

HB 817

2006

A bill to be entitled

An act relating to telecommunications carriers of last resort; amending s. 364.025, F.S.; providing definitions; providing that a telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the telecommunications carrier to notify the commission when it is relieved of the obligation to provide service; providing an effective date.

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

Section 1. Subsection (6) is added to section 364.025, Florida Statutes, to read:

364.025 Universal service.--

(6) (a) For purposes of this subsection:

1. "Owner or developer" means the owner or developer of a multitenant business or residential property, any condominium association or homeowners' association thereof, or any other person or entity having ownership in or control over the property.

2. "Communications service provider" means any person or entity providing communications services, any person or entity allowing another person or entity to use its communications facilities to provide communications services, or any person or entity securing rights to select communications service

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29 providers for a property owner or developer.

30 3. "Communications service" means those services or
31 combinations of services provided to customers in a multitenant
32 business or residential property, including, but not limited to,
33 voice telecommunications service or voice replacement service,
34 VoIP, broadband service, data service, information service, and
35 cable service.

36 (b) A telecommunications company that is designated as an
37 eligible telecommunications carrier by the commission pursuant
38 to 47 C.F.R. s. 54.201 and is otherwise obligated by this
39 section to serve as the carrier of last resort is not obligated
40 to provide basic local telecommunications service to any
41 customers in a multitenant business or residential property,
42 including, but not limited to, apartments, condominiums,
43 subdivisions, office buildings, or office parks, when the owner
44 or developer thereof:

45 1. Permits only one communications service provider to
46 install its communications service-related facilities or
47 equipment, to the exclusion of an eligible telecommunications
48 carrier, during the construction phase of the property;

49 2. Accepts or agrees to accept incentives or rewards from
50 a communications service provider that are contingent upon the
51 provision of any or all communications services by one or more
52 communications service providers to the exclusion of the
53 eligible telecommunications carrier;

54 3. Collects from the occupants or residents of the
55 property charges for the provision of any communications
56 service, provided by a communications service provider other

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57 than the eligible telecommunications carrier, to the occupants
58 or residents in any manner, including, but not limited to,
59 collection through rent, fees, or dues;

60 4. Restricts or limits an eligible telecommunications
61 carrier's access to the property or enters into an agreement
62 with a communications service provider that restricts or limits
63 an eligible telecommunications carrier's access to the property
64 or that grants incentives or rewards to such owner or developer
65 contingent upon such restriction or limitation; or

66 5. Restricts or limits the types of services that may be
67 provided by an eligible telecommunications carrier or enters
68 into an agreement with a communications service provider which
69 restricts or limits the types of services that may be provided
70 by an eligible telecommunications carrier.

71 (c) If an eligible telecommunications carrier is relieved
72 of its carrier of last resort obligation to provide basic local
73 telecommunications service to the occupants or residents of a
74 multitenant business or residential property pursuant to
75 paragraph (a), the eligible telecommunications carrier shall
76 notify the commission of that fact in a timely manner.

77 (d) Nothing in this subsection affects the limitations on
78 commission jurisdiction imposed by s. 364.011 or s. 364.013.

79 Section 2. This act shall take effect July 1, 2006.