

1 A bill to be entitled
2 An act relating to procurement of contractual services by
3 a state agency; amending s. 287.057, F.S.; prohibiting a
4 state agency from renewing or amending a contract for
5 outsourcing under certain conditions; requiring certain
6 qualifications for persons chosen to conduct negotiations
7 during specified procurements; requiring the Department of
8 Management Services to adopt rules governing those
9 qualifications; requiring that a specified statement be
10 included in procurements of commodities and services which
11 prohibits contact between respondents and specified
12 employees of the executive and legislative branches;
13 creating s. 287.0571, F.S.; creating the Florida Efficient
14 Government Act; providing legislative intent; providing
15 that procurements of specified commodities and services
16 are not subject to the act; creating s. 287.05721, F.S.;
17 providing definitions; creating s. 287.0573, F.S.;
18 creating the Council on Efficient Government within the
19 Department of Management Services; providing the purpose
20 and membership of the council; providing duties and
21 responsibilities of the council; requiring the council to
22 review and issue advisory reports on certain state agency
23 procurements; requiring the department to employ adequate
24 number of staff; requiring the council to be headed by a
25 director appointed by the Secretary of Management
26 Services; requiring state agencies to submit materials
27 required by the council; creating s. 287.0574, F.S.;
28 providing requirements for certain business cases to

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29 | outsource by a state agency; requiring a state agency to
30 | develop a business case that describes and analyzes a
31 | contractual services procurement under consideration;
32 | providing that the business case is not subject to
33 | challenge or protest under the Administrative Procedure
34 | Act; providing required components of a business case;
35 | providing contract requirements for an outsourcing
36 | procurement; amending s. 287.058, F.S.; providing that a
37 | contract may not prohibit a contractor from lobbying the
38 | executive or legislative branches concerning specified
39 | contract issues, within specified time lines; creating s.
40 | 287.074, F.S.; requiring that only public officers or
41 | employees shall perform certain functions; prohibiting a
42 | contractor from participating in the procurement of
43 | contractual services by a state agency; repealing s.
44 | 14.203, F.S., which creates the State Council on
45 | Competitive Government and provides duties and authority
46 | of the council; providing appropriations; providing that
47 | certain state agencies are subject to the act; amending s.
48 | 119.071, F.S.; removing a cross-reference; clarifying the
49 | meaning of "commercial activity" to conform to the removal
50 | of the reference; providing an effective date.

51 |
52 | Be It Enacted by the Legislature of the State of Florida:

53 |
54 | Section 1. Paragraph (a) of subsection (14) and paragraph
55 | (b) of subsection (17) of section 287.057, Florida Statutes, are
56 | amended, and subsection (26) is added to that section, to read:

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57 287.057 Procurement of commodities or contractual
58 services.--

59 (14) (a) Contracts for commodities or contractual services
60 may be renewed for a period that may not exceed 3 years or the
61 term of the original contract, whichever period is longer.
62 Renewal of a contract for commodities or contractual services
63 shall be in writing and shall be subject to the same terms and
64 conditions set forth in the initial contract. If the commodity
65 or contractual service is purchased as a result of the
66 solicitation of bids, proposals, or replies, the price of the
67 commodity or contractual service to be renewed shall be
68 specified in the bid, proposal, or reply. A renewal contract may
69 not include any compensation for costs associated with the
70 renewal. Renewals shall be contingent upon satisfactory
71 performance evaluations by the agency and subject to the
72 availability of funds. Exceptional purchase contracts pursuant
73 to paragraphs (5) (a) and (c) may not be renewed. With the
74 exception of subsection (13), if a contract amendment results in
75 a longer contract term or increased payments, a state agency may
76 not renew or amend a contract for the outsourcing of a service
77 or activity that has an original term value exceeding the sum of
78 \$10 million before submitting a written report concerning
79 contract performance to the Governor, the President of the
80 Senate, and the Speaker of the House of Representatives at least
81 90 days before execution of the renewal or amendment.

