

1 A bill to be entitled
 2 An act relating to a public records exemption for personal
 3 identifying information of Lifeline Assistance Plan
 4 participants; creating s. 364.107, F.S.; creating an
 5 exemption from public records requirements for personal
 6 identifying information of a participant in a
 7 telecommunications carrier's Lifeline Assistance Plan held
 8 by the Public Service Commission; providing an exception;
 9 providing a penalty for intentional disclosure of
 10 confidential and exempt information by an officer or
 11 employee of a telecommunications carrier; providing for
 12 review and repeal; providing a statement of public
 13 necessity; providing an effective date.

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

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

19 364.107 Public records exemption; Lifeline Assistance Plan
 20 participants.--

21 (1) Personal identifying information of a participant in a
 22 telecommunications carrier's Lifeline Assistance Plan under s.
 23 364.10 held by the Public Service Commission is confidential and
 24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 25 Constitution.

26 (2) Information made confidential and exempt under
 27 subsection (1) may be released to the applicable
 28 telecommunications carrier for purposes directly connected with

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29 eligibility for, verification related to, or auditing of a
30 Lifeline Assistance Plan.

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

34 1. Authorized by the customer;

35 2. Necessary for billing purposes;

36 3. Required by subpoena, court order, or other process of
37 court; or

38 4. Otherwise authorized by law.

39 (b) Nothing in this section precludes a telecommunications
40 carrier from disclosing information made confidential and exempt
41 under subsection (1) to the extent such information is otherwise
42 publicly available or from disclosing to a customer his or her
43 own account record through telephonic means.

44 (c) Any officer or employee of a telecommunications
45 carrier who intentionally discloses information in violation of
46 paragraph (a) commits a misdemeanor of the second degree,
47 punishable as provided in s. 775.082 or s. 775.083.

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

52 Section 2. The Legislature finds that it is a public
53 necessity that personal identifying information of a participant
54 in a telecommunications carrier's Lifeline Assistance Plan under
55 s. 364.10, Florida Statutes, held by the Public Service
56 Commission be made confidential and exempt from s. 119.07(1),

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57 Florida Statutes, and s. 24(a), Art. I of the State
58 Constitution. The Lifeline Assistance Plan provides assistance
59 to qualified low-income households by providing a credit on
60 their local telephone bill. Allowing qualified low-income
61 households to receive this credit permits them to maintain local
62 telephone service. Participation in Lifeline Assistance Plans
63 has remained at approximately 12 percent of eligible Florida
64 households despite extensive efforts to make eligible citizens
65 aware of the plan. Protecting the personal identifying
66 information of participants in a Lifeline Assistance Plan will
67 encourage qualified citizens to apply for the credit offered
68 under the plan. The Public Service Commission must be able to
69 maintain the confidentiality of that information because
70 disclosure could create a chilling effect on participation.
71 There is a strong likelihood that participants might choose not
72 to avail themselves of the plan because the information
73 submitted would identify them as qualified recipients of low-
74 income program benefits. Finally, without the exemption, the
75 effective and efficient administration of a government program
76 would be hindered.

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