

Committee Substitute for
Committee Substitute for Senate Bill No. 2518

An act relating to procurement of contractual services by a state agency; amending s. 287.057, F.S.; prohibiting a state agency from renewing or amending a contract for outsourcing under certain conditions; requiring certain qualifications for persons chosen to conduct negotiations during specified procurements; requiring the department to adopt rules governing those qualifications; requiring that a specified statement be included in procurements of commodities and services which prohibits contact between respondents and specified employees of the executive and legislative branches; creating s. 287.0571, F.S.; creating the Florida Efficient Government Act; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; creating s. 287.05721, F.S.; providing definitions; creating s. 287.0573, F.S.; creating the Council on Efficient Government; providing the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to review and issue advisory reports on certain state agency procurements; requiring the department to employ adequate number of staff; requiring the Secretary of Management Services to appoint an executive director; requiring state agencies to submit materials required by the council; creating s. 287.0574, F.S.; providing requirements for certain business cases to outsource by a state agency; requiring a state agency to develop a business case that describes and analyzes a contractual services procurement under consideration; providing that the business case is not subject to challenge or protest under the Administrative Procedure Act; providing required components of a business case; providing contract requirements for an outsourcing procurement; amending s. 287.058, F.S.; providing that a contract may not prohibit a contractor from lobbying the executive or legislative branches concerning specified contract issues, within specified time lines; creating s. 287.074, F.S.; requiring that only public officers or employees perform certain functions; prohibiting a contractor from participating in the procurement of contractual services by a state agency; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations; providing that certain state agencies are subject to the act; amending s. 119.071, F.S.; deleting a cross-reference; defining the term "commerical activity" for purposes of a provision authorizing the release of social security numbers; providing an effective date.

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

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

287.057 Procurement of commodities or contractual services.—

(14)(a) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (5)(a) and (c) may not be renewed. With the exception of s. 287.057(13), if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding the sum of \$10 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

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

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

(26) Each solicitation for the procurement of commodities or contractual services shall include the following provision: “Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.”

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

287.0571 Applicability of ss. 287.0571-287.0574.—

(1) Sections 287.0571-287.0574 may be cited as the “Florida Efficient Government Act.”

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

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

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

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

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

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

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

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

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

(1) “Council” means the Council on Efficient Government.

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

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

287.0573 Council on Efficient Government; membership; duties.—

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

(2) The council shall consist of seven members appointed by the Governor pursuant to s. 20.052:

- (a) The Secretary of Management Services, who shall serve as chair.
- (b) A cabinet member other than the Governor, or his or her senior management or executive staff designee.
- (c) Two heads of executive branch agencies.
- (d) Three members from the private sector who are subject to confirmation by the Senate and who, collectively, have experience with procurement, successfully increasing operational efficiency, and implementing complex projects in the private-sector business environment. A private-sector member of the council may not at any time during his or her appointment to the council be registered to lobby the executive or legislative branch.
- (3) Within 45 days after the effective date of this section, the Governor shall appoint two private-sector members and one state agency head for terms of 1 year and one private-sector member and one agency head for terms of 2 years. Thereafter, each member shall be appointed for a term of 2 years. The private-sector members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.
- (4) A member of the council may not participate in a council review of a business case to outsource if his or her state agency is conducting the proposed outsourcing or, in the case of a private-sector member, if he or she has a business relationship with an entity that is involved or could potentially be involved in the proposed outsourcing.
- (5) A member of the council, except the cabinet member, may not delegate his or her membership to a designee.
- (6) A quorum shall consist of at least four members, including at least two private-sector members.
- (7) Any vacancy on the council shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring for a reason other than the expiration of a term shall serve only for the unexpired term of the member's predecessor.
- (8) The council shall:
- (a) Employ a standard process for reviewing business cases to outsource.
- (b) Review and evaluate business cases to outsource as requested by the Governor or the state agency head whose agency is proposing to outsource or as required by ss. 287.0571-287.0574 or by law.
- (c) No later than 30 days before a state agency's issuance of a solicitation of \$10 million or more, provide to the agency conducting the procurement, the Governor, the President of the Senate, and the Speaker of the House of Representatives an advisory report for each business case reviewed and evaluated by the council. The report must contain all versions of the business case, an evaluation of the business case, any relevant recommendations, and sufficient information to assist the state agency proposing to

outsource in determining whether the business case to outsource should be included with the legislative budget request.

