

Bill No. SB 630

Barcode 825258

CHAMBER ACTION

Senate

House

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The Committee on Governmental Operations (Argenziano)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 364.107, Florida Statutes, is
created to read:

364.107 Public-records exemption; Lifeline Assistance
Plan participants.

(1) Personal identifying information concerning a
participant in a telecommunications carrier's Lifeline
Assistance Plan under s. 364.10 held by the Public Service
Commission is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution.

(2) Information made confidential and exempt under
subsection (1) may be released to the applicable
telecommunications carrier for purposes directly connected
with eligibility for, verification related to, or auditing of
a Lifeline Assistance Plan.

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1 (3)(a) An officer or employee of a telecommunications
2 carrier may not intentionally disclose information made
3 confidential and exempt under subsection (1), except as:

- 4 1. Authorized by the customer;
- 5 2. Necessary for billing purposes;
- 6 3. Required by subpoena, court order, or other process
7 of court; or
- 8 4. Otherwise authorized by law.

9 (b) This section does not preclude a
10 telecommunications carrier from disclosing information made
11 confidential and exempt under subsection (1) to the extent
12 that such information is otherwise publicly available or from
13 disclosing to a customer his or her own account record through
14 telephonic means.

15 (c) Any officer or employee of a telecommunications
16 carrier who intentionally discloses information in violation
17 of paragraph (a) commits a misdemeanor of the second degree,
18 punishable as provided in s. 775.082 or s. 775.083.

19 (4) This section is subject to the Open Government
20 Sunset Review Act in accordance with s. 119.15 and shall stand
21 repealed on October 2, 2012, unless reviewed and saved from
22 repeal through reenactment by the Legislature.

23 Section 2. The Legislature finds that it is a public
24 necessity that personal identifying information concerning a
25 participant in a telecommunications carrier's Lifeline
26 Assistance Plan under section 364.10, Florida Statutes, held
27 by the Public Service Commission be made confidential and
28 exempt from section 119.07(1), Florida Statutes, and Article
29 I, section 24(a), of the State Constitution. The Lifeline
30 Assistance Plan provides assistance to qualified low-income
31 households by providing a credit on their local telephone

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1 bill. Allowing qualified low-income households to receive this
2 credit permits them to maintain local telephone service.
3 Participation in Lifeline Assistance Plans has remained at
4 approximately 12 percent of eligible Florida households
5 despite extensive efforts to make eligible residents aware of
6 the plan. Protecting the personal identifying information of
7 participants in a Lifeline Assistance Plan encourages
8 qualified residents to apply for the credit offered under the
9 plan. The Public Service Commission must be able to maintain
10 the confidentiality of that information because disclosure
11 could create a chilling effect on participation. Further,
12 participants might choose not to avail themselves of the plan
13 because the information submitted would identify them as
14 qualified recipients of low-income program benefits. Finally,
15 the exemption promotes the effective and efficient
16 administration of a government program.

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

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause

24

25 and insert:

26 A bill to be entitled
27 An act relating to a public-records exemption
28 for Lifeline Assistance Plan participants;
29 creating s. 364.107, F.S.; creating an
30 exemption from public-records requirements for
31 personal identifying information concerning a

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1 participant in a telecommunications carrier's
2 Lifeline Assistance Plan held by the Public
3 Service Commission; providing an exception;
4 providing a penalty for the intentional
5 disclosure of confidential and exempt
6 information by an officer or employee of a
7 telecommunications carrier; providing for
8 review and repeal; providing a statement of
9 public necessity; providing an effective date.

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