

House Bill No. 7159

An act relating to a public records exemption for personal identifying information of Lifeline Assistance Plan participants; creating s. 364.107, F.S.; creating an exemption from public records requirements for personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan held by the Public Service Commission; providing an exception; providing a penalty for intentional disclosure of confidential and exempt information by an officer or employee of a telecommunications carrier; providing for review and repeal; providing a statement of public necessity; providing an effective date.

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

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

364.107 Public records exemption; Lifeline Assistance Plan participants.—

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

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

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

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

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

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

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

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

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

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.