

By the Committee on Comprehensive Planning; and Senator Argenziano

316-1879-03

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, solid waste, natural gas, electric, cable
22 television, or telecommunications utility owned or operated by
23 an agency, which information identifies a customer of such
24 utility, is exempt from subsection (1) and s. 24(a), Art. I of
25 the State Constitution. Personal identifying information
26 includes a customer's name; social security number; taxpayer
27 identification number; address; telephone number; and driver
28 identification number. This exemption applies to a customer's
29 personal identifying information held by such utility before,
30 on, or after the effective date of this exemption. This
31 paragraph is subject to the Open Government Sunset Review Act

1 of 1995, in accordance with s. 119.15, and shall stand
2 repealed on October 2, 2008, unless reviewed and saved from
3 repeal through reenactment by the Legislature.

4 Section 2. The Legislature finds that it is a public
5 necessity that personal identifying information concerning
6 customers held by a water, wastewater, solid waste, natural
7 gas, electric, cable television, or telecommunications utility
8 owned or operated by an agency be made exempt from public
9 disclosure in order to prevent identity theft and fraud and to
10 minimize the competitive disadvantage these agencies may
11 experience from disclosure of such information. Unlike private
12 utilities, public utilities in Florida are subject to open
13 records requirements. As a result, social security numbers of
14 customers may be available to the public. A social security
15 number is often the link to an individual's financial,
16 educational, medical, or familial records. As such, obtaining
17 a person's social security number is an important part of
18 successfully stealing an identity. Closing access to social
19 security numbers held by these agencies will minimize the
20 opportunity for identity theft. Further, if taxpayer or driver
21 identification numbers are obtained in conjunction with social
22 security numbers, not only is identity theft more possible,
23 but the opportunity for fraud and financial loss is increased.
24 As a result, the Legislature finds that it is a public
25 necessity to close records containing customer social security
26 numbers and taxpayer identification numbers which are held by
27 a water, wastewater, solid waste, natural gas, electric, cable
28 television, or telecommunications utility owned or operated by
29 an agency. In addition to customer social security numbers and
30 taxpayer identification numbers, other personal identifying
31 information, such as names, addresses and telephone numbers,

1 may be obtained under public records requirements from a
2 water, wastewater, solid waste, natural gas, electric, cable
3 television, or telecommunications utility owned or operated by
4 an agency. Given the type of services these businesses
5 provide, this personal identifying information could be used
6 by competitors to identify, target, contact, and solicit
7 specific types of customers. The ability of business
8 competitors to obtain this type of information could place
9 these public service providers at a distinct competitive
10 disadvantage and could result in severe economic loss to those
11 public entities, thereby placing an increased economic burden
12 on the less profitable customers who remain with the public
13 utility. Additionally, local governments could experience
14 declines in revenue as a result, thereby causing those
15 governments to have to reduce the services that they provide
16 to Floridians. As a result, the Legislature finds that the
17 names, addresses, and telephone numbers of customers of a
18 public water, wastewater, solid waste, natural gas, electric,
19 cable television, or telecommunications utility owned or
20 operated by an agency must be exempt from the public-records
21 law.

22 Section 3. This act shall take effect upon becoming a
23 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 304

This Committee Substitute differs from the bill as filed in that it includes solid waste utilities in the group of public utilities for which personal identifying information is made exempt from the public records requirements; excludes certain personal identifying information (bank account numbers, debit, charge, and credit card numbers) from the proposed public records exemptions, as these exemptions are redundant of general exemptions that currently exist in the Florida Statutes; and replaces the statement of public necessity.