82 (17) For a contract in excess of the threshold amount
83 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
84 appoint:

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85 (b) At least three persons to conduct negotiations during
86 a competitive sealed reply procurement who collectively have
87 experience and knowledge in negotiating contracts, contract
88 procurement, and the program areas and service requirements for
89 which commodities or contractual services are sought. When the
90 value of a contract is in excess of \$1 million in any fiscal
91 year, at least one of the persons conducting negotiations must
92 be certified as a contract negotiator based upon rules adopted
93 by the Department of Management Services in order to ensure that
94 certified contract negotiators are knowledgeable about effective
95 negotiation strategies, capable of successfully implementing
96 those strategies, and involved appropriately in the procurement
97 process. At a minimum, the rules must address the qualifications
98 required for certification, the method of certification, and the
99 procedure for involving the certified negotiator. If the value
100 of a contract is in excess of \$10 million in any fiscal year, at
101 least one of the persons conducting negotiations must be a
102 Project Management Professional, as certified by the Project
103 Management Institute.

104 (26) Each solicitation for the procurement of commodities
105 or contractual services shall include the following provision:
106 "Respondents to this solicitation or persons acting on their
107 behalf may not contact, between the release of the solicitation
108 and the execution of the resulting contract, any employee or
109 officer of the executive or legislative branch concerning any
110 aspect of this solicitation, except in writing to the
111 procurement officer or as provided in the solicitation
112 documents. Violation of this provision may be grounds for

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113 rejecting a response."

114 Section 2. Section 287.0571, Florida Statutes, is created
115 to read:

116 287.0571 Applicability of ss. 287.0571-287.0574.--

117 (1) Sections 287.0571-287.0574 may be cited as the
118 "Florida Efficient Government Act."

119 (2) It is the intent of the Legislature that each state
120 agency focus on its core mission and deliver services
121 effectively and efficiently by leveraging resources and
122 contracting with private-sector vendors whenever vendors can
123 more effectively and efficiently provide services and reduce the
124 cost of government.

125 (3) It is further the intent of the Legislature that
126 business cases to outsource be evaluated for feasibility, cost-
127 effectiveness, and efficiency before a state agency proceeds
128 with any outsourcing of services.

129 (4) Sections 287.0571-287.0574 do not apply to:

130 (a) A procurement of commodities and contractual services
131 listed in s. 287.057(5)(e), (f), and (g) and (22).

132 (b) A procurement of contractual services subject to s.
133 287.055.

134 (c) A contract in support of the planning, development,
135 implementation, operation, or maintenance of the road, bridge,
136 and public transportation construction program of the Department
137 of Transportation.

138 (d) A procurement of commodities or contractual services
139 which does not constitute an outsourcing of services or
140 activities.

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141 Section 3. Section 287.05721, Florida Statutes, is created
 142 to read:

143 287.05721 Definitions.--As used in ss. 287.0571-287.0574,
 144 the term:

145 (1) "Council" means the Council on Efficient Government.

146 (2) "Outsource" means the process of contracting with a
 147 vendor to provide a service as defined in s. 216.011(1)(f), in
 148 whole or in part, or an activity as defined in s.
 149 216.011(1)(rr), while a state agency retains the responsibility
 150 and accountability for the service or activity and there is a
 151 transfer of management responsibility for the delivery of
 152 resources and the performance of those resources.

153 Section 4. Section 287.0573, Florida Statutes, is created
 154 to read:

155 287.0573 Council on Efficient Government; membership;
 156 duties.--

157 (1) There is created a Council on Efficient Government
 158 within the Department of Management Services to review,
 159 evaluate, and issue advisory reports on business cases submitted
 160 to the council as specified in this section.

161 (2) The council shall consist of seven members appointed
 162 by the Governor pursuant to s. 20.052 and confirmed by the
 163 Senate:

164 (a) The Secretary of Management Services, who shall serve
 165 as chair.

166 (b) A Cabinet member other than the Governor, or his or
 167 her senior management or executive staff designee.

168 (c) Two heads of executive branch agencies.

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169 (d) Three members from the private sector who,
170 collectively, have experience with procurement, successfully
171 increasing operational efficiency, and implementing complex
172 projects in the private-sector business environment. A private-
173 sector member of the council may not at any time during his or
174 her appointment to the council be registered to lobby the
175 executive or legislative branch.

