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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; authorizing release by court order
 13 upon a showing of good cause; providing for retroactive
 14 application of the public record exemption; providing for
 15 future legislative review and repeal of the exemption
 16 under the Open Government Sunset Review Act; providing a
 17 statement of public necessity; providing an effective
 18 date.

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

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

24 365.171 Emergency communications number E911 state plan.—

25 (12) CONFIDENTIALITY OF RECORDS.—

26 (a)1. Any recording of a request for emergency services or
 27 report of an emergency using an emergency communications E911
 28 system held by a public agency or a public safety agency is

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29 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 30 of the State Constitution.

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

48 3. Such recording and ~~record or~~ information may be
 49 disclosed:

50 a. To a public safety agency.

51 b. By court order upon a showing of good cause. The
 52 ~~exemption applies only to the name, address, telephone number or~~
 53 ~~personal information about, or information which may identify~~
 54 ~~any person requesting emergency services or reporting an~~
 55 ~~emergency while such information is in the custody of the public~~
 56 ~~agency or public safety agency providing emergency services.~~

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57 4. This exemption is remedial in nature and it is the
 58 intent of the Legislature that the exemption be applied to
 59 requests for recordings received before, on, or after the
 60 effective date of this paragraph.

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

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

77 Section 2. The Legislature finds that it is a public
 78 necessity that any recording of a request for emergency services
 79 or report of an emergency using an emergency communications E911
 80 system held by a public agency or a public safety agency be made
 81 confidential and exempt from public records requirements. The
 82 need for emergency services bespeaks a very personal and often
 83 traumatizing event. To have the recordings made publicly
 84 available is an invasion of privacy that could result in trauma,

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

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