

By Senator Haridopolos

26-01090B-09

20092626\_\_

1                   A bill to be entitled  
2           An act relating to telecommunications companies;  
3           creating the "Consumer Choice and Protection Act";  
4           amending s. 364.01, F.S.; providing that it is the  
5           intent of the Legislature that the Public Service  
6           Commission not regulate Internet protocol-enabled  
7           service, including voice-over-Internet service;  
8           amending s. 364.02, F.S.; redefining the terms "basic  
9           local telecommunications service," "nonbasic service,"  
10          and "telecommunications company" and defining the term  
11          "Internet protocol-enabled service"; amending ss.  
12          364.011 and 364.013, F.S.; exempting Internet  
13          protocol-enabled services from the regulatory  
14          jurisdiction of the Public Service Commission;  
15          amending s. 364.04, F.S.; requiring each  
16          telecommunications company to publish through  
17          electronic or physical media the company's schedules  
18          showing its rates, tolls, rentals, contracts, and  
19          charges; authorizing a telecommunications company to  
20          file the published schedules with the Public Service  
21          Commission or to publish the schedules through other  
22          reasonably publicly accessible means, including on a  
23          website; deleting standards for printing schedules and  
24          notices; amending s. 364.051, F.S.; removing a  
25          limitation on eligibility to request an increase in  
26          basic rates due to storm damage; deleting provisions  
27          relating to rate increases for nonbasic services;  
28          authorizing a telecommunications company to change the  
29          price of a nonbasic service with 1 day's notice;

26-01090B-09

20092626

30 amending s. 364.08, F.S.; prohibiting a  
31 telecommunications company from charging or receiving  
32 compensation for any service other than for the charge  
33 applicable to the service as specified in its schedule  
34 on file or otherwise published; providing an exception  
35 for employee concessions; amending s. 364.10, F.S.;  
36 providing the conditions that require a  
37 telecommunications carrier to provide Lifeline  
38 services to eligible customers; amending s. 364.15,  
39 F.S.; requiring that the Public Service Commission  
40 order only those repairs and improvements to  
41 telecommunications facilities which are authorized  
42 under law; amending s. 364.33, F.S.; providing that a  
43 certificate of necessity may be transferred from a  
44 person holding a certificate to another, and a person  
45 holding a certificate may acquire ownership or control  
46 of a telecommunications facility without prior  
47 approval of the commission; amending ss. 364.335 and  
48 364.345, F.S.; conforming provisions to changes made  
49 in the act; amending s. 364.3376, F.S.; requiring  
50 providers of telephone operator services to comply  
51 with certain enumerated criteria; requiring the  
52 operator services to bill for services in accordance  
53 with published schedules; amending s. 364.3382, F.S.;  
54 requiring each local exchange telecommunications  
55 company to advise each residential customer of the  
56 least-cost service available to that customer when the  
57 residential customer initially requests basic local  
58 telecommunications service; repealing s. 364.09, F.S.,

26-01090B-09

20092626

59 relating to the illegal giving of rebates or special  
60 rates by a telecommunications company; reenacting s.  
61 364.059(1)(a), F.S., relating to petitions filed in a  
62 telecommunication proceeding seeking a stay of an  
63 anticompetitive price reduction, to incorporate the  
64 amendments made to s. 364.051 F.S., in a reference  
65 thereto; amending ss. 196.012, 199.183, 212.08,  
66 290.007, 350.0605, 364.602, and 489.103, F.S.;

67 conforming cross-references; providing an effective  
68 date.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. This act may be cited as the "Consumer Choice  
73 and Protection Act."

74 Section 2. Subsection (3) of section 364.01, Florida  
75 Statutes, is amended to read:

76 364.01 Powers of commission, legislative intent.—

77 (3) Communications activities that are not regulated by the  
78 Florida Public Service Commission, including, but not limited  
79 to, Internet protocol-enabled service such as VoIP, wireless,  
80 and broadband, are subject to this state's generally applicable  
81 business regulation and deceptive trade practices and consumer  
82 protection laws, as enforced by the appropriate state authority  
83 or through actions in the judicial system. This chapter does not  
84 limit the availability to any party of any remedy or defense  
85 under state or federal antitrust laws. The Legislature finds  
86 that the competitive provision of telecommunications services,  
87 including local exchange telecommunications service, is in the

26-01090B-09

20092626\_\_

88 public interest and will provide customers with freedom of  
89 choice, encourage the introduction of new telecommunications  
90 service, encourage technological innovation, and encourage  
91 investment in telecommunications infrastructure. The Legislature  
92 further finds that the transition from the monopoly provision of  
93 local exchange service to the competitive provision thereof will  
94 require appropriate regulatory oversight to protect consumers  
95 and provide for the development of fair and effective  
96 competition, but nothing in this chapter shall limit the  
97 availability to any party of any remedy under state or federal  
98 antitrust laws. The Legislature further finds that changes in  
99 regulations allowing increased competition in telecommunications  
100 services could provide the occasion for increases in the  
101 telecommunications workforce; therefore, it is in the public  
102 interest that competition in telecommunications services lead to  
103 a situation that enhances the high-technological skills and the  
104 economic status of the telecommunications workforce. The  
105 Legislature further finds that the provision of Internet  
106 protocol-enabled service, including voice-over-Internet protocol  
107 (VoIP) free of unnecessary regulation, regardless of the  
108 provider, is in the public interest.

