

By the Committees on Governmental Oversight and Productivity;  
Comprehensive Planning; and Senator Argenziano

302-2397-03

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, or cable  
22 television utility owned or operated by an agency, which  
23 information identifies a customer of such utility, is exempt  
24 from subsection (1) and s. 24(a), Art. I of the State  
25 Constitution. However, this exemption does not apply to the  
26 personal identifying information of a utility customer who is  
27 a public officer, as defined in s. 112.061(2), or who is a  
28 member of a governing board of a water management district  
29 unless such information is exempt or confidential pursuant to  
30 another section of law. Personal identifying information  
31 includes a customer's name; social security number; taxpayer

1 identification number; address; telephone number; and driver  
2 identification number. This exemption applies to a customer's  
3 personal identifying information held by such utility before,  
4 on, or after the effective date of this exemption. The court,  
5 upon a showing of good cause, may issue an order authorizing  
6 any person to view or copy personal identifying information  
7 held by a utility and may prescribe any restrictions or  
8 stipulations that the court deems appropriate. In determining  
9 good cause, the court shall consider whether such disclosure  
10 is necessary for the public evaluation of governmental  
11 performance; the seriousness of the intrusion into the  
12 customer's right to privacy and whether such disclosure is the  
13 least intrusive means available; and the availability of  
14 similar information in other public records, regardless of  
15 form. The viewing or copying of such information must be under  
16 the direct supervision of the custodian of the record or the  
17 custodian's designee. A customer shall be given reasonable  
18 notice of a petition filed with the court to view or copy a  
19 customer record, a copy of such petition, and reasonable  
20 notice of the opportunity to be present and heard at any  
21 hearing on the matter. This paragraph is subject to the Open  
22 Government Sunset Review Act of 1995, in accordance with s.  
23 119.15, and shall stand repealed on October 2, 2008, unless  
24 reviewed and saved from repeal through reenactment by the  
25 Legislature.

26           Section 2. The Legislature finds that it is a public  
27 necessity that personal identifying information concerning  
28 customers held by a water, wastewater, solid waste, natural  
29 gas, electric, or cable television utility owned or operated  
30 by an agency be made exempt from public disclosure in order to  
31 prevent identity theft and fraud and to minimize the

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

1 severe economic loss to those public entities, thereby placing  
2 an increased economic burden on the less profitable customers  
3 who remain with the public utility. Additionally, local  
4 governments could experience declines in revenue as a result,  
5 thereby causing those governments to have to reduce the  
6 services that they provide to Floridians. As a result, the  
7 Legislature finds that the names, addresses, and telephone  
8 numbers of customers of a public water, wastewater, solid  
9 waste, natural gas, electric, or cable television utility  
10 owned or operated by an agency must be exempt from the  
11 public-records law.

12 Section 3. This act shall take effect upon becoming a  
13 law.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16 COMMITTEE SUBSTITUTE FOR  
17 CS/SB 304

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18 Removes telecommunications utilities from the bill.

19 Provides that personal identifying information of public  
20 officers and board members of water management district are  
21 not protected under the provision, but still protects that  
22 information pursuant to other sections of law.

23 Permits access to information under court order and pursuant  
24 to certain restrictions.

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