

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Bullard offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 364.10, Florida Statutes, is amended to
6 read:

7 364.10 Undue advantage to person or locality prohibited;
8 Lifeline service.--

9 (1) A telecommunications company may not make or give any
10 undue or unreasonable preference or advantage to any person or
11 locality or subject any particular person or locality to any
12 undue or unreasonable prejudice or disadvantage in any respect
13 whatsoever.

14 (2)(a) The prohibitions of subsection (1) notwithstanding,
15 an eligible telecommunications carrier ~~a telecommunications~~

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16 ~~company serving as carrier of last resort~~ shall provide a
17 Lifeline Assistance Plan to qualified residential subscribers,
18 as defined in a commission-approved tariff or price list, and a
19 preferential rate to eligible facilities as provided for in part
20 II. For the purposes of this section, the term "eligible
21 telecommunications carrier" means a telecommunications company,
22 as defined by s. 364.02, which is designated as an eligible
23 telecommunications carrier by the commission pursuant to 47
24 C.F.R. s. 54.201.

25 (b) An eligible telecommunications carrier shall offer a
26 consumer who applies for or receives Lifeline service the option
27 of blocking all toll calls or, if technically capable, placing a
28 limit on the number of toll calls a consumer can make. The
29 eligible telecommunications carrier may not charge the consumer
30 an administrative charge or other additional fee for blocking
31 the service.

32 (c) An eligible telecommunications carrier may not collect
33 a service deposit in order to initiate Lifeline service if the
34 qualifying low-income consumer voluntarily elects toll blocking
35 or toll limitation. If the qualifying low-income consumer elects
36 not to place toll blocking on the line, an eligible
37 telecommunications carrier may charge a service deposit.

38 (d) An eligible telecommunications carrier may not charge
39 Lifeline subscribers a monthly number-portability charge.

40 (e)1. An eligible telecommunications carrier must notify a
41 Lifeline subscriber of impending termination of Lifeline service
42 if the company has a reasonable basis for believing that the

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43 subscriber no longer qualifies. Notification of pending
44 termination must be in the form of a letter that is separate
45 from the subscriber's bill.

46 2. An eligible telecommunications carrier shall allow a
47 subscriber 60 days following the date of the pending termination
48 letter to demonstrate continued eligibility. The subscriber must
49 present proof of continued eligibility. An eligible
50 telecommunications carrier may transfer a subscriber off of
51 Lifeline service, pursuant to its tariff, if the subscriber
52 fails to demonstrate continued eligibility.

53 3. The commission shall establish procedures for such
54 notification and termination.

55 (f) An eligible telecommunications carrier shall timely
56 credit a consumer's bill with the Lifeline Assistance credit as
57 soon as practicable, but no later than 60 days following receipt
58 of notice of eligibility from the Office of Public Counsel or
59 proof of eligibility from the consumer.

60 (3)(a) Effective September 1, 2003, any local exchange
61 telecommunications company authorized by the commission to
62 reduce its switched network access rate pursuant to s. 364.164
63 shall have tariffed and shall provide Lifeline service to any
64 otherwise eligible customer or potential customer who meets an
65 income eligibility test at 125 percent or less of the federal
66 poverty income guidelines for Lifeline customers. Such a test
67 for eligibility must augment, rather than replace, the
68 eligibility standards established by federal law and based on
69 participation in certain low-income assistance programs. Each

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70 intrastate interexchange telecommunications company shall,
71 effective September 1, 2003, file a tariff providing at a
72 minimum the intrastate interexchange telecommunications
73 carrier's current Lifeline benefits and exemptions to Lifeline
74 customers who meet the income eligibility test set forth in this
75 subsection. The Office of Public Counsel shall certify and
76 maintain claims submitted by a customer for eligibility under
77 the income test authorized by this subsection.

78 (b) Each eligible telecommunications carrier ~~local~~
79 ~~exchange telecommunications company~~ subject to this subsection
80 shall provide to each state and federal agency providing
81 benefits to persons eligible for Lifeline service applications,
82 brochures, pamphlets, or other materials that inform the such
83 persons of their eligibility for Lifeline, and each state agency
84 providing the such benefits shall furnish the materials to
85 affected persons at the time they apply for benefits.

86 (c) Any local exchange telecommunications company customer
87 receiving Lifeline benefits shall not be subject to any
88 residential basic local telecommunications service rate
89 increases authorized by s. 364.164 until the local exchange
90 telecommunications company reaches parity as defined in s.
91 364.164(5) or until the customer no longer qualifies for the
92 Lifeline benefits established by this section or s. 364.105, or
93 unless otherwise determined by the commission upon petition by a
94 local exchange telecommunications company.

95 (d) An eligible telecommunications carrier may not
96 discontinue basic local exchange telephone service to a

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97 subscriber who receives Lifeline service because of nonpayment
98 by the subscriber of charges for nonbasic services billed by the
99 telecommunications company, including long-distance service. A
100 subscriber who receives Lifeline service shall be required to
101 pay all applicable basic local exchange service fees, including
102 the subscriber line charge, E-911, telephone relay system
103 charges, and applicable state and federal taxes.

