

HB 1563

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CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to public records; amending s. 119.071,
8 F.S.; revising the date until which a confidential and
9 exempt social security number or an exempt complete bank
10 account, debit, charge, or credit card number included in
11 a court file may be included as part of a court record
12 available for public inspection and copying unless
13 redaction is requested; providing that the clerk of the
14 circuit court has no liability for the inadvertent release
15 of certain confidential and exempt social security numbers
16 or exempt bank account, debit, charge, or credit card
17 numbers; revising the date until which a social security
18 number or a complete bank account, debit, charge, or
19 credit card number included in a document presented to the
20 county recorder for recording in the official records of
21 the county may be made available as part of the official
22 record available for public inspection and copying;
23 requiring the county recorder to use his or her best

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24 | efforts to redact all social security numbers and complete
 25 | bank account, debit, charge, or credit card numbers from
 26 | electronic copies of official records documents; providing
 27 | that the county recorder is not liable for the inadvertent
 28 | release of certain confidential and exempt social security
 29 | numbers or exempt bank account, debit, charge, or credit
 30 | card numbers; revising the date on which the clerk of the
 31 | circuit court and the county recorder must commence
 32 | keeping complete bank account, debit, charge, and credit
 33 | card numbers exempt and must commence keeping social
 34 | security numbers confidential and exempt without any
 35 | person having to request redaction; making editorial
 36 | changes; reenacting s. 1007.35(8)(b), F.S., relating to
 37 | access to information necessary to evaluate the
 38 | effectiveness of delivered services from the Florida
 39 | Partnership for Minority and Underrepresented Student
 40 | Achievement, to incorporate the amendments made to s.
 41 | 119.071, F.S., in a reference thereto; providing an
 42 | effective date.

43

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

45

46 | Section 1. Paragraph (a) of subsection (5) of section
 47 | 119.071, Florida Statutes, is amended to read:

48 | 119.071 General exemptions from inspection or copying of
 49 | public records.--

50 | (5) OTHER PERSONAL INFORMATION.--

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51 (a)1. The Legislature acknowledges that the social
52 security number was never intended to be used for business
53 purposes but was intended to be used solely for the
54 administration of the federal Social Security System. The
55 Legislature is further aware that over time this unique numeric
56 identifier has been used extensively for identity verification
57 purposes and other legitimate consensual purposes. The
58 Legislature is also cognizant of the fact that the social
59 security number can be used as a tool to perpetuate fraud
60 against a person and to acquire sensitive personal, financial,
61 medical, and familial information, the release of which could
62 cause great financial or personal harm to an individual. The
63 Legislature intends to monitor the commercial use of social
64 security numbers held by state agencies in order to maintain a
65 balanced public policy.

66 2. An agency may ~~shall~~ not collect an individual's social
67 security number unless authorized by law to do so or unless the
68 collection of the social security number is otherwise imperative
69 for the performance of that agency's duties and responsibilities
70 as prescribed by law. Social security numbers collected by an
71 agency must be relevant to the purpose for which collected and
72 may ~~shall~~ not be collected until and unless the need for social
73 security numbers has been clearly documented. An agency that
74 collects social security numbers shall also segregate that
75 number on a separate page from the rest of the record, or as
76 otherwise appropriate, in order that the social security number
77 be more easily redacted, if required, pursuant to a public
78 records request. An agency collecting a person's social security

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79 | number shall, upon that person's request, at the time of or
80 | prior to the actual collection of the social security number by
81 | that agency, provide that person with a statement of the purpose
82 | or purposes for which the social security number is being
83 | collected and used. Social security numbers collected by an
84 | agency may ~~shall~~ not be used by that agency for any purpose
85 | other than the purpose stated. Social security numbers collected
86 | by an agency before ~~prior to~~ May 13, 2002, shall be reviewed for
87 | compliance with this subparagraph. If the collection of a social
88 | security number before ~~prior to~~ May 13, 2002, is found to be
89 | unwarranted, the agency shall immediately discontinue the
90 | collection of social security numbers for that purpose.

91 | 3. Effective October 1, 2002, all social security numbers
92 | held by an agency are confidential and exempt from s. 119.07(1)
93 | and s. 24(a), Art. I of the State Constitution. This exemption
94 | applies to all social security numbers held by an agency before,
95 | on, or after the effective date of this exemption.

96 | 4. Social security numbers may be disclosed to another
97 | governmental entity or its agents, employees, or contractors if
98 | disclosure is necessary for the receiving entity to perform its
99 | duties and responsibilities. The receiving governmental entity
100 | and its agents, employees, and contractors shall maintain the
101 | confidential and exempt status of the ~~such~~ numbers.

