

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to telecommunications carriers of last
7 resort; amending s. 364.025, F.S.; providing definitions;
8 providing that a local exchange telecommunications company
9 obligated to serve as the carrier of last resort is not
10 obligated to provide basic local telecommunications
11 service to customers in a multitenant business or
12 residential property under certain circumstances;
13 requiring the local exchange telecommunications company to
14 notify the Public Service Commission when it is relieved
15 of the obligation to provide service; providing for the
16 local exchange telecommunications company to request a
17 waiver of its carrier of last resort obligation from the
18 commission; providing for carrier of last resort
19 obligation to apply when specified conditions cease to
20 exist; providing for effect of the act on the commission's
21 jurisdiction; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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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 providers for a property owner or developer.

3. "Communications service" means voice service or voice replacement service through the use of any technology.

(b) A local exchange telecommunications company obligated by this section to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to any customers in a multitenant business or residential property, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, when the owner or developer thereof:

1. Permits only one communications service provider to install its communications service-related facilities or equipment, to the exclusion of the local exchange

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52 | telecommunications company, during the construction phase of the
53 | property;

54 | 2. Accepts or agrees to accept incentives or rewards from
55 | a communications service provider that are contingent upon the
56 | provision of any or all communications services by one or more
57 | communications service providers to the exclusion of the local
58 | exchange telecommunications company;

59 | 3. Collects from the occupants or residents of the
60 | property charges for the provision of any communications
61 | service, provided by a communications service provider other
62 | than the local exchange telecommunications company, to the
63 | occupants or residents in any manner, including, but not limited
64 | to, collection through rent, fees, or dues; or

65 | 4. Enters into an agreement with a communications service
66 | provider that grants incentives or rewards to such owner or
67 | developer contingent upon restriction or limitation of the local
68 | exchange telecommunications company's access to the property.

69 | (c) The local exchange telecommunications company relieved
70 | of its carrier of last resort obligation to provide basic local
71 | telecommunications service to the occupants or residents of a
72 | multitenant business or residential property pursuant to
73 | paragraph (b) shall notify the commission of that fact in a
74 | timely manner.

75 | (d) A local exchange telecommunications company that is
76 | not automatically relieved of its carrier-of-last-resort
77 | obligation pursuant to subparagraphs (b)1.-4. may seek a waiver
78 | of its carrier of last resort obligation from the commission for
79 | good cause shown based on the facts and circumstances of

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80 provision of service to the multitenant business or residential
81 property. Upon petition for such relief, notice shall be given
82 by the company at the same time to the relevant building owner
83 or developer. The commission shall have 90 days to act on the
84 petition. The commission shall implement this paragraph through
85 rulemaking.

86 (e) If all conditions described in subparagraphs (b)1.-4.
87 cease to exist at a property, the owner or developer requests in
88 writing that the local exchange telecommunications company make
89 service available to customers at the property and confirms in
90 writing that all conditions described in subparagraphs (b)1.-4.
91 have ceased to exist at the property, and the owner or developer
92 has not arranged and does not intend to arrange with another
93 communications service provider to make communications service
94 available to customers at the property, then the carrier of last
95 resort obligation under this section shall again apply to the
96 local exchange telecommunications company at the property;
97 however, the local exchange telecommunications company may
98 require that the owner or developer pay to the company in
99 advance a reasonable fee to recover costs that exceed the costs
100 that would have been incurred to construct or acquire facilities
101 to serve customers at the property initially, and the company
102 shall have a reasonable period of time following the request
103 from the owner or developer to make arrangements for service
104 availability. If any conditions described in subparagraphs
105 (b)1.-4. again exist at the property, then paragraph (b) shall
106 again apply.

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107 | (f) Nothing in this subsection affects the limitations on
108 | commission jurisdiction imposed by s. 364.011 or s. 364.013.

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