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A bill to be entitled
 An act relating to public records exemptions; creating s.
 717.1171, F.S.; exempting from public records requirements
 certain financial records held by the Department of
 Financial Services; providing exceptions; creating s.
 717.12401, F.S.; exempting from public records
 requirements certain personal photographic information
 held by the department; providing exceptions; creating s.
 717.12402, F.S.; exempting from public records
 requirements certain databases subscribed to by the
 department under certain circumstances; amending s.
 717.1301, F.S.; deleting an exemption from certain public
 records requirements for materials compiled by the
 department under an investigation or examination; creating
 s. 717.1302, F.S.; exempting from public records
 requirements certain materials compiled by the department
 relating to investigations or examinations; providing
 exceptions; creating s. 717.1342, F.S.; providing criminal
 penalties for disclosure of confidential records;
 providing findings of public necessity; providing for
 future legislative review and repeal; providing a
 contingent effective date.

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

Section 1. Section 717.1171, Florida Statutes, is created
 to read:

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28 717.1171 Public records exemption for social security
 29 numbers, unclaimed property account dollar amounts, the number
 30 of reported shares of stock, and financial account numbers.--

31 (1) Social security numbers, unclaimed property account
 32 dollar amounts, the number of reported shares of stock, and
 33 financial account numbers held by the department are
 34 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 35 of the State Constitution. Notwithstanding this exemption,
 36 unclaimed property account dollar amounts and the number of
 37 reported shares of stock shall be released to an attorney
 38 licensed to practice law in this state, a licensed Florida-
 39 certified public accountant, or a private investigator licensed
 40 under chapter 493, and registered with the department under this
 41 chapter. Notwithstanding this exemption, social security
 42 numbers, unclaimed property account dollar amounts, the number
 43 of reported shares of stock, and financial account numbers held
 44 by the department may be provided to another agency in the
 45 furtherance of that agency's duties and responsibilities, or an
 46 employee of such agency. The receiving person or agency, other
 47 than the person entitled to the unclaimed property, must
 48 maintain the confidential and exempt status of such information.
 49 This exemption applies to social security numbers, unclaimed
 50 property account dollar amounts, the number of reported shares
 51 of stock, and financial account numbers held by the department
 52 before, on, or after October 1, 2004.

53 (2) If information made confidential and exempt under this
 54 section is offered as evidence in any administrative, civil, or
 55 criminal proceeding, or is otherwise subject to such proceeding,
 56 the presiding officer, in her or his discretion, may prevent the

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57 disclosure of information which is confidential and exempt
 58 pursuant to this section.

59 (3) An attorney licensed to practice law in this state, a
 60 licensed Florida-certified public accountant, or a private
 61 investigator licensed under chapter 493, and registered with the
 62 department under this chapter, or an employee thereof, may
 63 disclose in good faith unclaimed property account dollar amounts
 64 and the number of reported shares of stock to a person who is
 65 believed by the attorney, accountant, or investigator, or an
 66 employee thereof, to be entitled to the unclaimed property.

67 (4) The department, or an employee of the department, may
 68 disclose in good faith unclaimed property account dollar amounts
 69 and the number of reported shares of stock to a person who is
 70 believed by the department, or an employee of the department, to
 71 be entitled to the unclaimed property.

72 (5) This section does not supersede the licensing
 73 requirements of chapter 493.

74 Section 2. Section 717.12401, Florida Statutes, is created
 75 to read:

76 717.12401 Public records exemption for personal
 77 photographic identification.--

78 (1) Personal photographic identification held by the
 79 department pursuant to this chapter is confidential and exempt
 80 from s. 119.07(1) and s. 24(a), Art. I of the State
 81 Constitution. This exemption applies to personal photographic
 82 identification held by the department before, on, or after
 83 October 1, 2004.

84 (2) Nothing in this section shall be construed to prohibit
 85 the department from providing the personal photographic

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86 identification to any law enforcement or administrative agency
 87 or regulatory organization.

88 (3) If information made confidential and exempt under this
 89 section is offered as evidence in any administrative, civil, or
 90 criminal proceeding, or is otherwise subject to such proceeding,
 91 the presiding officer, in her or his discretion, may prevent the
 92 disclosure of information which is confidential and exempt
 93 pursuant to this section.

94 (4) The person receiving information which would be
 95 confidential and exempt pursuant to this section must maintain
 96 the confidentiality of the information so long as the
 97 information would otherwise be confidential.

98 Section 3. Section 717.12402, Florida Statutes, is created
 99 to read:

100 717.12402 Public records exemption for database
 101 subscription required to be confidential by the database
 102 vendor.--A database subscribed to by the department is
 103 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 104 of the State Constitution if the database vendor requires
 105 confidentiality.