102 | 5. An agency may ~~shall~~ not deny a commercial entity
103 | engaged in the performance of a commercial activity as defined
104 | in s. 14.203 or its agents, employees, or contractors access to
105 | social security numbers, provided the social security numbers
106 | will be used only in the normal course of business for

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107 legitimate business purposes, and provided the commercial entity
108 makes a written request for social security numbers, verified as
109 provided in s. 92.525, legibly signed by an authorized officer,
110 employee, or agent of the commercial entity. The verified
111 written request must contain the commercial entity's name,
112 business mailing and location addresses, business telephone
113 number, and a statement of the specific purposes for which it
114 needs the social security numbers and how the social security
115 numbers will be used in the normal course of business for
116 legitimate business purposes. The aggregate of these requests
117 shall serve as the basis for the agency report required in
118 subparagraph 8. An agency may request any other information
119 reasonably necessary to verify the identity of the entity
120 requesting the social security numbers and the specific purposes
121 for which the ~~such~~ numbers will be used; however, an agency has
122 no duty to inquire beyond the information contained in the
123 verified written request. A legitimate business purpose includes
124 verification of the accuracy of personal information received by
125 a commercial entity in the normal course of its business; use in
126 a civil, criminal, or administrative proceeding; use for
127 insurance purposes; use in law enforcement and investigation of
128 crimes; use in identifying and preventing fraud; use in
129 matching, verifying, or retrieving information; and use in
130 research activities. A legitimate business purpose does not
131 include the display or bulk sale of social security numbers to
132 the general public or the distribution of such numbers to any
133 customer that is not identifiable by the distributor.

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134 6. Any person who makes a false representation in order to
135 obtain a social security number pursuant to this paragraph, or
136 any person who willfully and knowingly violates this paragraph,
137 commits a felony of the third degree, punishable as provided in
138 s. 775.082 or s. 775.083. Any public officer who violates this
139 paragraph is guilty of a noncriminal infraction, punishable by a
140 fine not exceeding \$500. A commercial entity that provides
141 access to public records containing social security numbers in
142 accordance with this paragraph is not subject to the penalty
143 provisions of this subparagraph.

144 7.a. On or after October 1, 2002, a person preparing or
145 filing a document to be recorded in the official records by the
146 county recorder as provided for in chapter 28 may not include
147 any person's social security number in that document, unless
148 otherwise expressly required by law. If a social security number
149 is or has been included in a document presented to the county
150 recorder for recording in the official records of the county
151 before, on, or after October 1, 2002, it may be made available
152 as part of the official record available for public inspection
153 and copying.

154 b. Any person, or his or her attorney or legal guardian,
155 has the right to request that a county recorder remove, from an
156 image or copy of an official record placed on a county
157 recorder's publicly available Internet website or a publicly
158 available Internet website used by a county recorder to display
159 public records or otherwise made electronically available to the
160 general public by such recorder, his or her social security
161 number contained in that official record. The ~~Such~~ request must

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162 | be made in writing, legibly signed by the requester and
163 | delivered by mail, facsimile, or electronic transmission, or
164 | delivered in person, to the county recorder. The request must
165 | specify the identification page number that contains the social
166 | security number to be redacted. The county recorder has no duty
167 | to inquire beyond the written request to verify the identity of
168 | a person requesting redaction. A fee may ~~shall~~ not be charged
169 | for the redaction of a social security number pursuant to such
170 | request.

171 | c. A county recorder shall immediately and conspicuously
172 | post signs throughout his or her offices for public viewing and
173 | shall immediately and conspicuously post, on any Internet
174 | website or remote electronic site made available by the county
175 | recorder and used for the ordering or display of official
176 | records or images or copies of official records, a notice
177 | stating, in substantially similar form, the following:

178 | (I) On or after October 1, 2002, any person preparing or
179 | filing a document for recordation in the official records may
180 | not include a social security number in such document, unless
181 | required by law.

182 | (II) Any person has a right to request a county recorder
183 | to remove, from an image or copy of an official record placed on
184 | a county recorder's publicly available Internet website or on a
185 | publicly available Internet website used by a county recorder to
186 | display public records or otherwise made electronically
187 | available to the general public, any social security number
188 | contained in an official record. Such request must be made in
189 | writing and delivered by mail, facsimile, or electronic

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190 transmission, or delivered in person, to the county recorder.
 191 The request must specify the identification page number that
 192 contains the social security number to be redacted. A ~~No~~ fee may
 193 not ~~will~~ be charged for the redaction of a social security
 194 number pursuant to such a request.