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

(e) Develop standards and best-practice procedures for use by state agencies in evaluating business cases to outsource.

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

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

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

(9) The council shall identify and report yearly to the Legislature on:

(a) Innovative methods of delivering government services which would improve the efficiency, effectiveness, or competition in the delivery of government services, including, but not limited to, enterprise-wide proposals.

(b) Outsourcing efforts of each state agency which shall include, but not be limited to, the number of outsourcing business cases and solicitations, the number and dollar value of outsourcing contracts, an explanation of agency progress on achieving the cost-benefit analysis schedule as required by s. 287.0574(4)(h), descriptions of performance results as applicable, any contract violations or project slippages, and the status of extensions, renewals, and amendments of outsourcing contracts.

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

(11) The Secretary of Management Services shall appoint an executive director.

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

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

287.0574 Business cases to outsource; review and analysis; requirements.—

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

(a) An initial business case analysis conducted by the state agency and submitted to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 60 days before a solicitation is issued. The council shall evaluate the business case analysis and submit an advisory report to the state agency, the Governor, the President of the Senate, and the Speaker of the House of Representatives when the advisory report is completed, but at least 30 days before the agency issues the solicitation.

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

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

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

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

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

(4) For any proposed outsourcing, the state agency shall develop a business case that justifies the proposal to outsource. In order to reduce any administrative burden, the council may allow a state agency to submit the business case in the form required by the budget instructions issued pursuant to s. 216.023(4)(a)11., augmented with additional information if necessary, to ensure that the requirements of this section are met. The business case is not subject to challenge or protest pursuant to chapter 120. The business case must include, but need not be limited to:

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

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

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

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

(e) A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option involving maintaining state provision of the service or activity shall be included.

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

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

(h) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis must specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost must be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The state agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. As used in this section, the term "cost" means the reasonable, relevant, and verifiable cost, which may include, but is not limited to, elements such as personnel, materials and supplies, services, equipment, capital depreciation, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements shall depend on the nature of the specific initiative. As used in this section, the term "savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

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

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

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

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

(m) A specific and feasible contingency plan addressing contractor non-performance and a description of the tasks involved in and costs required for its implementation.

(n) A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues,

and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor.

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

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

(5) In addition to the contract requirements provided in s. 287.058, each contract for a proposed outsourcing, pursuant to s. 287.0574, must include, but need not be limited to, the following contractual provisions:

(a) A scope-of-work provision that clearly specifies each service or deliverable to be provided, including a description of each deliverable or activity that is quantifiable, measurable, and verifiable. This provision must include a clause that states if a particular service or deliverable is inadvertently omitted or not clearly specified but determined to be operationally necessary and verified to have been performed by the agency within the 12 months before the execution of the contract, such service or deliverable will be provided by the contractor through the identified contract-amendment process.

(b) A service-level-agreement provision describing all services to be provided under the terms of the agreement, the state agency's service requirements and performance objectives, specific responsibilities of the state agency and the contractor, and the process for amending any portion of the service-level agreement. Each service-level agreement must contain an exclusivity clause that allows the state agency to retain the right to perform the service or activity, directly or with another contractor, if service levels are not being achieved.

(c) A provision that identifies all associated costs, specific payment terms, and payment schedules, including provisions governing incentives and financial disincentives and criteria governing payment.

(d) A provision that identifies a clear and specific transition plan that will be implemented in order to complete all required activities needed to transfer the service or activity from the state agency to the contractor and operate the service or activity successfully.

(e) A performance-standards provision that identifies all required performance standards, which must include, at a minimum:

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

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

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

(f) A provision that requires the contractor and its subcontractors to maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(g) A provision that authorizes the state agency to have access to and to audit all records related to the contract and subcontracts, or any responsibilities or functions under the contract and subcontracts, for purposes of legislative oversight, and a requirement for audits by a service organization in accordance with professional auditing standards, if appropriate.

(h) A provision that requires the contractor to interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(i) A contingency-plan provision that describes the mechanism for continuing the operation of the service or activity, including transferring the service or activity back to the state agency or successor contractor if the contractor fails to perform and comply with the performance standards and levels of the contract and the contract is terminated.

(j) A provision that requires the contractor and its subcontractors to comply with public-records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.

2. Provide the public with access to such public records on the same terms and conditions that the state agency would provide the records and at a cost that does not exceed that provided in chapter 119 or as otherwise provided by law.

