

By the Committee on Judiciary and Senator Latvala

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A bill to be entitled  
An act relating to emergency telephone number  
"911" services; amending s. 365.171, F.S.;  
providing for indemnification and limitation of  
liability for wireless telecommunications  
service providers that provide 911 service;  
providing an effective date.

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

Section 1. Subsections (14) and (15) of section  
365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."--

(14) INDEMNIFICATION AND LIMITATION OF LIABILITY.--All  
local governments are authorized to undertake to indemnify the  
telephone company against liability in accordance with the  
telephone company's lawfully filed tariffs. Regardless of any  
indemnification agreement, a the telephone company or  
commercial mobile radio service provider as defined in s.  
364.02 shall not be liable for damages resulting from or in  
connection with "911" service or identification of the  
telephone number, address, or name associated with any person  
accessing "911" service, unless the telephone company or  
commercial mobile radio service provider acted with malicious  
purpose or in a manner exhibiting wanton and willful disregard  
of human rights, safety, or property in providing such  
services.

(15) CONFIDENTIALITY OF RECORDS.--Any record,  
recording, or information, or portions thereof, obtained by a  
public agency or a public safety agency for the purpose of  
providing services in an emergency and which reveals the name,

1 address, telephone number, or personal information about, or  
2 information which may identify any person requesting emergency  
3 service or reporting an emergency by accessing an emergency  
4 telephone number "911" system is confidential and exempt from  
5 the provisions of s. 119.07(1), except that such record or  
6 information may be disclosed to a public safety agency. The  
7 exemption applies only to the name, address, telephone number  
8 or personal information about, or information which may  
9 identify any person requesting emergency services or reporting  
10 an emergency while such information is in the custody of the  
11 public agency or public safety agency providing emergency  
12 services. A telephone company or commercial mobile radio  
13 service provider shall not be liable for damages to any person  
14 resulting from or in connection with such telephone company's  
15 or commercial mobile radio service provider's provision of any  
16 lawful assistance to any investigative or law enforcement  
17 officer of the State of Florida or political subdivisions  
18 thereof, of the United States, or of any other state or  
19 political subdivision thereof, in connection with any lawful  
20 investigation or other law enforcement activity by such law  
21 enforcement officer unless the telephone company or commercial  
22 mobile radio service provider acted in a wanton and willful  
23 manner. The exemptions in this section are subject to the Open  
24 Government Sunset Review Act of 1995 in accordance with s.  
25 119.15 and shall stand repealed on October 2, 2001, unless  
26 reviewed and saved from repeal through reenactment by the  
27 Legislature.

28 Section 2. This act shall take effect upon becoming a  
29 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2164

The Committee Substitute for Senate Bill 2164 adds commercial mobile radio service providers to the existing provisions limiting liability in connection with providing "911" services. This provides exactly the same limitations as currently apply to telephone companies.