

1 suit and collect civil penalties, including
2 attorney's fees and costs; providing an
3 effective date.

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

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7 Section 1. Paragraph (a) of subsection (5) of section
8 119.071, Florida Statutes, is amended to read:

9 119.071 General exemptions from inspection or copying
10 of public records.--

11 (5) OTHER PERSONAL INFORMATION.--

12 (a)1. The Legislature acknowledges that the social
13 security number was never intended to be used for business
14 purposes but was intended to be used solely for the
15 administration of the federal Social Security System. The
16 Legislature is further aware that over time this unique
17 numeric identifier has been used extensively for identity
18 verification purposes and other legitimate consensual
19 purposes. The Legislature is also cognizant of the fact that
20 the social security number can be used as a tool to perpetuate
21 fraud against a person and to acquire sensitive personal,
22 financial, medical, and familial information, the release of
23 which could cause great financial or personal harm to an
24 individual. The Legislature intends to monitor the commercial
25 use of social security numbers held by state agencies in order
26 to maintain a balanced public policy.

27 2. An agency shall not collect an individual's social
28 security number unless authorized by law to do so or unless
29 the collection of the social security number is otherwise
30 imperative for the performance of that agency's duties and
31 responsibilities as prescribed by law. Social security numbers

1 collected by an agency must be relevant to the purpose for
2 which collected and shall not be collected until and unless
3 the need for social security numbers has been clearly
4 documented. An agency that collects social security numbers
5 shall also segregate that number on a separate page from the
6 rest of the record, or as otherwise appropriate, in order that
7 the social security number be more easily redacted, if
8 required, pursuant to a public records request. An agency
9 collecting a person's social security number shall, upon that
10 person's request, at the time of or prior to the actual
11 collection of the social security number by that agency,
12 provide that person with a statement of the purpose or
13 purposes for which the social security number is being
14 collected and used. Social security numbers collected by an
15 agency shall not be used by that agency for any purpose other
16 than the purpose stated. Social security numbers collected by
17 an agency prior to May 13, 2002, shall be reviewed for
18 compliance with this subparagraph. If the collection of a
19 social security number prior to May 13, 2002, is found to be
20 unwarranted, the agency shall immediately discontinue the
21 collection of social security numbers for that purpose. Before
22 disposing of a record that includes a social security number,
23 an agency must ensure that the social security number is
24 redacted from the record.

25 3. Effective October 1, 2002, all social security
26 numbers held by an agency are confidential and exempt from s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution. This
28 exemption applies to all social security numbers held by an
29 agency before, on, or after the effective date of this
30 exemption.

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1 4. Social security numbers may be disclosed to another
2 governmental entity or its agents, employees, or contractors
3 if disclosure is necessary for the receiving entity to perform
4 its duties and responsibilities. The receiving governmental
5 entity and its agents, employees, and contractors shall
6 maintain the confidential and exempt status of such numbers.

7 5. An agency shall not deny a commercial entity
8 engaged in the performance of a commercial activity as defined
9 in s. 14.203 or its agents, employees, or contractors access
10 to social security numbers, provided the social security
11 numbers will be used only in the normal course of business for
12 legitimate business purposes, and provided the commercial
13 entity makes a written request for social security numbers,
14 verified as provided in s. 92.525, legibly signed by an
15 authorized officer, employee, or agent of the commercial
16 entity. The verified written request must contain the
17 commercial entity's name, business mailing and location
18 addresses, business telephone number, and a statement of the
19 specific purposes for which it needs the social security
20 numbers and how the social security numbers will be used in
21 the normal course of business for legitimate business
22 purposes. The aggregate of these requests shall serve as the
23 basis for the agency report required in subparagraph 8. An
24 agency may request any other information reasonably necessary
25 to verify the identity of the entity requesting the social
26 security numbers and the specific purposes for which such
27 numbers will be used; however, an agency has no duty to
28 inquire beyond the information contained in the verified
29 written request. A legitimate business purpose includes
30 verification of the accuracy of personal information received
31 by a commercial entity in the normal course of its business;

1 use in a civil, criminal, or administrative proceeding; use
2 for insurance purposes; use in law enforcement and
3 investigation of crimes; use in identifying and preventing
4 fraud; use in matching, verifying, or retrieving information;
5 and use in research activities. A legitimate business purpose
6 does not include the display or bulk sale of social security
7 numbers to the general public or the distribution of such
8 numbers to any customer that is not identifiable by the
9 distributor.

