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1 paragraphs (a) and (b) of subsection (5) of section 119.071,
2 Florida Statutes, are amended to read:

3 119.071 General exemptions from inspection or copying
4 of public records.--

5 (4)

6 (a)1. The social security numbers of all current and
7 former agency employees which numbers are contained in agency
8 employment records are exempt from s. 119.07(1) and s. 24(a),
9 Art. I of the State Constitution.

10 2. An agency that is the custodian of a social
11 security number specified in subparagraph 1. and that is not
12 the employing agency shall maintain the exempt status of the
13 social security number only if the employee or the employing
14 agency of the employee submits a written request for
15 confidentiality to the custodial agency. However, upon a
16 request by a commercial entity as provided in subparagraph
17 (5)(a)7.b. ~~(5)(a)5.~~, the custodial agency shall release the
18 last four digits of the exempt social security number, except
19 that a social security number provided in a lien filed with
20 the Department of State shall be released in its entirety.
21 This subparagraph is subject to the Open Government Sunset
22 Review Act in accordance with s. 119.15 and shall stand
23 repealed on October 2, 2009, unless reviewed and saved from
24 repeal through reenactment by the Legislature.

25 (5) OTHER PERSONAL INFORMATION.--

26 (a)1.a. The Legislature acknowledges that the social
27 security number was never intended to be used for business
28 purposes but was intended to be used solely for the
29 administration of the federal Social Security System. The
30 Legislature is further aware that over time this unique
31 numeric identifier has been used extensively for identity

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1 verification purposes and other legitimate consensual
2 purposes.

3 b. The Legislature recognizes ~~is also cognizant of the~~
4 ~~fact~~ that the social security number can be used as a tool to
5 perpetuate fraud against an individual ~~a person~~ and to acquire
6 sensitive personal, financial, medical, and familial
7 information, the release of which could cause great financial
8 or personal harm to an individual.

9 c. The Legislature intends to monitor the ~~commercial~~
10 use of social security numbers held by ~~state~~ agencies in order
11 to maintain a balanced public policy.

12 2.a. An agency may not collect an individual's social
13 security number unless the agency has stated in writing the
14 purpose for its collection and unless it is:

- 15 (I) Specifically authorized by law to do so; or
- 16 (II) ~~unless the collection of the social security~~
17 ~~number is otherwise~~ Imperative for the performance of that
18 agency's duties and responsibilities as prescribed by law.
19 ~~Social security numbers collected by an agency must be~~
20 ~~relevant to the purpose for which collected and may not be~~
21 ~~collected until and unless the need for social security~~
22 ~~numbers has been clearly documented.~~

23 b. Social security numbers collected by an agency may
24 not be used by that agency for any purpose other than the
25 purpose provided in the written statement.

26 3. ~~An agency that collects social security numbers~~
27 ~~shall also segregate that number on a separate page from the~~
28 ~~rest of the record, or as otherwise appropriate, in order that~~
29 ~~the social security number be more easily redacted, if~~
30 ~~required, pursuant to a public records request. An agency~~
31 collecting an individual's ~~a person's~~ social security number

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1 shall, upon that person's request, at the time of or prior to
 2 the actual collection of the social security number by that
 3 agency, provide that individual person with a copy of the
 4 written statement required in subparagraph 2. of the purpose
 5 or purposes for which the social security number is being
 6 collected and used. Social security numbers collected by an
 7 agency may not be used by that agency for any purpose other
 8 than the purpose stated.

9 4.a. Each social security numbers collected by an
 10 agency before May 13, 2002, shall review whether its
 11 collection of social security numbers is in be reviewed for
 12 compliance with subparagraph 2. this subparagraph. If the
 13 agency determines that collection of a social security number
 14 before May 13, 2002, is not in compliance with subparagraph 2.
 15 found to be unwarranted, the agency shall immediately
 16 discontinue the collection of social security numbers for that
 17 purpose.

18 b. Each agency shall certify to the President of the
 19 Senate and the Speaker of the House of Representatives its
 20 compliance with this subparagraph no later than January 31,
 21 2008.

