

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

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;

38 4. Necessary to disclose to an agency as defined in s.  
39 119.011 or a governmental entity for purposes directly connected  
40 with implementing service for, or verifying eligibility of, a  
41 participant in a Lifeline Assistance Plan or auditing a Lifeline  
42 Assistance Plan; or

43 5. Otherwise authorized by law.

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

49 (c) Any officer or employee of a telecommunications  
50 carrier who intentionally discloses information in violation of  
51 paragraph (a) commits a misdemeanor of the second degree,  
52 punishable as provided in s. 775.082 or s. 775.083.

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54 Review Act in accordance with s. 119.15 and shall stand repealed  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

57           Section 2. The Legislature finds that it is a public  
58 necessity that personal identifying information of a participant  
59 in a telecommunications carrier's Lifeline Assistance Plan under  
60 s. 364.10, Florida Statutes, held by the Public Service  
61 Commission be made confidential and exempt from s. 119.07(1),  
62 Florida Statutes, and s. 24(a), Art. I of the State  
63 Constitution. The Lifeline Assistance Plan provides assistance  
64 to qualified low-income households by providing a credit on  
65 their local telephone bill. Allowing qualified low-income  
66 households to receive this credit permits them to maintain local  
67 telephone service. Participation in Lifeline Assistance Plans  
68 has remained at approximately 12 percent of eligible Florida  
69 households despite extensive efforts to make eligible citizens  
70 aware of the plan. Protecting the personal identifying  
71 information of participants in a Lifeline Assistance Plan will  
72 encourage qualified citizens to apply for the credit offered  
73 under the plan. The Public Service Commission must be able to  
74 maintain the confidentiality of that information because  
75 disclosure could create a chilling effect on participation.  
76 There is a strong likelihood that participants might choose not  
77 to avail themselves of the plan because the information  
78 submitted would identify them as qualified recipients of low-  
79 income program benefits. Finally, without the exemption, the  
80 effective and efficient administration of a government program  
81 would be hindered.

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