

1                   A bill to be entitled  
2           An act relating to wireless services provider  
3           automatic location identification information;  
4           creating s. 365.18, F.S.; providing a short title;  
5           providing legislative intent; providing definitions;  
6           authorizing a parent or person with legal custody of a  
7           child and a guardian of a ward to access a child's or  
8           ward's automatic location identification information  
9           under certain circumstances; requiring a wireless  
10          services provider to provide to a parent, person with  
11          legal custody, or guardian the automatic location  
12          identification information of certain cellular  
13          telephones in certain circumstances; requiring  
14          automatic location identification information to be  
15          provided through a dedicated emergency number created  
16          by the wireless services provider; requiring calls to  
17          such number to be answered by a live representative;  
18          prohibiting certain callers from being placed on hold;  
19          specifying the format of receipt of automatic location  
20          identification information; authorizing a person who  
21          is a victim of domestic violence to request a  
22          temporary suspension on the ability of certain persons  
23          to access their automatic location identification  
24          information; requiring such requests to be  
25          confidential; authorizing a wireless services provider

26 to charge a specified fee for providing automatic  
 27 location identification information; requiring the  
 28 Florida Public Service Commission to adopt certain  
 29 rules and procedures and provide certain penalties;  
 30 providing an effective date.

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

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34 Section 1. This section may be cited as the "Parental  
 35 Rights and Mobile Location Tracking Act."

36 Section 2. Section 365.18, Florida Statutes, is created to  
 37 read:

38 365.18 Parental Rights and Mobile Location Tracking Act.—

39 (1) (a) The Legislature recognizes the fundamental  
 40 importance of parental rights and the right of a parent, or a  
 41 person with legal custody of a child, to ensure the safety and  
 42 well-being of his or her child. The Legislature also recognizes  
 43 that there must be a balance between safeguarding these parental  
 44 rights and addressing the unique needs of vulnerable persons,  
 45 including persons who are victims of domestic violence and  
 46 persons who have an intellectual disability who have been  
 47 appointed a guardian under chapter 744.

48 (b) The Legislature intends for this section to empower  
 49 parents and persons with legal custody of a child and enhance  
 50 their capacity to protect and care for their child by giving

51 them the ability to access the automatic location identification  
52 information on their child's cellular telephone, regardless of  
53 whether the automatic location identification information has  
54 been activated or deactivated on their child's cellular  
55 telephone.

56 (2) As used in this section, the term:

57 (a) "Account holder" means a person who is legally  
58 responsible for and who enters into an agreement with a wireless  
59 services provider for the purchase of a cellular telephone.

60 (b) "Automatic location identification information" means  
61 the automatic display at the public safety answering point of  
62 the caller's cellular telephone number, the address or location  
63 of the cellular telephone, and any additional emergency services  
64 information.

65 (c) "Cellular telephone" has the same meaning as in s.  
66 817.4821(1)(e).

67 (d) "Domestic violence" has the same meaning as in s.  
68 741.28.

69 (e) "Guardian" has the same meaning as in s. 744.102.

70 (f) "Intellectual disability" has the same meaning as in  
71 s. 393.063.

72 (g) "Legal custody" has the same meaning as in s. 39.01.

73 (h) "Ward" has the same meaning as in s. 744.102.

74 (i) "Wireless services provider" means a person or an  
75 entity that provides wireless services using licensed or

76 unlicensed spectrum, whether at a fixed location or mobile,  
77 using wireless facilities.

78 (3) In the event of an actual or a perceived emergency, a  
79 parent or person with legal custody of a child may access the  
80 automatic location identification information on his or her  
81 child's cellular telephone if the parent or person with legal  
82 custody is the account holder of the cellular telephone. Except  
83 as provided in subsection (6), immediately upon the request,  
84 consent, and verbal identification of an account holder, a  
85 wireless services provider must provide the automatic location  
86 identification information of any of the cellular telephones on  
87 the account holder's account.

88 (4) A guardian appointed under chapter 744 for a person  
89 with an intellectual disability may, in the event of an actual  
90 or a perceived emergency, access the automatic location  
91 identification information on his or her ward's cellular  
92 telephone. Except as provided in subsection (6), immediately  
93 upon the request, consent, and verbal identification of the  
94 guardian, a wireless services provider must provide the  
95 automatic location identification information of the ward's  
96 cellular telephone.

97 (5)(a) A wireless services provider must create and  
98 advertise a dedicated emergency number to be used to access the  
99 automatic location identification information of a cellular  
100 telephone pursuant to this section. The dedicated emergency

101 number may not be answered or monitored by an automated system  
102 but must be answered by a live representative and the caller may  
103 not be placed on hold at any time.

104 (b) The wireless services provider must provide the  
105 automatic location identification information verbally to the  
106 caller and the information must also be graphically transmitted  
107 to the caller's cellular telephone from which he or she is  
108 calling, regardless of whether the automatic location  
109 identification information has been activated or deactivated on  
110 the child's or ward's cellular telephone.

111 (6) A person who is a victim of domestic violence may  
112 request that a wireless services provider place a temporary  
113 suspension, not to exceed 30 days, on the ability of a person  
114 authorized under this section to access the automatic location  
115 identification information of the person who is a victim. The  
116 request is confidential, and a wireless services provider may  
117 not provide any automatic location identification information to  
118 an account holder, a person with legal custody, or a guardian  
119 during such suspension.

120 (7) A wireless services provider may charge a fee for  
121 providing automatic location identification information of no  
122 more than \$100.

123 (8) The Florida Public Service Commission shall adopt  
124 rules and procedures to implement this section and to ensure  
125 compliance with federal and state privacy laws and regulations.

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126 | The commission shall, by rule, provide penalties for a violation  
127 | of this section.

128 | Section 3. This act shall take effect July 1, 2024.