

By Senator Argenziano

3-407-03

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 legislative
10 review and repeal; providing a statement of
11 public necessity; providing an 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 (gg) 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 (gg) 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3 repealed on October 2, 2008, unless reviewed and saved from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
12 opportunity for identity theft and fraud. Additionally, the
13 social security number is the only nationwide, unique numeric
14 form of identification. Release of a customer's social
15 security number is of concern due to the amount of information
16 such number can provide with regard to an individual. A
17 social security number is often the link to an individual's
18 personal records, whether such records are financial,
19 educational, medical, or familial in nature. Furthermore, the
20 Legislature finds that it is a public necessity that personal
21 identifying information regarding a customer of a utility
22 owned or operated by an agency be held exempt because release
23 of such identifying information may create a competitive
24 disadvantage for such a utility. A private utility is not
25 required by law to disclose any of its customer records to the
26 public.

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

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SENATE SUMMARY

Exempts information held by a utility company owned and operated by an agency from the public-records law if that information personally identifies customers of the utility. Provides that the exemption applies to personal identifying information held by the utility before the effective date of the act. Provides for future legislative review and repeal of the exemption. Provides a statement of public necessity.