

By the Committee on Banking and Insurance

597-01561A-12

20121208

1 A bill to be entitled
2 An act relating to public records; amending s.
3 717.117, F.S.; revising the public records exemption
4 for information held by the Department of Financial
5 Services relating to unclaimed property to permanently
6 exempt social security numbers from the public records
7 law; providing for future legislative review and
8 repeal of the exemption under the Open Government
9 Sunset Review Act; providing a statement of public
10 necessity; providing an effective date.

12 Be It Enacted by the Legislature of the State of Florida:

14 Section 1. Subsection (8) of section 717.117, Florida
15 Statutes, is amended to read:

16 717.117 Report of unclaimed property.—

17 ~~(8) (a) As used in this subsection, the term "property~~
18 ~~identifier" means the descriptor used by the holder to identify~~
19 ~~the unclaimed property.~~

20 ~~(b) Social security numbers and property identifiers~~
21 ~~contained in reports required under this section, held by the~~
22 ~~department, are confidential and exempt from s. 119.07(1) and s.~~
23 ~~24(a), Art. I of the State Constitution.~~

24 ~~(c) Social security numbers shall be released, for the~~
25 ~~limited purpose of locating owners of abandoned or unclaimed~~
26 ~~property, to a person registered with the department under this~~
27 ~~chapter who is an attorney, Florida-certified public accountant,~~
28 ~~private investigator who is duly licensed in this state, or a~~
29 ~~private investigative agency licensed under chapter 493.~~

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30 (a)~~(d)~~ This exemption applies to social security numbers
31 and property identifiers held by the department before, on, or
32 after the effective date of this exemption.

33 (b) As used in this subsection, the term "property
34 identifier" means the descriptor used by the holder to identify
35 the unclaimed property.

36 (c)~~(e)~~ This subsection is subject to the Open Government
37 Sunset Review Act in accordance with s. 119.15, and shall stand
38 repealed October 2, 2017 ~~2012~~, unless reviewed and saved from
39 repeal through reenactment by the Legislature.

40 Section 2. The Legislature finds that it is a public
41 necessity that social security numbers contained in reports of
42 unclaimed property remain confidential and exempt from public
43 records requirements. Social security numbers, which are used by
44 a holder of unclaimed property to identify such property, could
45 be used to fraudulently obtain unclaimed property. The release
46 of social security numbers could also place owners of unclaimed
47 property at risk of identity theft. Therefore, the protection of
48 social security numbers is a public necessity in order to
49 prevent the fraudulent use of such information by creating
50 falsified or forged documents that appear to demonstrate
51 entitlement to unclaimed property and to prevent opportunities
52 for identify theft. Such use defrauds the rightful owner or the
53 State School Fund, which is the depository for all remaining
54 unclaimed funds.

55 Section 3. This act shall take effect October 1, 2012.