

1 A bill to be entitled

2 An act relating to public records; amending s. 119.071,
3 F.S.; revising the date until which a confidential and
4 exempt social security number or an exempt complete bank
5 account, debit, charge, or credit card number included in
6 a court file may be included as part of a court record
7 available for public inspection and copying unless
8 redaction is requested; providing that the clerk of the
9 circuit court has no liability for the inadvertent release
10 of certain confidential and exempt social security numbers
11 or exempt bank account, debit, charge, or credit card
12 numbers; revising the date until which a social security
13 number or a complete bank account, debit, charge, or
14 credit card number included in a document presented to the
15 county recorder for recording in the official records of
16 the county may be made available as part of the official
17 record available for public inspection and copying;
18 requiring the county recorder to use his or her best
19 efforts to redact all social security numbers and complete
20 bank account, debit, charge, or credit card numbers from
21 electronic copies of official records documents; providing
22 that the county recorder is not liable for the inadvertent
23 release of certain confidential and exempt social security
24 numbers or exempt bank account, debit, charge, or credit
25 card numbers; revising the date on which the clerk of the
26 circuit court and the county recorder must commence
27 keeping complete bank account, debit, charge, and credit

28 | card numbers exempt and must commence keeping social
29 | security numbers confidential and exempt without any
30 | person having to request redaction; making editorial
31 | changes; reenacting s. 1007.35(8)(b), F.S., relating to
32 | access to information necessary to evaluate the
33 | effectiveness of delivered services from the Florida
34 | Partnership for Minority and Underrepresented Student
35 | Achievement, to incorporate the amendments made to s.
36 | 119.071, F.S., in a reference thereto; providing an
37 | effective date.

38 |
39 | Be It Enacted by the Legislature of the State of Florida:

40 |
41 | Section 1. Paragraph (a) of subsection (5) of section
42 | 119.071, Florida Statutes, is amended to read:

43 | 119.071 General exemptions from inspection or copying of
44 | public records.--

45 | (5) OTHER PERSONAL INFORMATION.--

46 | (a)1. The Legislature acknowledges that the social
47 | security number was never intended to be used for business
48 | purposes but was intended to be used solely for the
49 | administration of the federal Social Security System. The
50 | Legislature is further aware that over time this unique numeric
51 | identifier has been used extensively for identity verification
52 | purposes and other legitimate consensual purposes. The
53 | Legislature is also cognizant of the fact that the social
54 | security number can be used as a tool to perpetuate fraud

55 | against a person and to acquire sensitive personal, financial,
56 | medical, and familial information, the release of which could
57 | cause great financial or personal harm to an individual. The
58 | Legislature intends to monitor the commercial use of social
59 | security numbers held by state agencies in order to maintain a
60 | balanced public policy.

61 | 2. An agency may ~~shall~~ not collect an individual's social
62 | security number unless authorized by law to do so or unless the
63 | collection of the social security number is otherwise imperative
64 | for the performance of that agency's duties and responsibilities
65 | as prescribed by law. Social security numbers collected by an
66 | agency must be relevant to the purpose for which collected and
67 | may ~~shall~~ not be collected until and unless the need for social
68 | security numbers has been clearly documented. An agency that
69 | collects social security numbers shall also segregate that
70 | number on a separate page from the rest of the record, or as
71 | otherwise appropriate, in order that the social security number
72 | be more easily redacted, if required, pursuant to a public
73 | records request. An agency collecting a person's social security
74 | number shall, upon that person's request, at the time of or
75 | prior to the actual collection of the social security number by
76 | that agency, provide that person with a statement of the purpose
77 | or purposes for which the social security number is being
78 | collected and used. Social security numbers collected by an
79 | agency may ~~shall~~ not be used by that agency for any purpose
80 | other than the purpose stated. Social security numbers collected
81 | by an agency before ~~prior to~~ May 13, 2002, shall be reviewed for

82 compliance with this subparagraph. If the collection of a social
83 security number before ~~prior to~~ May 13, 2002, is found to be
84 unwarranted, the agency shall immediately discontinue the
85 collection of social security numbers for that purpose.

86 3. Effective October 1, 2002, all social security numbers
87 held by an agency are confidential and exempt from s. 119.07(1)
88 and s. 24(a), Art. I of the State Constitution. This exemption
89 applies to all social security numbers held by an agency before,
90 on, or after the effective date of this exemption.

91 4. Social security numbers may be disclosed to another
92 governmental entity or its agents, employees, or contractors if
93 disclosure is necessary for the receiving entity to perform its
94 duties and responsibilities. The receiving governmental entity
95 and its agents, employees, and contractors shall maintain the
96 confidential and exempt status of the ~~such~~ numbers.

97 5. An agency may ~~shall~~ not deny a commercial entity
98 engaged in the performance of a commercial activity as defined
99 in s. 14.203 or its agents, employees, or contractors access to
100 social security numbers, provided the social security numbers
101 will be used only in the normal course of business for
102 legitimate business purposes, and provided the commercial entity
103 makes a written request for social security numbers, verified as
104 provided in s. 92.525, legibly signed by an authorized officer,
105 employee, or agent of the commercial entity. The verified
106 written request must contain the commercial entity's name,
107 business mailing and location addresses, business telephone
108 number, and a statement of the specific purposes for which it

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

129 6. Any person who makes a false representation in order to
130 obtain a social security number pursuant to this paragraph, or
131 any person who willfully and knowingly violates this paragraph,
132 commits a felony of the third degree, punishable as provided in
133 s. 775.082 or s. 775.083. Any public officer who violates this
134 paragraph is guilty of a noncriminal infraction, punishable by a
135 fine not exceeding \$500. A commercial entity that provides

136 access to public records containing social security numbers in
137 accordance with this paragraph is not subject to the penalty
138 provisions of this subparagraph.

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

149 b. Any person, or his or her attorney or legal guardian,
150 has the right to request that a county recorder remove, from an
151 image or copy of an official record placed on a county
152 recorder's publicly available Internet website or a publicly
153 available Internet website used by a county recorder to display
154 public records or otherwise made electronically available to the
155 general public by such recorder, his or her social security
156 number contained in that official record. The ~~Such~~ request must
157 be made in writing, legibly signed by the requester and
158 delivered by mail, facsimile, or electronic transmission, or
159 delivered in person, to the county recorder. The request must
160 specify the identification page number that contains the social
161 security number to be redacted. The county recorder has no duty
162 to inquire beyond the written request to verify the identity of

163 a person requesting redaction. A fee may ~~shall~~ not be charged
164 for the redaction of a social security number pursuant to such
165 request.

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

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

177 (II) Any person has a right to request a county recorder
178 to remove, from an image or copy of an official record placed on
179 a county recorder's publicly available Internet website or on a
180 publicly available Internet website used by a county recorder to
181 display public records or otherwise made electronically
182 available to the general public, any social security number
183 contained in an official record. Such request must be made in
184 writing and delivered by mail, facsimile, or electronic
185 transmission, or delivered in person, to the county recorder.
186 The request must specify the identification page number that
187 contains the social security number to be redacted. A ~~No~~ fee may
188 not ~~will~~ be charged for the redaction of a social security
189 number pursuant to such a request.

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

212 e. Any person who prepares or files a document to be
213 recorded in the official records by the county recorder as
214 provided in chapter 28 may not include a person's social
215 security number or complete bank account, debit, charge, or
216 credit card number in that document unless otherwise expressly

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

244 of an automated program for redaction shall be deemed the best
245 effort and complies with the requirements of this sub-
246 subparagraph. The county recorder is not liable for the
247 inadvertent release of confidential and exempt social security
248 numbers, or exempt bank account, debit, charge, or credit card
249 numbers, filed with the county recorder on or before January 1,
250 2008.

251 f. Subparagraphs 2. and 3. do not apply to the clerks of
252 the court or the county recorder with respect to circuit court
253 records and official records.

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

260 8. Beginning January 31, 2004, and each January 31
261 thereafter, every agency must file a report with the Secretary
262 of State, the President of the Senate, and the Speaker of the
263 House of Representatives listing the identity of all commercial
264 entities that have requested social security numbers during the
265 preceding calendar year and the specific purpose or purposes
266 stated by each commercial entity regarding its need for social
267 security numbers. If no disclosure requests were made, the
268 agency shall so indicate.

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

271 10. This paragraph does not supersede any other applicable
272 public records exemptions existing prior to May 13, 2002, or
273 created thereafter.

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

278 Section 2. For the purpose of incorporating the amendments
279 made by this act to section 119.071, Florida Statutes, in a
280 reference thereto, paragraph (b) of subsection (8) of section
281 1007.35, Florida Statutes, is reenacted to read:

282 1007.35 Florida Partnership for Minority and
283 Underrepresented Student Achievement.--

284 (8)

285 (b) The department shall contribute to the evaluation
286 process by providing access, consistent with s. 119.071(5)(a),
287 to student and teacher information necessary to match against
288 databases containing teacher professional development data and
289 databases containing assessment data for the PSAT/NMSQT, SAT,
290 AP, and other appropriate measures. The department shall also
291 provide student-level data on student progress from middle
292 school through high school and into college and the workforce,
293 if available, in order to support longitudinal studies. The
294 partnership shall analyze and report student performance data in
295 a manner that protects the rights of students and parents as
296 required in 20 U.S.C. s. 1232g and s. 1002.22.

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