confidentiality of the information so long as it would  
26 otherwise be confidential.

27 Section 2. Section 717.1231, Florida Statutes, is  
28 created to read:

29 717.1231 Confidentiality of legal and claim files.--

30 (1) Social security numbers, unclaimed property account  
31 dollar amounts, the number of reported shares of stock, and

1 financial account numbers contained in legal and claim files  
2 held by the department are confidential and exempt from s.  
3 119.07(1) and s. 24(a), Art. I of the State  
4 Constitution. Notwithstanding this exemption, social security  
5 numbers, unclaimed property account dollar amounts, and the  
6 number of reported shares of stock in legal and claim files  
7 held by the department shall be released, for the limited  
8 purpose of locating owners of abandoned or unclaimed property,  
9 to an attorney, a Florida-certified public accountant, a  
10 private investigator who is duly licensed in this state, or a  
11 private investigative agency licensed under chapter 493 and  
12 registered with the department under this chapter. This  
13 exemption applies to social security numbers, unclaimed  
14 property account dollar amounts, the number of reported shares  
15 of stock, and financial account numbers held by the department  
16 before, on, or after the effective date of this  
17 exemption. This subsection is subject to the Open Government  
18 Sunset Review Act of 1995 in accordance with s. 119.15, and  
19 shall stand repealed October 2, 2008, unless reviewed and  
20 saved from repeal through reenactment by the Legislature.

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

24 (3) If information subject to subsection (1) is offered  
25 in evidence in any administrative, civil, or criminal  
26 proceeding, or is otherwise subject to such proceeding, the  
27 presiding officer may, in her or his discretion, prevent the  
28 disclosure of information which would be confidential pursuant  
29 to subsection (1).

30 (4) Any person receiving information which would be  
31 confidential pursuant to subsection (1) shall maintain the

1 confidentiality of the information so long as it would  
2 otherwise be confidential.

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

5 717.12401 Personal photographic identification; public  
6 records exemption.--

7 (1) Personal photographic identification held by the  
8 department pursuant to this chapter is confidential and exempt  
9 from s. 119.07(1) and s. 24(a), Art. I of the State  
10 Constitution.

11 (2) Nothing in this section shall be construed to  
12 prohibit the department from providing personal photographic  
13 identification to any law enforcement agency, administrative  
14 agency, or regulatory body.

15 (3) If personal photographic identification is offered  
16 in evidence in any administrative, civil, or criminal  
17 proceeding, or is otherwise subject to such proceeding, the  
18 presiding officer may, in her or his discretion, prevent the  
19 disclosure of information which would be confidential pursuant  
20 to this section.

21 (4) Any person receiving information which would be  
22 confidential pursuant to this section shall maintain the  
23 confidentiality of the information so long as it would  
24 otherwise be confidential.

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

27 717.1301 Investigations; examinations; subpoenas;  
28 public records exemption.--

29 (5)(a) The material compiled by the department in an  
30 investigation or examination under this chapter is  
31 confidential until the investigation or examination is

1 complete. The material compiled by the department in an  
2 investigation or examination under this chapter remains  
3 confidential after the department's investigation or  
4 examination is complete if the department has submitted the  
5 material or any part of it to any law enforcement agency or  
6 other administrative agency for further investigation or for  
7 the filing of a criminal or civil prosecution and such  
8 investigation has not been completed or become inactive.

9 (b)1. Social security numbers, unclaimed property  
10 account dollar amounts, the number of shares of stock, and  
11 financial account numbers contained in an investigation or  
12 examination held by the department are confidential and exempt  
13 from s. 119.07(1) and s. 24(a), Art. I of the State  
14 Constitution. Notwithstanding this exemption, social security  
15 numbers, unclaimed property account dollar amounts, and the  
16 number of reported shares of stock contained in an  
17 investigation or examination held by the department shall be  
18 released, for the limited purpose of locating owners of  
19 abandoned or unclaimed property, to an attorney, a  
20 Florida-certified public accountant, a private investigator  
21 who is duly licensed in this state, or a private investigative  
22 agency licensed under chapter 493 and registered with the  
23 department under this chapter. This exemption applies to  
24 social security numbers, unclaimed property account dollar  
25 amounts, the number of reported shares of stock, and financial  
26 account numbers held by the department before, on, or after  
27 the effective date of this exemption. This subsection is  
28 subject to the Open Government Sunset Review Act of 1995 in  
29 accordance with s. 119.15, and shall stand repealed October 2,  
30 2008, unless reviewed and saved from repeal through  
31 reenactment by the Legislature.

