

Bill No. SB 2068

Barcode 105484

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities
(Constantine) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 364.01, Florida Statutes, is
amended to read:

364.01 Powers of commission, legislative intent.--

(1) The Florida Public Service Commission shall
exercise over and in relation to telecommunications companies
the powers conferred by this chapter.

(2) The Florida Public Service Commission ~~It is~~
~~the legislative intent to give~~ exclusive jurisdiction in all
matters set forth in this chapter to regulate ~~the Florida~~
~~Public Service Commission in regulating~~ telecommunications
companies, and the ~~such~~ such preemption shall supersede any local
or special act or municipal charter where any conflict of
authority may exist. However, the provisions of this chapter
do ~~shall~~ not affect the authority and powers granted in s.

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1 166.231(9) or s. 337.401.

2 (3) Activities regulated under laws administered by
3 the Florida Public Service Commission are exempt from chapter
4 501. Communications activities that are not regulated by the
5 Florida Public Service Commission, including, but not limited
6 to, VoIP, wireless, and broadband, are subject to this state's
7 generally applicable business regulation and deceptive trade
8 practices and consumer protection laws, as enforced by the
9 appropriate state authority or through actions in the judicial
10 system. This chapter does not limit the availability to any
11 party of any remedy or defense under state or federal
12 antitrust laws. ~~The Legislature finds that the competitive~~
13 ~~provision of telecommunications services, including local~~
14 ~~exchange telecommunications service, is in the public interest~~
15 ~~and will provide customers with freedom of choice, encourage~~
16 ~~the introduction of new telecommunications service, encourage~~
17 ~~technological innovation, and encourage investment in~~
18 ~~telecommunications infrastructure. The Legislature further~~
19 ~~finds that the transition from the monopoly provision of local~~
20 ~~exchange service to the competitive provision thereof will~~
21 ~~require appropriate regulatory oversight to protect consumers~~
22 ~~and provide for the development of fair and effective~~
23 ~~competition, but nothing in this chapter shall limit the~~
24 ~~availability to any party of any remedy under state or federal~~
25 ~~antitrust laws. The Legislature further finds that changes in~~
26 ~~regulations allowing increased competition in~~
27 ~~telecommunications services could provide the occasion for~~
28 ~~increases in the telecommunications workforce; therefore, it~~
29 ~~is in the public interest that competition in~~
30 ~~telecommunications services lead to a situation that enhances~~
31 ~~the high-technological skills and the economic status of the~~

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1 ~~telecommunications workforce. The Legislature further finds~~
 2 ~~that the provision of voice-over-Internet protocol (VOIP) free~~
 3 ~~of unnecessary regulation, regardless of the provider, is in~~
 4 ~~the public interest.~~

5 (4) The commission shall exercise its exclusive
 6 jurisdiction in order to:

7 (a) Protect the public health, safety, and welfare by
 8 ensuring that basic local telecommunications services are
 9 available to all consumers in the state at reasonable and
 10 affordable prices.

11 (b) Encourage competition through flexible regulatory
 12 treatment among providers of telecommunications services in
 13 order to ensure the availability of the widest possible range
 14 of consumer choice in the provision of all telecommunications
 15 services.

16 (c) Protect the public health, safety, and welfare by
 17 ensuring that monopoly services provided by telecommunications
 18 companies continue to be subject to effective price, rate, and
 19 service regulation.

20 (d) Promote competition by encouraging innovation and
 21 investment in new entrants into telecommunications markets and
 22 by allowing a transitional period in which new and emerging
 23 technologies entrants are subject to a reduced lesser level of
 24 regulatory oversight ~~than local exchange telecommunications~~
 25 ~~companies.~~

26 (e) Encourage all providers of telecommunications
 27 services to introduce new or experimental telecommunications
 28 services free of unnecessary regulatory restraints.

29 (f) Eliminate any rules or ~~and/or~~ regulations which
 30 will delay or impair the transition to competition.