10 6. Any person who makes a false representation in
11 order to obtain a social security number pursuant to this
12 paragraph, or any person who willfully and knowingly violates
13 this paragraph, commits a felony of the third degree,
14 punishable as provided in s. 775.082 or s. 775.083. Any public
15 officer who violates this paragraph is guilty of a noncriminal
16 infraction, punishable by a fine not exceeding \$500. A
17 commercial entity that provides access to public records
18 containing social security numbers in accordance with this
19 paragraph is not subject to the penalty provisions of this
20 subparagraph.

21 7.a. On or after October 1, 2002, a person preparing
22 or filing a document to be recorded in the official records by
23 the county recorder as provided for in chapter 28 may not
24 include any person's social security number in that document,
25 unless otherwise expressly required by law. If a social
26 security number is or has been included in a document
27 presented to the county recorder for recording in the official
28 records of the county before, on, or after October 1, 2002, it
29 may be made available as part of the official record available
30 for public inspection and copying.

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1 b. Any person, or his or her attorney or legal
2 guardian, has the right to request that a county recorder
3 remove, from an image or copy of an official record placed on
4 a county recorder's publicly available Internet website or a
5 publicly available Internet website used by a county recorder
6 to display public records or otherwise made electronically
7 available to the general public by such recorder, his or her
8 social security number contained in that official record. Such
9 request must be made in writing, legibly signed by the
10 requester and delivered by mail, facsimile, or electronic
11 transmission, or delivered in person, to the county recorder.
12 The request must specify the identification page number that
13 contains the social security number to be redacted. The county
14 recorder has no duty to inquire beyond the written request to
15 verify the identity of a person requesting redaction. A fee
16 shall not be charged for the redaction of a social security
17 number pursuant to such request.

18 c. A county recorder shall immediately and
19 conspicuously post signs throughout his or her offices for
20 public viewing and shall immediately and conspicuously post,
21 on any Internet website or remote electronic site made
22 available by the county recorder and used for the ordering or
23 display of official records or images or copies of official
24 records, a notice stating, in substantially similar form, the
25 following:

26 (I) On or after October 1, 2002, any person preparing
27 or filing a document for recordation in the official records
28 may not include a social security number in such document,
29 unless required by law.

30 (II) Any person has a right to request a county
31 recorder to remove, from an image or copy of an official

1 record placed on a county recorder's publicly available
2 Internet website or on a publicly available Internet website
3 used by a county recorder to display public records or
4 otherwise made electronically available to the general public,
5 any social security number contained in an official record.
6 Such request must be made in writing and delivered by mail,
7 facsimile, or electronic transmission, or delivered in person,
8 to the county recorder. The request must specify the
9 identification page number that contains the social security
10 number to be redacted. No fee will be charged for the
11 redaction of a social security number pursuant to such a
12 request.

13 d. Until January 1, 2007, if a social security number,
14 made confidential and exempt pursuant to this paragraph, or a
15 complete bank account, debit, charge, or credit card number
16 made exempt pursuant to paragraph (b) is or has been included
17 in a court file, such number may be included as part of the
18 court record available for public inspection and copying
19 unless redaction is requested by the holder of such number, or
20 by the holder's attorney or legal guardian, in a signed,
21 legibly written request specifying the case name, case number,
22 document heading, and page number. The request must be
23 delivered by mail, facsimile, electronic transmission, or in
24 person to the clerk of the circuit court. The clerk of the
25 circuit court does not have a duty to inquire beyond the
26 written request to verify the identity of a person requesting
27 redaction. A fee may not be charged for the redaction of a
28 social security number or a bank account, debit, charge, or
29 credit card number pursuant to such request.

30 e. Any person who prepares or files a document to be
31 recorded in the official records by the county recorder as

1 provided in chapter 28 may not include a person's social
2 security number or complete bank account, debit, charge, or
3 credit card number in that document unless otherwise expressly
4 required by law. Until January 1, 2007, if a social security
5 number or a complete bank account, debit, charge, or credit
6 card number is or has been included in a document presented to
7 the county recorder for recording in the official records of
8 the county, such number may be made available as part of the
9 official record available for public inspection and copying.
10 Any person, or his or her attorney or legal guardian, may
11 request that a county recorder remove from an image or copy of
12 an official record placed on a county recorder's publicly
13 available Internet website, or a publicly available Internet
14 website used by a county recorder to display public records
15 outside the office or otherwise made electronically available
16 outside the county recorder's office to the general public,
17 his or her social security number or complete account, debit,
18 charge, or credit card number contained in that official
19 record. Such request must be legibly written, signed by the
20 requester, and delivered by mail, facsimile, electronic
21 transmission, or in person to the county recorder. The request
22 must specify the identification page number of the document
23 that contains the number to be redacted. The county recorder
24 does not have a duty to inquire beyond the written request to
25 verify the identity of a person requesting redaction. A fee
26 may not be charged for redacting such numbers.

