

Bill No. SB 2366

Barcode 593500

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Villalobos) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(5) OTHER PERSONAL INFORMATION.--

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

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1 fraud against a person and to acquire sensitive personal,
2 financial, medical, and familial information, the release of
3 which could cause great financial or personal harm to an
4 individual. The Legislature intends to monitor the commercial
5 use of social security numbers held by state agencies in order
6 to maintain a balanced public policy.

7 2. An agency may ~~shall~~ not collect an individual's
8 social security number unless authorized by law to do so or
9 unless the collection of the social security number is
10 otherwise imperative for the performance of that agency's
11 duties and responsibilities as prescribed by law. Social
12 security numbers collected by an agency must be relevant to
13 the purpose for which collected and may ~~shall~~ not be collected
14 until and unless the need for social security numbers has been
15 clearly documented. An agency that collects social security
16 numbers shall also segregate that number on a separate page
17 from the rest of the record, or as otherwise appropriate, in
18 order that the social security number be more easily redacted,
19 if required, pursuant to a public records request. An agency
20 collecting a person's social security number shall, upon that
21 person's request, at the time of or prior to the actual
22 collection of the social security number by that agency,
23 provide that person with a statement of the purpose or
24 purposes for which the social security number is being
25 collected and used. Social security numbers collected by an
26 agency may ~~shall~~ not be used by that agency for any purpose
27 other than the purpose stated. Social security numbers
28 collected by an agency before ~~prior to~~ May 13, 2002, shall be
29 reviewed for compliance with this subparagraph. If the
30 collection of a social security number before ~~prior to~~ May 13,
31 2002, is found to be unwarranted, the agency shall immediately

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1 | discontinue the collection of social security numbers for that
2 | purpose.

3 | 3. Effective October 1, 2002, all social security
4 | numbers held by an agency are confidential and exempt from s.
5 | 119.07(1) and s. 24(a), Art. I of the State Constitution. This
6 | exemption applies to all social security numbers held by an
7 | agency before, on, or after the effective date of this
8 | exemption.

9 | 4. Social security numbers may be disclosed to another
10 | governmental entity or its agents, employees, or contractors
11 | if disclosure is necessary for the receiving entity to perform
12 | its duties and responsibilities. The receiving governmental
13 | entity and its agents, employees, and contractors shall
14 | maintain the confidential and exempt status of the ~~such~~
15 | numbers.

16 | 5. An agency may ~~shall~~ not deny a commercial entity
17 | engaged in the performance of a commercial activity as defined
18 | in s. 14.203 or its agents, employees, or contractors access
19 | to social security numbers, provided the social security
20 | numbers will be used only in the normal course of business for
21 | legitimate business purposes, and provided the commercial
22 | entity makes a written request for social security numbers,
23 | verified as provided in s. 92.525, legibly signed by an
24 | authorized officer, employee, or agent of the commercial
25 | entity. The verified written request must contain the
26 | commercial entity's name, business mailing and location
27 | addresses, business telephone number, and a statement of the
28 | specific purposes for which it needs the social security
29 | numbers and how the social security numbers will be used in
30 | the normal course of business for legitimate business
31 | purposes. The aggregate of these requests shall serve as the

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1 basis for the agency report required in subparagraph 8. An
 2 agency may request any other information reasonably necessary
 3 to verify the identity of the entity requesting the social
 4 security numbers and the specific purposes for which ~~the~~ ~~such~~
 5 numbers will be used; however, an agency has no duty to
 6 inquire beyond the information contained in the verified
 7 written request. A legitimate business purpose includes
 8 verification of the accuracy of personal information received
 9 by a commercial entity in the normal course of its business;
 10 use in a civil, criminal, or administrative proceeding; use
 11 for insurance purposes; use in law enforcement and
 12 investigation of crimes; use in identifying and preventing
 13 fraud; use in matching, verifying, or retrieving information;
 14 and use in research activities. A legitimate business purpose
 15 does not include the display or bulk sale of social security
 16 numbers to the general public or the distribution of such
 17 numbers to any customer that is not identifiable by the
 18 distributor.

19 6. Any person who makes a false representation in
 20 order to obtain a social security number pursuant to this
 21 paragraph, or any person who willfully and knowingly violates
 22 this paragraph, commits a felony of the third degree,
 23 punishable as provided in s. 775.082 or s. 775.083. Any public
 24 officer who violates this paragraph is guilty of a noncriminal
 25 infraction, punishable by a fine not exceeding \$500. A
 26 commercial entity that provides access to public records
 27 containing social security numbers in accordance with this
 28 paragraph is not subject to the penalty provisions of this
 29 subparagraph.

30 7.a. On or after October 1, 2002, a person preparing
 31 or filing a document to be recorded in the official records by

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1 the county recorder as provided for in chapter 28 may not
2 include any person's social security number in that document,
3 unless otherwise expressly required by law. If a social
4 security number is or has been included in a document
5 presented to the county recorder for recording in the official
6 records of the county before, on, or after October 1, 2002, it
7 may be made available as part of the official record available
8 for public inspection and copying.

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

26 c. A county recorder shall immediately and
27 conspicuously post signs throughout his or her offices for
28 public viewing and shall immediately and conspicuously post,
29 on any Internet website or remote electronic site made
30 available by the county recorder and used for the ordering or
31 display of official records or images or copies of official

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1 records, a notice stating, in substantially similar form, the
2 following:

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

7 (II) Any person has a right to request a county
8 recorder to remove, from an image or copy of an official
9 record placed on a county recorder's publicly available
10 Internet website or on a publicly available Internet website
11 used by a county recorder to display public records or
12 otherwise made electronically available to the general public,
13 any social security number contained in an official record.
14 Such request must be made in writing and delivered by mail,
15 facsimile, or electronic transmission, or delivered in person,
16 to the county recorder. The request must specify the
17 identification page number that contains the social security
18 number to be redacted. ~~A No fee may not~~ will be charged for
19 the redaction of a social security number pursuant to such a
20 request.