22 5.3. Effective October 1, 2002, all Social security
 23 numbers held by an agency are confidential and exempt from s.
 24 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 25 exemption applies to all social security numbers held by an
 26 agency before, on, or after the effective date of this
 27 exemption.

28 6.4. Social security numbers may be disclosed to
 29 another agency or governmental entity or its agents,
 30 employees, or contractors if disclosure is necessary for the
 31 receiving agency or entity to perform its duties and

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1 responsibilities. ~~The receiving governmental entity and its~~
2 ~~agents, employees, and contractors shall maintain the~~
3 ~~confidential and exempt status of the numbers.~~

4 7.a. For purposes of this subsection, the term:

5 (I) "Commercial activity" means the provision of a
6 lawful product or service by a commercial entity. Commercial
7 activity includes verification of the accuracy of personal
8 information received by a commercial entity in the normal
9 course of its business; use for insurance purposes; use in
10 identifying and preventing fraud; use in matching, verifying,
11 or retrieving information; and use in research activities. It
12 does not include the display or bulk sale of social security
13 numbers to the public or the distribution of such numbers to
14 any customer that is not identifiable by the commercial
15 entity.

16 (II) "Commercial entity" means any corporation,
17 partnership, limited partnership, proprietorship, sole
18 proprietorship, firm, enterprise, franchise, or association
19 that performs a commercial activity in this state.

20 ~~b.5. An agency may not deny a commercial entity~~
21 ~~engaged in the performance of a commercial activity, which,~~
22 ~~for purposes of this paragraph, means an activity that~~
23 ~~provides a product or service that is available from a private~~
24 ~~source, or its agents, employees, or contractors access to~~
25 ~~social security numbers, provided the social security numbers~~
26 ~~will be used only in the performance of a commercial activity~~
27 ~~normal course of business for legitimate business purposes,~~
28 ~~and provided the commercial entity makes a written request for~~
29 ~~the social security numbers. The written request must:~~

30 (I) Be verified as provided in s. 92.525;

31 (II) Be legibly signed by an authorized officer,

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1 employee, or agent of the commercial entity;~~;~~

2 ~~(III) The verified written request must~~ Contain the
3 commercial entity's name, business mailing and location
4 addresses, and business telephone number;~~;~~ and

5 ~~(IV) Contain~~ a statement of the specific purposes for
6 which it needs the social security numbers and how the social
7 security numbers will be used in the performance of a
8 commercial activity ~~normal course of business for legitimate~~
9 ~~business purposes~~. The aggregate of these requests shall serve
10 as the basis for the agency report required in subparagraph
11 9.8.

12 c. An agency may request any other information
13 reasonably necessary to verify the identity of a commercial
14 ~~the~~ entity requesting the social security numbers and the
15 specific purposes for which the numbers will be used.~~;~~
16 ~~however, An agency has no duty to inquire beyond the~~
17 ~~information contained in the verified written request. A~~
18 ~~legitimate business purpose includes verification of the~~
19 ~~accuracy of personal information received by a commercial~~
20 ~~entity in the normal course of its business; use in a civil,~~
21 ~~criminal, or administrative proceeding; use for insurance~~
22 ~~purposes; use in law enforcement and investigation of crimes;~~
23 ~~use in identifying and preventing fraud; use in matching,~~
24 ~~verifying, or retrieving information; and use in research~~
25 ~~activities. A legitimate business purpose does not include the~~
26 ~~display or bulk sale of social security numbers to the general~~
27 ~~public or the distribution of such numbers to any customer~~
28 ~~that is not identifiable by the distributor.~~

29 8.a.6. Any person who makes a false representation in
30 order to obtain a social security number pursuant to this
31 paragraph, or any person who willfully and knowingly violates

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1 this paragraph, commits a felony of the third degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 **b.** Any public officer who violates this paragraph
4 ~~commits is guilty of~~ a noncriminal infraction, punishable by a
5 fine not exceeding \$500 per violation. ~~A commercial entity~~
6 ~~that provides access to public records containing social~~
7 ~~security numbers in accordance with this paragraph is not~~
8 ~~subject to the penalty provisions of this subparagraph.~~