31 (g) Ensure that all providers of telecommunications

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1 services are treated fairly, by preventing anticompetitive
2 behavior and eliminating unnecessary regulatory restraint.

3 (h) Recognize the continuing emergence of a
4 competitive telecommunications environment through the
5 flexible regulatory treatment of competitive
6 telecommunications services, where appropriate, if doing so
7 does not reduce the availability of adequate basic local
8 telecommunications service to all citizens of the state at
9 reasonable and affordable prices, if competitive
10 telecommunications services are not subsidized by monopoly
11 telecommunications services, and if all monopoly services are
12 available to all competitors on a nondiscriminatory basis.

13 (i) Continue its historical role as a surrogate for
14 competition for monopoly services provided by local exchange
15 telecommunications companies.

16 Section 2. Section 364.011, Florida Statutes, is
17 created to read:

18 364.011 Exemptions from commission jurisdiction.--The
19 following services are exempt from oversight by the
20 commission, except to the extent delineated in this chapter or
21 specifically authorized by federal law:

22 (1) Intrastate interexchange telecommunications
23 services.

24 (2) Broadband services, regardless of the provider,
25 platform, or protocol.

26 (3) VoIP.

27 (4) Wireless telecommunications, including commercial
28 mobile radio service providers.

29 Section 3. Section 364.012, Florida Statutes, is
30 created to read:

31 364.012 Consistency with federal law.--

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1 (1) In order to promote commission coordination with
 2 federal policymakers and regulatory agencies, the commission
 3 shall maintain continuous liaisons with appropriate federal
 4 agencies whose policy decisions and rulemaking authority
 5 affect those telecommunications companies over which the
 6 commission has jurisdiction. The commission is encouraged to
 7 participate in the proceedings of federal agencies in cases in
 8 which the state's consumers may be affected and to convey the
 9 commission's policy positions and information requirements in
 10 order to achieve greater efficiency in regulation.

11 (2) This chapter does not limit or modify the duties
 12 of a local exchange carrier to provide unbundled access to
 13 network elements or the commission's authority to arbitrate
 14 and enforce interconnection agreements to the extent that
 15 those elements are required under 47 U.S.C. ss. 251 and 252,
 16 and under any regulations issued by the Federal Communications
 17 Commission at rates determined in accordance with the
 18 standards established by the Federal Communications Commission
 19 pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of any
 20 successor regulation or successor forbearance of regulation.

21 Section 4. Section 364.013, Florida Statutes, is
 22 created to read:

23 364.013 Emerging and advanced services.--Broadband
 24 service shall remain free of state and local regulation,
 25 regardless of the provider, platform, or protocol. In
 26 addition, the provision of voice-over-Internet protocol (VoIP)
 27 shall be free of regulation, except as delineated in this
 28 chapter or as specifically authorized by federal law,
 29 regardless of the provider, platform, or protocol.

30 Section 5. Section 364.02, Florida Statutes, is
 31 amended to read:

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1 364.02 Definitions.--As used in this chapter:

2 (1) "Basic local telecommunications service" means
3 voice-grade, flat-rate residential, and flat-rate single-line
4 business local exchange services which provide dial tone,
5 local usage necessary to place unlimited calls within a local
6 exchange area, dual tone multifrequency dialing, and access to
7 the following: emergency services such as "911," all locally
8 available interexchange companies, directory assistance,
9 operator services, relay services, and an alphabetical
10 directory listing. For a local exchange telecommunications
11 company, the ~~such~~ term shall include any extended area service
12 routes, and extended calling service in existence or ordered
13 by the commission on or before July 1, 1995.

14 (2) "Broadband service" means any service that
15 consists of or includes the offering of the capability to
16 transmit or receive information at a rate that is not less
17 than 200 kilobits per second and either:

- 18 (a) Is used to provide access to the Internet; or
- 19 (b) Provides computer processing, information storage,
20 information content, or protocol conversion in combination
21 with the service.

22
23 The definition of broadband service does not include any
24 intrastate telecommunications services that have been tariffed
25 with the commission on or before January 1, 2005.

