

By Representative Logan

1 A bill to be entitled
2 An act relating to public records; creating s.
3 365.174, F.S.; providing an exemption from
4 public records requirements for certain records
5 which identify persons who request emergency
6 services by accessing an E911 telephone number;
7 providing an exemption from public records
8 requirements for certain proprietary and
9 confidential information submitted to the
10 Wireless 911 Board or the Department of
11 Management Services by providers of wireless
12 911 services; providing for future review and
13 repeal; providing a finding of public
14 necessity; providing a contingent effective
15 date.

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

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

21 365.174 Proprietary and confidential information.--
22 (1) Any record, recording, or information, or portion
23 thereof, which is obtained by a public agency, public safety
24 agency, or county for the purposes of providing services in an
25 emergency and which reveals the name, address, or telephone
26 number of, or personal information about, or information that
27 may identify, any person who requests emergency service or who
28 reports an emergency by accessing an E911 telephone system is
29 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
30 of the State Constitution, except that such record or
31 information may be disclosed to a public safety agency. This

1 exemption applies only to information that may identify a
2 person who reports an emergency while such information is in
3 the custody of the public agency, public safety agency, or
4 answering point that receives the initial E911 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, "proprietary information"
16 means customer lists and other related information, technology
17 descriptions, technical information, or trade secrets,
18 including trade secrets as defined in s. 812.081, and the
19 actual or developmental costs of E911 systems that are
20 developed, produced, or received internally by a provider or
21 by a provider's employees, directors, officers, or agents.

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24 shall stand repealed on October 1, 2004, unless reviewed and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

26 Section 2. The exemption from the public records law
27 provided by this act for persons who request emergency
28 services or report an emergency through use of E911 services
29 promotes the unrestrained use of E911 services to provide
30 expedited medical and law enforcement services to persons in
31 need of emergency assistance. The exemption from the public

1 records law provided in this act for proprietary information
2 is necessary to foster competition in the wireless
3 telecommunications services industry and to protect the
4 competitive interests of the providers of such information.

5 Section 3. This act shall take effect on the same date
6 as House Bill ____ or similar legislation, relating to
7 wireless emergency 911 telephone service, takes effect, if
8 such legislation is adopted in the same legislative session or
9 an extension thereof.

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HOUSE SUMMARY

Exempts from public records requirements information that discloses the identity of persons who request emergency services or report an emergency through use of wireless emergency 911 services, and specified proprietary and confidential information submitted to the Wireless 911 Board or the Department of Management Services by wireless emergency 911 service providers. Provides for future review and repeal.