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

5           (c) If information subject to subsection (5) is offered  
6 in evidence in any administrative, civil, or criminal  
7 proceeding, or is otherwise subject to such proceeding, the  
8 presiding officer may, in her or his discretion, prevent the  
9 disclosure of information which would be confidential pursuant  
10 to subsection (5).

11           Section 5. Section 717.1342, Florida Statutes, is  
12 created to read:

13           717.1342 Criminal penalties for disclosure of  
14 confidential records.--Any person who willfully and knowingly  
15 violates s. 717.117(8), s. 717.1231, s. 717.12401, s. or  
16 717.1301(5)(b)1. commits a felony of the third degree,  
17 punishable as provided in s. 775.082, s. 775.083, or s.  
18 775.084.

19           Section 6. Section 717.1402, Florida Statutes, is  
20 created to read:

21           717.1402 Database subscriptions; public records  
22 exemption.--The department may subscribe to one or more  
23 databases for the purpose of verifying the validity of  
24 unclaimed property claims. Such a database, if required to be  
25 kept confidential by the database vendor, is confidential and  
26 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
27 Constitution.

28           Section 7. Section 717.1403, Florida Statutes, is  
29 created to read:

30           717.1403 Trade secrets; public records exemption.--  
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1           (1) Trade secrets, as defined in s. 688.002, of holders  
2 of unclaimed property and persons providing services for  
3 auditing or examining holders of unclaimed property are  
4 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
5 of the State Constitution.

6           (2) If an action is brought to compel the release of a  
7 trade secret, it is the responsibility of the person asserting  
8 that the requested information is a trade secret to defend any  
9 action brought to compel the release. The department shall  
10 not be subject to costs, attorney's fees, or any other  
11 sanction in any action to compel the release of information  
12 alleged to be a trade secret.

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

16           (4) If information subject to this section is offered  
17 in evidence in any administrative, civil, or criminal  
18 proceeding, or is otherwise subject to such proceeding, the  
19 presiding officer may, in her or his discretion, prevent the  
20 disclosure of information which would be confidential pursuant  
21 to this section.

22           (5) Any person receiving information which would be  
23 confidential pursuant to this section shall maintain the  
24 confidentiality of the information so long as it would  
25 otherwise be confidential.

26           Section 8. The Legislature finds that the exemption  
27 from public records requirements provided by this act for the  
28 dollar amounts of unclaimed property accounts and the number  
29 of reported shares of stock contained in reports of unclaimed  
30 property held by the Department of Financial Services; social  
31 security numbers, dollar amounts of unclaimed property

1 accounts, the number of reported shares of stock, and  
2 financial account numbers contained in legal and claim files  
3 held by the Department of Financial Services; personal  
4 photographic identification held by the Department of  
5 Financial Services pursuant to chapter 717, Florida Statutes;  
6 social security numbers, dollar amounts of unclaimed property  
7 accounts, the number of shares of stock, and financial account  
8 numbers contained in an investigation or examination held by  
9 the Department of Financial Services; for a database to which  
10 the Department of Financial Services subscribes if such  
11 database is required by the database; and for trade secrets of  
12 holders of unclaimed property and persons providing services  
13 for auditing or examining holders of unclaimed property is a  
14 public necessity because any minor public benefit that might  
15 be derived from the release to the public of such sensitive  
16 personal and financial information and trade secret  
17 information traditionally exempt from public records  
18 requirements is vastly outweighed by the benefit to the public  
19 served by the creation of the described exemptions.

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

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