

By Senator Siplin

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A bill to be entitled

An act relating to Lifeline telecommunications service; amending s. 364.10, F.S.; directing eligible telecommunications carriers to provide Lifeline service to a person 65 years of age or older if the person meets specified income eligibility criteria; requiring the carrier to send brochures, pamphlets, or other materials promoting participation in the Lifeline program to its customers at least once each year in the customer's monthly billing envelope; amending s. 364.02, F.S., relating to definitions; conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (3) of section 364.10, Florida Statutes, is amended to read:

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

(3)(a) Effective September 1, 2003, any local exchange telecommunications company authorized by the commission to reduce its switched network access rate under ~~pursuant to~~ s. 364.164 shall have tariffed and shall provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at 135 percent or less of the federal poverty income guidelines for Lifeline customers. However, the company shall provide Lifeline service to a person 65 years of age or older if the person meets an income eligibility test at 175 percent or less of the federal poverty

1 income guidelines. ~~The Such a~~ test for eligibility must  
2 augment, rather than replace, the eligibility standards  
3 established by federal law and based on participation in  
4 certain low-income assistance programs. Each intrastate  
5 interexchange telecommunications company shall, effective  
6 September 1, 2003, file a tariff providing at a minimum the  
7 intrastate interexchange telecommunications carrier's current  
8 Lifeline benefits and exemptions to Lifeline customers who  
9 meet the income eligibility test set forth in this subsection.  
10 The Office of Public Counsel shall certify and maintain claims  
11 submitted by a customer for eligibility under the income test  
12 authorized by this subsection.

13 (b) Each eligible telecommunications carrier subject  
14 to this subsection shall provide to each state and federal  
15 agency providing benefits to persons eligible for Lifeline  
16 service applications, brochures, pamphlets, or other materials  
17 that inform the persons of their eligibility for Lifeline, and  
18 each state agency providing the benefits shall furnish the  
19 materials to affected persons at the time they apply for  
20 benefits.

21 (c) Each eligible telecommunications carrier subject  
22 to this subsection shall notify its customers of the Lifeline  
23 service and the eligibility criteria for Lifeline  
24 participation. At least once each year, the carrier must  
25 include in the customer's monthly billing envelope the  
26 Lifeline brochures, pamphlets, or other materials promoting  
27 participation in the program.

28 ~~(d)(c)~~ An eligible ~~Any local exchange~~  
29 telecommunications carrier company customer receiving Lifeline  
30 benefits ~~is shall~~ not ~~be~~ subject to any residential basic  
31 local telecommunications service rate increases authorized by

1 s. 364.164 until the local exchange telecommunications company  
2 reaches parity as defined in s. 364.164(5) or until the  
3 customer no longer qualifies for the Lifeline benefits  
4 established by this section or s. 364.105, or unless otherwise  
5 determined by the commission upon petition by a local exchange  
6 telecommunications company.

7 (e)~~(d)~~ An eligible telecommunications carrier may not  
8 discontinue basic local exchange telephone service to a  
9 subscriber who receives Lifeline service because of nonpayment  
10 by the subscriber of charges for nonbasic services billed by  
11 the telecommunications company, including long-distance  
12 service. A subscriber who receives Lifeline service shall be  
13 required to pay all applicable basic local exchange service  
14 fees, including the subscriber line charge, E-911, telephone  
15 relay system charges, and applicable state and federal taxes.

16 (f)~~(e)~~ An eligible telecommunications carrier may not  
17 refuse to connect, reconnect, or provide Lifeline service  
18 because of unpaid toll charges or nonbasic charges other than  
19 basic local exchange service.

20 (g)~~(f)~~ An eligible telecommunications carrier may  
21 require that payment arrangements be made for outstanding debt  
22 associated with basic local exchange service, subscriber line  
23 charges, E-911, telephone relay system charges, and applicable  
24 state and federal taxes.

25 (h)~~(g)~~ An eligible telecommunications carrier may  
26 block a Lifeline service subscriber's access to all  
27 long-distance service, except for toll-free numbers, and may  
28 block the ability to accept collect calls when the subscriber  
29 owes an outstanding amount for long-distance service or  
30 amounts resulting from collect calls. However, the eligible  
31 telecommunications carrier may not impose a charge for

1 blocking long-distance service. The eligible  
2 telecommunications carrier shall remove the block at the  
3 request of the subscriber without additional cost to the  
4 subscriber upon payment of the outstanding amount. An eligible  
5 telecommunications carrier may charge a service deposit before  
6 removing the block.

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

14 (j)~~(i)~~ The commission shall report to the Governor,  
15 the President of the Senate, and the Speaker of the House of  
16 Representatives by December 31 each year on the number of  
17 customers who are subscribing to Lifeline service and the  
18 effectiveness of any procedures to promote participation.

19 (k)~~(j)~~ The commission shall adopt rules to administer  
20 this section.

21 Section 2. Subsection (14) of section 364.02, Florida  
22 Statutes, is amended to read:

23 364.02 Definitions.--As used in this chapter:

24 (14) "Telecommunications company" includes every  
25 corporation, partnership, and person and their lessees,  
26 trustees, or receivers appointed by any court whatsoever, and  
27 every political subdivision in the state, offering two-way  
28 telecommunications service to the public for hire within this  
29 state by the use of a telecommunications facility. The term  
30 "telecommunications company" does not include:

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1           (a) An entity which provides a telecommunications  
2 facility exclusively to a certificated telecommunications  
3 company;

4           (b) An entity which provides a telecommunications  
5 facility exclusively to a company which is excluded from the  
6 definition of a telecommunications company under this  
7 subsection;

8           (c) A commercial mobile radio service provider;

9           (d) A facsimile transmission service;

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

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

14          (g) An intrastate interexchange telecommunications  
15 company.

16  
17 However, each commercial mobile radio service provider and  
18 each intrastate interexchange telecommunications company shall  
19 continue to be liable for any taxes imposed under chapters  
20 202, 203, and 212 and any fees assessed under s. 364.025. Each  
21 intrastate interexchange telecommunications company shall  
22 continue to be subject to ss. 364.04, 364.10(3)(a) and (e)  
23 ~~(d)~~, 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604,  
24 shall provide the commission with the current information as  
25 the commission deems necessary to contact and communicate with  
26 the company, shall continue to pay intrastate switched network  
27 access rates or other intercarrier compensation to the local  
28 exchange telecommunications company or the competitive local  
29 exchange telecommunications company for the origination and  
30 termination of interexchange telecommunications service, and  
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1 shall reduce its intrastate long distance toll rates in  
2 accordance with s. 364.163(2).

3 Section 3. This act shall take effect July 1, 2006.

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6 SENATE SUMMARY

7 Directs eligible telecommunications carriers to provide  
8 Lifeline service to persons 65 years of age or older if a  
9 person meets specified income eligibility criteria.  
10 Requires the carrier to send brochures, pamphlets, or  
11 other materials promoting participation in the Lifeline  
12 program to its customers at least once each year in the  
13 customer's monthly billing envelope.

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