

1989

Session Law 89-264

Florida Senate & House of Representatives

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**H 809 GENERAL BILL/CS/1ST ENG by Governmental Operations;
Frishe and others (Similar CS/S 667)**

Emergency Phone Number "911"; provides exemption from public records requirements for records relating to persons requesting emergency services by accessing an emergency telephone number "911" system; provides for future review & repeal. Amends 365.171. Effective Date: 07/03/89.

03/15/89 HOUSE Prefiled
03/22/89 HOUSE Referred to Governmental Operations
04/03/89 HOUSE Subreferred to Subcommittee on Executive Organization
04/04/89 HOUSE Introduced, referred to Governmental Operations -HJ 79; Subreferred to Subcommittee on Executive Organization; On Committee agenda—Governmental Operations, 04/06/89, 3:30 pm, 314-HOB—For ratification of referral to subcommittee
04/06/89 HOUSE On subcommittee agenda—Governmental Operations, 04/10/89, 3:30 pm, 314-HOB
04/10/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS; On Committee agenda, pending subcommittee action—Governmental Operations, 04/12/89, 1:15 pm, 314-HOB
04/12/89 HOUSE Preliminary Committee Action by Governmental Operations: Favorable as a CS
04/18/89 HOUSE Comm. Report: CS by Governmental Operations, placed on Calendar -HJ 232; CS read first time -HJ 231
04/28/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 305
05/02/89 HOUSE Read third time; CS passed; YEAS 113 NAYS 0 -HJ 318; Immediately certified -HJ 318
05/02/89 SENATE In Messages
05/16/89 SENATE Received, referred to Governmental Operations -SJ 362
05/26/89 SENATE Extension of time granted Committee Governmental Operations
05/29/89 SENATE Withdrawn from Governmental Operations; Substituted for CS/SB 667; CS passed as amended; YEAS 37 NAYS 0 -SJ 531
05/29/89 HOUSE In Messages
06/01/89 HOUSE Concurred; CS passed as amended; YEAS 113 NAYS 0 -HJ 1063
06/01/89 Ordered engrossed, then enrolled
06/20/89 Signed by Officers and presented to Governor
07/03/89 Approved by Governor; Chapter No. 89-264

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0809-f.go
DATE: July 6, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 809

RELATING TO: Confidentiality of "911" Emergency System Records

SPONSOR(S): Committee on Governmental Operations and Representative Frishe

EFFECTIVE DATE: Upon becoming law

DATE BECAME LAW: July 3, 1989

CHAPTER #: 89-264, Laws of Florida

COMPANION BILL(S): SB 667 (identical)

OTHER COMMITTEES OF REFERENCE: (1)
(2)

I. SUMMARY:

A. SHORT SUMMARY:

Currently, local governments may provide emergency response telephone service ("911") to county residents. A 911 system provides efficient and expeditious service because the caller can use a three-digit code and report an emergency, and the appropriate emergency response unit can then provide assistance to the caller if necessary. When an emergency is reported or when 911 is accessed (where the identity of the caller is computer-based and electronically revealed to the response unit), information (names addresses, and phone numbers) is provided to the emergency response unit.

This bill makes this 911 information confidential and exempt from the public records law, except that it can be disclosed to a public safety agency. This exemption applies only to the name, address, or telephone number of such person reporting the emergency and only while this information is in the custody of the agency which receives the initial "911" telephone call. This bill also provides that this exemption be subject to the Open Government Sunset Review Act.

B. PRESENT SITUATION:

Currently, local governments may provide emergency response telephone service ("911") to county residents as provided by the Florida Emergency Telephone Act (s. 365.171, Florida Statutes). This 911 service provides efficient and expeditious emergency

response service and is available in two systems:

- (1) a simple three-digit (911) dialing code system (basic service); the caller dials 911, identifies himself and the type and location of the emergency, and the call is routed to the appropriate response unit for action; and
- (2) a more enhanced computer-based 911 system. With this system, the location from which the call is being made has been assigned to either a county or city law enforcement unit, and the call is immediately routed to the appropriate response unit automatically by computer. In addition, the identity and other pertinent information (such as address and phone number associated with the location of the phone) is revealed on a computer monitor at the respective emergency response unit once they have answered the call. This information assists the emergency response unit in identifying and locating the caller should the caller be unable to identify himself.

The information provided by callers accessing the 911 emergency service systems, whether provided by the caller or the computer-based system, are currently public record because this information is provided to and maintained by a public agency or public safety agency as defined in s. 365.171(2), Florida Statutes (known as the "Florida Emergency Telephone Act").

As the current law provides, the press and public (i.e., salesmen of security systems, medical devices, insurance, etc.) have access to names, addresses, and phone numbers of persons accessing the 911 system once the investigation of the emergency call has been terminated. In addition, some of the information available to the emergency response unit may include medical information, disabilities or handicaps, and information of a personal nature that could, if made available to the public, be injurious to the caller. Also, persons observing criminal activities, fires, or other emergencies may hesitate to call 911 if they are aware that by doing so their identities will be made public and accessible by the press and general public. Such hesitation may directly result in the loss of life and property. For example, a person may be hesitant to report on a crime if he knows that the criminal can find out who reported it.

The exemption created by this bill meets the requirements of the Open Government Sunset Review Act because it serves an identifiable public purpose in that the release of this information would cause undue harm to individuals or jeopardize the safety of individuals. In addition, press and public access to this personal information may discourage 911 users from calling in, and therefore impede the overall effectiveness of this emergency management program.