109 Section 3. Section 364.02, Florida Statutes, is amended to  
110 read:

111 364.02 Definitions.—As used in this chapter, the term:

112 (1) "Basic local telecommunications service" means voice-  
113 grade, single-line, flat-rate residential, and ~~flat-rate single-~~  
114 ~~line business~~ local exchange service that provides services  
115 ~~which provide~~ dial tone, local usage necessary to place  
116 unlimited calls within a local exchange area, dual tone

26-01090B-09

20092626

117 multifrequency dialing, and access to the following: emergency  
118 services such as "911," all locally available interexchange  
119 companies, directory assistance, operator services, relay  
120 services, and an alphabetical directory listing. For a local  
121 exchange telecommunications company, the term includes ~~shall~~  
122 ~~include~~ any extended area service routes, and extended calling  
123 service in existence or ordered by the commission on or before  
124 July 1, 1995.

125 (2) "Broadband service" means any service that consists of  
126 or includes the offering of the capability to transmit or  
127 receive information at a rate that is not less than 200 kilobits  
128 per second and either:

129 (a) Is used to provide access to the Internet; or

130 (b) Provides computer processing, information storage,  
131 information content, or protocol conversion in combination with  
132 the service.

133

134 The definition of broadband service does not include any  
135 intrastate telecommunications services that have been tariffed  
136 with the commission on or before January 1, 2005.

137 (3) "Commercial mobile radio service provider" means a  
138 commercial mobile radio service provider as defined by and  
139 pursuant to 47 U.S.C. ss. 153(n) and 332(d).

140 (4) "Commission" means the Florida Public Service  
141 Commission.

142 (5) "Competitive local exchange telecommunications company"  
143 means any company certificated by the commission to provide  
144 local exchange telecommunications services in this state on or  
145 after July 1, 1995.

26-01090B-09

20092626\_\_

146 (6) "Corporation" includes a corporation, company,  
147 association, or joint stock association.

148 (7) "Internet protocol-enabled service" means a service,  
149 capability, functionality, or application that is provided using  
150 Internet protocol or a successor protocol to enable an end user  
151 to send or receive data, video, or voice communications in  
152 Internet protocol format or a successor format.

153 (8)-(7) "Intrastate interexchange telecommunications  
154 company" means any entity that provides intrastate interexchange  
155 telecommunications services.

156 (9)-(8) "Local exchange telecommunications company" means  
157 any company certificated by the commission to provide local  
158 exchange telecommunications service in this state on or before  
159 June 30, 1995.

160 (10)-(9) "Monopoly service" means a telecommunications  
161 service for which there is no effective competition, either in  
162 fact or by operation of law.

163 (11)-(10) "Nonbasic service" means any telecommunications  
164 service provided by a local exchange telecommunications company  
165 other than a basic local telecommunications service, a local  
166 interconnection arrangement described in s. 364.16, or a network  
167 access service described in s. 364.163. Any combination of basic  
168 service along with a nonbasic service or an unregulated service  
169 is nonbasic service.

170 (12)-(11) "Operator service" includes, but is not limited  
171 to, billing or completion of third-party, person-to-person,  
172 collect, or calling card or credit card calls through the use of  
173 a live operator or automated equipment.

174 (13)-(12) "Operator service provider" means a person who

26-01090B-09

20092626

175 furnishes operator service through a call aggregator.

176 (14)~~(13)~~ "Service" is to be construed in its broadest and  
177 most inclusive sense. The term "service" does not include  
178 broadband service or Internet protocol-enabled service,  
179 including voice-over-Internet protocol service for purposes of  
180 regulation by the commission. Nothing herein shall affect the  
181 rights and obligations of any entity related to the payment of  
182 switched network access rates or other intercarrier  
183 compensation, if any, related to Internet protocol-enabled  
184 service, including voice-over-Internet protocol service.  
185 Notwithstanding s. 364.013, and the exemption of services  
186 pursuant to this subsection, the commission may arbitrate,  
187 enforce, or approve interconnection agreements, and resolve  
188 disputes as provided by 47 U.S.C. ss. 251 and 252, or any other  
189 applicable federal law or regulation. With respect to the  
190 services exempted in this subsection, regardless of the  
191 technology, the duties of a local exchange telecommunications  
192 company are only those that the company is obligated to extend  
193 or provide under applicable federal law and regulations.

194 (15)~~(14)~~ "Telecommunications company" includes every  
195 corporation, partnership, and person and their lessees,  
196 trustees, or receivers appointed by any court whatsoever, and  
197 every political subdivision in the state, offering two-way  
198 telecommunications service to the public for hire within this  
199 state by the use of a telecommunications facility. The term  
200 "telecommunications company" does not include:

201 (a) An entity that ~~which~~ provides a telecommunications  
202 facility exclusively to a certificated telecommunications  
203 company;

26-01090B-09

20092626\_\_

- 204 (b) An entity that ~~which~~ provides a telecommunications  
 205 facility exclusively to a company which is excluded from the  
 206 definition of a telecommunications company under this  
 207 subsection;
- 208 (c) A commercial mobile radio service provider;
- 209 (d) A facsimile transmission service;
- 210 (e) A private computer data network company not offering  
 211 service to the public for hire;
- 212 (f) A cable television company providing cable service as  
 213 defined in 47 U.S.C. s. 522; or
- 214 (g) An intrastate interexchange telecommunications company.