176 (3) Within 45 days after the effective date of this
177 section, the Governor shall appoint two private-sector members
178 and two state agency heads for terms of 1 year and one private-
179 sector member and two agency heads for terms of 2 years.
180 Thereafter, each member shall be appointed for a term of 2
181 years. The private-sector members shall serve without
182 compensation, but are entitled to reimbursement for per diem and
183 travel expenses pursuant to s. 112.061.

184 (4) A state agency member of the council may not
185 participate in a council review of a business case to outsource
186 if his or her state agency is conducting the proposed
187 outsourcing. A private-sector member of the council may not
188 participate in a council review of a business case to outsource
189 if he or she has a business relationship with an entity that is
190 involved or could potentially be involved in the proposed
191 outsourcing.

192 (5) A member of the council, except the Cabinet member,
193 may not delegate his or her membership to a designee.

194 (6) A quorum shall consist of at least four members,
195 including at least two private-sector members.

196 (7) Any vacancy on the council shall be filled in the same

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197 manner as the original appointment, and any member appointed to
198 fill a vacancy occurring for a reason other than the expiration
199 of a term shall serve only for the unexpired term of the
200 member's predecessor.

201 (8) The council shall:

202 (a) Employ a standard process for reviewing business cases
203 to outsource.

204 (b) Review and evaluate business cases to outsource as
205 requested by the Governor or the state agency head whose agency
206 is proposing to outsource or as required by ss. 287.0571-
207 287.0574 or by law.

208 (c) No later than 30 days before a state agency's issuance
209 of a solicitation of \$10 million or more, provide to the agency
210 conducting the procurement, the Governor, the President of the
211 Senate, and the Speaker of the House of Representatives an
212 advisory report for each business case reviewed and evaluated by
213 the council. The report must contain all versions of the
214 business case, an evaluation of the business case, any relevant
215 recommendations, and sufficient information to assist the state
216 agency proposing to outsource in determining whether the
217 business case to outsource should be included with the
218 legislative budget request.

219 (d) Recommend and implement standard processes for state
220 agency and council review, including the development of
221 templates for use by state agencies in submitting business cases
222 to the council, and evaluate state agency business cases to
223 outsource.

224 (e) Develop standards and best-practice procedures for use

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225 by state agencies in evaluating business cases to outsource.

226 (f) Recommend standards, processes, and guidelines for use
227 by state agencies in developing business cases to outsource.

228 (g) Incorporate any lessons learned from outsourcing
229 services and activities into council standards, procedures, and
230 guidelines, as appropriate, and identify and disseminate to
231 agencies information regarding best practices in outsourcing
232 efforts.

233 (h) Develop, in consultation with the Agency for Workforce
234 Innovation, guidelines for assisting state employees whose jobs
235 are eliminated as a result of outsourcing.

236 (i) Identify and report yearly to the Legislature on
237 innovative methods of delivering government services which would
238 improve the efficiency, effectiveness, or competition in the
239 delivery of government services, including, but not limited to,
240 enterprise-wide proposals.

241 (j) Report to the Legislature, yearly, on the outsourcing
242 efforts of each state agency. Such reporting shall include, but
243 need not be limited to, the number of outsourcing business cases
244 and solicitations generated by each state agency, the number and
245 dollar value of outsourcing contracts by each state agency, and
246 the status of extensions, renewals, and amendments of state
247 agency outsourcing contracts.

248 (9) The council shall make available to the Governor and
249 the Legislature minutes of all meetings, a summary report on
250 each proposal that describes funding options, including the need
251 for any budget amendments or new appropriations, and an annual
252 report of the activities and recommendations of the council.

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253 (10) The department shall employ an adequate number of
254 staff who collectively possess significant expertise and
255 experience as required to carry out the responsibilities of this
256 act.

257 (11) The council shall be headed by a director appointed
258 by the secretary.

259 (12) Each state agency shall submit to the council all
260 information, documents, or other materials required by the
261 council or this chapter.