3. Ensure that records that are exempt or records that are confidential and exempt are not disclosed except as authorized by law.

4. Meet all requirements for retaining records and transfer to the state agency, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the state agency in a format that is compatible with the information technology systems of the state agency.

(k) A provision that addresses ownership of intellectual property. This paragraph does not provide the specific authority needed by an agency to obtain a copyright or trademark.

(l) If applicable, a provision that allows the agency to purchase from the contractor, at its depreciated value, assets used by the contractor in the performance of the contract. If assets have not depreciated, the agency shall retain the right to negotiate to purchase at an agreed-upon cost.

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

287.058 Contract document.—

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

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

287.074 Prohibited actions by contractor personnel.—

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

(a) Selecting state employees;

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

(c) Hiring, promoting, disciplining, demoting, and dismissing a state employee.

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

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

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

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

Section 11. The Department of Management Services may implement a program to train state agency employees who are involved in managing outsourcings as Project Management Professionals, as certified by the Project Management Institute. For the 2006-2007 fiscal year, the sum of \$500,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Management Services to implement this program. The Department of Management Services, in consultation with entities subject

to this act, shall identify personnel to participate in this training based on requested need and ensure that each agency is represented. The Department of Management Services may remit payment for this training on behalf of all participating personnel.

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

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

119.071 General exemptions from inspection or copying of public records.—

(5) OTHER PERSONAL INFORMATION.—

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

2. An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented. An agency that collects social security numbers shall also segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number be more easily redacted, if required, pursuant to a public records request. An agency collecting a person's social security number shall, upon that person's request, at the time of or prior to the actual collection of the social security number by that agency, provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to May 13, 2002, shall be reviewed for compliance with this subparagraph. If the collection of a social security number prior to May 13, 2002, is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.

3. Effective October 1, 2002, all social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency before, on, or after the effective date of this exemption.

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

5. An agency shall not deny a commercial entity engaged in the performance of a commercial activity, which, for purposes of this paragraph, means an activity that provides a product or service that is available from a private source, as defined in s. 14.203 or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity makes a written request for social security numbers, verified as provided in s. 92.525, legibly signed by an authorized officer, employee, or agent of the commercial entity. The verified written request must contain the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the normal course of business for legitimate business purposes. The aggregate of these requests shall serve as the basis for the agency report required in subparagraph 8. An agency may request any other information reasonably necessary to verify the identity of the entity requesting the social security numbers and the specific purposes for which such numbers will be used; however, an agency has no duty to inquire beyond the information contained in the verified written request. A legitimate business purpose includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use in a civil, criminal, or administrative proceeding; use for insurance purposes; use in law enforcement and investigation of crimes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. A legitimate business purpose does not include the display or bulk sale of social security numbers to the general public or the distribution of such numbers to any customer that is not identifiable by the distributor.

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

7.a. On or after October 1, 2002, a person preparing or filing a document to be recorded in the official records by the county recorder as provided for in chapter 28 may not include any person's social security number in that

document, unless otherwise expressly required by law. If a social security number is or has been included in a document presented to the county recorder for recording in the official records of the county before, on, or after October 1, 2002, it may be made available as part of the official record available for public inspection and copying.

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

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

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

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

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

delivered by mail, facsimile, electronic transmission, or in person to the clerk of the circuit court. The clerk of the circuit court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.

e. Any person who prepares or files a document to be recorded in the official records by the county recorder as provided in chapter 28 may not include a person's social security number or complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by law. Until January 1, 2007, if a social security number or a complete bank account, debit, charge, or credit card number is or has been included in a document presented to the county recorder for recording in the official records of the county, such number may be made available as part of the official record available for public inspection and copying. Any person, or his or her attorney or legal guardian, may request that a county recorder remove from an image or copy of an official record placed on a county recorder's publicly available Internet website, or a publicly available Internet website used by a county recorder to display public records outside the office or otherwise made electronically available outside the county recorder's office to the general public, his or her social security number or complete account, debit, charge, or credit card number contained in that official record. Such request must be legibly written, signed by the requester, and delivered by mail, facsimile, electronic transmission, or in person to the county recorder. The request must specify the identification page number of the document that contains the number to be redacted. The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for redacting such numbers.

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

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

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

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

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

11. This paragraph is subject to the Open Government Sunset Review Act 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 14. This act shall take effect upon becoming a law.

Approved by the Governor June 15, 2006.

Filed in Office Secretary of State June 15, 2006.