215

216 However, each commercial mobile radio service provider and each  
 217 intrastate interexchange telecommunications company shall  
 218 continue to be liable for any taxes imposed under chapters 202,  
 219 203, and 212 and any fees assessed under s. 364.025. Each  
 220 intrastate interexchange telecommunications company shall  
 221 continue to be subject to ss. 364.04, 364.10(3)(a) and (c)~~(d)~~,  
 222 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall  
 223 provide the commission with the current information as the  
 224 commission deems necessary to contact and communicate with the  
 225 company, and shall continue to pay intrastate switched network  
 226 access rates or other intercarrier compensation to the local  
 227 exchange telecommunications company or the competitive local  
 228 exchange telecommunications company for the origination and  
 229 termination of interexchange telecommunications service, ~~and~~  
 230 ~~shall reduce its intrastate long distance toll rates in~~  
 231 ~~accordance with former s. 364.163(2).~~

232 (16)~~(15)~~ "Telecommunications facility" includes real



26-01090B-09

20092626\_\_

233 estate, easements, apparatus, property, and routes used and  
234 operated to provide two-way telecommunications service to the  
235 public for hire within this state.

236 ~~(17)-(16)~~ "VoIP" means the voice-over-Internet protocol as  
237 that term is defined in federal law.

238 Section 4. Section 364.011, Florida Statutes, is amended to  
239 read:

240 364.011 Exemptions from commission jurisdiction.—The  
241 following services are exempt from oversight by the commission,  
242 except to the extent delineated in this chapter ~~or specifically~~  
243 ~~authorized by federal law~~:

244 (1) Intrastate interexchange telecommunications services.

245 (2) Broadband services, regardless of the provider,  
246 platform, or protocol.

247 (3) Internet protocol-enabled services, including VoIP.

248 (4) Wireless telecommunications, including commercial  
249 mobile radio service providers.

250 Section 5. Section 364.013, Florida Statutes, is amended to  
251 read:

252 364.013 Emerging and advanced services.—Broadband service  
253 and the provision of Internet protocol-enabled services,  
254 including voice-over-Internet-protocol (VoIP), are exempt from  
255 commission jurisdiction and shall be free of state regulation,  
256 except as delineated in this chapter ~~or as specifically~~  
257 ~~authorized by federal law~~, regardless of the provider, platform,  
258 or protocol.

259 Section 6. Section 364.04, Florida Statutes, is amended to  
260 read:

261 364.04 Schedules of rates, tolls, rentals, contracts, and

26-01090B-09

20092626

262 charges; filing; public inspection.—

263       (1) ~~Upon order of the commission,~~ Every telecommunications  
264 company shall publish through electronic or physical media file  
265 ~~with the commission, and shall print and keep open to public~~  
266 ~~inspection,~~ schedules showing the rates, tolls, rentals,  
267 contracts, and charges of that company for service to be  
268 performed within the state. A telecommunications company may, as  
269 an option, file the published schedules with the commission or  
270 publish its schedules through other reasonably publicly  
271 accessible means, including on a website. A telecommunications  
272 company that does not file its schedule with the commission  
273 shall inform its customers where a customer may view the  
274 telecommunications company's schedules.

275       (2) The schedule, ~~as printed and open to public inspection,~~  
276 shall plainly state the places ~~between which~~ telecommunications  
277 service will be rendered and shall also state separately all  
278 charges and all privileges or facilities granted or allowed and  
279 any rules or regulations or forms of contract which may in  
280 anywise change, affect, or determine any of the aggregate of the  
281 rates, tolls, rentals, or charges for the service rendered.

282       (3) ~~A schedule shall be plainly printed in large type, and~~  
283 ~~a copy thereof shall be kept by every telecommunications company~~  
284 ~~readily accessible to, and for convenient inspection by, the~~  
285 ~~public at such places as may be designated by the commission.~~  
286 ~~Any such schedule shall be immediately produced by the~~  
287 ~~telecommunications company upon the demand of any person.~~

288       (4) ~~A notice printed in bold type and stating that such~~  
289 ~~schedules are on file and open to inspection by any person, the~~  
290 ~~places where the schedules are kept, and that the agent will~~

26-01090B-09

20092626\_\_

291 ~~assist any person to determine from such schedules any rate,~~  
292 ~~toll, rental, rule, or regulation which is in force shall be~~  
293 ~~kept posted by every telecommunications company as the~~  
294 ~~commission designates.~~

295 Section 7. Paragraph (c) of subsection (1), paragraph (c)  
296 of subsection (2), paragraph (b) of subsection (4), and  
297 subsection (5) of section 364.051, Florida Statutes, are amended  
298 to read:

299 364.051 Price regulation.—

300 (1) SCHEDULE.—Notwithstanding any other provisions of this  
301 chapter, the following local exchange telecommunications  
302 companies shall become subject to the price regulation described  
303 in this section on the following dates:

304 (c) Each company subject to this section is ~~shall be~~ exempt  
305 from rate base, rate of return regulation and the requirements  
306 of ss. 364.03, 364.035, 364.037, 364.05, 364.055, 364.14,  
307 364.17, ~~and~~ 364.18, and 364.19.