262 Section 5. Section 287.0574, Florida Statutes, is created
263 to read:

264 287.0574 Business cases to outsource; review and analysis;
265 requirements.--

266 (1) A business case to outsource having a projected cost
267 exceeding \$10 million in any fiscal year shall require:

268 (a) An initial business case analysis conducted by the
269 state agency and submitted to the council, the Governor, the
270 President of the Senate, and the Speaker of the House of
271 Representatives at least 60 days before a solicitation is
272 issued. The council shall evaluate the business case analysis
273 and submit the evaluation to the state agency, the Governor, the
274 President of the Senate, and the Speaker of the House of
275 Representatives when the business case evaluation is completed,
276 but at least 30 days before issuing a solicitation.

277 (b) A final business case analysis conducted by the state
278 agency and submitted after the conclusion of any negotiations,
279 at least 30 days before execution of a contract, to the council,
280 the Governor, the President of the Senate, and the Speaker of

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281 the House of Representatives.

282 (2) A proposal to outsource having a projected cost that
283 ranges from \$1 million to \$10 million in any fiscal year shall
284 require:

285 (a) An initial business case analysis conducted by the
286 state agency and submission of the business case at least 30
287 days before issuing a solicitation to the council, the Governor,
288 the President of the Senate, and the Speaker of the House of
289 Representatives.

290 (b) A final business case analysis conducted by the state
291 agency and submitted after the conclusion of any negotiations,
292 at least 30 days before execution of a contract, to the council,
293 the Governor, the President of the Senate, and the Speaker of
294 the House of Representatives.

295 (3) A business case to outsource having a projected cost
296 that is less than \$1 million in any fiscal year shall require a
297 final business case analysis conducted by the state agency after
298 the conclusion of any negotiations and provided at least 30 days
299 before execution of a contract to the council. The council shall
300 provide such business cases in its annual report to the
301 Legislature.

302 (4) For any proposed outsourcing, the state agency shall
303 develop a business case that justifies the proposal to
304 outsource. In order to reduce any administrative burden, the
305 council may allow a state agency to submit the business case in
306 the form required by the budget instructions issued pursuant to
307 s. 216.023, augmented with additional information if necessary,
308 to ensure that the requirements of this section are met. The

309 business case is not subject to challenge or protest pursuant to
310 chapter 120. The business case must include, but need not be
311 limited to:

312 (a) A detailed description of the service or activity for
313 which the outsourcing is proposed.

314 (b) A description and analysis of the state agency's
315 current performance, based on existing performance metrics if
316 the state agency is currently performing the service or
317 activity.

318 (c) The goals desired to be achieved through the proposed
319 outsourcing and the rationale for such goals.

320 (d) A citation to the existing or proposed legal authority
321 for outsourcing the service or activity.

322 (e) A description of available options for achieving the
323 goals.

324 (f) An analysis of the advantages and disadvantages of
325 each option, including, at a minimum, potential performance
326 improvements and risks.

327 (g) A description of the current market for the
328 contractual services that are under consideration for
329 outsourcing.

330 (h) A cost-benefit analysis documenting the direct and
331 indirect specific baseline costs, savings, and qualitative and
332 quantitative benefits involved in or resulting from the
333 implementation of the recommended option or options. Such
334 analysis must specify the schedule that, at a minimum, must be
335 adhered to in order to achieve the estimated savings. All
336 elements of cost must be clearly identified in the cost-benefit

337 analysis, described in the business case, and supported by
338 applicable records and reports. The state agency head shall
339 attest that, based on the data and information underlying the
340 business case, to the best of his or her knowledge, all
341 projected costs, savings, and benefits are valid and achievable.
342 As used in this section, the term "cost" means the reasonable,
343 relevant, and verifiable cost, which may include, but is not
344 limited to, elements such as personnel, materials and supplies,
345 services, equipment, capital depreciation, rent, maintenance and
346 repairs, utilities, insurance, personnel travel, overhead, and
347 interim and final payments. The appropriate elements shall
348 depend on the nature of the specific initiative. As used in this
349 section, the term "savings" means the difference between the
350 direct and indirect actual annual baseline costs compared to the
351 projected annual cost for the contracted functions or
352 responsibilities in any succeeding state fiscal year during the
353 term of the contract.

354 (i) A description of differences among current state
355 agency policies and processes and, as appropriate, a discussion
356 of options for or a plan to standardize, consolidate, or revise
357 current policies and processes, if any, to reduce the
358 customization of any proposed solution that would otherwise be
359 required.

360 (j) A description of the specific performance standards
361 that must, at a minimum, be met to ensure adequate performance.

362 (k) The projected timeframe for key events from the
363 beginning of the procurement process through the expiration of a
364 contract.

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365 (l) A plan to ensure compliance with the public records
366 law.

367 (m) A specific and feasible contingency plan addressing
368 contractor nonperformance and a description of the tasks
369 involved in and costs required for its implementation.

370 (n) A state agency's transition plan for addressing
371 changes in the number of agency personnel, affected business
372 processes, employee transition issues, and communication with
373 affected stakeholders, such as agency clients and the public.
374 The transition plan must contain a reemployment and retraining
375 assistance plan for employees who are not retained by the state
376 agency or employed by the contractor.

377 (o) A plan for ensuring access by persons with
378 disabilities in compliance with applicable state and federal
379 law.

380 (p) A description of legislative and budgetary actions
381 necessary to accomplish the proposed outsourcing.

382 (5) In addition to the contract requirements provided in
383 s. 287.058, each contract resulting from an outsourcing must
384 include, but need not be limited to:

385 (a) A detailed scope of work which clearly specifies each
386 service or activity to be provided, including a description of
387 each deliverable that is quantifiable, measurable, and
388 verifiable.

389 (b) A service-level agreement describing all services to
390 be provided under the terms of the agreement, the state agency's
391 service requirements and performance objectives, and specific
392 responsibilities of the state agency and the contractor.

393 (c) Associated costs, specific payment terms and payment
394 schedules, including incentive and financial disincentive
395 provisions, and criteria governing payment.

396 (d) A clear and specific transition implementation
397 schedule that will be implemented in order to complete all
398 required activities needed to transfer the service or activity
399 from the state agency to the contractor and operate the service
400 or activity successfully.

401 (e) Clear and specific identification of all required
402 performance standards, which must include, at a minimum:

403 1. Detailed measurable acceptance criteria for each
404 deliverable and service to be provided to the state agency under
405 the terms of the contract for outsourcing which document the
406 required performance level.

407 2. A method for monitoring and reporting progress in
408 achieving specified performance standards and levels.

409 3. The sanctions or disincentives that shall be imposed
410 for nonperformance by the contractor or state agency.

411 (f) A requirement that the contractor maintain adequate
412 accounting records that comply with all applicable federal and
413 state laws and generally accepted accounting principles.

414 (g) A requirement authorizing state access to and audit of
415 all records related to the contract or any responsibilities or
416 functions under the contract for state audit and legislative
417 oversight purposes.

418 (h) A requirement for service organization audits in
419 accordance with professional auditing standards, if appropriate.

420 (i) A requirement that the contractor interview and

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421 consider for employment with the contractor each displaced state
 422 employee who is interested in such employment.

423 (j) A contingency plan that describes the mechanism for
 424 continuing the operation of the service or activity if the
 425 contractor fails to perform and comply with the performance
 426 standards and levels of the contract and the contract is
 427 terminated.

428 Section 6. Subsection (6) is added to section 287.058,
 429 Florida Statutes, to read:

430 287.058 Contract document.--

431 (6) A contract may not prohibit a contractor from lobbying
 432 the executive or legislative branch concerning the scope of
 433 services, performance, term, or compensation regarding any
 434 contract to which the contractor and a state agency are parties,
 435 after contract execution and during the contract term. The
 436 provisions of this subsection are supplemental to the provisions
 437 of ss. 11.062 and 216.347 and any other law prohibiting the use
 438 of state funds for lobbying purposes.