26 ~~(3)(2)~~ "Commercial mobile radio service provider"
27 means a commercial mobile radio service provider as defined by
28 and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

29 ~~(4)(3)~~ "Commission" means the Florida Public Service
30 Commission.

31 ~~(5)(4)~~ "Competitive local exchange telecommunications

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1 company" means any company certificated by the commission to
2 provide local exchange telecommunications services in this
3 state on or after July 1, 1995.

4 ~~(6)(5)~~ "Corporation" includes a corporation, company,
5 association, or joint stock association.

6 ~~(7)(6)~~ "Intrastate interexchange telecommunications
7 company" means any entity that provides intrastate
8 interexchange telecommunications services.

9 ~~(8)(7)~~ "Local exchange telecommunications company"
10 means any company certificated by the commission to provide
11 local exchange telecommunications service in this state on or
12 before June 30, 1995.

13 ~~(9)(8)~~ "Monopoly service" means a telecommunications
14 service for which there is no effective competition, either in
15 fact or by operation of law.

16 ~~(10)(9)~~ "Nonbasic service" means any
17 telecommunications service provided by a local exchange
18 telecommunications company other than a basic local
19 telecommunications service, a local interconnection
20 arrangement described in s. 364.16, or a network access
21 service described in s. 364.163.

22 ~~(11)(10)~~ "Operator service" includes, but is not
23 limited to, billing or completion of third-party,
24 person-to-person, collect, or calling card or credit card
25 calls through the use of a live operator or automated
26 equipment.

27 ~~(12)(11)~~ "Operator service provider" means a person
28 who furnishes operator service through a call aggregator.

29 ~~(13)(12)~~ "Service" is to be construed in its broadest
30 and most inclusive sense. The term "service" does not include
31 broadband service or voice-over-Internet protocol service for

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1 purposes of regulation by the commission. Nothing herein shall
2 affect the rights and obligations of any entity related to the
3 payment of switched network access rates or other intercarrier
4 compensation, if any, related to voice-over-Internet protocol
5 service.

6 ~~(14)(13)~~ "Telecommunications company" includes every
7 corporation, partnership, and person and their lessees,
8 trustees, or receivers appointed by any court whatsoever, and
9 every political subdivision in the state, offering two-way
10 telecommunications service to the public for hire within this
11 state by the use of a telecommunications facility. The term
12 "telecommunications company" does not include:

13 (a) An entity which provides a telecommunications
14 facility exclusively to a certificated telecommunications
15 company;

16 (b) An entity which provides a telecommunications
17 facility exclusively to a company which is excluded from the
18 definition of a telecommunications company under this
19 subsection;

20 (c) A commercial mobile radio service provider;

21 (d) A facsimile transmission service;

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

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

26 (g) An intrastate interexchange telecommunications
27 company.

28
29 However, each commercial mobile radio service provider and
30 each intrastate interexchange telecommunications company shall
31 continue to be liable for any taxes imposed under ~~pursuant to~~

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1 chapters 202, 203, and 212 and any fees assessed under
 2 ~~pursuant to~~ ss. 364.025 and 364.336. Each intrastate
 3 interexchange telecommunications company shall continue to be
 4 subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285,
 5 364.501, 364.603, and 364.604, shall provide the commission
 6 with such current information as the commission deems
 7 necessary to contact and communicate with the company, shall
 8 continue to pay intrastate switched network access rates or
 9 other intercarrier compensation to the local exchange
 10 telecommunications company or the competitive local exchange
 11 telecommunications company for the origination and termination
 12 of interexchange telecommunications service, and shall reduce
 13 its intrastate long distance toll rates in accordance with s.
 14 364.163(2).

15 ~~(15)(14)~~ "Telecommunications facility" includes real
 16 estate, easements, apparatus, property, and routes used and
 17 operated to provide two-way telecommunications service to the
 18 public for hire within this state.

19 (16) "VoIP" means the voice-over-Internet protocol as
 20 that term is defined in federal law.

