

By the Committee on Banking and Insurance; and Senator  
Campbell

311-2522-03

1                                   A bill to be entitled  
2           An act relating to public records; repealing s.  
3           717.117(8), F.S., relating to the  
4           public-records exemption for social security  
5           numbers and financial account numbers contained  
6           in reports of unclaimed property held by the  
7           Department of Financial Services; creating s.  
8           717.1171, F.S.; providing an exemption from  
9           public-records requirements for social security  
10          numbers, dollar amounts of unclaimed property  
11          accounts, the number of reported shares of  
12          stock, and financial account numbers held by  
13          the Department of Financial Services; providing  
14          exceptions to the exemption; providing for  
15          retroactive application of the exemption;  
16          providing for the confidentiality of the  
17          information when used in an administrative or  
18          judicial proceeding; authorizing the disclosure  
19          in good faith of confidential and exempt  
20          information to a person who is believed by an  
21          attorney, state-certified public accountant,  
22          private investigator, or private investigative  
23          agency, or an employee thereof, to be entitled  
24          to the unclaimed property; authorizing the  
25          disclosure in good faith of confidential and  
26          exempt information to a person who is believed  
27          by the Department of Financial Services, or an  
28          employee thereof, to be entitled to the  
29          unclaimed property; requiring that the  
30          confidential and exempt status of the  
31          information received be maintained; providing

1           for criminal penalties; providing a statement  
2           of public necessity; providing an effective  
3           date.

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

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7           Section 1. Subsection (8) of section 717.117, Florida  
8 Statutes, is repealed.

9           Section 2. Section 717.1171, Florida Statutes, is  
10 created to read:

11           717.1171 Public-records exemptions relating to  
12 unclaimed property; criminal penalties.--

13           (1)(a) The social security numbers, unclaimed property  
14 account dollar amounts in excess of \$150, the number of  
15 reported shares of stock, and the financial account numbers  
16 held by the department are confidential and exempt from s.  
17 119.07(1), and s. 24(a), Art. I, of the State Constitution.  
18 Notwithstanding this exemption, the department may release  
19 this information to an attorney, a state-certified public  
20 accountant, a private investigator who is licensed in this  
21 state, or a private investigative agency licensed under  
22 chapter 493, for the limited purpose of locating owners of  
23 unclaimed property. Any designated recipient receiving the  
24 information shall maintain the status of such information as  
25 confidential and exempt from public disclosure. This  
26 exemption applies to the social security numbers, the  
27 unclaimed property account dollar amounts, the number of  
28 reported shares of stock, and financial account numbers held  
29 by the department before, on, or after the effective date of  
30 this exemption.

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1           (b) Information made confidential and exempt from  
2 public disclosure by this section may be used, as needed, in  
3 any administrative or judicial proceeding if such information  
4 is kept confidential and exempt from public disclosure, unless  
5 otherwise ordered by a court.

6           (c) An attorney, a state-certified public accountant,  
7 a private investigator who is licensed in this state, or a  
8 private investigative agency licensed under chapter 493, or an  
9 employee thereof, may disclose, in good faith, the information  
10 made confidential and exempt from public disclosure by this  
11 section to a person who the attorney, the state-certified  
12 public accountant, the private investigator, or the private  
13 investigative agency believes to be entitled to the unclaimed  
14 property.

15           (d) The department, or an employee thereof, may  
16 disclose, in good faith, the information made confidential and  
17 exempt from public disclosure by this section to a person who  
18 the department believes to be entitled to the unclaimed  
19 property.

20           (2) 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           Section 3. Section 717.1171, Florida Statutes, is  
24 subject to the Open Government Sunset Review Act of 1995 in  
25 accordance with section 119.15, Florida Statutes, and shall  
26 stand repealed on October 2, 2008, unless reviewed and saved  
27 from repeal through reenactment by the Legislature.