308 (2) BASIC LOCAL TELECOMMUNICATIONS SERVICE.—Price  
309 regulation of basic local telecommunications service shall  
310 consist of the following:

311 (c) There shall be a flat-rate pricing option for basic  
312 local telecommunications service ~~services~~, and mandatory  
313 measured service for basic local telecommunications service  
314 ~~services~~ shall not be imposed.

315 (4)

316 (b) For purposes of this section, evidence of damage  
317 occurring to the lines, plants, or facilities of a local  
318 exchange telecommunications company ~~that is subject to the~~  
319 ~~carrier of last resort obligations~~, which damage is the result

26-01090B-09

20092626

320 of a tropical system occurring after June 1, 2005, and named by  
321 the National Hurricane Center, constitutes a compelling showing  
322 of changed circumstances.

323 1. A company may file a petition to recover its intrastate  
324 costs and expenses relating to repairing, restoring, or  
325 replacing the lines, plants, or facilities damaged by a named  
326 tropical system.

327 2. The commission shall verify the intrastate costs and  
328 expenses submitted by the company in support of its petition.

329 3. The company must show and the commission shall determine  
330 whether the intrastate costs and expenses are reasonable under  
331 the circumstances for the named tropical system.

332 4. A company having a storm-reserve fund may recover  
333 tropical-system-related costs and expenses from its customers  
334 only in excess of any amount available in the storm-reserve  
335 fund.

336 5. The commission may determine the amount of any increase  
337 that the company may charge its customers, but the charge per  
338 line item may not exceed 50 cents per month per customer line  
339 for a period of not more than 12 months.

340 6. The commission may order the company to add an equal  
341 line-item charge per access line to the billing statement of the  
342 company's retail basic local telecommunications service  
343 customers, its retail nonbasic telecommunications service  
344 customers, and, to the extent the commission determines  
345 appropriate, its wholesale loop unbundled network element  
346 customers. At the end of the collection period, the commission  
347 shall verify that the collected amount does not exceed the  
348 amount authorized by the order. If collections exceed the

26-01090B-09

20092626\_\_

349 ordered amount, the commission shall order the company to refund  
350 the excess.

351 7. In order to qualify for filing a petition under this  
352 paragraph, a company with 1 million or more access lines, but  
353 fewer than 3 million access lines, must have tropical-system-  
354 related costs and expenses exceeding \$1.5 million, and a company  
355 with 3 million or more access lines must have tropical-system-  
356 related costs and expenses of \$5 million or more. A company with  
357 fewer than 1 million access lines is not required to meet a  
358 minimum damage threshold in order to qualify to file a petition  
359 under this paragraph.

360 8. A company may file only one petition for storm recovery  
361 in any 12-month period for the previous storm season, but the  
362 application may cover damages from more than one named tropical  
363 system.

364  
365 ~~This paragraph is not intended to adversely affect the~~  
366 ~~commission's consideration of any petition for an increase in~~  
367 ~~basic rates to recover costs related to storm damage which was~~  
368 ~~filed before the effective date of this act.~~

369 (5) NONBASIC SERVICES.—Price regulation of nonbasic  
370 services shall consist of the following:

371 (a) Each company subject to this section ~~shall, at its~~  
372 ~~option, maintain tariffs with the commission or otherwise~~  
373 ~~publicly publish the terms, conditions, and rates for each of~~  
374 ~~its nonbasic services, and may set or change, on 1 day's notice,~~  
375 ~~the rate for each of its nonbasic services. For a company~~  
376 ~~electing to publicly publish the terms, conditions, and rates~~  
377 ~~for each of its nonbasic services, the commission may establish~~

26-01090B-09

20092626

378 ~~guidelines for the publication. The guidelines may not require~~  
379 ~~more information than what is required to be filed with a~~  
380 ~~tariff. The price increase for any nonbasic service category~~  
381 ~~shall not exceed 6 percent within a 12-month period until there~~  
382 ~~is another provider providing local telecommunications service~~  
383 ~~in an exchange area at which time the price for any nonbasic~~  
384 ~~service category may be increased in an amount not to exceed 20~~  
385 ~~percent within a 12-month period, and the rate shall be~~  
386 ~~presumptively valid. However, for purposes of this subsection,~~  
387 ~~the prices of:~~

388       1. ~~A voice-grade, flat-rate, multi-line business local~~  
389 ~~exchange service, including multiple individual lines, centrex~~  
390 ~~lines, private branch exchange trunks, and any associated~~  
391 ~~hunting services, that provides dial tone and local usage~~  
392 ~~necessary to place a call within a local exchange calling area;~~  
393 ~~and~~

394       2. ~~Telecommunications services provided under contract~~  
395 ~~service arrangements to the SUNCOM Network, as defined in~~  
396 ~~chapter 282,~~

