

BILL PCB JEC 07-07

ORIGINAL

YEAR

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:

16  
 17 Section 1. Section 364.107, Florida Statutes, is created to  
 18 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; 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 carrier  
 45 who intentionally discloses information in violation of paragraph

46 (a) commits a misdemeanor of the second degree, punishable as  
 47 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 through  
 51 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),  
 57 Florida Statutes, and s. 24(a), Art. I of the State Constitution.

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

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