9 ~~7.a.~~ ~~On or after October 1, 2002, a person preparing~~
10 ~~or filing a document to be recorded in the official records by~~
11 ~~the county recorder as provided for in chapter 28 may not~~
12 ~~include any person's social security number in that document,~~
13 ~~unless otherwise expressly required by law. If a social~~
14 ~~security number is or has been included in a document~~
15 ~~presented to the county recorder for recording in the official~~
16 ~~records of the county before, on, or after October 1, 2002, it~~
17 ~~may be made available as part of the official record available~~
18 ~~for public inspection and copying.~~

19 **b.** ~~Any person, or his or her attorney or legal~~
20 ~~guardian, has the right to request that a county recorder~~
21 ~~remove, from an image or copy of an official record placed on~~
22 ~~a county recorder's publicly available Internet website or a~~
23 ~~publicly available Internet website used by a county recorder~~
24 ~~to display public records or otherwise made electronically~~
25 ~~available to the general public by such recorder, his or her~~
26 ~~social security number contained in that official record. The~~
27 ~~request must be made in writing, legibly signed by the~~
28 ~~requester and delivered by mail, facsimile, or electronic~~
29 ~~transmission, or delivered in person, to the county recorder.~~
30 ~~The request must specify the identification page number that~~
31 ~~contains the social security number to be redacted. The county~~

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1 ~~recorder has no duty to inquire beyond the written request to~~
2 ~~verify the identity of a person requesting redaction. A fee~~
3 ~~may not be charged for the redaction of a social security~~
4 ~~number pursuant to such request.~~

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

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

17 ~~(II) Any person has a right to request a county~~
18 ~~recorder to remove, from an image or copy of an official~~
19 ~~record placed on a county recorder's publicly available~~
20 ~~Internet website or on a publicly available Internet website~~
21 ~~used by a county recorder to display public records or~~
22 ~~otherwise made electronically available to the general public,~~
23 ~~any social security number contained in an official record.~~
24 ~~Such request must be made in writing and delivered by mail,~~
25 ~~facsimile, or electronic transmission, or delivered in person,~~
26 ~~to the county recorder. The request must specify the~~
27 ~~identification page number that contains the social security~~
28 ~~number to be redacted. A fee may not be charged for the~~
29 ~~redaction of a social security number pursuant to such a~~
30 ~~request.~~

31 ~~d. Until January 1, 2008, if a social security number,~~

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1 ~~made confidential and exempt pursuant to this paragraph, or a~~
2 ~~complete bank account, debit, charge, or credit card number~~
3 ~~made exempt pursuant to paragraph (b) is or has been included~~
4 ~~in a court file, such number may be included as part of the~~
5 ~~court record available for public inspection and copying~~
6 ~~unless redaction is requested by the holder of such number, or~~
7 ~~by the holder's attorney or legal guardian, in a signed,~~
8 ~~legibly written request specifying the case name, case number,~~
9 ~~document heading, and page number. The request must be~~
10 ~~delivered by mail, facsimile, electronic transmission, or in~~
11 ~~person to the clerk of the circuit court. The clerk of the~~
12 ~~circuit court does not have a duty to inquire beyond the~~
13 ~~written request to verify the identity of a person requesting~~
14 ~~redaction. A fee may not be charged for the redaction of a~~
15 ~~social security number or a bank account, debit, charge, or~~
16 ~~credit card number pursuant to such request. The clerk of the~~
17 ~~circuit court has no liability for the inadvertent release of~~
18 ~~confidential and exempt social security numbers or exempt bank~~
19 ~~account, debit, charge, or credit card numbers, unknown to the~~
20 ~~clerk of the circuit court in court records filed with the~~
21 ~~clerk of the circuit court on or before January 1, 2008.~~