397  
398 ~~shall be capped at the rates in effect on July 1, 1995, and such~~  
399 ~~rates shall not be increased prior to January 1, 2000; provided,~~  
400 ~~however, that a petition to increase such rates may be filed~~  
401 ~~pursuant to subsection (4) utilizing the standards set forth~~  
402 ~~therein. There shall be a flat-rate pricing option for multi-~~  
403 ~~line business local exchange service, and mandatory measured~~  
404 ~~service for multi-line business local exchange service shall not~~  
405 ~~be imposed. Nothing contained in This chapter does not section~~  
406 ~~shall prevent the local exchange telecommunications company from~~

26-01090B-09

20092626\_\_

407 meeting offerings by any competitive provider of the same, or  
408 functionally equivalent, nonbasic services in a specific  
409 geographic market or to a specific customer by deaveraging the  
410 price of any nonbasic service, packaging nonbasic services  
411 together or with basic services, using volume discounts and term  
412 discounts, and offering individual contracts. However, the local  
413 exchange telecommunications company may ~~shall~~ not engage in any  
414 anticompetitive act or practice or, ~~nor~~ unreasonably  
415 discriminate among similarly situated customers.

416 (b) The commission has ~~shall have~~ continuing regulatory  
417 oversight of nonbasic services for purposes of ~~ensuring~~  
418 ~~resolution of service complaints~~, preventing cross-subsidization  
419 of nonbasic services with revenues from basic services, and  
420 ensuring that all providers are treated fairly in the  
421 telecommunications market. The cost standard for determining  
422 cross-subsidization is whether the total revenue from a nonbasic  
423 service is less than the total long-run incremental cost of the  
424 service. Total long-run incremental cost means service-specific  
425 volume and nonvolume-sensitive costs.

426 ~~(c) The price charged to a consumer for a nonbasic service~~  
427 ~~shall cover the direct costs of providing the service and shall,~~  
428 ~~to the extent a cost is not included in the direct cost, include~~  
429 ~~as an imputed cost the price charged by the company to~~  
430 ~~competitors for any monopoly component used by a competitor in~~  
431 ~~the provision of its same or functionally equivalent service.~~

432 Section 8. Section 364.08, Florida Statutes, is amended to  
433 read:

434 364.08 Unlawful to charge other than schedule rates or  
435 charges; free service and reduced rates prohibited.-

26-01090B-09

20092626\_\_

436 (1) A telecommunications company may not charge, demand,  
437 collect, or receive for any service rendered or to be rendered  
438 any compensation other than the charge applicable to such  
439 service as specified in its schedule on file or otherwise  
440 published and in effect at that time. A telecommunications  
441 company may not ~~refund or remit, directly or indirectly, any~~  
442 ~~portion of the rate or charge so specified or~~ extend to any  
443 person any advantage of contract or agreement or the benefit of  
444 any rule or regulation or any privilege or facility not  
445 regularly and uniformly extended to all persons under like  
446 circumstances for like or substantially similar service.

447 (2) A telecommunications company subject to this chapter  
448 may provide ~~not, directly or indirectly, give any free or~~  
449 ~~reduced service between points within this state. However, it~~  
450 ~~shall be lawful for the commission to authorize~~ employee  
451 concessions without approval by the commission ~~if in the public~~  
452 ~~interest.~~

453 Section 9. Subsection (3) of section 364.10, Florida  
454 Statutes, is amended to read:

455 364.10 Undue advantage to person or locality prohibited;  
456 Lifeline service.-

457 (3) (a) Each ~~Effective September 1, 2003, any~~ local exchange  
458 telecommunications company that has more than 1 million access  
459 lines and that is designated as an eligible telecommunications  
460 carrier ~~authorized by the commission to reduce its switched~~  
461 ~~network access rate pursuant to s. 364.164 shall have tariffed~~  
462 ~~and~~ shall provide Lifeline service to any otherwise eligible  
463 customer or potential customer who meets an income eligibility  
464 test at 135 percent or less of the federal poverty income



26-01090B-09

20092626

465 guidelines for Lifeline customers. Such a test for eligibility  
 466 must augment, rather than replace, the eligibility standards  
 467 established by federal law and based on participation in certain  
 468 low-income assistance programs. Each intrastate interexchange  
 469 telecommunications company shall, ~~effective September 1, 2003,~~  
 470 file or publish a schedule ~~tariff~~ providing at a minimum the  
 471 intrastate interexchange telecommunications carrier's current  
 472 Lifeline benefits and exemptions to Lifeline customers who meet  
 473 the income eligibility test set forth in this subsection. The  
 474 Office of Public Counsel shall certify and maintain claims  
 475 submitted by a customer for eligibility under the income test  
 476 authorized by this subsection.

477 (b) Each eligible telecommunications carrier subject to  
 478 this subsection shall provide to each state and federal agency  
 479 providing benefits to persons eligible for Lifeline service  
 480 applications, brochures, pamphlets, or other materials that  
 481 inform the persons of their eligibility for Lifeline, and each  
 482 state agency providing the benefits shall furnish the materials  
 483 to affected persons at the time they apply for benefits.