21 Section 6. Section 364.0361, Florida Statutes, is
 22 amended to read:

23 364.0361 Local government authority; nondiscriminatory
 24 exercise.--A local government shall treat each
 25 telecommunications company in a nondiscriminatory manner when
 26 exercising its authority to grant franchises to a
 27 telecommunications company or to otherwise establish
 28 conditions or compensation for the use of rights-of-way or
 29 other public property by a telecommunications company. A local
 30 government may not directly or indirectly regulate the terms
 31 and conditions, including, but not limited to, the operating

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1 systems, qualifications, services, service quality, service
 2 territory, and prices, applicable to or in connection with the
 3 provision of any voice-over-Internet protocol, broadband or
 4 information service, regardless of the platform, provider, or
 5 protocol. This section does not relieve a provider from any
 6 obligations under s. 166.046 or s. 337.401.

7 Section 7. Paragraph (a) of subsection (3) of section
 8 364.10, Florida Statutes, is amended to read:

9 364.10 Undue advantage to person or locality
 10 prohibited; Lifeline service.--

11 (3)(a) Effective September 1, 2003, any local exchange
 12 telecommunications company authorized by the commission to
 13 reduce its switched network access rate under ~~pursuant to~~ s.
 14 364.164 shall have tariffed and shall provide Lifeline service
 15 to any otherwise eligible customer or potential customer who
 16 meets an income eligibility test at 135 ~~125~~ percent or less of
 17 the federal poverty income guidelines for Lifeline customers.
 18 ~~The Such a~~ test for eligibility must augment, rather than
 19 replace, the eligibility standards established by federal law
 20 and based on participation in certain low-income assistance
 21 programs. Each intrastate interexchange telecommunications
 22 company shall, effective September 1, 2003, file a tariff
 23 providing at a minimum the intrastate interexchange
 24 telecommunications carrier's current Lifeline benefits and
 25 exemptions to Lifeline customers who meet the income
 26 eligibility test set forth in this subsection. The Office of
 27 Public Counsel shall certify and maintain claims submitted by
 28 a customer for eligibility under the income test authorized by
 29 this subsection.

30 Section 8. Section 364.502, Florida Statutes, is
 31 repealed.

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1 Section 9. Subsection (6) of section 196.012, Florida
2 Statutes, is amended to read:

3 196.012 Definitions.--For the purpose of this chapter,
4 the following terms are defined as follows, except where the
5 context clearly indicates otherwise:

6 (6) Governmental, municipal, or public purpose or
7 function shall be deemed to be served or performed when the
8 lessee under any leasehold interest created in property of the
9 United States, the state or any of its political subdivisions,
10 or any municipality, agency, special district, authority, or
11 other public body corporate of the state is demonstrated to
12 perform a function or serve a governmental purpose which could
13 properly be performed or served by an appropriate governmental
14 unit or which is demonstrated to perform a function or serve a
15 purpose which would otherwise be a valid subject for the
16 allocation of public funds. For purposes of the preceding
17 sentence, an activity undertaken by a lessee which is
18 permitted under the terms of its lease of real property
19 designated as an aviation area on an airport layout plan which
20 has been approved by the Federal Aviation Administration and
21 which real property is used for the administration, operation,
22 business offices and activities related specifically thereto
23 in connection with the conduct of an aircraft full service
24 fixed base operation which provides goods and services to the
25 general aviation public in the promotion of air commerce shall
26 be deemed an activity which serves a governmental, municipal,
27 or public purpose or function. Any activity undertaken by a
28 lessee which is permitted under the terms of its lease of real
29 property designated as a public airport as defined in s.
30 332.004(14) by municipalities, agencies, special districts,
31 authorities, or other public bodies corporate and public

