

By Senator Constantine

22-1212B-05

1 A bill to be entitled

2 An act relating to telecommunications; amending

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

4 jurisdiction of the Florida Public Service

5 Commission to regulate telecommunications

6 companies; providing that activities regulated

7 by the commission are exempt from ch. 501,

8 F.S., relating to consumer protection;

9 providing that state laws governing business

10 and consumer protection be applied to

11 communications activities that are not

12 regulated by the commission; deleting certain

13 legislative findings with respect to the

14 provision of local telecommunications services;

15 revising provisions governing the exclusive

16 jurisdiction of the commission; creating s.

17 364.011, F.S.; specifying certain services that

18 are exempt from oversight by the commission;

19 creating s. 364.012, F.S.; requiring that the

20 commission promote consistency with federal law

21 and coordination 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.; amending s. 364.02, F.S.;

30 defining the terms "broadband service" and

31 "VoIP"; amending s. 364.0361, F.S.; prohibiting

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

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

14
15 Section 1. Section 364.01, Florida Statutes, is
16 amended to read:

17 364.01 Powers of commission, legislative intent.--

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

21 (2) The Florida Public Service Commission has ~~It is~~
22 ~~the legislative intent to give~~ exclusive jurisdiction in all
23 matters set forth in this chapter to regulate the Florida
24 ~~Public Service Commission in regulating~~ telecommunications
25 companies, and such preemption shall supersede any local or
26 special act or municipal charter where any conflict of
27 authority may exist. However, the provisions of this chapter
28 shall not affect the authority and powers granted in s.
29 166.231(9) or s. 337.401.

30 (3) Activities regulated under laws administered by
31 the Florida Public Service Commission are exempt from chapter

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

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

5 (a) Protect the public health, safety, and welfare by
6 ensuring that basic local telecommunications services, such as
7 dial-tone service, access to 911, local calling, and access to
8 a long-distance network, are available to all consumers in the
9 state at reasonable and affordable prices.

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

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

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

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

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

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1 (g) Ensure that all providers of telecommunications
2 services are treated fairly, by preventing anticompetitive
3 behavior and eliminating unnecessary regulatory restraint.

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

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

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

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

23 (1) Nonbasic telephone services.

24 (2) Broadband services, regardless of the provider or
25 the platform, including, but not limited to, cable modem
26 service, digital subscriber line service, wireless broadband,
27 or satellite.

28 (3) VoIP.

29 (4) Wireless telecommunications.

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

1 364.012 Consistency with federal law.--

2 (1) The commission shall promote and maintain
3 consistency with federal law and policies.

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

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

24 Section 4. Section 364.013, Florida Statutes, is
25 created to read:

26 364.013 Emerging and advanced services.--Broadband
27 service shall remain free of state and local regulation,
28 regardless of the provider or the platform, including, but not
29 limited to, cable modem service, digital subscriber line,
30 wireless, and satellite. In addition, the provision of
31 voice-over-Internet protocol (VoIP) shall be free of

1 regulation, except as delineated in this chapter or as
2 specifically authorized by federal law, regardless of the
3 platform or the provider.

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

6 364.02 Definitions.--As used in this chapter:

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

19 (2) "Broadband service" means any service that
20 consists of or includes the offering of a capability to
21 transmit or receive information at a rate of no fewer than 200
22 kilobits per second and:

23 (a) Is used to provide access to the Internet; or

24 (b) Provides access to computer processing,
25 information storage, information content, or protocol
26 conversion.

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

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

1 ~~(5)~~(4) "Competitive local exchange telecommunications
2 company" means any company certificated by the commission to
3 provide local exchange telecommunications services in this
4 state on or after July 1, 1995.

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

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

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

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

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

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

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

30 ~~(13)~~(12) "Service" is to be construed in its broadest
31 and most inclusive sense. The term "service" does not include

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

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

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

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

21 (c) A commercial mobile radio service provider;

22 (d) A facsimile transmission service;

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

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

27 (g) An intrastate interexchange telecommunications
28 company.

29

30 However, each commercial mobile radio service provider and
31 each intrastate interexchange telecommunications company shall

1 | continue to be liable for any taxes imposed pursuant to
2 | chapters 202, 203 and 212 and any fees assessed pursuant to
3 | ss. 364.025 and 364.336. Each intrastate interexchange
4 | telecommunications company shall continue to be subject to ss.
5 | 364.04, 364.10(3)(a) and (d), 364.163, 364.285, 364.501,
6 | 364.603, and 364.604, shall provide the commission with such
7 | current information as the commission deems necessary to
8 | contact and communicate with the company, shall continue to
9 | pay intrastate switched network access rates or other
10 | intercarrier compensation to the local exchange
11 | telecommunications company or the competitive local exchange
12 | telecommunications company for the origination and termination
13 | of interexchange telecommunications service, and shall reduce
14 | its intrastate long distance toll rates in accordance with s.
15 | 364.163(2).

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

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

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

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

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

9 Section 7. Paragraph (a) of subsection (3) of section
10 364.10, Florida Statutes, is amended to read:

11 364.10 Undue advantage to person or locality
12 prohibited; Lifeline service.--

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

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1 Section 8. Section 364.502, Florida Statutes, is
2 repealed.