484 ~~(c) Any local exchange telecommunications company customer~~  
 485 ~~receiving Lifeline benefits shall not be subject to any~~  
 486 ~~residential basic local telecommunications service rate~~  
 487 ~~increases authorized by s. 364.164 until the local exchange~~  
 488 ~~telecommunications company reaches parity as defined in s.~~  
 489 ~~364.164(5) or until the customer no longer qualifies for the~~  
 490 ~~Lifeline benefits established by this section or s. 364.105, or~~  
 491 ~~unless otherwise determined by the commission upon petition by a~~  
 492 ~~local exchange telecommunications company.~~

493 (c) ~~(d)~~ An eligible telecommunications carrier may not

26-01090B-09

20092626\_\_

494 discontinue basic local exchange telephone service to a  
495 subscriber who receives Lifeline service because of nonpayment  
496 by the subscriber of charges for nonbasic services billed by the  
497 telecommunications company, including long-distance service. A  
498 subscriber who receives Lifeline service shall ~~be required to~~  
499 pay all applicable basic local exchange service fees, including  
500 the subscriber line charge, E-911, telephone relay system  
501 charges, and applicable state and federal taxes.

502 (d)~~(e)~~ An eligible telecommunications carrier may not  
503 refuse to connect, reconnect, or provide Lifeline service  
504 because of unpaid toll charges or nonbasic charges other than  
505 basic local exchange service.

506 (e)~~(f)~~ An eligible telecommunications carrier may require  
507 that payment arrangements be made for outstanding debt  
508 associated with basic local exchange service, subscriber line  
509 charges, E-911, telephone relay system charges, and applicable  
510 state and federal taxes.

511 (f)~~(g)~~ An eligible telecommunications carrier may block a  
512 Lifeline service subscriber's access to all long-distance  
513 service, except for toll-free numbers, and may block the ability  
514 to accept collect calls when the subscriber owes an outstanding  
515 amount for long-distance service or amounts resulting from  
516 collect calls. However, the eligible telecommunications carrier  
517 may not impose a charge for blocking long-distance service. The  
518 eligible telecommunications carrier shall remove the block at  
519 the request of the subscriber without additional cost to the  
520 subscriber upon payment of the outstanding amount. An eligible  
521 telecommunications carrier may charge a service deposit before  
522 removing the block.

26-01090B-09

20092626\_\_

523        (g)~~(h)~~1. By December 31, 2007, each state agency that  
524 provides benefits to persons eligible for Lifeline service shall  
525 undertake, in cooperation with the Department of Children and  
526 Family Services, the Department of Education, the commission,  
527 the Office of Public Counsel, and telecommunications companies  
528 providing Lifeline services, the development of procedures to  
529 promote Lifeline participation.

530        2. If any state agency determines that a person is eligible  
531 for Lifeline services, the agency shall immediately forward the  
532 information to the commission to ensure that the person is  
533 automatically enrolled in the program with the appropriate  
534 eligible telecommunications carrier. The state agency shall  
535 include an option for an eligible customer to choose not to  
536 subscribe to the Lifeline service. The Public Service Commission  
537 and the Department of Children and Family Services shall, no  
538 later than December 31, 2007, adopt rules creating procedures to  
539 automatically enroll eligible customers in Lifeline service.

540        3. The commission, the Department of Children and Family  
541 Services, and the Office of Public Counsel shall enter into a  
542 memorandum of understanding establishing the respective duties  
543 of the commission, the department, and the public counsel with  
544 respect to the automatic enrollment procedures no later than  
545 December 31, 2007.

546        (h)~~(i)~~ The commission shall report to the Governor, the  
547 President of the Senate, and the Speaker of the House of  
548 Representatives by December 31 each year on the number of  
549 customers who are subscribing to Lifeline service and the  
550 effectiveness of any procedures to promote participation.

551        (i)~~(j)~~ The commission shall adopt rules to administer this

26-01090B-09

20092626\_\_

552 section.

553 Section 10. Section 364.15, Florida Statutes, is amended to  
554 read:

555 364.15 Compelling repairs, improvements, changes,  
556 additions, or extensions.—Whenever the commission finds, on its  
557 own motion or upon complaint, that repairs or improvements to,  
558 or changes in, any telecommunications facility ought reasonably  
559 to be made, or that any additions or extensions should  
560 reasonably be made to any telecommunications facility, in order  
561 to promote the security or convenience of the public or  
562 employees or in order to secure adequate service or facilities  
563 for basic local telecommunications services consistent with the  
564 requirements set forth in this chapter, the commission shall  
565 make and serve an order directing that such repairs,  
566 improvements, changes, additions, or extensions be made in the  
567 manner to be specified in the order. This section authorizes the  
568 commission to impose only those requirements that it is  
569 otherwise authorized to impose under this chapter.

