

MEMORANDUM

Agenda Item No. 11(A)(38)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

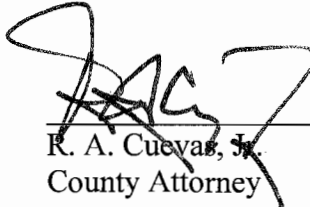
DATE: April 8, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the
Florida Legislature to fight
identity theft by closing
loopholes that require
Social Security numbers and
other personal information

Resolution No: R-422-08

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 8, 2008

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R. A. Cuevas, Jr.
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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(38)
4-8-08

RESOLUTION NO. R-422-08

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
FIGHT IDENTITY THEFT BY CLOSING LOOPHOLES THAT
REQUIRE GOVERNMENT AGENCIES TO MAKE SOCIAL
SECURITY NUMBERS AND OTHER PERSONAL
INFORMATION AVAILABLE PURSUANT TO PUBLIC
RECORDS REQUESTS IN CERTAIN CIRCUMSTANCES

WHEREAS, identity theft is a crime that can wreak havoc on a person's life and livelihood; and

WHEREAS, identity theft can occur when criminals acquire access to a person's social security number and other personal identifying information; and

WHEREAS, in 2002, the Florida Legislature passed House Bill 1673 (Chapter 2002-256, Laws of Florida), that, among other things, created a public records exemption to protect social security numbers held by a public agency or its agents, employees or contractors; and

WHEREAS, while H.B. 1673 provided added protection for social security numbers, it nonetheless contained a number of significant exceptions that made social security numbers and other personal information still available for disclosure under some circumstances; and

WHEREAS, one of the exceptions prohibited a public agency from denying a business or its agents, employees, or contractors access to social security numbers and other personal information held by a public agency, provided the social security numbers would be used in the normal course of business for "legitimate business purposes"; and

WHEREAS, in addition, section 119.0712, Florida Statutes, currently provides additional exceptions to the protection for social security numbers and other personal

information for certain Florida State agencies, including the Department of Health and the Department of Highway Safety and Motor Vehicles (DHSMV); and

WHEREAS, the DHSMV is expressly authorized in section 119.0712 to contract with firms and sell them social security numbers and other personal information from Florida driver's license records, and such firms are authorized to resell or redisclose such personal information for a number of uses permitted under section 119.0712, so long as these firms keep a record of such resales and redisclosures for five years; and

WHEREAS, the Florida Legislature can further combat identity theft by further restricting access to and dissemination of social security numbers and other personal information held by public agencies,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to fight identity theft by closing loopholes that require government agencies to make social security numbers and other personal information available pursuant to public records requests in certain circumstances.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor; the Senate President; the House Speaker; and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 and 2009 state legislative packages.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	absent	Audrey M. Edmonson	aye
Barbara J. Jordan, Vice-Chairwoman	aye	Sally A. Heyman	aye
Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Carlos A. Gimenez	aye	Natacha Seijas	aye
Joe A. Martinez	absent	Rebeca Sosa	absent
Dorrin D. Rolle	absent		
Katy Sorenson	aye		
Sen. Javier D. Souto	aye		

The Chairman thereupon declared the resolution duly passed and adopted this 8th day of April, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

Jess M. McCarty