

Bill No. CS for SB 2518

Barcode 100666

CHAMBER ACTION

Senate

House

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The Committee on Ways and Means (Villalobos) recommended the following amendment:

Senate Amendment (with title amendment)

On page 19, between lines 4 and 5,

insert:

Section 13. 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 shall not collect an individual's social
 8 security number unless authorized by law to do so or unless
 9 the collection of the social security number is otherwise
 10 imperative for the performance of that agency's duties and
 11 responsibilities as prescribed by law. Social security numbers
 12 collected by an agency must be relevant to the purpose for
 13 which collected and shall not be collected until and unless
 14 the need for social security numbers has been clearly
 15 documented. An agency that collects social security numbers
 16 shall also segregate that number on a separate page from the
 17 rest of the record, or as otherwise appropriate, in order that
 18 the social security number be more easily redacted, if
 19 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 shall not be used by that agency for any purpose other
 27 than the purpose stated. Social security numbers collected by
 28 an agency prior to May 13, 2002, shall be reviewed for
 29 compliance with this subparagraph. If the collection of a
 30 social security number prior to May 13, 2002, is found to be
 31 unwarranted, the agency shall immediately discontinue the

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1 collection of social security numbers for that purpose.

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

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

14 5. An agency shall not deny a commercial entity
15 engaged in the performance of a commercial activity, which,
16 for purposes of this paragraph, means an activity that
17 provides a product or service that is available from a private
18 source, as defined in s. 14.203 or its agents, employees, or
19 contractors access to social security numbers, provided the
20 social security numbers will be used only in the normal course
21 of business for legitimate business purposes, and provided the
22 commercial entity makes a written request for social security
23 numbers, verified as provided in s. 92.525, legibly signed by
24 an 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 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. Such
17 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 shall not be charged for the redaction of a social security
25 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. No fee will be charged for the
19 redaction of a social security number pursuant to such a
20 request.

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

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1 person to the clerk of the circuit court. The clerk of the
2 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.

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

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1 does not have a duty to inquire beyond the written request to
2 verify the identity of a person requesting redaction. A fee
3 may not be charged for redacting such numbers.

4 f. Subparagraphs 2. and 3. do not apply to the clerks
5 of the court or the county recorder with respect to circuit
6 court records and official records.

7 g. On January 1, 2007, and thereafter, the clerk of
8 the circuit court and the county recorder must keep complete
9 bank account, debit, charge, and credit card numbers exempt as
10 provided for in paragraph (b), and must keep social security
11 numbers confidential and exempt as provided for in
12 subparagraph 3., without any person having to request
13 redaction.

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

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

25 10. This paragraph does not supersede any other
26 applicable public records exemptions existing prior to May 13,
27 2002, or created thereafter.

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

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

 On page 2, line 25, after the semicolon,

insert:

 amending s. 119.071, F.S.; deleting a
 cross-reference; defining the term "commerical
 activity" for purposes of a provision
 authorizing the release of social security
 numbers;