

ENROLLED
 HB 7159, Engrossed 1

2007 Legislature

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.

14
 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;

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.

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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.