570 Section 11. Section 364.33, Florida Statutes, is amended to  
571 read:

572 364.33 Certificate of necessity prerequisite to  
573 construction, operation, or control of telecommunications  
574 facilities.—Except for a transfer of a certificate of necessity  
575 from one person to another as provided in this section, a person  
576 may not begin the construction or operation of any  
577 telecommunications facility, or any extension thereof for the  
578 purpose of providing telecommunications services to the public,  
579 or acquire ownership or control thereof, in whatever manner,  
580 including the acquisition, transfer, or assignment of majority

26-01090B-09

20092626

581 organizational control or controlling stock ownership, without  
582 prior approval. A certificate of necessity may be transferred  
583 from a person holding a certificate to another person holding a  
584 certificate and a person holding a certificate may acquire  
585 ownership or control of a telecommunications facility through  
586 the acquisition, transfer, or assignment of majority  
587 organizational control or controlling stock ownership of a  
588 person holding a certificate without prior approval of the  
589 commission by giving 60 days' written notice of the transfer or  
590 change of control to the commission and affected customers. This  
591 section does not require approval by the commission prior to the  
592 construction, operation, or extension of a facility by a  
593 certificated company within its certificated area nor in any way  
594 limit the commission's ability to review the prudence of such  
595 construction programs for ratemaking as provided under this  
596 chapter.

597 Section 12. Subsection (4) of section 364.335, Florida  
598 Statutes, is amended to read:

599 364.335 Application for certificate.—

600 (4) Except as provided in s. 364.33, revocation,  
601 suspension, transfer, or amendment of a certificate shall be  
602 subject to the provisions of this section; except that, when the  
603 commission initiates the action, the commission shall furnish  
604 notice to the appropriate local government and to the Public  
605 Counsel.

606 Section 13. Section 364.3376, Florida Statutes, is amended  
607 to read:

608 364.3376 Operator services.—

609 (1) (a) A person may not provide operator services as

26-01090B-09

20092626\_\_

610 defined in s. 364.02 without first obtaining from the commission  
611 a certificate of public convenience and necessity as an operator  
612 services provider.

613 (b) This section does not apply to operator services  
614 provided by a local exchange telecommunications company or by an  
615 intrastate interexchange telecommunications company, except as  
616 required by the commission in the public interest.

617 ~~(2) Notwithstanding any finding by the commission that a~~  
618 ~~service or facility is subject to competition and should be~~  
619 ~~regulated pursuant to s. 364.338, All intrastate operator~~  
620 ~~service providers are subject to the jurisdiction of the~~  
621 ~~commission and shall render operator services pursuant to~~  
622 ~~schedules in accordance with s. 364.04 tariffs approved by the~~  
623 ~~commission.~~

624 ~~(3) For operator services, the commission shall establish~~  
625 ~~maximum rates and charges for all providers of such services~~  
626 ~~within the state.~~

627 (3)~~(4)~~ Operator service providers shall:

628 (a) Require operators to:

629 1. Clearly identify the operator service provider to all  
630 end users before the call is made.

631 2. When requested, provide rate and service information.

632 3. When requested, provide the number to call for  
633 complaints and inquiries.

634 4. When requested, provide the procedure for reporting  
635 service difficulties and methods of obtaining refunds.

636 (b) Not intentionally charge for incompletd calls and  
637 provide full refund or credit for any misbilled or incomplete  
638 calls.

26-01090B-09

20092626

639 (c) Bill for services in accordance with their published  
640 schedules ~~approved in their tariff and~~ only at the rates set  
641 forth therein ~~tariff or otherwise approved rate~~, and disclose  
642 their names on bills which include charges for services  
643 rendered.

644 (4)~~(5)~~ Each call aggregator shall post in the immediate  
645 vicinity of each telephone available to the public the name of  
646 the operator service provider, a toll-free customer service  
647 number, a statement that rate quotes are available upon request,  
648 and instructions on how the end user may access other operator  
649 service providers and such other information determined by the  
650 commission to be necessary in the public interest.

651 (5)~~(6)~~ Neither the operator service provider nor the call  
652 aggregator shall block or prevent an end user's access to the  
653 end user's operator service provider of choice, except that the  
654 commission shall grant limited waivers to operator service  
655 providers or call aggregators upon a showing that such waiver is  
656 in the public interest.

657 (6)~~(7)~~ The local exchange telecommunications company shall  
658 not disconnect local service for properly contested nonpayment  
659 of any operator services bill.

660 (7)~~(8)~~ The commission shall adopt and enforce requirements  
661 for the provision of services by operator services companies and  
662 call aggregators.

663 (8)~~(9)~~ Operator service providers and local exchange  
664 companies providing billing and collection services shall ~~only~~  
665 bill and collect only the ~~tariffed~~ rates and charges set forth  
666 in the applicable schedules.

667 (9)~~(10)~~ Notwithstanding any finding by the commission that

26-01090B-09

20092626\_\_

668 ~~a service or facility is subject to competition and should be~~  
 669 ~~regulated pursuant to s. 364.338,~~ A local exchange  
 670 telecommunications company may ~~shall~~ not perform billing and  
 671 collection functions relating to regulated telecommunications  
 672 services provided by an operator services provider unless the  
 673 operator services provider has filed a statement with the local  
 674 exchange telecommunications company signed by a corporate  
 675 officer, or by another authorized person having personal  
 676 knowledge, that all regulated telecommunications services to be  
 677 billed will ~~shall~~ be rendered pursuant to applicable published  
 678 schedules ~~tariffs approved by the commission.~~

679 ~~(10)-(11)~~ The commission shall conduct ~~have the~~  
 680 ~~responsibility for conducting~~ an effective program of random,  
 681 no-notice compliance investigations of the operator services  
 682 providers and call aggregators operating within the state. When  
 683 the commission finds a blocking violation, it shall determine  
 684 whether the blocking is the responsibility of the call  
 685 aggregator or the operator services provider and may fine the  
 686 responsible party in accordance with s. 364.285. Upon the  
 687 failure of the responsible party to correct a violation within a  
 688 mandatory time limit established by the commission or upon a  
 689 proven pattern of intentional blocking, the commission shall  
 690 order the discontinuance of the call aggregator's telephone  
 691 service or revoke the operator services provider's certificate,  
 692 as applicable.

