

CHAPTER 98-276

House Bill No. 4143

An act relating to emergency telephone number “911” services; amending s. 365.171, F.S.; providing for indemnification and limitation of liability for wireless telecommunications service providers that provide 911 service; providing an effective date.

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

Section 1. Subsections (14) and (15) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number “911.”—

(14) INDEMNIFICATION AND LIMITATION OF LIABILITY.—All local governments are authorized to undertake to indemnify the telephone company against liability in accordance with the telephone company’s lawfully filed tariffs. Regardless of any indemnification agreement, ~~a the~~ telephone company or commercial mobile radio service provider as defined in s. 364.02 shall not be liable for damages resulting from or in connection with “911” service or identification of the telephone number, address, or name associated with any person accessing “911” service, unless the telephone company or commercial radio service provider acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property in providing such services.

(15) CONFIDENTIALITY OF RECORDS.—Any record, recording, or information, or portions thereof, obtained by a public agency or a public safety agency for the purpose of providing services in an emergency and which reveals the name, address, telephone number, or personal information about, or information which may identify any person requesting emergency service or reporting an emergency by accessing an emergency telephone number “911” system is confidential and exempt from the provisions of s. 119.07(1), except that such record or information may be disclosed to a public safety agency. The exemption applies only to the name, address, telephone number or personal information about, or information which may identify any person requesting emergency services or reporting an emergency while such information is in the custody of the public agency or public safety agency providing emergency services. A telephone company or commercial mobile radio service provider shall not be liable for damages to any person resulting from or in connection with such telephone company’s or commercial mobile radio service provider’s provision of any lawful assistance to any investigative or law enforcement officer of the State of Florida or political subdivisions thereof, of the United States, or of any other state or political subdivision thereof, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer unless the telephone company or commercial mobile radio service provider acted in a wanton and willful manner. The exemptions in this section are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15

and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.