C. EFFECT OF PROPOSED CHANGES:

This bill makes this 911 information confidential and exempt from the public records law, except that it can be disclosed to a

public safety agency. This exemption applies only to the name, address, or telephone number of such person reporting the emergency and only while this information is in the custody of the agency which receives the initial "911" telephone call. This bill also provides that this exemption be subject to the Open Government Sunset Review Act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Not applicable.

2. Recurring or Annualized Continuation Effects:

Not applicable.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

4. Appropriations Consequences:

Not applicable.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not applicable.

2. Direct Private Sector Benefits:

Not applicable.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Not applicable.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill relates to the following portion(s) of the State Comprehensive Plan:

(7) PUBLIC SAFETY.--

(a) Goal.--Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies.--

11. Increase crime prevention efforts to enhance the protection of individual personal safety and property, especially for those individuals who are most vulnerable.
12. Ensure that the rights of crime victims are emphasized and protected.
16. Improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for such types of criminal activities as forcible felonies and organized, economic, and drug crimes.

IV. COMMENTS:

This bill is consistent with the Governmental Operations Committee's mission statement, which directs the committee to "[r]eview exemptions to public record and public meeting laws pursuant to the Open Government Sunset Review Act to determine whether the existence of each exemption is compelled by justifications strong enough to override Florida's strong public policy of open government."

V. SIGNATURES:

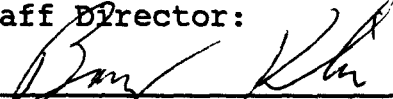
SUBSTANTIVE COMMITTEE:

Prepared by:



Hunter L. Barnett

Staff Director:



Barry Kling

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

STORAGE NAME: h0809-f.go

DATE: July 6, 1989

PAGE: 5

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 667

DATE: May 3, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Tinney <i>CT</i></u>	<u>Stenale <i>MS</i></u>	1. <u>GO</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Public Records; Exemption
for Records of "911" Calls

BILL NO. AND SPONSOR:

CS/SB 667 by
Governmental Operations
and Senator Malchon

I. SUMMARY:

A. Present Situation:

Section 365.171, F.S., is the Florida Emergency Telephone Act, which designates the three digit telephone number "911" as the public safety telephone number for the state. The Division of Communications of the Department of General Services (DGS) is assigned to develop a statewide emergency telephone number "911" system to meet specific local government requirements, including access to public safety agencies, such as law enforcement, firefighting, medical, or other emergency-service providers. Officials at DGS report that 52 of Florida's 67 counties have or are awaiting some type of "911" services.

Most "911" systems in Florida counties are routed to local law enforcement agencies, because national statistics have shown that approximately 85 percent of calls placed through "911" systems require intervention from law enforcement. When "911" services were first introduced into Florida in the mid 1970's, the local dispatcher who answered the call asked the caller for his name, address, telephone number, and the reason for calling. Since portions of the Florida Emergency Telephone Act were enacted in 1974, however, several technological enhancements have been made to "911" systems. These enhancements now provide data contained in the local telephone company subscriber data base, via a computer screen or printer, to the agency which answers "911" calls. The data provided to the local agency may include the name, address, and telephone number associated with the telephone from which a call to a "911" system is initiated. There is currently no statutory provision which protects this information from the public access provisions of ch. 119, F.S.

Chapter 119, F.S., the Public Records Law, requires government records to be open to public inspection and copying, except as otherwise specifically exempted by law. The term "public record" is defined in s. 119.011, F.S., 1988 Supp., to mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. It is the expressed intent of ch. 119, F.S., that records which are maintained by a public agency in the course of its statutory responsibilities be open and accessible to the public.

The term "agency" is defined in s. 119.011, F.S., to include any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public

agency. Thus, the provisions of ch. 119, F.S., apply to political subdivisions of the state.

Section 119.07, F.S., 1988 Supp., contains several specific exemptions from the public access requirements of ch. 119, F.S. Included among the exemptions are such things as active criminal intelligence and investigation information and certain other criminal justice information, the home addresses, telephone numbers, and photographs of active or former law enforcement personnel, their spouses, or their children. Some other records specifically enumerated as confidential include examination questions and answer sheets administered by a governmental agency for the purpose of licensure, certification, or employment; criminal intelligence or investigative information which reveals the personal assets of crime victims, other than property stolen or destroyed during commission of a crime; patient records obtained by the Hospital Cost Containment Board; and data processing software obtained by an agency under specified licensing agreements.

The Open Government Sunset Review Act, s. 119.14, F.S., requires that exemptions to the Public Meetings and Records laws may be created only if they meet at least one of these statutory criteria: (a) the exempted record or meeting is of a sensitive, personal nature concerning individuals; (b) the exemption is necessary for effective and efficient administration of a governmental program; or (c) the exemption affects confidential information concerning an entity.

B. Effect of Proposed Changes:

Subsection (15) would be added to s. 365.171, F.S., 1988 Supp., to protect the confidentiality of any record or information which reveals the name, address, or telephone number of any person who requests emergency service, or who reports an emergency, through use of a "911" telephone system, when such information is obtained by a public agency or a public safety agency for the purpose of providing services in an emergency. Protected information would be available to public safety agencies, however. The exemption created by the bill would be specifically made subject to the provisions of the Open Government Sunset Review Act.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 667

Places public records exemptions in s. 365.17, F.S., 1988 Supp., the Florida Emergency Telephone Act, and removes amendments to 119.07(3), F.S., 1988 Supp.

Specifies that exempt records or information may be revealed to public agencies and public safety agencies.

Limits exemption to information in the custody of a public agency or public safety agency which receives the initial "911" telephone call.

Committee on Governmental Operations


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)