

By the Committee on Governmental Oversight and Accountability

585-02462-12

20122080__

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 364.107, F.S., relating
4 to an exemption from public records requirements for
5 personal identifying information of Lifeline
6 Assistance Plan participants; providing a penalty for
7 intentional disclosure of confidential and exempt
8 information by an officer or employee of the Public
9 Service Commission; saving the exemption from repeal
10 under the Open Government Sunset Review Act; removing
11 the scheduled repeal of the exemption; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 364.107, Florida Statutes, is amended to
17 read:

18 364.107 Public records exemption; Lifeline Assistance Plan
19 participants.—

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

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

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

- 33 1. Authorized by the customer;
- 34 2. Necessary for billing purposes;
- 35 3. Required by subpoena, court order, or other process of
36 court;
- 37 4. Necessary to disclose to an agency as defined in s.
38 119.011 or a governmental entity for purposes directly connected
39 with implementing service for, or verifying eligibility of, a
40 participant in a Lifeline Assistance Plan or auditing a Lifeline
41 Assistance Plan; or
- 42 5. Otherwise authorized by law.

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

48 (4) ~~(e)~~ Any officer or employee of a telecommunications
49 carrier or of the Public Service Commission who intentionally
50 discloses information in violation of this section ~~paragraph (a)~~
51 commits a misdemeanor of the second degree, punishable as
52 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. This act shall take effect October 1, 2012.