106 Section 4. Subsections (5) and (6) of section 717.1301,
 107 Florida Statutes, are amended to read:

108 717.1301 Investigations; examinations; subpoenas.--

109 ~~(5) The material compiled by the department in an~~
 110 ~~investigation or examination under this chapter is confidential~~
 111 ~~until the investigation or examination is complete. The material~~
 112 ~~compiled by the department in an investigation or examination~~
 113 ~~under this chapter remains confidential after the department's~~
 114 ~~investigation or examination is complete if the department has~~

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115 ~~submitted the material or any part of it to any law enforcement~~
116 ~~agency or other administrative agency for further investigation~~
117 ~~or for the filing of a criminal or civil prosecution and such~~
118 ~~investigation has not been completed or become inactive.~~

119 (5)(6) If an investigation or an examination of the
120 records of any person results in the disclosure of property
121 reportable and deliverable under this chapter, the department
122 may assess the cost of investigation or the examination against
123 the holder at the rate of \$100 per day per investigator or
124 examiner.

125 Section 5. Section 717.1302, Florida Statutes, is created
126 to read:

127 717.1302 Confidentiality of information relating to
128 investigations and examinations.--

129 (1)(a) Except as otherwise provided by this section,
130 information relating to an investigation or examination by the
131 department, or an agent of the department, pursuant to this
132 chapter, including any list of holders under investigation or
133 examination or to be investigated or examined, is confidential
134 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
135 Constitution until the investigation or examination is completed
136 or ceases to be active. The information compiled by the
137 department in such an investigation or examination shall remain
138 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
139 of the State Constitution after the department's investigation
140 or examination is completed or ceases to be active if the
141 department submits the information to any law enforcement or
142 administrative agency for further investigation. Such
143 information shall remain confidential and exempt from s.

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144 119.07(1) and s. 24(a), Art. I of the State Constitution until
 145 that agency's investigation is completed or ceases to be active.
 146 This section shall not be construed to prohibit disclosure of
 147 information which is required by law to be filed with the
 148 department and which, but for the investigation or examination,
 149 would be subject to s. 119.07(1) and s. 24(a), Art. I of the
 150 State Constitution.

151 (b) Except as necessary for the department to enforce the
 152 provisions of this chapter, a consumer complaint and other
 153 information relative to an investigation or examination shall
 154 remain confidential and exempt from s. 119.07(1) and s. 24(a),
 155 Art. I of the State Constitution after the investigation or
 156 examination is completed or ceases to be active to the extent
 157 disclosure would:

158 1. Jeopardize the integrity of another active
 159 investigation or examination.

160 2. Reveal the name, address, telephone number, social
 161 security number, or any other identifying number or information
 162 of any complainant, customer, or account holder.

163 3. Disclose the identity of a confidential source.

164 4. Disclose investigative techniques or procedures.

165 5. Reveal a trade secret as defined in s. 688.002.

166 (c) If department personnel are or have been involved in
 167 an investigation or examination of such nature as to endanger
 168 their lives or physical safety or that of their families, the
 169 home addresses, telephone numbers, places of employment, and
 170 photographs of such personnel, together with the home addresses,
 171 telephone numbers, photographs, and places of employment of
 172 spouses and children of such personnel and the names and

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173 locations of schools and day care facilities attended by the
 174 children of such personnel are confidential and exempt from s.
 175 119.07(1) and s. 24(a), Art. I of the State Constitution.

176 (d) Nothing in this section shall be construed to prohibit
 177 the department from providing information to any law enforcement
 178 or administrative agency. Any law enforcement or administrative
 179 agency receiving confidential information in connection with its
 180 official duties shall maintain the confidentiality of the
 181 information so long as it would otherwise be confidential.

182 (e) All information obtained by the department from any
 183 law enforcement or administrative agency which is only made
 184 available to the department on a confidential or similarly
 185 restricted basis shall be confidential and exempt from s.
 186 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 187 exemption shall not be construed to prohibit disclosure of
 188 information which is required by law to be filed with the
 189 department or which is otherwise subject to s. 119.07(1) and s.
 190 24(a), Art. I of the State Constitution.

191 (2) If information subject to subsection (1) is offered in
 192 evidence in any administrative, civil, or criminal proceeding,
 193 the presiding officer, in his or her discretion, may prevent the
 194 disclosure of information which would be confidential pursuant
 195 to paragraph (1)(b).

196 (3) A privilege against civil liability is granted to a
 197 person who furnishes information or evidence to the department,
 198 unless such person acts in bad faith or with malice in providing
 199 such information or evidence.

200 Section 6. Section 717.1342, Florida Statutes, is created
 201 to read:

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202 717.1342 Criminal penalties for disclosure of confidential
 203 records.--Any person who willfully and knowingly violates s.
 204 717.1171 or s. 717.12401 commits a felony of the third degree,
 205 punishable as provided in s. 775.082 or s. 775.083.