439 Section 7. Section 287.074, Florida Statutes, is created
 440 to read:

441 287.074 Prohibited actions by contractor personnel.--

442 (1) Only a public officer or a public employee upon whom
 443 the public officer has delegated authority shall, consistent
 444 with law, take actions, including, but not limited to:

445 (a) Selecting state employees;

446 (b) Approving position descriptions, performance
 447 standards, or salary adjustments for state employees; and

448 (c) Hiring, promoting, disciplining, demoting, and

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449 dismissing a state employee.

450 (2) Only a public officer shall, consistent with law,
451 commission and appoint state officers.

452 Section 8. A contractor, as defined in chapter 287,
453 Florida Statutes, or its employees, agents, or subcontractors,
454 may not knowingly participate, through decision, approval,
455 disapproval, or preparation of any part of a purchase request,
456 investigation, or audit, in the procurement of commodities or
457 contractual services by a state agency from an entity in which
458 the contractor, or its employees, agents, or subcontractors, has
459 a material interest.

460 Section 9. Section 14.203, Florida Statutes, is repealed.

461 Section 10. For the 2006-2007 fiscal year, the sum of
462 \$1.25 million in recurring funds from the General Revenue Fund
463 in a qualified expenditure category is appropriated and 10 full-
464 time equivalent positions are authorized to the Department of
465 Management Services to carry out the activities of the Council
466 on Efficient Government as provided in this act.

467 Section 11. The Department of Management Services may
468 implement a program to train state agency employees who are
469 involved in managing outsourcings as Project Management
470 Professionals, as certified by the Project Management Institute.
471 For the 2006-2007 fiscal year, the sum of \$500,000 in recurring
472 funds from the General Revenue Fund is appropriated to the
473 Department of Management Services to implement this program. The
474 Department of Management Services, in consultation with entities
475 subject to this act, shall identify personnel to participate in
476 this training based on requested need and ensure that each

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477 agency is represented. The Department of Management Services may
478 remit payment for this training on behalf of all participating
479 personnel.

480 Section 12. Notwithstanding any law to the contrary, a
481 state agency under the individual control of the Attorney
482 General, the Chief Financial Officer, or the Commissioner of
483 Agriculture are subject to this act.

484 Section 13. Paragraph (a) of subsection (5) of section
485 119.071, Florida Statutes, is amended to read:

486 119.071 General exemptions from inspection or copying of
487 public records.--

488 (5) OTHER PERSONAL INFORMATION.--

489 (a)1. The Legislature acknowledges that the social
490 security number was never intended to be used for business
491 purposes but was intended to be used solely for the
492 administration of the federal Social Security System. The
493 Legislature is further aware that over time this unique numeric
494 identifier has been used extensively for identity verification
495 purposes and other legitimate consensual purposes. The
496 Legislature is also cognizant of the fact that the social
497 security number can be used as a tool to perpetuate fraud
498 against a person and to acquire sensitive personal, financial,
499 medical, and familial information, the release of which could
500 cause great financial or personal harm to an individual. The
501 Legislature intends to monitor the commercial use of social
502 security numbers held by state agencies in order to maintain a
503 balanced public policy.

504 2. An agency shall not collect an individual's social

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505 security number unless authorized by law to do so or unless the
506 collection of the social security number is otherwise imperative
507 for the performance of that agency's duties and responsibilities
508 as prescribed by law. Social security numbers collected by an
509 agency must be relevant to the purpose for which collected and
510 shall not be collected until and unless the need for social
511 security numbers has been clearly documented. An agency that
512 collects social security numbers shall also segregate that
513 number on a separate page from the rest of the record, or as
514 otherwise appropriate, in order that the social security number
515 be more easily redacted, if required, pursuant to a public
516 records request. An agency collecting a person's social security
517 number shall, upon that person's request, at the time of or
518 prior to the actual collection of the social security number by
519 that agency, provide that person with a statement of the purpose
520 or purposes for which the social security number is being
521 collected and used. Social security numbers collected by an
522 agency shall not be used by that agency for any purpose other
523 than the purpose stated. Social security numbers collected by an
524 agency prior to May 13, 2002, shall be reviewed for compliance
525 with this subparagraph. If the collection of a social security
526 number prior to May 13, 2002, is found to be unwarranted, the
527 agency shall immediately discontinue the collection of social
528 security numbers for that purpose.