22 ~~e. Any person who prepares or files a document to be~~
23 ~~recorded in the official records by the county recorder as~~
24 ~~provided in chapter 28 may not include a person's social~~
25 ~~security number or complete bank account, debit, charge, or~~
26 ~~credit card number in that document unless otherwise expressly~~
27 ~~required by law. Until January 1, 2008, if a social security~~
28 ~~number or a complete bank account, debit, charge, or credit~~
29 ~~card number is or has been included in a document presented to~~
30 ~~the county recorder for recording in the official records of~~
31 ~~the county, such number may be made available as part of the~~

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1 ~~official record available for public inspection and copying.~~
2 ~~Any person, or his or her attorney or legal guardian, may~~
3 ~~request that a county recorder remove from an image or copy of~~
4 ~~an official record placed on a county recorder's publicly~~
5 ~~available Internet website, or a publicly available Internet~~
6 ~~website used by a county recorder to display public records~~
7 ~~outside the office or otherwise made electronically available~~
8 ~~outside the county recorder's office to the general public,~~
9 ~~his or her social security number or complete account, debit,~~
10 ~~charge, or credit card number contained in that official~~
11 ~~record. Such request must be legibly written, signed by the~~
12 ~~requester, and delivered by mail, facsimile, electronic~~
13 ~~transmission, or in person to the county recorder. The request~~
14 ~~must specify the identification page number of the document~~
15 ~~that contains the number to be redacted. The county recorder~~
16 ~~does not have a duty to inquire beyond the written request to~~
17 ~~verify the identity of a person requesting redaction. A fee~~
18 ~~may not be charged for redacting such numbers. If the county~~
19 ~~recorder accepts or stores official records in an electronic~~
20 ~~format, the county recorder must use his or her best efforts~~
21 ~~to redact all social security numbers and complete bank~~
22 ~~account, debit, charge, or credit card numbers from electronic~~
23 ~~copies of the official record. The use of an automated program~~
24 ~~for redaction shall be deemed the best effort and complies~~
25 ~~with the requirements of this sub-subparagraph. The county~~
26 ~~recorder is not liable for the inadvertent release of~~
27 ~~confidential and exempt social security numbers, or exempt~~
28 ~~bank account, debit, charge, or credit card numbers, filed~~
29 ~~with the county recorder on or before January 1, 2008.~~

30 f. ~~Subparagraphs 5. and 6. do not apply to the clerks~~
31 ~~of the court or the county recorder with respect to circuit~~

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1 ~~court records and official records.~~

2 ~~g. On January 1, 2008, and thereafter, the clerk of~~
3 ~~the circuit court and the county recorder must keep complete~~
4 ~~bank account, debit, charge, and credit card numbers exempt as~~
5 ~~provided for in paragraph (b), and must keep social security~~
6 ~~numbers confidential and exempt as provided for in~~
7 ~~subparagraph 3., without any person having to request~~
8 ~~redaction.~~

9 ~~9.a.8. Beginning January 31, 2004, and each January 31~~
10 ~~thereafter, Every agency shall must file a report with the~~
11 ~~Executive Office of the Governor Secretary of State, the~~
12 ~~President of the Senate, and the Speaker of the House of~~
13 ~~Representatives by January 31 of each year.~~

14 ~~b. The report required under sub-subparagraph a. shall~~
15 ~~list:~~

16 ~~(I) listing~~ The identity of all commercial entities
17 that have requested social security numbers during the
18 preceding calendar year; and

19 ~~(II)~~ The specific purpose or purposes stated by each
20 commercial entity regarding its need for social security
21 numbers.

22 ~~c. If no disclosure requests were made, the agency~~
23 ~~shall so indicate.~~

24 ~~10.9.~~ Any affected person may petition the circuit
25 court for an order directing compliance with this paragraph.

26 ~~11.10.~~ This paragraph does not supersede any other
27 applicable public records exemptions existing prior to May 13,
28 2002, or created thereafter.

