

1 A bill to be entitled

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

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 364.10, Florida Statutes, is amended to
 30 read:

31 364.10 Undue advantage to person or locality prohibited;
 32 Lifeline service.--

33 (1) A telecommunications company may not make or give any
 34 undue or unreasonable preference or advantage to any person or
 35 locality or subject any particular person or locality to any
 36 undue or unreasonable prejudice or disadvantage in any respect
 37 whatsoever.

38 (2)(a) The prohibitions of subsection (1) notwithstanding,
 39 a telecommunications company serving as carrier of last resort
 40 shall provide a Lifeline Assistance Plan to qualified
 41 residential subscribers, as defined in a commission-approved
 42 tariff and a preferential rate to eligible facilities as
 43 provided for in part II.

44 (b) A local exchange telecommunications company shall
 45 offer a consumer who applies for or receives Lifeline service
 46 the option of blocking all toll calls or, if technically
 47 capable, placing a limit on the amount of toll calls a consumer
 48 can make. The local exchange telecommunications company may not
 49 charge the consumer an administrative charge or other additional
 50 fee for blocking the service.

51 (3)(a) Effective September 1, 2003, any local exchange
 52 telecommunications company authorized by the commission to
 53 reduce its switched network access rate under ~~pursuant to~~ s.
 54 364.164 shall have tariffed and shall provide Lifeline service
 55 to any otherwise eligible customer or potential customer who
 56 meets an income eligibility test at 125 percent or less of the

57 federal poverty income guidelines for Lifeline customers. The
58 ~~Such~~ a test for eligibility must augment, rather than replace,
59 the eligibility standards established by federal law and based
60 on participation in certain low-income assistance programs. Each
61 intrastate interexchange telecommunications company shall,
62 effective September 1, 2003, file a tariff providing at a
63 minimum the intrastate interexchange telecommunications
64 carrier's current Lifeline benefits and exemptions to Lifeline
65 customers who meet the income eligibility test set forth in this
66 subsection. The Office of Public Counsel shall certify and
67 maintain claims submitted by a customer for eligibility under
68 the income test authorized by this subsection.

69 (b) Each local exchange telecommunications company subject
70 to this subsection shall provide to each state and federal
71 agency providing benefits to persons eligible for Lifeline
72 service applications, brochures, pamphlets, or other materials
73 that inform the ~~such~~ persons of their eligibility for Lifeline,
74 and each state agency providing the ~~such~~ benefits shall furnish
75 the materials to affected persons at the time they apply for
76 benefits.

77 (c)1. Any local exchange telecommunications company
78 customer receiving Lifeline benefits shall not be subject to any
79 residential basic local telecommunications service rate
80 increases authorized by s. 364.164 until the local exchange
81 telecommunications company reaches parity as defined in s.
82 364.164(5) or until the customer no longer qualifies for the
83 Lifeline benefits established by this section or s. 364.105, or
84 unless otherwise determined by the commission upon petition by a

85 local exchange telecommunications company.

86 2. A local exchange telecommunications company may not
 87 discontinue basic local exchange telephone service to a consumer
 88 who receives Lifeline service because of nonpayment by the
 89 consumer of charges for other services billed by the
 90 telecommunications company, including long-distance service. The
 91 commission shall adopt rules to administer this subparagraph.

92 3. A local exchange telecommunications company may block a
 93 Lifeline service participant's access to all long-distance
 94 service except toll-free numbers when the participant owes an
 95 outstanding amount for long-distance service. The local exchange
 96 telecommunications company shall remove the block without
 97 additional cost to the participant on payment of the outstanding
 98 amount.

99 (d)1. By December 31, 2005 ~~2003~~, each state agency
 100 providing that provides benefits to persons eligible for
 101 Lifeline service shall undertake, in cooperation with the
 102 Department of Children and Family Services, the commission, the
 103 Office of Public Counsel, and telecommunications companies
 104 providing Lifeline services, the development of procedures to
 105 promote Lifeline participation.

106 2. Whenever a state agency determines that a person is
 107 eligible for Lifeline service, the agency must immediately
 108 ensure that the person is automatically enrolled in the Lifeline
 109 service with the appropriate local exchange telecommunications
 110 company. The commission shall adopt rules providing for an
 111 automatic enrollment process in order that eligible customers
 112 receive Lifeline service.

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113 3. The commission, the Department of Children and Family
114 Services, and the Office of Public Counsel shall enter into a
115 memorandum of understanding establishing the respective duties
116 of the commission, the department, and the Public Counsel in
117 relation to the automatic enrollment.

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

123 Section 2. This act shall take effect July 1, 2005.