529 3. Effective October 1, 2002, all social security numbers
530 held by an agency are confidential and exempt from s. 119.07(1)
531 and s. 24(a), Art. I of the State Constitution. This exemption
532 applies to all social security numbers held by an agency before,

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533 on, or after the effective date of this exemption.

534 4. Social security numbers may be disclosed to another
535 governmental entity or its agents, employees, or contractors if
536 disclosure is necessary for the receiving entity to perform its
537 duties and responsibilities. The receiving governmental entity
538 and its agents, employees, and contractors shall maintain the
539 confidential and exempt status of such numbers.

540 5. An agency shall not deny a commercial entity engaged in
541 the performance of a commercial activity, which, for purposes of
542 this section, means an activity that provides a product or
543 service that is available from a private source, ~~as defined in~~
544 ~~s. 14.203~~ or its agents, employees, or contractors access to
545 social security numbers, provided the social security numbers
546 will be used only in the normal course of business for
547 legitimate business purposes, and provided the commercial entity
548 makes a written request for social security numbers, verified as
549 provided in s. 92.525, legibly signed by an authorized officer,
550 employee, or agent of the commercial entity. The verified
551 written request must contain the commercial entity's name,
552 business mailing and location addresses, business telephone
553 number, and a statement of the specific purposes for which it
554 needs the social security numbers and how the social security
555 numbers will be used in the normal course of business for
556 legitimate business purposes. The aggregate of these requests
557 shall serve as the basis for the agency report required in
558 subparagraph 8. An agency may request any other information
559 reasonably necessary to verify the identity of the entity
560 requesting the social security numbers and the specific purposes

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561 for which such numbers will be used; however, an agency has no
562 duty to inquire beyond the information contained in the verified
563 written request. A legitimate business purpose includes
564 verification of the accuracy of personal information received by
565 a commercial entity in the normal course of its business; use in
566 a civil, criminal, or administrative proceeding; use for
567 insurance purposes; use in law enforcement and investigation of
568 crimes; use in identifying and preventing fraud; use in
569 matching, verifying, or retrieving information; and use in
570 research activities. A legitimate business purpose does not
571 include the display or bulk sale of social security numbers to
572 the general public or the distribution of such numbers to any
573 customer that is not identifiable by the distributor.

574 6. Any person who makes a false representation in order to
575 obtain a social security number pursuant to this paragraph, or
576 any person who willfully and knowingly violates this paragraph,
577 commits a felony of the third degree, punishable as provided in
578 s. 775.082 or s. 775.083. Any public officer who violates this
579 paragraph is guilty of a noncriminal infraction, punishable by a
580 fine not exceeding \$500. A commercial entity that provides
581 access to public records containing social security numbers in
582 accordance with this paragraph is not subject to the penalty
583 provisions of this subparagraph.

584 7.a. On or after October 1, 2002, a person preparing or
585 filing a document to be recorded in the official records by the
586 county recorder as provided for in chapter 28 may not include
587 any person's social security number in that document, unless
588 otherwise expressly required by law. If a social security number

589 is or has been included in a document presented to the county
590 recorder for recording in the official records of the county
591 before, on, or after October 1, 2002, it may be made available
592 as part of the official record available for public inspection
593 and copying.

594 b. Any person, or his or her attorney or legal guardian,
595 has the right to request that a county recorder remove, from an
596 image or copy of an official record placed on a county
597 recorder's publicly available Internet website or a publicly
598 available Internet website used by a county recorder to display
599 public records or otherwise made electronically available to the
600 general public by such recorder, his or her social security
601 number contained in that official record. Such request must be
602 made in writing, legibly signed by the requester and delivered
603 by mail, facsimile, or electronic transmission, or delivered in
604 person, to the county recorder. The request must specify the
605 identification page number that contains the social security
606 number to be redacted. The county recorder has no duty to
607 inquire beyond the written request to verify the identity of a
608 person requesting redaction. A fee shall not be charged for the
609 redaction of a social security number pursuant to such request.

