

1 A bill to be entitled

2 An act relating to disclosure of call location
3 information; creating s. 943.69, F.S.; defining the
4 term "covered service"; requiring a provider of a
5 covered service to furnish a user's call location
6 information to a law enforcement agency or to a public
7 safety answering point on behalf of the law
8 enforcement agency; requiring the request for call
9 location information to be accompanied by a sworn
10 written statement from the law enforcement agency, or
11 a public safety answering point on behalf of the law
12 enforcement agency, providing facts that support the
13 agency's probable cause belief under specified
14 circumstances; prohibiting a governmental entity from
15 bringing a cause of action against a provider of
16 covered services or against a telecommunications
17 carrier that acts in good faith; requiring a law
18 enforcement agency to request a court order within a
19 certain timeframe; requiring the Department of Law
20 Enforcement to obtain and distribute specified
21 information to law enforcement agencies and public
22 safety answering points; providing an effective date.

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

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26 Section 1. Section 943.69, Florida Statutes, is created to

27 read:

28 943.69 Call location information.—

29 (1) As used in this section, the term "covered service"
 30 means:

31 (a) A commercial mobile service as defined in 47 U.S.C. s.
 32 332(d);

33 (b) An IP-enabled voice service as defined in 47 U.S.C. s.
 34 615b(8); or

35 (c) The tracking of the movement of a person or object by
 36 means of an electronic or mechanical device.

37 (2) Notwithstanding chapter 934, upon a request made under
 38 this section by a law enforcement agency, or by a public safety
 39 answering point on behalf of the law enforcement agency, the
 40 provider of a covered service must furnish call location
 41 information for the user of a telecommunications device on the
 42 covered service's network to the law enforcement agency or the
 43 public safety answering point, as appropriate.

44 (3) A request for call location information made pursuant
 45 to this section must be accompanied by a sworn written statement
 46 from the law enforcement agency or by a public safety answering
 47 point on behalf of the law enforcement agency providing facts
 48 that support the agency's probable cause to believe that
 49 disclosure without delay is required:

50 (a) Due to an emergency involving risk of death or serious
 51 physical injury; or

52 (b) In order to respond to the telecommunications device

53 user's call for emergency services.

54 (4) A governmental entity may not bring a cause of action
55 in any court or in any civil or administrative proceeding
56 against a provider of covered services or against a
57 telecommunications carrier, or its directors, officers,
58 employees, agents, or vendors, for furnishing in good faith call
59 location information or other information, facilities, or
60 assistance in accordance with this section.

61 (5) No later than 48 hours after a law enforcement agency
62 or a public safety answering point on behalf of the law
63 enforcement agency requests the call location information, the
64 law enforcement agency or a public safety answering point on
65 behalf of the law enforcement agency must request a court order
66 determining whether it had probable cause to believe that the
67 conditions provided in subsection (3) existed at the time of the
68 request.

69 (6) The department shall obtain contact information from
70 all covered service providers authorized to do business in this
71 state to facilitate a request from a law enforcement agency, or
72 a public safety answering point on behalf of the law enforcement
73 agency, for call location information under this section. The
74 department shall disseminate the contact information to each
75 local law enforcement agency and public safety answering point
76 in this state.

77 Section 2. This act shall take effect July 1, 2016.