

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to a public record exemption for E911
 3 recordings; amending s. 365.171, F.S.; expanding the
 4 public record exemption for certain identification
 5 information of a person reporting or requesting emergency
 6 services to include the recording of such report or
 7 request; authorizing the release of a transcript of such
 8 recording 60 days after the date of a request for
 9 emergency services or a report of an emergency; requiring
 10 the requestor to pay the actual cost of transcribing the
 11 recording; authorizing the release of such recording to a
 12 public safety agency; providing for retroactive
 13 application of the public record exemption; providing for
 14 future legislative review and repeal of the exemption
 15 under the Open Government Sunset Review Act; providing a
 16 statement of public necessity; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (12) of section 365.171, Florida
 22 Statutes, is amended to read:

23 365.171 Emergency communications number E911 state plan.—

24 (12) CONFIDENTIALITY OF RECORDS.—

25 (a)1. Any recording of a request for emergency services or
 26 report of an emergency using an emergency communications E911
 27 system held by a public agency or a public safety agency is
 28 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

BILL

ORIGINAL

YEAR

29 | of the State Constitution.

30 | 2. Upon receipt of a public records request, a transcript
 31 | of the confidential and exempt recording may be made available
 32 | by a public agency or a public safety agency 60 days after the
 33 | date of a request for emergency services or a report of an
 34 | emergency using such system; however, ~~Any record, recording, or~~
 35 | ~~information, or portions thereof, obtained by a public agency or~~
 36 | ~~a public safety agency for the purpose of providing services in~~
 37 | ~~an emergency and which reveals the name, address, telephone~~
 38 | ~~number, or personal information about, or information which may~~
 39 | ~~identify any person requesting emergency service or reporting an~~
 40 | ~~emergency by accessing an emergency communications E911 system~~
 41 | ~~shall be redacted from the transcript. The person requesting the~~
 42 | ~~transcript shall pay the actual cost of transcribing the~~
 43 | ~~recording, in addition to any other applicable costs provided~~
 44 | ~~under s. 119.07. is confidential and exempt from the provisions~~
 45 | ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution,~~
 46 | ~~except that~~

47 | 3. Such recording and ~~record or~~ information may be
 48 | disclosed to a public safety agency. ~~The exemption applies only~~
 49 | ~~to the name, address, telephone number or personal information~~
 50 | ~~about, or information which may identify any person requesting~~
 51 | ~~emergency services or reporting an emergency while such~~
 52 | ~~information is in the custody of the public agency or public~~
 53 | ~~safety agency providing emergency services.~~

54 | 4. This exemption is remedial in nature and it is the
 55 | intent of the Legislature that the exemption be applied to
 56 | requests for recordings received before, on, or after the

BILL

ORIGINAL

YEAR

57 effective date of this paragraph.

58 5. This paragraph is subject to the Open Government Sunset
 59 Review Act in accordance with s. 119.15 and shall stand repealed
 60 on October 2, 2015, unless reviewed and saved from repeal
 61 through reenactment by the Legislature.

62 (b) A telecommunications company or commercial mobile
 63 radio service provider shall not be liable for damages to any
 64 person resulting from or in connection with such telephone
 65 company's or commercial mobile radio service provider's
 66 provision of any lawful assistance to any investigative or law
 67 enforcement officer of the State of Florida or political
 68 subdivisions thereof, of the United States, or of any other
 69 state or political subdivision thereof, in connection with any
 70 lawful investigation or other law enforcement activity by such
 71 law enforcement officer unless the telecommunications company or
 72 commercial mobile radio service provider acted in a wanton and
 73 willful manner.

74 Section 2. The Legislature finds that it is a public
 75 necessity that any recording of a request for emergency services
 76 or report of an emergency using an emergency communications E911
 77 system held by a public agency or a public safety agency be made
 78 confidential and exempt from public records requirements. The
 79 need for emergency services bespeaks a very personal and often
 80 traumatizing event. To have the recordings made publicly
 81 available is an invasion of privacy that could result in trauma,
 82 sorrow, humiliation, or emotional injury to the person reporting
 83 the emergency or requiring emergency services, or to the
 84 immediate family of those persons. Additionally, to have such

BILL

ORIGINAL

YEAR

85 recordings publicly available could jeopardize the health and
 86 safety of those needing emergency services in that people, other
 87 than emergency service providers, could actually gain access to
 88 the scene of the emergency and thereby impede the effective and
 89 efficient provision of emergency services. Furthermore, there
 90 are those persons, who, for personal, private gain or for
 91 business purposes, would seek to capitalize on individuals in
 92 their time of need. Those reporting or needing emergency
 93 services should not be subjected to this type of possible
 94 harassment. Furthermore, to allow such recording to become
 95 public could chill the reporting of emergency situations to the
 96 detriment of public health and safety. Finally, the public
 97 record exemption still provides for public oversight by
 98 authorizing the release, upon request, of a transcript of such
 99 recordings 60 days after the report while maintaining
 100 protections for the individuals involved in the report or
 101 receipt of emergency services.

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