

HB 7109

2012

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., which
4 provides an exemption from public record requirements
5 for 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; removing the scheduled repeal of
10 the exemption; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 364.107, Florida Statutes, is amended
15 to read:

16 364.107 Public records exemption; Lifeline Assistance Plan
17 participants.—

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

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

28 (3) (a) An officer or employee of a telecommunications

HB 7109

2012

29 carrier shall not intentionally disclose information made
 30 confidential and exempt under subsection (1), except as:
 31 1. Authorized by the customer;
 32 2. Necessary for billing purposes;
 33 3. Required by subpoena, court order, or other process of
 34 court;
 35 4. Necessary to disclose to an agency as defined in s.
 36 119.011 or a governmental entity for purposes directly connected
 37 with implementing service for, or verifying eligibility of, a
 38 participant in a Lifeline Assistance Plan or auditing a Lifeline
 39 Assistance Plan; or
 40 5. Otherwise authorized by law.

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

46 (4)(e) Any officer or employee of a telecommunications
 47 carrier or of the Public Service Commission who intentionally
 48 discloses information in violation of this section ~~paragraph (a)~~
 49 commits a misdemeanor of the second degree, punishable as
 50 provided in s. 775.082 or s. 775.083.

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

55 Section 2. This act shall take effect October 1, 2012.