27 f. Subparagraphs 2. and 3. do not apply to the clerks
28 of the court or the county recorder with respect to circuit
29 court records and official records.

30 g. On January 1, 2007, and thereafter, the clerk of
31 the circuit court and the county recorder must keep complete

1 bank account, debit, charge, and credit card numbers exempt as
2 provided for in paragraph (b), and must keep social security
3 numbers confidential and exempt as provided for in
4 subparagraph 3., without any person having to request
5 redaction.

6 8. Beginning January 31, 2004, and each January 31
7 thereafter, every agency must file a report with the Secretary
8 of State, the President of the Senate, and the Speaker of the
9 House of Representatives listing the identity of all
10 commercial entities that have requested social security
11 numbers during the preceding calendar year and the specific
12 purpose or purposes stated by each commercial entity regarding
13 its need for social security numbers. If no disclosure
14 requests were made, the agency shall so indicate.

15 9. Any affected person may petition the circuit court
16 for an order directing compliance with this paragraph.

17 10. This paragraph does not supersede any other
18 applicable public records exemptions existing prior to May 13,
19 2002, or created thereafter.

20 11. This paragraph is subject to the Open Government
21 Sunset Review Act in accordance with s. 119.15 and shall stand
22 repealed October 2, 2007, unless reviewed and saved from
23 repeal through reenactment by the Legislature.

24 Section 2. Section 627.4207, Florida Statutes, is
25 created to read:

26 627.4207 Use of social security number on insured's
27 identification card prohibited.--An insurer may not include an
28 insured's social security number on an identification card
29 issued to the insured or encode or embed a social security
30 number in or on an identification card by any means,
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1 including, but not limited to, by use of a bar code, chip,
2 magnetic strip, or other technology.

3 Section 3. Section 1004.087, Florida Statutes, is
4 created to read:

5 1004.087 Use of social security number on student
6 identification card or badge prohibited.--A community college
7 or state university may not include the social security number
8 of a student on a student identification card or badge or
9 encode or embed a student's social security number in or on an
10 identification card or badge by any means, including, but not
11 limited to, by use of a bar code, chip, magnetic strip, or
12 other technology.

13 Section 4. Section 1005.08, Florida Statutes, is
14 created to read:

15 1005.08 Use of social security number on student
16 identification card or badge prohibited.--A private school,
17 college, or university may not include the social security
18 number of a student on a student identification card or badge
19 or encode or embed a student's social security number in or on
20 an identification card or badge or encode or embed a student's
21 social security number in or on an identification card or
22 badge by any means, including, but not limited to, by use of a
23 bar code, chip, magnetic strip, or other technology.

24 Section 5. Section 1008.36, Florida Statutes, is
25 amended to read:

26 1008.386 Social security numbers used as student
27 identification numbers.--Each district school board shall
28 request that each student enrolled in a public school in this
29 state provide his or her social security number. Each school
30 district shall use social security numbers as student
31 identification numbers in the management information system

1 maintained by the school district. However, a student is not
2 required to provide his or her social security number as a
3 condition for enrollment or graduation. Moreover, the
4 student's social security number may not be included on an
5 identification card issued to the student and may not be
6 encoded or embedded in or on an identification card by any
7 means, including, but not limited to, by use of a bar code,
8 chip, magnetic strip, or other technology. A student satisfies
9 the ~~this~~ requirement to provide his or her social security
10 number by presenting to school enrollment officials his or her
11 social security card or a copy of the card. The school
12 district shall include the social security number in the
13 student's permanent records and shall indicate if the student
14 identification number is not a social security number. The
15 Commissioner of Education shall provide assistance to school
16 districts to assure that the assignment of student
17 identification numbers other than social security numbers is
18 kept to a minimum and to avoid duplication of any student
19 identification number.

20 Section 6. Prohibited use or misappropriation of
21 social security numbers.--

22 (1)(a) A person may not require an individual to
23 disclose the individual's social security number in order to
24 obtain goods or services or enter into a business transaction
25 with the person unless state or federal law authorizes the
26 person to require the disclosure of the individual's social
27 security number.

