

By Senator Siplin

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1 A bill to be entitled

2 An act relating to Lifeline telecommunications

3 service; amending s. 364.10, F.S.; directing

4 eligible telecommunications carriers to provide

5 specified information concerning Lifeline

6 service to members of the Legislature;

7 requiring certain state agencies to

8 automatically enroll an eligible consumer in

9 the Lifeline service with the appropriate

10 eligible telecommunications carrier; requiring

11 the Public Service Commission, the Department

12 of Children and Family Services, and the Office

13 of Public Counsel to enter into a memorandum of

14 understanding concerning the automatic

15 enrollment of consumers in Lifeline services;

16 requiring each carrier providing Lifeline

17 services to prepare a report each month;

18 providing for the contents of the report;

19 directing each carrier to send the monthly

20 report to the Public Service Commission and the

21 Office of Public Counsel within a specified

22 time; providing an effective date.

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

26 Section 1. Section 364.10, Florida Statutes, is
27 amended to read:

28 364.10 Undue advantage to person or locality
29 prohibited; Lifeline service; monthly reporting.--

30 (1) A telecommunications company may not make or give
31 any undue or unreasonable preference or advantage to any

1 person or locality or subject any particular person or
2 locality to any undue or unreasonable prejudice or
3 disadvantage in any respect whatsoever.

4 (2)(a) ~~Notwithstanding~~ ~~The prohibitions of~~ subsection
5 (1) ~~notwithstanding~~, an eligible telecommunications carrier
6 shall provide a Lifeline Assistance Plan to qualified
7 residential subscribers, as defined in a commission-approved
8 tariff or price list, and a preferential rate to eligible
9 facilities as provided for in part II. For the purposes of
10 this section, the term "eligible telecommunications carrier"
11 means a telecommunications company, as defined by s. 364.02,
12 which is designated as an eligible telecommunications carrier
13 by the commission under ~~pursuant to~~ 47 C.F.R. s. 54.201.

14 (b) An eligible telecommunications carrier shall offer
15 a consumer who applies for or receives Lifeline service the
16 option of blocking all toll calls or, if technically capable,
17 placing a limit on the number of toll calls a consumer can
18 make. The eligible telecommunications carrier may not charge
19 the consumer an administrative charge or other additional fee
20 for blocking the service.

21 (c) An eligible telecommunications carrier may not
22 collect a service deposit in order to initiate Lifeline
23 service if the qualifying low-income consumer voluntarily
24 elects toll blocking or toll limitation. If the qualifying
25 low-income consumer elects not to place toll blocking on the
26 line, an eligible telecommunications carrier may charge a
27 service deposit.

28 (d) An eligible telecommunications carrier may not
29 charge Lifeline subscribers a monthly number-portability
30 charge.

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1 (e)1. An eligible telecommunications carrier must
2 notify a Lifeline subscriber of impending termination of
3 Lifeline service if the company has a reasonable basis for
4 believing that the subscriber no longer qualifies.
5 Notification of pending termination must be in the form of a
6 letter that is separate from the subscriber's bill.

7 2. An eligible telecommunications carrier shall allow
8 a subscriber 60 days following the date of the pending
9 termination letter to demonstrate continued eligibility. The
10 subscriber must present proof of continued eligibility. An
11 eligible telecommunications carrier may transfer a subscriber
12 off of Lifeline service, pursuant to its tariff, if the
13 subscriber fails to demonstrate continued eligibility.

14 3. The commission shall establish procedures for such
15 notification and termination.

16 (f) An eligible telecommunications carrier shall
17 timely credit a consumer's bill with the Lifeline Assistance
18 credit as soon as practicable, but no later than 60 days
19 following receipt of notice of eligibility from the Office of
20 Public Counsel or proof of eligibility from the consumer.

21 (3)(a) Effective September 1, 2003, any local exchange
22 telecommunications company authorized by the commission to
23 reduce its switched network access rate under ~~pursuant to~~ s.
24 364.164 shall have tariffed and shall provide Lifeline service
25 to any otherwise eligible customer or potential customer who
26 meets an income eligibility test at 135 percent or less of the
27 federal poverty income guidelines for Lifeline customers. Such
28 a test for eligibility must augment, rather than replace, the
29 eligibility standards established by federal law and based on
30 participation in certain low-income assistance programs. Each
31 intrastate interexchange telecommunications company shall,

1 | effective September 1, 2003, file a tariff providing at a
2 | minimum the intrastate interexchange telecommunications
3 | carrier's current Lifeline benefits and exemptions to Lifeline
4 | customers who meet the income eligibility test set forth in
5 | this subsection. The Office of Public Counsel shall certify
6 | and maintain claims submitted by a customer for eligibility
7 | under the income test authorized by this subsection.