28           Section 4. (1) The Legislature finds that it is a  
29 public necessity that social security numbers and financial  
30 account numbers of apparent owners of unclaimed property in  
31 the custody of the Department of Financial Services be made

1 confidential and exempt from public disclosure in order to  
2 prevent identity theft and related crimes. The Legislature  
3 further finds that this exemption is a public necessity in  
4 order to prevent the use of such information in forged  
5 documents demonstrating entitlement to unclaimed property and  
6 thereby defrauding the rightful property owner or the State  
7 School Fund. Additionally, the social security number is the  
8 only nationwide, unique numeric form of identification.  
9 Revealing a person's social security number is of concern due  
10 to the quantity of information that can be obtained by the  
11 person in possession of the social security number. A social  
12 security number is often the link to an individual's personal  
13 records, whether such records are financial, educational,  
14 medical, or familial in nature.

15 (2) The Legislature finds that it is a public  
16 necessity that unclaimed property account dollar amounts in  
17 excess of \$150 and the number of reported shares of stock,  
18 which are in the custody of the Department of Financial  
19 Services, be made confidential and exempt in order to prevent  
20 unclaimed property fraud and related crimes. The Legislature  
21 further finds that this exemption is a public necessity in  
22 order to prevent criminal elements from using such information  
23 to identify which accounts to claim by using forged documents  
24 demonstrating entitlement to unclaimed property thereby  
25 defrauding the rightful property owner or the State School  
26 Fund.

27 (3) It is necessary to provide access for an attorney,  
28 a state-certified public accountant, a private investigator  
29 licensed in this state, or a private investigative agency that  
30 is licensed under chapter 493, Florida Statutes, or for an  
31 employee thereof, to the social security numbers, unclaimed

1 property account dollar amounts, financial account numbers,  
2 and the number of reported shares of stock in order to  
3 facilitate the location and return of unclaimed property to  
4 rightful owners. The Legislature further finds that  
5 attorneys, state-certified public accountants, private  
6 investigators, and private investigative agencies are subject  
7 to more stringent regulation and oversight than the public as  
8 a whole. In addition, such professionals are the only persons  
9 authorized to file claims on behalf of apparent owners of  
10 unclaimed property under section 717.124, Florida Statutes.

11 (4) It is also necessary to permit an attorney,  
12 state-certified public accountant, private investigator  
13 licensed in this state, or private investigative agency that  
14 is licensed under chapter 493, Florida Statutes, or an  
15 employee thereof, to disclose in good faith the social  
16 security numbers, unclaimed property account dollar amounts,  
17 financial account numbers, and the number of reported shares  
18 of stock to any person who the attorney, state-certified  
19 public accountant, private investigator, or private  
20 investigative agency, or employee thereof, believes to be  
21 entitled to the unclaimed property in order to facilitate the  
22 return of unclaimed property to its rightful owner.

23 (5) It is necessary to permit the department, or an  
24 employee thereof, to disclose in good faith social security  
25 numbers, unclaimed property account dollar amounts, and the  
26 number of reported shares of stock to a person who the  
27 department, or an employee thereof, believes to be entitled to  
28 the unclaimed property in order to facilitate the return of  
29 unclaimed property to rightful owners.

30 Section 5. This act shall take effect upon becoming a  
31 law.

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2440

4 The committee substitute does the following:

- 5 - Creates s. 717.1171, F.S., which provides a public  
6 records exemption for social security numbers, financial  
7 account numbers, unclaimed property account dollar  
8 amounts over \$150, and the number of reported shares of  
9 stock held by the Department of Financial Services for  
10 the purpose of disposing of unclaimed property.  
11 - Provides exceptions to the public records exemption  
12 contained in the act. Exempt materials may be disclosed  
13 to a qualified party as specified in the statute, or to a  
14 person believed in good faith to be entitled to the  
15 unclaimed property.  
16 - Provides that a violation of the act is punishable as a  
17 third-degree felony.  
18 - Provides statements of public necessity for each of the  
19 types of information that the bill makes exempt from  
20 public disclosure.  
21 - Eliminates subsection (8) of s. 717.117, Florida  
22 Statutes.  
23 - Provides for future review and repeal of the act on  
24 October 2, 2008.  
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