195 d. Until January 1, 2008 ~~2007~~, if a social security
 196 number, made confidential and exempt pursuant to this paragraph,
 197 or a complete bank account, debit, charge, or credit card number
 198 made exempt pursuant to paragraph (b) is or has been included in
 199 a court file, such number may be included as part of the court
 200 record available for public inspection and copying unless
 201 redaction is requested by the holder of such number, or by the
 202 holder's attorney or legal guardian, in a signed, legibly
 203 written request specifying the case name, case number, document
 204 heading, and page number. The request must be delivered by mail,
 205 facsimile, electronic transmission, or in person to the clerk of
 206 the circuit court. The clerk of the circuit court does not have
 207 a duty to inquire beyond the written request to verify the
 208 identity of a person requesting redaction. A fee may not be
 209 charged for the redaction of a social security number or a bank
 210 account, debit, charge, or credit card number pursuant to such
 211 request. The clerk of the circuit court has no liability for the
 212 inadvertent release of confidential and exempt social security
 213 numbers or exempt bank account, debit, charge, or credit card
 214 numbers, unknown to the clerk of the circuit court in court
 215 records filed with the clerk of the circuit court on or before
 216 January 1, 2008.

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217 e. Any person who prepares or files a document to be
218 recorded in the official records by the county recorder as
219 provided in chapter 28 may not include a person's social
220 security number or complete bank account, debit, charge, or
221 credit card number in that document unless otherwise expressly
222 required by law. Until January 1, 2008 ~~2007~~, if a social
223 security number or a complete bank account, debit, charge, or
224 credit card number is or has been included in a document
225 presented to the county recorder for recording in the official
226 records of the county, such number may be made available as part
227 of the official record available for public inspection and
228 copying. Any person, or his or her attorney or legal guardian,
229 may request that a county recorder remove from an image or copy
230 of an official record placed on a county recorder's publicly
231 available Internet website, or a publicly available Internet
232 website used by a county recorder to display public records
233 outside the office or otherwise made electronically available
234 outside the county recorder's office to the general public, his
235 or her social security number or complete account, debit,
236 charge, or credit card number contained in that official record.
237 Such request must be legibly written, signed by the requester,
238 and delivered by mail, facsimile, electronic transmission, or in
239 person to the county recorder. The request must specify the
240 identification page number of the document that contains the
241 number to be redacted. The county recorder does not have a duty
242 to inquire beyond the written request to verify the identity of
243 a person requesting redaction. A fee may not be charged for
244 redacting such numbers. If the county recorder accepts or stores

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245 official records in an electronic format, the county recorder
246 must use his or her best efforts to redact all social security
247 numbers and complete bank account, debit, charge, or credit card
248 numbers from electronic copies of the official record. The use
249 of an automated program for redaction shall be deemed the best
250 effort and complies with the requirements of this sub-
251 paragraph. The county recorder is not liable for the
252 inadvertent release of confidential and exempt social security
253 numbers, or exempt bank account, debit, charge, or credit card
254 numbers, filed with the county recorder on or before January 1,
255 2008.

256 f. Subparagraphs 2. and 3. do not apply to the clerks of
257 the court or the county recorder with respect to circuit court
258 records and official records.

259 g. On January 1, 2008 ~~2007~~, and thereafter, the clerk of
260 the circuit court and the county recorder must keep complete
261 bank account, debit, charge, and credit card numbers exempt as
262 provided for in paragraph (b), and must keep social security
263 numbers confidential and exempt as provided for in subparagraph
264 3., without any person having to request redaction.

265 8. Beginning January 31, 2004, and each January 31
266 thereafter, every agency must file a report with the Secretary
267 of State, the President of the Senate, and the Speaker of the
268 House of Representatives listing the identity of all commercial
269 entities that have requested social security numbers during the
270 preceding calendar year and the specific purpose or purposes
271 stated by each commercial entity regarding its need for social

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272 security numbers. If no disclosure requests were made, the
273 agency shall so indicate.

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

276 10. This paragraph does not supersede any other applicable
277 public records exemptions existing prior to May 13, 2002, or
278 created thereafter.

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

283 Section 2. For the purpose of incorporating the amendments
284 made by this act to section 119.071, Florida Statutes, in a
285 reference thereto, paragraph (b) of subsection (8) of section
286 1007.35, Florida Statutes, is reenacted to read:

287 1007.35 Florida Partnership for Minority and
288 Underrepresented Student Achievement.--

289 (8)

290 (b) The department shall contribute to the evaluation
291 process by providing access, consistent with s. 119.071(5)(a),
292 to student and teacher information necessary to match against
293 databases containing teacher professional development data and
294 databases containing assessment data for the PSAT/NMSQT, SAT,
295 AP, and other appropriate measures. The department shall also
296 provide student-level data on student progress from middle
297 school through high school and into college and the workforce,
298 if available, in order to support longitudinal studies. The
299 partnership shall analyze and report student performance data in

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300 | a manner that protects the rights of students and parents as
301 | required in 20 U.S.C. s. 1232g and s. 1002.22.

302 | Section 3. This act shall take effect July 1, 2006.