29 ~~11. This paragraph is subject to the Open Government~~
30 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
31 ~~repealed October 2, 2007, unless reviewed and saved from~~

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1 ~~repeal through reenactment by the Legislature.~~

2 (b) Bank account numbers and debit, charge, and credit
 3 card numbers held by an agency are exempt from s. 119.07(1)
 4 and s. 24(a), Art. I of the State Constitution. This exemption
 5 applies to bank account numbers and debit, charge, and credit
 6 card numbers held by an agency before, on, or after the
 7 effective date of this exemption. ~~This paragraph is subject to~~
 8 ~~the Open Government Sunset Review Act in accordance with s.~~
 9 ~~119.15 and shall stand repealed on October 2, 2007, unless~~
 10 ~~reviewed and saved from repeal through reenactment by the~~
 11 ~~Legislature.~~

12 Section 2. Section 119.0714, Florida Statutes, is
 13 created, and subsection (6) of section 119.07, Florida
 14 Statutes, is renumbered as subsection (1) of that section and
 15 amended, to read:

16 119.0714 Court files; court records; official
 17 records.--

18 ~~(1)(6)~~ COURT FILES.--Nothing in this chapter shall be
 19 construed to exempt from s. 119.07(1) ~~subsection (1)~~ a public
 20 record that was made a part of a court file and that is not
 21 specifically closed by order of court, except:

22 (a) A public record that was prepared by an agency
 23 attorney or prepared at the attorney's express direction as
 24 provided in s. 119.071(1)(d).

25 (b) Data processing software as provided in s.
 26 119.071(1)(f).

27 (c) Any information revealing surveillance techniques
 28 or procedures or personnel as provided in s. 119.071(2)(d).

29 (d) Any comprehensive inventory of state and local law
 30 enforcement resources, and any comprehensive policies or plans
 31 compiled by a criminal justice agency, as provided in s.

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1 119.071(2)(d).

2 (e) Any information revealing the substance of a
 3 confession of a person arrested as provided in s.

4 119.071(2)(e).

5 (f) Any information revealing the identity of a
 6 confidential informant or confidential source as provided in
 7 s. 119.071(2)(f).

8 (g) Any information revealing undercover personnel of
 9 any criminal justice agency as provided in s. 119.071(4)(c).

10 (h) and (f), (2)(d), (e), and (f), and (4)(c) and
 11 except Information or records that may reveal the identity of
 12 a person who is a victim of a sexual offense as provided in s.
 13 119.071(2)(h).

14 (i) Social security numbers as provided in s.
 15 119.071(5)(a).

16 (j) Bank account numbers and debit, charge, and credit
 17 card numbers as provided in s. 119.071(5)(b).

18 (2) COURT RECORDS.--

19 (a) Until January 1, 2011, if a social security number
 20 or a bank account, debit, charge, or credit card number is
 21 included in a court file, such number may be included as part
 22 of the court record available for public inspection and
 23 copying unless redaction is requested by the holder of such
 24 number or by the holder's attorney or legal guardian.

25 (b) A request for redaction must be a signed, legibly
 26 written request specifying the case name, case number,
 27 document heading, and page number. The request must be
 28 delivered by mail, facsimile, electronic transmission, or in
 29 person to the clerk of the court. The clerk of the court does
 30 not have a duty to inquire beyond the written request to
 31 verify the identity of a person requesting redaction.

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1 (c) A fee may not be charged for the redaction of a
2 social security number or a bank account, debit, charge, or
3 credit card number pursuant to such request.

4 (d) The clerk of the court has no liability for the
5 inadvertent release of social security numbers, or bank
6 account, debit, charge, or credit card numbers, unknown to the
7 clerk of the court in court records filed on or before January
8 1, 2011.

9 (e)1. On January 1, 2011, and thereafter, the clerk of
10 the court must keep social security numbers confidential and
11 exempt as provided for in s. 119.071(5)(a), and bank account,
12 debit, charge, and credit card numbers exempt as provided for
13 in s. 119.071(5)(b), without any person having to request
14 redaction.

15 2. Section 119.071(5)(a)7. and 8. does not apply to
16 the clerks of the court with respect to court records.

17 (3) OFFICIAL RECORDS.--

18 (a) Any person who prepares or files a record for
19 recording in the official records as provided in chapter 28
20 may not include in that record a social security number or a
21 bank account, debit, charge, or credit card number unless
22 otherwise expressly required by law.

