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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to public records exemptions; amending s. 119.07, F.S.; providing an exemption from public records requirements for specified personal identifying information relating to a utility customer held by a utility owned or operated by an agency; providing that the exemption does not apply to a public officer or a member of the governing board of a water management district; providing for retroactive application of the exemption; providing an exception to the exemption pursuant to court order and under the direct supervision of the custodian of the record or his or her designee; requiring reasonable notice of a petition filed with the court to view or copy a customer's personal identifying information; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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



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Section 1. Paragraph (gg) is added to subsection (3) of section 119.07, Florida Statutes, to read:

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

(3)

(gg)1. Personal identifying information held by a water, wastewater, solid waste, natural gas, electric, cable television, or telecommunications utility, owned or operated by an agency, which information identifies a customer of such utility is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. However, this exemption does not apply to the personal identifying information of a utility customer who is a public officer as defined in s. 112.061(2), or who is a member of the governing board of a water management district. Personal identifying information includes a customer's name, social security number, taxpayer identification number, address, telephone number, and driver identification number. This exemption applies to a customer's personal identifying information held by such utility before, on, or after the effective date of this exemption.

2.a. The court, upon a showing of good cause, may issue an order authorizing any person to view or copy personal identifying information held by a utility and may prescribe any restrictions or stipulations that the court deems appropriate. In determining good cause, the court shall consider whether such disclosure is necessary for the public evaluation of governmental performance; the seriousness of the intrusion into



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57 | the customer's right to privacy and whether such disclosure is
58 | the least intrusive means available; and the availability of
59 | similar information in other public records, regardless of form.
60 | In all cases, the viewing or copying of such information must be
61 | under the direct supervision of the custodian of the record or
62 | his or her designee.

63 | b. A customer shall be given reasonable notice of a
64 | petition filed with the court to view or copy a customer record,
65 | a copy of such petition, and reasonable notice of the
66 | opportunity to be present and heard at any hearing on the
67 | matter.

68 | Section 2. Paragraph (gg) of subsection (3) of s. 119.07,
69 | F.S., is subject to the Open Government Sunset Review Act of
70 | 1995, in accordance with s. 119.15, Florida Statutes, and shall
71 | stand repealed on October 2, 2008, unless reviewed and saved
72 | from repeal through reenactment by the Legislature.

73 | Section 3. The Legislature finds that it is a public
74 | necessity that personal identifying information concerning
75 | customers held by a water, wastewater, solid waste, natural gas,
76 | electric, cable television, or telecommunications utility owned
77 | or operated by an agency be made exempt from public disclosure
78 | in order to prevent identity theft and fraud and to minimize the
79 | competitive disadvantage these agencies may experience from
80 | disclosure of such information. Unlike private utilities, public
81 | utilities in Florida are subject to open records requirements.
82 | As a result, social security numbers of customers may be
83 | available to the public. A social security number is often the
84 | link to an individual's financial, educational, medical, or



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85 familial records. As such, obtaining a person's social security
86 number is an important part of successfully stealing an
87 identity. Closing access to social security numbers held by
88 these agencies will minimize the opportunity for identity theft.
89 Further, if taxpayer identification numbers or driver
90 identification numbers are obtained in conjunction with social
91 security numbers, not only is identity theft more possible, but
92 the opportunity for fraud and financial loss is increased. As a
93 result, the Legislature finds that it is a public necessity to
94 close records containing customer social security numbers,
95 taxpayer identification numbers, and driver identification
96 numbers which are held by a water, wastewater, solid waste,
97 natural gas, electric, cable television, or telecommunications
98 utility owned or operated by an agency. In addition to customer
99 social security numbers and taxpayer identification numbers,
100 other personal identifying information such as names, addresses
101 and telephone numbers may be obtained under public records
102 requirements from a water, wastewater, solid waste, natural gas,
103 electric, cable television, or telecommunications utility owned
104 or operated by an agency. Given the type of services these
105 businesses provide, this personal identifying information could
106 be used by competitors to identify, target, contact, and solicit
107 specific types of customers. The ability of business competitors
108 to obtain this type of information could place these public
109 service providers at a distinct competitive disadvantage and
110 could result in severe economic loss to those public entities,
111 thereby placing an increased economic burden on the less
112 profitable customers who remain with the public utility.



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113 Additionally, local governments could experience declines in
114 revenue as a result, thereby causing those governments to have
115 to reduce the services that they provide to Floridians. As a
116 result, the Legislature finds that the names, addresses, and
117 telephone numbers of customers of a public water, wastewater,
118 solid waste, natural gas, electric, cable television, or
119 telecommunications utility owned or operated by an agency must
120 be exempt from the public records law.

121 Section 4. This act shall take effect upon becoming a law.