

By the Committees on Governmental Oversight and Accountability;
and Banking and Insurance

585-03769-12

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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; allowing the release of the first five digits of
8 the number for certain purposes; providing for future
9 legislative review and repeal of the exemption under
10 the Open Government Sunset Review Act; providing a
11 statement of public necessity; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 717.117 Report of unclaimed property.—

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

22 ~~(b)~~ Social security numbers and property identifiers
23 contained in reports required under this section, held by the
24 department, are confidential and exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution.

26 (a)(e) The first five digits of social security numbers
27 shall be released, for the limited purpose of locating owners of
28 abandoned or unclaimed property, to a person registered with the
29 department under this chapter who is an attorney, a Florida-

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30 certified public accountant, a private investigator who is duly
31 licensed in this state, or a private investigative agency
32 licensed under chapter 493.

33 (b)~~(d)~~ This exemption applies to social security numbers
34 and property identifiers held by the department before, on, or
35 after the effective date of this exemption.

36 (c) As used in this subsection, the term "property
37 identifier" means the descriptor used by the holder to identify
38 the unclaimed property.

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41 repealed October 2, 2017 ~~2012~~, unless reviewed and saved from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

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

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