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

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

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

1 332.004(14) by municipalities, agencies, special districts,
2 authorities, or other public bodies corporate and public
3 bodies politic of the state, a spaceport as defined in s.
4 331.303(19), or which is located in a deepwater port
5 identified in s. 403.021(9)(b) and owned by one of the
6 foregoing governmental units, subject to a leasehold or other
7 possessory interest of a nongovernmental lessee that is deemed
8 to perform an aviation, airport, aerospace, maritime, or port
9 purpose or operation shall be deemed an activity that serves a
10 governmental, municipal, or public purpose. The use by a
11 lessee, licensee, or management company of real property or a
12 portion thereof as a convention center, visitor center, sports
13 facility with permanent seating, concert hall, arena, stadium,
14 park, or beach is deemed a use that serves a governmental,
15 municipal, or public purpose or function when access to the
16 property is open to the general public with or without a
17 charge for admission. If property deeded to a municipality by
18 the United States is subject to a requirement that the Federal
19 Government, through a schedule established by the Secretary of
20 the Interior, determine that the property is being maintained
21 for public historic preservation, park, or recreational
22 purposes and if those conditions are not met the property will
23 revert back to the Federal Government, then such property
24 shall be deemed to serve a municipal or public purpose. The
25 term "governmental purpose" also includes a direct use of
26 property on federal lands in connection with the Federal
27 Government's Space Exploration Program or spaceport activities
28 as defined in s. 212.02(22). Real property and tangible
29 personal property owned by the Federal Government or the
30 Florida Space Authority and used for defense and space
31 exploration purposes or which is put to a use in support

1 | thereof shall be deemed to perform an essential national
2 | governmental purpose and shall be exempt. "Owned by the
3 | lessee" as used in this chapter does not include personal
4 | property, buildings, or other real property improvements used
5 | for the administration, operation, business offices and
6 | activities related specifically thereto in connection with the
7 | conduct of an aircraft full service fixed based operation
8 | which provides goods and services to the general aviation
9 | public in the promotion of air commerce provided that the real
10 | property is designated as an aviation area on an airport
11 | layout plan approved by the Federal Aviation Administration.
12 | For purposes of determination of "ownership," buildings and
13 | other real property improvements which will revert to the
14 | airport authority or other governmental unit upon expiration
15 | of the term of the lease shall be deemed "owned" by the
16 | governmental unit and not the lessee. Providing two-way
17 | telecommunications services to the public for hire by the use
18 | of a telecommunications facility, as defined in s. 364.02(15)
19 | ~~s. 364.02(14)~~, and for which a certificate is required under
20 | chapter 364 does not constitute an exempt use for purposes of
21 | s. 196.199, unless the telecommunications services are
22 | provided by the operator of a public-use airport, as defined
23 | in s. 332.004, for the operator's provision of
24 | telecommunications services for the airport or its tenants,
25 | concessionaires, or licensees, or unless the
26 | telecommunications services are provided by a public hospital.
27 | However, property that is being used to provide such
28 | telecommunications services on or before October 1, 1997,
29 | shall remain exempt, but such exemption expires October 1,
30 | 2004.
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1 Section 10. Paragraph (b) of subsection (1) of section
2 199.183, Florida Statutes, is amended to read:

3 199.183 Taxpayers exempt from annual and nonrecurring
4 taxes.--

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

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

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

29 212.08 Sales, rental, use, consumption, distribution,
30 and storage tax; specified exemptions.--The sale at retail,
31 the rental, the use, the consumption, the distribution, and

1 | the storage to be used or consumed in this state of the
2 | following are hereby specifically exempt from the tax imposed
3 | by this chapter.

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

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

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

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1 290.007 State incentives available in enterprise
2 zones.--The following incentives are provided by the state to
3 encourage the revitalization of enterprise zones:

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

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

16 350.0605 Former commissioners and employees;
17 representation of clients before commission.--

18 (3) For a period of 2 years following termination of
19 service on the commission, a former member may not accept
20 employment by or compensation from a business entity which,
21 directly or indirectly, owns or controls a public utility
22 regulated by the commission, from a public utility regulated
23 by the commission, from a business entity which, directly or
24 indirectly, is an affiliate or subsidiary of a public utility
25 regulated by the commission or is an actual business
26 competitor of a local exchange company or public utility
27 regulated by the commission and is otherwise exempt from
28 regulation by the commission under ss. 364.02(14) ~~364.02(13)~~
29 and 366.02(1), or from a business entity or trade association
30 that has been a party to a commission proceeding within the 2
31 years preceding the member's termination of service on the

1 | commission. This subsection applies only to members of the
2 | Florida Public Service Commission who are appointed or
3 | reappointed after May 10, 1993.

4 | Section 14. Subsection (4) of section 364.602, Florida
5 | Statutes, is amended to read:

6 | 364.602 Definitions.--For purposes of this part:

7 | (4) "Originating party" means any person, firm,
8 | corporation, or other entity, including a telecommunications
9 | company or a billing clearinghouse, that provides any
10 | telecommunications service or information service to a
11 | customer or bills a customer through a billing party, except
12 | the term "originating party" does not include any entity
13 | specifically exempted from the definition of
14 | "telecommunications company" as provided in s. 364.02(14) ~~s.~~
15 | ~~364.02(13)~~.

16 | Section 15. Subsection (5) of section 489.103, Florida
17 | Statutes, is amended to read:

18 | 489.103 Exemptions.--This part does not apply to:

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

29 | Section 16. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Requires that broadband and certain other telecommunications services be provided free of regulation, except as otherwise provided in ch. 364, F.S. Requires that the Florida Public Service Commission maintain liaisons with federal agencies. Prohibits a local government from regulating voice-over-Internet protocol or other advanced telecommunications, regardless of the platform or provider. Revises the income threshold for eligibility for Lifeline service. Repeals provisions governing video programming services. (See bill for details.)

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