28 (b) This section is inapplicable to a governmental
29 entity and does not prevent the collection of a social
30 security number as authorized or required by state or federal
31 law.

1 (2) Except as otherwise provided in this section, a
2 person may not:

3 (a) Publicly post or publicly display in any manner an
4 individual's social security number. As used in this
5 paragraph, the terms "publicly post" or "publicly display"
6 mean to intentionally communicate or otherwise make available
7 to the public.

8 (b) Print an individual's social security number on
9 any card required for the individual to obtain access to
10 products or services provided by the person or encode or embed
11 an individual's social security number in such a card by any
12 means, including, but not limited to, by use of a bar code,
13 chip, magnetic strip, or other technology.

14 (c) Print an individual's social security number on
15 any materials that are mailed to the individual, unless state
16 or federal law requires that the social security number be on
17 the document to be mailed. Notwithstanding any provision in
18 this section to the contrary, social security numbers may be
19 included in application and forms sent by mail, including
20 documents sent as part of an application or enrollment
21 process, or to establish, amend, or terminate an account,
22 contract, or policy, or to confirm the accuracy of the social
23 security number.

24 (d) Print an individual's social security number on a
25 postcard or other mailer that does not require an envelop or
26 in a manner in which the social security number is visible on
27 the envelope or visible without the envelope's being opened.

28 (e) Require an individual to transmit his or her
29 social security number over the Internet unless the connection
30 is secure or the social security number is encrypted.

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1 (f) Require an individual to use his or her social
2 security number to access an Internet website, unless a
3 password or unique personal identification number or other
4 authentication device is also required to access the website.

5 (3) Except as otherwise provided in this section, a
6 person or entity that has used an individual's social security
7 number before July 1, 2006, in a manner inconsistent with this
8 section may continue using that individual's social security
9 number in that manner on or after July 1, 2006, if all of the
10 following conditions are met:

11 (a) The use of the social security number is
12 continuous. If the use is stopped for any reason, subsection
13 (2) applies.

14 (b) An annual notice of disclosure is provided to the
15 individual which informs the individual that he or she has the
16 right to stop the use of his or her social security number in
17 a manner inconsistent with this section.

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19 A written request by an individual to stop the use of his or
20 her social security number must be implemented within 30 days
21 after the receipt of the request. A fee or charge for
22 implementing the request may not be imposed. The person or
23 entity that has used the social security number in a manner
24 inconsistent with this section may not deny services to an
25 individual because the individual has made a written request
26 pursuant to this subsection.

27 (4) This section does not:

28 (a) Apply to the collection, use, or release of social
29 security numbers by the state, a subdivision of the state, or
30 an individual in the employ of a state or of a subdivision of
31 the state in connection with his or her official duties.

1 (b) Apply to documents that are recorded or required
2 to be open to the public under state or federal law. This
3 section may not be asserted as a means of avoiding compliance
4 with a public-records request under the laws of this state.

5 (c) Apply to an entity providing an electronic
6 communications service to the public which is used by another
7 person to violate this section unless that entity conspires
8 with another person to violate this section or intentionally
9 aids and abets another person in the violation of this
10 section.

11 (d) Prevent the collection, use, or release of a
12 social security number as authorized by state or federal law
13 or the use of a social security number for internal
14 verification or administrative purposes.

15 (5) The Attorney General or the state attorney in the
16 county in which the violation occurs may:

17 (a) Bring suit against any person for violating this
18 section;

19 (b) Seek appropriate injunctive relief; and

20 (c) Collect civil penalties in the amount of \$1,000 or
21 less per violation, together with attorney's fees and costs
22 incurred in the investigation and prosecution of the matter.

23 Section 7. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Relates to the use of social security numbers. Requires state agencies to redact social security numbers prior to the disposal of records. Prohibits the use of social security numbers on insurance identification cards. Prohibits the use of social security numbers on student identification cards issued by community colleges or state universities, private postsecondary institutions, or public schools. Prohibits requiring the use of social security numbers to obtain certain goods or services except as legally required. Prohibits the public posting or public display of social security numbers. Prohibits the use of such numbers on cards necessary for accessing products or services. Prohibits the uses of such numbers on certain information sent by mail. Prohibits the unsecured posting of such numbers on the Internet. Allows uses prohibited by this act under certain conditions, if the uses began before the effective date of the act. Allows an individual to stop such uses. Provides applicability of the act. Provides for enforcement.