

By Senator Powell

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1 A bill to be entitled
2 An act relating to wireless services provider
3 automatic location identification information;
4 providing a short title; creating s. 365.18, F.S.;
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;

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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

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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 s.
71 393.063.

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.

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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

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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 rules
124 and procedures to implement this section and to ensure
125 compliance with federal and state privacy laws and regulations.
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.