206 Section 7. (1) The Legislature finds that it is a public
 207 necessity that social security numbers and financial account
 208 numbers of apparent owners of unclaimed property which are in
 209 the custody of the Department of Financial Services be made
 210 confidential and exempt in order to prevent identity theft and
 211 related crimes. The Legislature further finds that this
 212 exemption is a public necessity in order to prevent the use of
 213 such information in forged documents demonstrating entitlement
 214 to unclaimed property and thereby defrauding the rightful
 215 property owner or the State School Fund. Additionally, the
 216 social security number is the only nationwide, unique numeric
 217 form of identification. Release of a person's social security
 218 number is of concern due to the amount of information such
 219 number can provide on an individual. A social security number is
 220 often the link to an individual's personal records, whether such
 221 records are financial, educational, medical, or familial in
 222 nature.

223 (2) The Legislature finds that it is a public necessity
 224 that unclaimed property account dollar amounts and the number of
 225 reported shares of stock which are in the custody of the
 226 Department of Financial Services be made confidential and exempt
 227 in order to prevent unclaimed property fraud and related crimes.
 228 The Legislature further finds that this exemption is a public
 229 necessity in order to prevent criminal elements from using such
 230 information to identify which accounts to claim by using forged

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231 documents demonstrating entitlement to unclaimed property,
 232 thereby defrauding the rightful property owner or the State
 233 School Fund. It is necessary, however, to provide access to
 234 unclaimed property account dollar amounts and the number of
 235 reported shares of stock to an attorney licensed to practice law
 236 in this state, a licensed Florida-certified public accountant, a
 237 private investigator licensed under chapter 493, Florida
 238 Statutes, or private investigative agencies that are licensed
 239 under chapter 493, Florida Statutes, and registered with the
 240 department. The Legislature further finds that attorneys
 241 licensed to practice law in this state, Florida-certified public
 242 accountants, and private investigators and private investigative
 243 agencies licensed under chapter 493, Florida Statutes, and
 244 registered with the Department of Financial Services, are
 245 subject to more stringent regulation and oversight than the
 246 public as a whole. In addition, such professionals are the only
 247 persons authorized to file claims on behalf of apparent owners
 248 of unclaimed property pursuant to chapter 717, Florida Statutes.

249 (3) The Legislature finds that it is a public necessity
 250 that drivers' licenses and other personal photographic
 251 identification which are in the custody of the Department of
 252 Financial Services be made confidential and exempt in order to
 253 prevent identity theft and related crimes. The Legislature
 254 further finds that this exemption is a public necessity in order
 255 to prevent the use of such information in forged documents
 256 demonstrating entitlement to abandoned or unclaimed property and
 257 thereby defrauding the rightful property owner or the State
 258 School Fund. Additionally, a driver license is the only
 259 nationwide, unique form of identification. Release of a person's

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260 driver license is of concern due to the ability to use the
 261 driver license to obtain access to an individual's personal
 262 records, whether such records are financial, educational,
 263 medical, or familial in nature.

264 (4) The Legislature finds that it is a public necessity
 265 that the Department of Financial Services use the most up-to-
 266 date database resources to verify whether claimants are entitled
 267 to unclaimed property and in order to prevent unclaimed property
 268 fraud and related crimes. The Legislature further finds that
 269 this exemption is a public necessity in order to help prevent
 270 criminal elements from successfully using forged documents or
 271 erroneous information demonstrating entitlement to abandoned or
 272 unclaimed property, thereby defrauding the rightful property
 273 owner or the State School Fund. The Legislature finds that it is
 274 a public necessity that the department use the most current and
 275 efficient database resources in order to determine the validity
 276 of claims in a cost-effective manner.

277 (5) The Legislature finds that it is a public necessity
 278 that information related to an open investigation or examination
 279 by the Department of Financial Services be made confidential and
 280 exempt until the completion of the investigation or examination
 281 in order to protect the integrity of the investigation or
 282 examination. The Legislature further finds that it is a public
 283 necessity that information related to an investigation or
 284 examination by the department be made confidential and exempt if
 285 the department submits the information to any law enforcement or
 286 administrative agency for further investigation in order to
 287 protect the integrity of the law enforcement or administrative
 288 agency investigation or examination. The Legislature further

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289 finds that it is a public necessity that sensitive information
 290 related to another active investigation or examination, a
 291 complainant, a confidential source, investigative techniques or
 292 procedures, trade secrets, and at-risk department personnel and
 293 their families be made confidential and exempt in order to
 294 protect the sensitive nature of the information.

295 Section 8. Sections 717.1171, 717.12401, 717.12402,
 296 717.1301, and 717.1302, Florida Statutes, are subject to the
 297 Open Government Sunset Review Act of 1995 in accordance with s.
 298 119.15, Florida Statutes, and shall stand repealed on October 2,
 299 2009, unless reviewed and saved from repeal through reenactment
 300 by the Legislature.

301 Section 9. This act shall take effect October 1, 2004, if
 302 HB 1039 or substantially similar legislation is adopted in the
 303 same legislative session or an extension thereof.