104 (e) An eligible telecommunications carrier may not refuse
105 to connect, reconnect, or provide Lifeline service because of
106 unpaid toll charges or nonbasic charges other than basic local
107 exchange service.

108 (f) An eligible telecommunications carrier may require
109 that payment arrangements be made for outstanding debt
110 associated with basic local exchange service, subscriber line
111 charges, E-911, telephone relay system charges, and applicable
112 state and federal taxes.

113 (g) An eligible telecommunications carrier may block a
114 Lifeline service subscriber's access to all long-distance
115 service, except for toll-free numbers, and may block the ability
116 to accept collect calls, when the subscriber owes an outstanding
117 amount for long-distance service or amounts resulting from
118 collect calls. However, the eligible telecommunications carrier
119 may not impose a charge for blocking long-distance service. The
120 eligible telecommunications carrier shall remove the block at
121 the request of the subscriber without additional cost to the
122 subscriber upon payment of the outstanding amount. An eligible

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123 telecommunications carrier may charge a service deposit before
124 removing the block.

125 (h)(d) By December 31, 2003, each state agency that
126 provides benefits to persons eligible for Lifeline service shall
127 undertake, in cooperation with the Department of Children and
128 Family Services, the Department of Education, the commission,
129 the Office of Public Counsel, and telecommunications companies
130 providing Lifeline services, the development of procedures to
131 promote Lifeline participation.

132 (i)(e) The commission shall report to the Governor, the
133 President of the Senate, and the Speaker of the House of
134 Representatives by December 31 each year on the number of
135 customers who are subscribing to Lifeline service and the
136 effectiveness of any procedures to promote participation.

137 (j) The commission shall adopt rules to administer this
138 section.

139 Section 2. By January 15, 2006, and in furtherance of its
140 Lifeline educational and promotional efforts, each
141 telecommunications company that has, by July 1, 2005, had a
142 petition granted under s. 364.164, Florida Statutes, shall file
143 with the Public Service Commission a report on Lifeline
144 participation in the state. The report shall be produced by the
145 Public Utility Research Center at the University of Florida and
146 shall be conducted under the auspices of the Public Service
147 Commission and the Office of the Public Counsel. The report
148 must, at a minimum, identify the total number of eligible
149 customers, without duplication occasioned by the applicability

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150 of multiple eligibility criteria established, as of March 31,
 151 2005, by law, commission order, or approved company agreement.
 152 The report may also report on subscribership differences among
 153 socioeconomic segments within the population of Lifeline-
 154 eligible Floridians to the extent that any identifiable
 155 segment's inclination to subscribe to Lifeline services of a
 156 local exchange telecommunications company differs. Such report
 157 may be filed with the commission jointly or individually by
 158 companies covered by this section. By March 1, 2006, the
 159 commission shall file the report with the President of the
 160 Senate and the Speaker of the House of Representatives, along
 161 with supplemental information or commission comment, if any,
 162 deemed relevant by the commission. By January 15, 2006, a copy
 163 of the report shall be provided to the Office of Program Policy
 164 Analysis and Government Accountability and the Public Service
 165 Commission, which shall provide comment, if any, on the report's
 166 findings to the President of the Senate and the Speaker of the
 167 House of Representatives by March 1, 2006.

168 Section 3. This act shall take effect July 1, 2005.

171 ===== T I T L E A M E N D M E N T =====

172 Remove the entire title and insert:

173 A bill to be entitled

174 An act relating to Lifeline telecommunications services;
 175 amending s. 364.10, F.S.; requiring that Lifeline
 176 Assistance Plans be provided by eligible

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177 telecommunications carriers; deleting requirement that
178 such plans be provided by telecommunications companies
179 serving as carriers of last resort; defining the term
180 "eligible telecommunications carrier"; requiring such
181 carriers to offer Lifeline service applicants and
182 recipients the option of blocking or limiting toll calls
183 under certain circumstances; prohibiting the carrier from
184 requiring a service deposit from certain consumers
185 electing to block or limit toll calls; prohibiting a
186 number-portability charge to Lifeline subscribers;
187 providing requirements for termination of Lifeline
188 service; requiring the Public Service Commission to
189 establish procedures for notification and termination of
190 Lifeline service; requiring the carrier to timely credit a
191 consumer's bill with Lifeline Assistance credits;
192 providing criteria for connection, reconnection, and
193 discontinuation of basic local telecommunications service
194 for Lifeline Assistance subscribers; providing criteria
195 for blocking access to long-distance service; adding the
196 Department of Education and the Office of Public Counsel
197 to those agencies that are directed to cooperate in
198 developing procedures for promoting Lifeline
199 participation; requiring the commission to adopt rules;
200 requiring certain telecommunications companies to file
201 with the commission a report on Lifeline participation;
202 requiring the commission to file the report with the
203 Legislature; providing for comment on the report's

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HOUSE AMENDMENT

Bill No. CS/SB 1320

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204 findings by the Office of Program Policy Analysis and
205 Government Accountability and the Public Service
206 Commission; providing an effective date.

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