

ENROLLED  
HB 1563, Engrossed 1

2006 Legislature

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

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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

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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

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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

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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

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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

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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.

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190 d. Until January 1, 2008 ~~2007~~, 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

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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

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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.

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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.