21 d. Until January 1, 2009 ~~2007~~, if a social security
22 number, made confidential and exempt pursuant to this
23 paragraph, or a complete bank account, debit, charge, or
24 credit card number made exempt pursuant to paragraph (b) is or
25 has been included in a court file, such number may be included
26 as part of the court record available for public inspection
27 and copying unless redaction is requested by the holder of
28 such number, or by the holder's attorney or legal guardian, in
29 a signed, legibly written request specifying the case name,
30 case number, document heading, and page number. The request
31 must be delivered by mail, facsimile, electronic transmission,

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1 or in person to the clerk of the circuit court. The clerk of
2 the circuit court does not have a duty to inquire beyond the
3 written request to verify the identity of a person requesting
4 redaction. A fee may not be charged for the redaction of a
5 social security number or a bank account, debit, charge, or
6 credit card number pursuant to such request. The clerk of the
7 circuit court has no liability for the inadvertent release of
8 confidential or exempt information unknown to the clerk of the
9 circuit court in court records filed with the clerk of the
10 circuit court on or before January 1, 2009. The clerk of the
11 circuit court shall immediately and conspicuously post signs
12 throughout his or her offices for public viewing and shall
13 immediately and conspicuously post, on any Internet website or
14 remote electronic site made available by the clerk of the
15 circuit court, a notice stating, in substantially similar
16 form, the following:

17 (I) On or after October 1, 2006, any person preparing
18 or filing a court document may not include a social security
19 number or a complete bank account, debit, charge, or credit
20 card number in such document, unless required by law or court
21 rule, or necessary to the adjudication of the case.

22 (II) Any person has a right to request that the clerk
23 of the circuit court remove from an image or copy of a court
24 document a social security number or complete bank account,
25 debit, charge, or credit card number contained in a court
26 document. Such request must be made in writing and delivered
27 by mail, facsimile, electronic transmission, or in person to
28 the clerk of the circuit court. The request must specify the
29 case number, the title of the document, and the identification
30 page number of the document which contains the number to be
31 redacted. A fee will not be charged for the redaction of a

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1 social security number or a complete bank account, debit,
2 charge, or credit card number pursuant to such a request.

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

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1 electronic format, the county recorder must use his or her
 2 best efforts to redact all social security numbers or complete
 3 bank account, debit, charge, or credit card numbers from
 4 electronic copies of the official records documents. The use
 5 of an automated program for redaction shall be deemed the best
 6 effort and complies with the requirements of this
 7 sub-subparagraph. The county recorder is not liable for the
 8 inadvertent release of confidential or exempt information
 9 which is unknown to the county recorder.

10 f. Subparagraphs 2. and 3. do not apply to the clerks
 11 of the court or the county recorder with respect to circuit
 12 court records and official records.

13 ~~g. On January 1, 2007, and thereafter, the clerk of~~
 14 ~~the circuit court and the county recorder must keep complete~~
 15 ~~bank account, debit, charge, and credit card numbers exempt as~~
 16 ~~provided for in paragraph (b), and must keep social security~~
 17 ~~numbers confidential and exempt as provided for in~~
 18 ~~subparagraph 3., without any person having to request~~
 19 ~~redaction.~~

20 8. Beginning January 31, 2004, and each January 31
 21 thereafter, every agency must file a report with the Secretary
 22 of State, the President of the Senate, and the Speaker of the
 23 House of Representatives listing the identity of all
 24 commercial entities that have requested social security
 25 numbers during the preceding calendar year and the specific
 26 purpose or purposes stated by each commercial entity regarding
 27 its need for social security numbers. If no disclosure
 28 requests were made, the agency shall so indicate.

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

31 10. This paragraph does not supersede any other

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1 applicable public records exemptions existing prior to May 13,
2 2002, or created thereafter.

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

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

12 1007.35 Florida Partnership for Minority and
13 Underrepresented Student Achievement.--

14 (8)

15 (b) The department shall contribute to the evaluation
16 process by providing access, consistent with s. 119.071(5)(a),
17 to student and teacher information necessary to match against
18 databases containing teacher professional development data and
19 databases containing assessment data for the PSAT/NMSQT, SAT,
20 AP, and other appropriate measures. The department shall also
21 provide student-level data on student progress from middle
22 school through high school and into college and the workforce,
23 if available, in order to support longitudinal studies. The
24 partnership shall analyze and report student performance data
25 in a manner that protects the rights of students and parents
26 as required in 20 U.S.C. s. 1232g and s. 1002.22.

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

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

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3 and insert:

4 A bill to be entitled

5 An act relating to public records; amending s.

6 119.071, F.S.; providing that the clerk of the

7 circuit court has no liability for the

8 inadvertent release of certain confidential or

9 exempt information; requiring the clerk of the

10 circuit court to provide notice regarding the

11 inclusion of a social security number or a

12 complete bank account, debit, charge, or credit

13 card number in a court document or copy of a

14 court document; requiring the county recorder

15 to use his or her best efforts to redact all

16 social security numbers or complete bank

17 account, debit, charge, or credit card numbers

18 from electronic copies of official records

19 documents; providing that the county recorder

20 is not liable for the inadvertent release of

21 certain confidential or exempt information;

22 reenacting s. 1007.35(8)(b), F.S., relating to

23 access to information necessary to evaluate the

24 effectiveness of delivered services from the

25 Florida Partnership for Minority and

26 Underrepresented Student Achievement, to

27 incorporate the amendments made to s. 119.071,

28 F.S., in a reference thereto; providing an

29 effective date.

30

31