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1 bodies politic of the state, a spaceport as defined in s.
2 331.303(19), or which is located in a deepwater port
3 identified in s. 403.021(9)(b) and owned by one of the
4 foregoing governmental units, subject to a leasehold or other
5 possessory interest of a nongovernmental lessee that is deemed
6 to perform an aviation, airport, aerospace, maritime, or port
7 purpose or operation shall be deemed an activity that serves a
8 governmental, municipal, or public purpose. The use by a
9 lessee, licensee, or management company of real property or a
10 portion thereof as a convention center, visitor center, sports
11 facility with permanent seating, concert hall, arena, stadium,
12 park, or beach is deemed a use that serves a governmental,
13 municipal, or public purpose or function when access to the
14 property is open to the general public with or without a
15 charge for admission. If property deeded to a municipality by
16 the United States is subject to a requirement that the Federal
17 Government, through a schedule established by the Secretary of
18 the Interior, determine that the property is being maintained
19 for public historic preservation, park, or recreational
20 purposes and if those conditions are not met the property will
21 revert back to the Federal Government, then such property
22 shall be deemed to serve a municipal or public purpose. The
23 term "governmental purpose" also includes a direct use of
24 property on federal lands in connection with the Federal
25 Government's Space Exploration Program or spaceport activities
26 as defined in s. 212.02(22). Real property and tangible
27 personal property owned by the Federal Government or the
28 Florida Space Authority and used for defense and space
29 exploration purposes or which is put to a use in support
30 thereof shall be deemed to perform an essential national
31 governmental purpose and shall be exempt. "Owned by the

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1 lessee" as used in this chapter does not include personal
2 property, buildings, or other real property improvements used
3 for the administration, operation, business offices and
4 activities related specifically thereto in connection with the
5 conduct of an aircraft full service fixed based operation
6 which provides goods and services to the general aviation
7 public in the promotion of air commerce provided that the real
8 property is designated as an aviation area on an airport
9 layout plan approved by the Federal Aviation Administration.
10 For purposes of determination of "ownership," buildings and
11 other real property improvements which will revert to the
12 airport authority or other governmental unit upon expiration
13 of the term of the lease shall be deemed "owned" by the
14 governmental unit and not the lessee. Providing two-way
15 telecommunications services to the public for hire by the use
16 of a telecommunications facility, as defined in s. 364.02(15)
17 ~~s.364.02(14)~~, and for which a certificate is required under
18 chapter 364 does not constitute an exempt use for purposes of
19 s. 196.199, unless the telecommunications services are
20 provided by the operator of a public-use airport, as defined
21 in s. 332.004, for the operator's provision of
22 telecommunications services for the airport or its tenants,
23 concessionaires, or licensees, or unless the
24 telecommunications services are provided by a public hospital.
25 However, property that is being used to provide such
26 telecommunications services on or before October 1, 1997,
27 shall remain exempt, but such exemption expires October 1,
28 2004.

29 Section 10. Paragraph (b) of subsection (1) of section
30 199.183, Florida Statutes, is amended to read:

31 199.183 Taxpayers exempt from annual and nonrecurring

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1 taxes.--

2 (1) Intangible personal property owned by this state
3 or any of its political subdivisions or municipalities shall
4 be exempt from taxation under this chapter. This exemption
5 does not apply to:

6 (b) Property related to the provision of two-way
7 telecommunications services to the public for hire by the use
8 of a telecommunications facility, as defined in s. 364.02(15)
9 ~~s. 364.02(14)~~, and for which a certificate is required under
10 chapter 364, when the ~~such~~ service is provided by any county,
11 municipality, or other political subdivision of the state. Any
12 immunity of any political subdivision of the state or other
13 entity of local government from taxation of the property used
14 to provide telecommunication services that is taxed as a
15 result of this paragraph is hereby waived. However, intangible
16 personal property related to the provision of ~~such~~
17 telecommunications services provided by the operator of a
18 public-use airport, as defined in s. 332.004, for the
19 operator's provision of telecommunications services for the
20 airport or its tenants, concessionaires, or licensees, and
21 intangible personal property related to the provision of ~~such~~
22 telecommunications services provided by a public hospital, are
23 exempt from taxation under this chapter.

