

By the Council for Smarter Government and Representatives  
Hogan and Cantens

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           specified personal identifying information  
6           relating to a utility customer held by a  
7           utility owned or operated by an agency;  
8           providing for retroactive application of the  
9           exemption; providing for future review and  
10          repeal; providing a statement of public  
11          necessity; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Paragraph (ee) is added to subsection (3)  
16 of section 119.07, Florida Statutes, to read:

17           119.07 Inspection, examination, and duplication of  
18 records; exemptions.--

19           (3)

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

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3 repealed on October 2, 2007, unless reviewed and saved from  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

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

26       Section 3. This act shall take effect upon becoming a  
27 law.