

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

595-04186-12

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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; deleting the provision that requires the release
8 of social security numbers for certain purposes;
9 providing for future legislative review and repeal of
10 the exemption under the Open Government Sunset Review
11 Act; providing a statement of public necessity;
12 providing an effective 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 ~~(c) Social security numbers shall be released, for the~~
27 ~~limited purpose of locating owners of abandoned or unclaimed~~
28 ~~property, to a person registered with the department under this~~
29 ~~chapter who is an attorney, Florida-certified public accountant,~~

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

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

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

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40 repealed October 2, 2017 ~~2012~~, unless reviewed and saved from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

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

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