## Florida Senate - 2007

 $\ensuremath{\mathbf{By}}$  the Committee on Governmental Operations; and Senator Lawson

585-2678-07

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1	A bill to be entitled
2	An act relating to a public-records exemption
3	for Lifeline Assistance Plan participants;
4	creating s. 364.107, F.S.; creating an
5	exemption from public-records requirements for
б	personal identifying information concerning a
7	participant in a telecommunications carrier's
8	Lifeline Assistance Plan held by the Public
9	Service Commission; providing an exception;
10	providing a penalty for the intentional
11	disclosure of confidential and exempt
12	information by an officer or employee of a
13	telecommunications carrier; providing for
14	review and repeal; providing a statement of
15	public necessity; providing an effective date.
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17	Be It Enacted by the Legislature of the State of Florida:
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19	Section 1. Section 364.107, Florida Statutes, is
20	created to read:
21	364.107 Public-records exemption; Lifeline Assistance
22	<u>Plan participants.</u>
23	(1) Personal identifying information concerning a
24	participant in a telecommunications carrier's Lifeline
25	Assistance Plan under s. 364.10 held by the Public Service
26	Commission is confidential and exempt from s. 119.07(1) and s.
27	24(a), Art. I of the State Constitution.
28	(2) Information made confidential and exempt under
29	subsection (1) may be released to the applicable
30	telecommunications carrier for purposes directly connected
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**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

1 with eligibility for, verification related to, or auditing of 2 a Lifeline Assistance Plan. (3)(a) An officer or employee of a telecommunications 3 4 carrier may not intentionally disclose information made 5 confidential and exempt under subsection (1), except as: б 1. Authorized by the customer; 7 2. Necessary for billing purposes; 8 3. Required by subpoena, court order, or other process 9 of court; 10 4. Necessary to disclose to an agency as defined in s. 119.011 or a governmental entity for purposes directly 11 12 connected with implementing service for, or verifying 13 eligibility of, a participant in a Lifeline Assistance Plan or auditing a Lifeline Assistance Plan; or 14 5. Otherwise authorized by law. 15 (b) This section does not preclude a 16 17 telecommunications carrier from disclosing information made 18 confidential and exempt under subsection (1) to the extent that such information is otherwise publicly available or from 19 20 disclosing to a customer his or her own account record through 21 telephonic means. 22 (c) Any officer or employee of a telecommunications 23 carrier who intentionally discloses information in violation of paragraph (a) commits a misdemeanor of the second degree, 2.4 punishable as provided in s. 775.082 or s. 775.083. 25 (4) This section is subject to the Open Government 26 27 Sunset Review Act in accordance with s. 119.15 and shall stand 2.8 repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature. 29 30 Section 2. The Legislature finds that it is a public necessity that personal identifying information concerning a 31

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1	participant in a telecommunications carrier's Lifeline
2	Assistance Plan under section 364.10, Florida Statutes, held
3	by the Public Service Commission be made confidential and
4	exempt from section 119.07(1), Florida Statutes, and Article
5	I, section 24(a), of the State Constitution. The Lifeline
6	Assistance Plan provides assistance to qualified low-income
7	households by providing a credit on their local telephone
8	bill. Allowing qualified low-income households to receive this
9	credit permits them to maintain local telephone service.
10	Participation in Lifeline Assistance Plans has remained at
11	approximately 12 percent of eligible Florida households
12	despite extensive efforts to make eligible residents aware of
13	the plan. Protecting the personal identifying information of
14	participants in a Lifeline Assistance Plan encourages
15	qualified residents to apply for the credit offered under the
16	plan. The Public Service Commission must be able to maintain
17	the confidentiality of that information because disclosure
18	could create a chilling effect on participation. Further,
19	participants might choose not to avail themselves of the plan
20	because the information submitted would identify them as
21	qualified recipients of low-income program benefits. Finally,
22	the exemption promotes the effective and efficient
23	administration of a government program.
24	Section 3. This act shall take effect upon becoming a
25	law.
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**Florida Senate - 2007** 585-2678-07 CS for SB 630

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2 3	<u>Senate Bill 630</u>
concerning a participant in a telecommunications carrier	Makes confidential and exempt personal identifying information concerning a participant in a telecommunications carrier's Lifeline Assistance Plan under s. 364.10, F.S., held by the
6	Public Service Commission.
7	Provides exceptions.
8	Makes exemption subject to Open Government Sunset Review Act.
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