

1                   A bill to be entitled  
2           An act relating to emergency telephone number  
3           "911" services; amending s. 365.171, F.S.;  
4           providing for indemnification and limitation of  
5           liability for wireless telecommunications  
6           service providers that provide 911 service;  
7           providing an effective date.

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

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11           Section 1. Subsections (14) and (15) of section  
12   365.171, Florida Statutes, are amended to read:

13           365.171 Emergency telephone number "911."--

14           (14) INDEMNIFICATION AND LIMITATION OF LIABILITY.--All  
15   local governments are authorized to undertake to indemnify the  
16   telephone company against liability in accordance with the  
17   telephone company's lawfully filed tariffs. Regardless of any  
18   indemnification agreement, a the telephone company or  
19   commercial mobile radio service provider as defined in s.  
20   364.02 shall not be liable for damages resulting from or in  
21   connection with "911" service or identification of the  
22   telephone number, address, or name associated with any person  
23   accessing "911" service, unless the telephone company or  
24   commercial radio service provider acted with malicious purpose  
25   or in a manner exhibiting wanton and willful disregard of  
26   human rights, safety, or property in providing such services.

27           (15) CONFIDENTIALITY OF RECORDS.--Any record,  
28   recording, or information, or portions thereof, obtained by a  
29   public agency or a public safety agency for the purpose of  
30   providing services in an emergency and which reveals the name,  
31   address, telephone number, or personal information about, or

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

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

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