

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Wise

316-1790-02

1                                   A bill to be entitled  
2           An act relating to public records exemptions;  
3           amending s. 119.07, F.S.; providing an  
4           exemption from public-records requirements for  
5           an agency owned or operated utility customer's  
6           personal identifying information held by such  
7           utility; providing for retroactive application  
8           of the exemption; providing for future  
9           legislative review and repeal; providing a  
10          statement of public necessity; providing an  
11          effective date.

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

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15           Section 1. Paragraph (ee) is added to subsection (3)  
16 of section 119.07, Florida Statutes, as amended by section 1  
17 of chapter 2001-364, Laws of Florida, to read:

18           119.07 Inspection, examination, and duplication of  
19 records; exemptions.--

20           (3)

21           (ee) Personal identifying information held by a water,  
22 wastewater, natural gas, electric, cable television, or  
23 telecommunications utility, owned or operated by an agency,  
24 which information identifies a customer of such utility is  
25 exempt from subsection (1) and s. 24(a), Art. I of the State  
26 Constitution. Personal identifying information includes a  
27 customer's name; social security number; taxpayer  
28 identification number; address; telephone number; bank account  
29 number; debit, charge, and credit card numbers; and driver  
30 identification number. This exemption applies to a customer's  
31 personal identifying information held by such utility before,

1 on, or after the effective date of this exemption. This  
2 paragraph is subject to the Open Government Sunset Review Act  
3 of 1995, in accordance with s. 119.15, and shall stand  
4 repealed on October 2, 2007, unless reviewed and saved from  
5 repeal through reenactment by the Legislature.

6       Section 2. The Legislature finds that it is a public  
7 necessity that a customer's social security number; taxpayer  
8 identification number; bank account number; and debit, charge,  
9 and credit card numbers made exempt by this act be held exempt  
10 from public disclosure because such numbers are sensitive,  
11 personal information that if released creates the opportunity  
12 for identify theft and fraud. Additionally, the social  
13 security number is the only nationwide, unique numeric form of  
14 identification. Release of a customer's social security number  
15 is of concern due to the amount of information such number can  
16 provide about an individual. A social security number is often  
17 the link to an individual's personal records, whether such  
18 records are financial, educational, medical, or familial in  
19 nature. Furthermore, the Legislature finds that it is a public  
20 necessity that personal identifying information regarding a  
21 customer of such utility be held exempt because release of  
22 such identifying information creates a competitive  
23 disadvantage for an agency owned or operated utility. A  
24 private utility is not required by law to disclose any of its  
25 customer records to the public.

26       Section 3. This act shall take effect upon becoming a  
27 law.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 378

This CS differs from the bill as filed in the following ways:

It narrows the public records exemption proposed by the bill by removing a utility customer's usage records and payment records from the exemption;

It exempts the customer's taxpayer identification number;

It specifies that the utility must be agency owned or operated instead of simply just owned by a public entity;

It provides for retroactive application of the exemption; and

It rewords the statement of public necessity to provide more specificity as to the need for the exemption.