8 | (b) Each eligible telecommunications carrier subject
9 | to this subsection shall provide to each state and federal
10 | agency providing benefits to persons eligible for Lifeline
11 | service and to members of the Legislature applications,
12 | brochures, pamphlets, or other materials that contain
13 | information concerning the ~~inform the persons of their~~
14 | eligibility criteria for Lifeline, and each state agency
15 | providing the benefits shall furnish the materials to affected
16 | persons at the time they apply for benefits.

17 | (c) Any local exchange telecommunications company
18 | customer receiving Lifeline benefits ~~is shall~~ not ~~be~~ subject
19 | to any residential basic local telecommunications service rate
20 | increases authorized by s. 364.164 until the local exchange
21 | telecommunications company reaches parity as defined in s.
22 | 364.164(5) or until the customer no longer qualifies for the
23 | Lifeline benefits established by this section or s. 364.105,
24 | or unless otherwise determined by the commission upon petition
25 | by a local exchange telecommunications company.

26 | (d) An eligible telecommunications carrier may not
27 | discontinue basic local exchange telephone service to a
28 | subscriber who receives Lifeline service because of nonpayment
29 | by the subscriber of charges for nonbasic services billed by
30 | the telecommunications company, including long-distance
31 | service. A subscriber who receives Lifeline service shall be

1 required to pay all applicable basic local exchange service
2 fees, including the subscriber line charge, E-911, telephone
3 relay system charges, and applicable state and federal taxes.

4 (e) An eligible telecommunications carrier may not
5 refuse to connect, reconnect, or provide Lifeline service
6 because of unpaid toll charges or nonbasic charges other than
7 basic local exchange service.

8 (f) An eligible telecommunications carrier may require
9 that payment arrangements be made for outstanding debt
10 associated with basic local exchange service, subscriber line
11 charges, E-911, telephone relay system charges, and applicable
12 state and federal taxes.

13 (g) An eligible telecommunications carrier may block a
14 Lifeline service subscriber's access to all long-distance
15 service, except for toll-free numbers, and may block the
16 ability to accept collect calls when the subscriber owes an
17 outstanding amount for long-distance service or amounts
18 resulting from collect calls. However, the eligible
19 telecommunications carrier may not impose a charge for
20 blocking long-distance service. The eligible
21 telecommunications carrier shall remove the block at the
22 request of the subscriber without additional cost to the
23 subscriber upon payment of the outstanding amount. An eligible
24 telecommunications carrier may charge a service deposit before
25 removing the block.

26 (h)1. By December 31, 2007 ~~2003~~, each state agency
27 ~~providing that provides~~ benefits to persons eligible for
28 Lifeline service shall undertake, in cooperation with the
29 Department of Children and Family Services, the Department of
30 Education, the commission, the Office of Public Counsel, and
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1 telecommunications companies providing Lifeline services, the
2 development of procedures to promote Lifeline participation.

3 2. If a state agency determines that a person is
4 eligible for Lifeline service, the agency must immediately
5 ensure that the person is automatically enrolled in the
6 Lifeline service with the appropriate eligible
7 telecommunications carrier. The commission shall adopt rules
8 providing for an automatic enrollment process in order that
9 eligible customers receive Lifeline service.

10 3. The commission, the Department of Children and
11 Family Services, and the Office of Public Counsel shall enter
12 into a memorandum of understanding establishing the respective
13 duties of the commission, the department, and the public
14 counsel with respect to the automatic enrollment.

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

20 (j) The commission shall adopt rules to administer
21 this section.

22 (4)(a) Each eligible telecommunications carrier
23 providing Lifeline Assistance services shall prepare a report
24 each month describing participation by the carrier's customers
25 in the Lifeline Assistance program. The report must detail the
26 number of:

27 1. Subscribers who are eligible for Lifeline service
28 based upon income.

29 2. Applications received for new Lifeline service.

30 3. New Lifeline subscribers enrolled.

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