

By the Committee on Comprehensive Planning, Local and Military Affairs

316-84A-99

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 365.174, F.S.; providing for the
 4 confidentiality of certain records relating to
 5 the identification of persons who request
 6 emergency services by accessing a 911 telephone
 7 number; providing for the confidentiality of
 8 certain information submitted to the Wireless
 9 911 Advisory Board or the Department of
 10 Management Services by providers of wireless
 11 911 services; providing for future legislative
 12 review and repeal; providing a statement of
 13 public necessity; providing a contingent
 14 effective date.

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

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 18 Section 1. Section 365.174, Florida Statutes, is
 19 created to read:

20 365.174 Proprietary and confidential information.--
 21 (1) Any record, recording, or information, or portions
 22 thereof, which is obtained by a public agency, public safety
 23 agency, or county for the purposes of providing services in an
 24 emergency and which reveals the name, address, or telephone
 25 number of, or personal information about, or information that
 26 may identify, any person who requests emergency service or who
 27 reports an emergency by accessing an emergency 911 telephone
 28 system is confidential and exempt from s. 119.07(1) and s.
 29 24(a), Art. I of the State Constitution, except that such
 30 record or information may be disclosed to a public safety
 31 agency. This exemption applies only to information that may

1 identify a person who reports an emergency while such
2 information is in the custody of the public agency, public
3 safety agency, or answering point that receives the initial
4 911 telephone call.

5 (2) All proprietary and confidential information
6 submitted by a provider to the board or the department,
7 including the names and billing or service addresses of
8 service subscribers, and trade secrets as defined by s.
9 812.081, is confidential and exempt from s. 119.07(1) and s.
10 24(a), Art. I of the State Constitution. Statistical abstracts
11 of information collected by the board or the department may be
12 released or published, but only in a manner that does not
13 identify or allow identification of subscribers or their
14 service numbers or of revenues attributable to any provider.

15 (3) As used in this section, the term "proprietary
16 information" means customer lists and other related
17 information, technology descriptions, technical information,
18 or trade secrets, including the term "trade secrets" as
19 defined in s. 812.081, and the actual or developmental costs
20 of E911 systems that are developed, produced, or received
21 internally by a provider or by a provider's employees,
22 directors, officers, or agents.

23 (4) This section is subject to the Open Government
24 Sunset Review Act of 1995 in accordance with s. 119.15, and is
25 repealed on October 1, 2004, unless reviewed and saved from
26 repeal through reenactment by the Legislature before that
27 date.

28 Section 2. The exemption from the public records law
29 provided by this act for persons who request emergency
30 services or report an emergency through use of emergency 911
31 services promotes the unrestrained use of emergency 911

