

House Bill No. 543

An act relating to public records; amending s. 717.117, F.S.; creating an exemption from public records requirements for social security numbers and financial account numbers contained in reports required under s. 717.117, F.S., held by the Department of Banking and Finance; providing exceptions to the exemption; providing retroactive application of the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (8) is added to section 717.117, Florida Statutes, to read:

717.117 Report of unclaimed property.—

(8) Social security numbers and financial account numbers contained in reports required under this section, held by the Department of Banking and Finance, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption, social security numbers shall be released, for the limited purpose of locating owners of abandoned or unclaimed property, to an attorney, Florida-certified public accountant, private investigator who is duly licensed in this state, or a private investigative agency licensed under chapter 493 and registered with the Department of Banking and Finance under chapter 717. This exemption applies to social security numbers and financial account numbers held by the Department of Banking and Finance before, on, or after the effective date of this exemption. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that social security numbers and financial account numbers of apparent owners of abandoned or unclaimed property which are in the custody of the Department of Banking and Finance be made confidential and exempt in order to prevent identity theft and related crimes. The Legislature further finds that this exemption is a public necessity in order to prevent the use of such information in forged documents demonstrating entitlement to abandoned or unclaimed property and thereby defrauding the rightful property owner or the State School Fund. Additionally, the social security number is the only nationwide, unique numeric form of identification. Release of a person's social security number is of concern due to the amount of information such number can provide on an individual. A social security number is often the link to an individual's personal records, whether such records are financial, educational, medical, or familial in nature. It is necessary, however, to provide access to social security numbers to an attorney, Florida-certified public accountant, private investigator duly licensed in this state, or private

investigative agencies that are licensed under chapter 493, Florida Statutes and registered with the Department of Banking and Finance in order to facilitate the location and return of unclaimed property to rightful owners. The Legislature further finds that attorneys, Florida-certified public accountants, private investigators, and private investigative agencies are subject to more stringent regulation and oversight than the public as a whole. In addition, such professionals are the only persons authorized to file claims on behalf of apparent owners of abandoned or unclaimed property pursuant to chapter 717, Florida Statutes.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 22, 2002.

Filed in Office Secretary of State April 22, 2002.