24 Section 11. Subsection (6) of section 212.08, Florida
25 Statutes, is amended to read:

26 212.08 Sales, rental, use, consumption, distribution,
27 and storage tax; specified exemptions.--The sale at retail,
28 the rental, the use, the consumption, the distribution, and
29 the storage to be used or consumed in this state of the
30 following are hereby specifically exempt from the tax imposed
31 by this chapter.

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1 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.--There are
2 also exempt from the tax imposed by this chapter sales made to
3 the United States Government, a state, or any county,
4 municipality, or political subdivision of a state when payment
5 is made directly to the dealer by the governmental entity.
6 This exemption shall not inure to any transaction otherwise
7 taxable under this chapter when payment is made by a
8 government employee by any means, including, but not limited
9 to, cash, check, or credit card when that employee is
10 subsequently reimbursed by the governmental entity. This
11 exemption does not include sales of tangible personal property
12 made to contractors employed either directly or as agents of
13 any such government or political subdivision thereof when such
14 tangible personal property goes into or becomes a part of
15 public works owned by such government or political
16 subdivision. A determination whether a particular transaction
17 is properly characterized as an exempt sale to a government
18 entity or a taxable sale to a contractor shall be based on the
19 substance of the transaction rather than the form in which the
20 transaction is cast. The department shall adopt rules that
21 give special consideration to factors that govern the status
22 of the tangible personal property before its affixation to
23 real property. In developing these rules, assumption of the
24 risk of damage or loss is of paramount consideration in the
25 determination. This exemption does not include sales, rental,
26 use, consumption, or storage for use in any political
27 subdivision or municipality in this state of machines and
28 equipment and parts and accessories therefor used in the
29 generation, transmission, or distribution of electrical energy
30 by systems owned and operated by a political subdivision in
31 this state for transmission or distribution expansion.

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1 Likewise exempt are charges for services rendered by radio and
2 television stations, including line charges, talent fees, or
3 license fees and charges for films, videotapes, and
4 transcriptions used in producing radio or television
5 broadcasts. The exemption provided in this subsection does not
6 include sales, rental, use, consumption, or storage for use in
7 any political subdivision or municipality in this state of
8 machines and equipment and parts and accessories therefor used
9 in providing two-way telecommunications services to the public
10 for hire by the use of a telecommunications facility, as
11 defined in s. 364.02(15) ~~s. 364.02(14)~~, and for which a
12 certificate is required under chapter 364, which facility is
13 owned and operated by any county, municipality, or other
14 political subdivision of the state. Any immunity of any
15 political subdivision of the state or other entity of local
16 government from taxation of the property used to provide
17 telecommunication services that is taxed as a result of this
18 section is hereby waived. However, the exemption provided in
19 this subsection includes transactions taxable under this
20 chapter which are for use by the operator of a public-use
21 airport, as defined in s. 332.004, in providing such
22 telecommunications services for the airport or its tenants,
23 concessionaires, or licensees, or which are for use by a
24 public hospital for the provision of such telecommunications
25 services.

26 Section 12. Subsection (8) of section 290.007, Florida
27 Statutes, is amended to read:

28 290.007 State incentives available in enterprise
29 zones.--The following incentives are provided by the state to
30 encourage the revitalization of enterprise zones:

31 (8) Notwithstanding any law to the contrary, the

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1 Public Service Commission may allow public utilities and
 2 telecommunications companies to grant discounts of up to 50
 3 percent on tariffed rates for services to small businesses
 4 located in an enterprise zone designated pursuant to s.
 5 290.0065. Such discounts may be granted for a period not to
 6 exceed 5 years. For purposes of this subsection, the term
 7 "public utility" has the same meaning as in s. 366.02(1) and
 8 the term "telecommunications company" has the same meaning as
 9 in s. 364.02(14) ~~s. 364.02(13)~~.