23 (b)1. If a social security number or a bank account,
24 debit, charge, or credit card number is included in an
25 official record, such number may be made available as part of
26 the official records available for public inspection and
27 copying unless redaction is requested by the holder of such
28 number or by the holder's attorney or legal guardian.

29 2. If such record is in electronic format, on January
30 1, 2011, and thereafter, the county recorder must use his or
31 her best effort, as provided in paragraph (h), to keep social

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1 security numbers confidential and exempt as provided for in s.
2 119.071(5)(a), and to keep complete bank account, debit,
3 charge, and credit card numbers exempt as provided for in s.
4 119.071(5)(b), without any person having to request redaction.

5 3. Section 119.071(5)(a)7. and 8. does not apply to
6 the county recorder with respect to official records.

7 (c) The holder of a social security number or a bank
8 account, debit, charge, or credit card number, or the holder's
9 attorney or legal guardian, may request that a county recorder
10 redact from an image or copy of an official record placed on a
11 county recorder's publicly available Internet website or on a
12 publicly available Internet website used by a county recorder
13 to display public records, or otherwise made electronically
14 available to the public, his or her social security number or
15 bank account, debit, charge, or credit card number contained
16 in that official record.

17 (d) A request for redaction must be a signed, legibly
18 written request and must be delivered by mail, facsimile,
19 electronic transmission, or in person to the county recorder.
20 The request must specify the identification page number of the
21 record that contains the number to be redacted.

22 (e) The county recorder does not have a duty to
23 inquire beyond the written request to verify the identity of a
24 person requesting redaction.

25 (f) A fee may not be charged for redacting a social
26 security number or a bank account, debit, charge, or credit
27 card number.

28 (g) A county recorder shall immediately and
29 conspicuously post signs throughout his or her offices for
30 public viewing, and shall immediately and conspicuously post
31 on any Internet website or remote electronic site made

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1 available by the county recorder and used for the ordering or
2 display of official records or images or copies of official
3 records, a notice stating, in substantially similar form, the
4 following:

5 1. On or after October 1, 2002, any person preparing
6 or filing a record for recordation in the official records may
7 not include a social security number or a bank account, debit,
8 charge, or credit card number in such document unless required
9 by law.

10 2. Any person has a right to request a county recorder
11 to remove from an image or copy of an official record placed
12 on a county recorder's publicly available Internet website or
13 on a publicly available Internet website used by a county
14 recorder to display public records, or otherwise made
15 electronically available to the general public, any social
16 security number contained in an official record. Such request
17 must be made in writing and delivered by mail, facsimile, or
18 electronic transmission, or delivered in person, to the county
19 recorder. The request must specify the identification page
20 number that contains the social security number to be
21 redacted. A fee may not be charged for the redaction of a
22 social security number pursuant to such a request.

23 (h) If the county recorder accepts or stores official
24 records in an electronic format, the county recorder must use
25 his or her best efforts to redact all social security numbers
26 and bank account, debit, charge, or credit card numbers from
27 electronic copies of the official record. The use of an
28 automated program for redaction shall be deemed to be the best
29 effort in performing the redaction and shall be deemed in
30 compliance with the requirements of this subsection.

31 (i) The county recorder is not liable for the

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1 inadvertent release of social security numbers, or bank
 2 account, debit, charge, or credit card numbers, filed with the
 3 county recorder.

4 Section 3. Subsection (6) of section 215.322, Florida
 5 Statutes, is amended, and subsections (7) and (8) of that
 6 section are renumbered as subsections (6) and (7),
 7 respectively, to read:

8 215.322 Acceptance of credit cards, charge cards, or
 9 debit cards by state agencies, units of local government, and
 10 the judicial branch.--

11 ~~(6) Credit card account numbers in the possession of a~~
 12 ~~state agency, a unit of local government, or the judicial~~
 13 ~~branch are confidential and exempt from the provisions of s.~~
 14 ~~119.07(1).~~

15 Section 4. Subsections (7), (8), and (9) of section
 16 119.07, Florida Statutes, are renumbered as subsections (6),
 17 (7), and (8), respectively.

18 Section 5. This act shall take effect October 1, 2007.

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