610 c. A county recorder shall immediately and conspicuously
611 post signs throughout his or her offices for public viewing and
612 shall immediately and conspicuously post, on any Internet
613 website or remote electronic site made available by the county
614 recorder and used for the ordering or display of official
615 records or images or copies of official records, a notice
616 stating, in substantially similar form, the following:

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

621 (II) Any person has a right to request a county recorder
622 to remove, from an image or copy of an official record placed on
623 a county recorder's publicly available Internet website or on a
624 publicly available Internet website used by a county recorder to
625 display public records or otherwise made electronically
626 available to the general public, any social security number
627 contained in an official record. Such request must be made in
628 writing and delivered by mail, facsimile, or electronic
629 transmission, or delivered in person, to the county recorder.
630 The request must specify the identification page number that
631 contains the social security number to be redacted. No fee will
632 be charged for the redaction of a social security number
633 pursuant to such a request.

634 d. Until January 1, 2007, if a social security number,
635 made confidential and exempt pursuant to this paragraph, or a
636 complete bank account, debit, charge, or credit card number made
637 exempt pursuant to paragraph (b) is or has been included in a
638 court file, such number may be included as part of the court
639 record available for public inspection and copying unless
640 redaction is requested by the holder of such number, or by the
641 holder's attorney or legal guardian, in a signed, legibly
642 written request specifying the case name, case number, document
643 heading, and page number. The request must be delivered by mail,
644 facsimile, electronic transmission, or in person to the clerk of

645 the circuit court. The clerk of the circuit court does not have
646 a duty to inquire beyond the written request to verify the
647 identity of a person requesting redaction. A fee may not be
648 charged for the redaction of a social security number or a bank
649 account, debit, charge, or credit card number pursuant to such
650 request.

651 e. Any person who prepares or files a document to be
652 recorded in the official records by the county recorder as
653 provided in chapter 28 may not include a person's social
654 security number or complete bank account, debit, charge, or
655 credit card number in that document unless otherwise expressly
656 required by law. Until January 1, 2007, if a social security
657 number or a complete bank account, debit, charge, or credit card
658 number is or has been included in a document presented to the
659 county recorder for recording in the official records of the
660 county, such number may be made available as part of the
661 official record available for public inspection and copying. Any
662 person, or his or her attorney or legal guardian, may request
663 that a county recorder remove from an image or copy of an
664 official record placed on a county recorder's publicly available
665 Internet website, or a publicly available Internet website used
666 by a county recorder to display public records outside the
667 office or otherwise made electronically available outside the
668 county recorder's office to the general public, his or her
669 social security number or complete account, debit, charge, or
670 credit card number contained in that official record. Such
671 request must be legibly written, signed by the requester, and
672 delivered by mail, facsimile, electronic transmission, or in

673 person to the county recorder. The request must specify the
674 identification page number of the document that contains the
675 number to be redacted. The county recorder does not have a duty
676 to inquire beyond the written request to verify the identity of
677 a person requesting redaction. A fee may not be charged for
678 redacting such numbers.

679 f. Subparagraphs 2. and 3. do not apply to the clerks of
680 the court or the county recorder with respect to circuit court
681 records and official records.

682 g. On January 1, 2007, and thereafter, the clerk of the
683 circuit court and the county recorder must keep complete bank
684 account, debit, charge, and credit card numbers exempt as
685 provided for in paragraph (b), and must keep social security
686 numbers confidential and exempt as provided for in subparagraph
687 3., without any person having to request redaction.

688 8. Beginning January 31, 2004, and each January 31
689 thereafter, every agency must file a report with the Secretary
690 of State, the President of the Senate, and the Speaker of the
691 House of Representatives listing the identity of all commercial
692 entities that have requested social security numbers during the
693 preceding calendar year and the specific purpose or purposes
694 stated by each commercial entity regarding its need for social
695 security numbers. If no disclosure requests were made, the
696 agency shall so indicate.

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

699 10. This paragraph does not supersede any other applicable
700 public records exemptions existing prior to May 13, 2002, or

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701 created thereafter.

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

706 Section 14. This act shall take effect upon becoming a
707 law.