

By Senator Siplin

19-951-04

1                                   A bill to be entitled  
2           An act relating to the Lifeline  
3           telecommunications service; amending s. 364.10,  
4           F.S.; prohibiting a local exchange  
5           telecommunications company from discontinuing  
6           local service to a consumer for nonpayment of  
7           other telephone services; directing the Public  
8           Service Commission to adopt rules to administer  
9           the prohibition; authorizing a local exchange  
10          telecommunications company to block specified  
11          long-distance services when a customer owes an  
12          outstanding account for those services;  
13          requiring certain state agencies to  
14          automatically enroll an eligible consumer in  
15          the Lifeline service with the appropriate local  
16          exchange telecommunications company; requiring  
17          the commission, the Department of Children and  
18          Family Services, and the Office of Public  
19          Counsel to enter into a memorandum of  
20          understanding concerning the automatic  
21          enrollment of consumers in Lifeline services;  
22          directing a local exchange telecommunications  
23          company to offer a consumer who applies for or  
24          receives Lifeline service the option of  
25          blocking all toll calls; providing an effective  
26          date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30           Section 1.   Section 364.10, Florida Statutes, is  
31 amended to read:

1           364.10 Undue advantage to person or locality  
2 prohibited; Lifeline service.--

3           (1) A telecommunications company may not make or give  
4 any undue or unreasonable preference or advantage to any  
5 person or locality or subject any particular person or  
6 locality to any undue or unreasonable prejudice or  
7 disadvantage in any respect whatsoever.

8           (2)(a) The prohibitions of subsection (1)  
9 notwithstanding, a telecommunications company serving as  
10 carrier of last resort shall provide a Lifeline Assistance  
11 Plan to qualified residential subscribers, as defined in a  
12 commission-approved tariff and a preferential rate to eligible  
13 facilities as provided for in part II.

14           (b) A local exchange telecommunications company shall  
15 offer a consumer who applies for or receives Lifeline service  
16 the option of blocking all toll calls or, if technically  
17 capable, placing a limit on the amount of toll calls a  
18 consumer can make. The local exchange telecommunications  
19 company may not charge the consumer an administrative charge  
20 or other additional fee for blocking the service.

21           (3)(a) Effective September 1, 2003, any local exchange  
22 telecommunications company authorized by the commission to  
23 reduce its switched network access rate under ~~pursuant to~~ s.  
24 364.164 shall have tariffed and shall provide Lifeline service  
25 to any otherwise eligible customer or potential customer who  
26 meets an income eligibility test at 125 percent or less of the  
27 federal poverty income guidelines for Lifeline customers. The  
28 ~~Such a~~ test for eligibility must augment, rather than replace,  
29 the eligibility standards established by federal law and based  
30 on participation in certain low-income assistance programs.  
31 Each intrastate interexchange telecommunications company

1 shall, effective September 1, 2003, file a tariff providing at  
2 a minimum the intrastate interexchange telecommunications  
3 carrier's current Lifeline benefits and exemptions to Lifeline  
4 customers who meet the income eligibility test set forth in  
5 this subsection. The Office of Public Counsel shall certify  
6 and maintain claims submitted by a customer for eligibility  
7 under the income test authorized by this subsection.

8 (b) Each local exchange telecommunications company  
9 subject to this subsection shall provide to each state and  
10 federal agency providing benefits to persons eligible for  
11 Lifeline service applications, brochures, pamphlets, or other  
12 materials that inform the ~~such~~ persons of their eligibility  
13 for Lifeline, and each state agency providing the ~~such~~  
14 benefits shall furnish the materials to affected persons at  
15 the time they apply for benefits.

16 (c)1. Any local exchange telecommunications company  
17 customer receiving Lifeline benefits shall not be subject to  
18 any residential basic local telecommunications service rate  
19 increases authorized by s. 364.164 until the local exchange  
20 telecommunications company reaches parity as defined in s.  
21 364.164(5) or until the customer no longer qualifies for the  
22 Lifeline benefits established by this section or s. 364.105,  
23 or unless otherwise determined by the commission upon petition  
24 by a local exchange telecommunications company.

25 2. A local exchange telecommunications company may not  
26 discontinue basic local exchange telephone service to a  
27 consumer who receives Lifeline service because of nonpayment  
28 by the consumer of charges for other services billed by the  
29 telecommunications company, including long-distance service.  
30 The commission shall adopt rules to administer this  
31 subparagraph.

1           3. A local exchange telecommunications company may  
2 block a Lifeline service participant's access to all  
3 long-distance service except toll-free numbers when the  
4 participant owes an outstanding amount for long-distance  
5 service. The local exchange telecommunications company shall  
6 remove the block without additional cost to the participant on  
7 payment of the outstanding amount.

8           (d)1. By December 31, 2003, each state agency  
9 providing that provides benefits to persons eligible for  
10 Lifeline service shall undertake, in cooperation with the  
11 Department of Children and Family Services, the commission,  
12 and telecommunications companies providing Lifeline services,  
13 the development of procedures to promote Lifeline  
14 participation.

15           2. Whenever a state agency determines that a person is  
16 eligible for Lifeline service, the agency must immediately  
17 ensure that the person is automatically enrolled in the  
18 Lifeline service with the appropriate local exchange  
19 telecommunications company. The commission shall adopt rules  
20 providing for an automatic enrollment process in order that  
21 eligible customers receive Lifeline service.

22           3. The commission, the Department of Children and  
23 Family Services, and the Office of Public Counsel shall enter  
24 into a memorandum of understanding establishing the respective  
25 duties of the commission, the department, and the public  
26 counsel in relation to the automatic enrollment.

27           (e) The commission shall report to the Governor, the  
28 President of the Senate, and the Speaker of the House of  
29 Representatives by December 31 each year on the number of  
30 customers who are subscribing to Lifeline service and the  
31 effectiveness of any procedures to promote participation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Section 2. This act shall take effect July 1, 2004.

\*\*\*\*\*

SENATE SUMMARY

Prohibits a local exchange telecommunications company from discontinuing local service of a consumer receiving Lifeline service for nonpayment of other telephone services. Directs the Public Service Commission to adopt rules. Authorizes a local exchange telecommunications company to block specified long-distance services when a customer owes an outstanding account for those services. Requires that certain state agencies automatically enroll an eligible consumer in the Lifeline service. Requires the commission, the department, and the Office of Public Counsel to enter into a memorandum of understanding relating to automatic enrollment of consumers in Lifeline services. Directs a local exchange telecommunications company to offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls.