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1 A bill to be entitled
 2 An act relating to Lifeline telecommunications service;
 3 amending s. 364.10, F.S.; directing local exchange
 4 telecommunications companies to notify company customers
 5 of the Lifeline service and the eligibility criteria for
 6 Lifeline participation; requiring the company to send
 7 brochures, pamphlets, or other materials to the customers
 8 at least once each year in the customer's monthly billing
 9 envelope; amending s. 364.02, F.S.; correcting a cross
 10 reference; providing an effective date.

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

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 14 Section 1. Subsection (3) of section 364.10, Florida
 15 Statutes, is amended to read:

16 364.10 Undue advantage to person or locality prohibited;
 17 Lifeline service.--

18 (3)(a) Effective September 1, 2003, any local exchange
 19 telecommunications company authorized by the commission to
 20 reduce its switched network access rate under ~~pursuant to~~ s.
 21 364.164 shall have tariffed and shall provide Lifeline service
 22 to any otherwise eligible customer or potential customer who
 23 meets an income eligibility test at 125 percent or less of the
 24 federal poverty income guidelines for Lifeline customers.
 25 However, the company shall provide Lifeline service to a person
 26 65 years of age or older if the person meets an income
 27 eligibility test at 175 percent or less of the Federal poverty
 28 income guidelines. The ~~Such a~~ test for eligibility must augment,
 29 rather than replace, the eligibility standards established by

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30 federal law and based on participation in certain low-income
 31 assistance programs. Each intrastate interexchange
 32 telecommunications company shall, effective September 1, 2003,
 33 file a tariff providing at a minimum the intrastate
 34 interexchange telecommunications carrier's current Lifeline
 35 benefits and exemptions to Lifeline customers who meet the
 36 income eligibility test set forth in this subsection. The Office
 37 of Public Counsel shall certify and maintain claims submitted by
 38 a customer for eligibility under the income test authorized by
 39 this subsection.

40 (b) Each local exchange telecommunications company subject
 41 to this subsection shall provide to each state and federal
 42 agency providing benefits to persons eligible for Lifeline
 43 service applications, brochures, pamphlets, or other materials
 44 that inform the ~~such~~ persons of their eligibility for Lifeline,
 45 and each state agency providing the ~~such~~ benefits shall furnish
 46 the materials to affected persons at the time they apply for
 47 benefits.

48 (c) Each local exchange telecommunications company subject
 49 to this subsection shall notify the company's customers of the
 50 Lifeline service and the eligibility criteria for Lifeline
 51 participation. At least once each year, the company must include
 52 in the customer's monthly billing envelope the Lifeline
 53 brochures, pamphlets, or other materials promoting participation
 54 in the program.

55 (d)(e) Any local exchange telecommunications company
 56 customer receiving Lifeline benefits shall not be subject to any
 57 residential basic local telecommunications service rate
 58 increases authorized by s. 364.164 until the local exchange

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59 telecommunications company reaches parity as defined in s.
60 364.164(5) or until the customer no longer qualifies for the
61 Lifeline benefits established by this section or s. 364.105, or
62 unless otherwise determined by the commission upon petition by a
63 local exchange telecommunications company.

64 (e)~~(d)~~ By December 31, 2003, each state agency that
65 provides benefits to persons eligible for Lifeline service shall
66 undertake, in cooperation with the Department of Children and
67 Family Services, the commission, and telecommunications
68 companies providing Lifeline services, the development of
69 procedures to promote Lifeline participation.

70 (f)~~(e)~~ The commission shall report to the Governor, the
71 President of the Senate, and the Speaker of the House of
72 Representatives by December 31 each year on the number of
73 customers who are subscribing to Lifeline service and the
74 effectiveness of any procedures to promote participation.

75 Section 2. Subsection (13) of section 364.02, Florida
76 Statutes, is amended to read:

77 364.02 Definitions.--As used in this chapter:

78 (13) "Telecommunications company" includes every
79 corporation, partnership, and person and their lessees,
80 trustees, or receivers appointed by any court whatsoever, and
81 every political subdivision in the state, offering two-way
82 telecommunications service to the public for hire within this
83 state by the use of a telecommunications facility. The term
84 "telecommunications company" does not include:

85 (a) An entity which provides a telecommunications facility
86 exclusively to a certificated telecommunications company;

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87 (b) An entity which provides a telecommunications facility
 88 exclusively to a company which is excluded from the definition
 89 of a telecommunications company under this subsection;

90 (c) A commercial mobile radio service provider;

91 (d) A facsimile transmission service;

92 (e) A private computer data network company not offering
 93 service to the public for hire;

94 (f) A cable television company providing cable service as
 95 defined in 47 U.S.C. s. 522; or

96 (g) An intrastate interexchange telecommunications
 97 company.

98
 99 However, each commercial mobile radio service provider and each
 100 intrastate interexchange telecommunications company shall
 101 continue to be liable for any taxes imposed pursuant to chapters
 102 202, 203 and 212 and any fees assessed pursuant to ss. 364.025
 103 and 364.336. Each intrastate interexchange telecommunications
 104 company shall continue to be subject to ss. 364.04, 364.10(3)(a)
 105 and (e) ~~(d)~~, 364.163, 364.285, 364.501, 364.603, and 364.604,
 106 shall provide the commission with such current information as
 107 the commission deems necessary to contact and communicate with
 108 the company, shall continue to pay intrastate switched network
 109 access rates or other intercarrier compensation to the local
 110 exchange telecommunications company or the competitive local
 111 exchange telecommunications company for the origination and
 112 termination of interexchange telecommunications service, and
 113 shall reduce its intrastate long distance toll rates in
 114 accordance with s. 364.163(2).

115 Section 3. This act shall take effect July 1, 2004.