10 Section 13. Subsection (3) of section 350.0605,
 11 Florida Statutes, is amended to read:

12 350.0605 Former commissioners and employees;
 13 representation of clients before commission.--

14 (3) For a period of 2 years following termination of
 15 service on the commission, a former member may not accept
 16 employment by or compensation from a business entity which,
 17 directly or indirectly, owns or controls a public utility
 18 regulated by the commission, from a public utility regulated
 19 by the commission, from a business entity which, directly or
 20 indirectly, is an affiliate or subsidiary of a public utility
 21 regulated by the commission or is an actual business
 22 competitor of a local exchange company or public utility
 23 regulated by the commission and is otherwise exempt from
 24 regulation by the commission under ss. 364.02(14) ~~364.02(13)~~
 25 and 366.02(1), or from a business entity or trade association
 26 that has been a party to a commission proceeding within the 2
 27 years preceding the member's termination of service on the
 28 commission. This subsection applies only to members of the
 29 Florida Public Service Commission who are appointed or
 30 reappointed after May 10, 1993.

31 Section 14. Subsection (4) of section 364.602, Florida

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1 Statutes, is amended to read:

2 364.602 Definitions.--For purposes of this part:

3 (4) "Originating party" means any person, firm,
4 corporation, or other entity, including a telecommunications
5 company or a billing clearinghouse, that provides any
6 telecommunications service or information service to a
7 customer or bills a customer through a billing party, except
8 the term "originating party" does not include any entity
9 specifically exempted from the definition of
10 "telecommunications company" as provided in s. 364.02(14) ~~s.~~
11 ~~364.02(13)~~.

12 Section 15. Subsection (5) of section 489.103, Florida
13 Statutes, is amended to read:

14 489.103 Exemptions.--This part does not apply to:

15 (5) Public utilities, including special gas districts
16 as defined in chapter 189, telecommunications companies as
17 defined in s. 364.02(14) ~~s. 364.02(13)~~ and natural gas
18 transmission companies as defined in s. 368.103(4), on
19 construction, maintenance, and development work performed by
20 their employees, which work, including, but not limited to,
21 work on bridges, roads, streets, highways, or railroads, is
22 incidental to their business. The board shall define, by rule,
23 the term "incidental to their business" for purposes of this
24 subsection.

25 Section 16. This act shall take effect July 1, 2005.

26
27

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

31

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1 and insert:

2 A bill to be entitled

3 An act relating to telecommunications; amending

4 s. 364.01, F.S.; specifying the exclusive

5 jurisdiction of the Florida Public Service

6 Commission to regulate telecommunications

7 companies; providing that activities regulated

8 by the commission are exempt from ch. 501,

9 F.S., relating to consumer protection;

10 providing that state laws governing business

11 and consumer protection be applied to

12 communications activities that are not

13 regulated by the commission; deleting certain

14 legislative findings with respect to the

15 provision of local telecommunications services;

16 revising provisions governing the exclusive

17 jurisdiction of the commission; creating s.

18 364.011, F.S.; specifying certain services that

19 are exempt from oversight by the commission;

20 creating s. 364.012, F.S.; requiring the

21 commission to coordinate with federal agencies;

22 providing that ch. 364, F.S., does not limit or

23 modify certain duties of a local exchange

24 carrier; creating s. 364.013, F.S.; requiring

25 that broadband service remain free of state and

26 local regulation; requiring that

27 voice-over-Internet protocol remain free of

28 regulation, except as specifically provided in

29 ch. 364, F.S., or by federal law; amending s.

30 364.02, F.S.; defining the terms "broadband

31 service" and "VoIP"; amending s. 364.0361,

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1 F.S.; prohibiting a local government from
2 regulating voice-over-Internet protocol
3 regardless of the platform or provider;
4 amending s. 364.10, F.S.; revising the income
5 threshold for eligibility for Lifeline service;
6 repealing s. 364.502, F.S., relating to video
7 programming services; amending ss. 196.012,
8 199.183, 212.08, 290.007, 350.0605, 364.602,
9 and 489.103, F.S.; conforming cross-references;
10 providing an effective date.

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