693 Section 14. Section 364.3382, Florida Statutes, is amended  
 694 to read:

695 364.3382 Disclosure.—

696 ~~(1)~~ A local exchange telecommunications company, when a



26-01090B-09

20092626\_\_

697 residential customer initially requests basic local  
698 telecommunications service, shall advise each residential  
699 customer of the least-cost service available to that customer.  
700 ~~Annually, in the form of a bill insert,~~ the local exchange  
701 telecommunications company shall advise each residential  
702 customer of the price of each service option selected by that  
703 customer. The requirement of an annual notice ~~through a bill~~  
704 ~~insert~~ does not apply to interexchange service.

705 ~~(2) Copies of both the written notices and information~~  
706 ~~provided to customer service representatives concerning the~~  
707 ~~disclosure required pursuant to subsection (1) shall be~~  
708 ~~submitted to the commission for prior approval.~~

709 Section 15. Subsection (2) of section 364.345, Florida  
710 Statutes, is amended to read:

711 364.345 Certificates; territory served; transfer.—

712 (2) Except as provided in s. 364.33, a telecommunications  
713 company may not sell, assign, or transfer its certificate or any  
714 portion thereof without:

715 (a) A determination by the commission that the proposed  
716 sale, assignment, or transfer is in the public interest; and

717 (b) The approval of the commission.

718 Section 16. Section 364.09, Florida Statutes, is repealed.

719 Section 17. For the purpose of incorporating the amendment  
720 made by this act to section 364.051, Florida Statutes, in a  
721 reference thereto, paragraph (a) of subsection (1) of section  
722 364.059, Florida Statutes, is reenacted to read:

723 364.059 Procedures for seeking stay; benchmark; criteria.—

724 (1) If a local exchange telecommunications company has  
725 elected, pursuant to s. 364.051(6), to have its basic local

26-01090B-09

20092626

726 telecommunications services treated the same as its nonbasic  
727 services, the following procedures shall be available:

728 (a) Any petition filed by a substantially interested party  
729 against a local exchange telecommunications company seeking a  
730 stay of the effective date of a price reduction for a basic  
731 local telecommunications service, alleging an anticompetitive  
732 price reduction pursuant to s. 364.051(5), s. 364.08, s. 364.09,  
733 s. 364.10, or s. 364.3381, shall be resolved by the commission  
734 pursuant to this section and by an order issued within 45 days  
735 after the date the petition is filed.

736 Section 18. Subsection (6) of section 196.012, Florida  
737 Statutes, is amended to read:

738 196.012 Definitions.—For the purpose of this chapter, the  
739 following terms are defined as follows, except where the context  
740 clearly indicates otherwise:

741 (6) Governmental, municipal, or public purpose or function  
742 shall be deemed to be served or performed when the lessee under  
743 any leasehold interest created in property of the United States,  
744 the state or any of its political subdivisions, or any  
745 municipality, agency, special district, authority, or other  
746 public body corporate of the state is demonstrated to perform a  
747 function or serve a governmental purpose which could properly be  
748 performed or served by an appropriate governmental unit or which  
749 is demonstrated to perform a function or serve a purpose which  
750 would otherwise be a valid subject for the allocation of public  
751 funds. For purposes of the preceding sentence, an activity  
752 undertaken by a lessee which is permitted under the terms of its  
753 lease of real property designated as an aviation area on an  
754 airport layout plan which has been approved by the Federal

26-01090B-09

20092626

755 Aviation Administration and which real property is used for the  
756 administration, operation, business offices and activities  
757 related specifically thereto in connection with the conduct of  
758 an aircraft full service fixed base operation which provides  
759 goods and services to the general aviation public in the  
760 promotion of air commerce shall be deemed an activity which  
761 serves a governmental, municipal, or public purpose or function.  
762 Any activity undertaken by a lessee which is permitted under the  
763 terms of its lease of real property designated as a public  
764 airport as defined in s. 332.004(14) by municipalities,  
765 agencies, special districts, authorities, or other public bodies  
766 corporate and public bodies politic of the state, a spaceport as  
767 defined in s. 331.303, or which is located in a deepwater port  
768 identified in s. 403.021(9)(b) and owned by one of the foregoing  
769 governmental units, subject to a leasehold or other possessory  
770 interest of a nongovernmental lessee that is deemed to perform  
771 an aviation, airport, aerospace, maritime, or port purpose or  
772 operation shall be deemed an activity that serves a  
773 governmental, municipal, or public purpose. The use by a lessee,  
774 licensee, or management company of real property or a portion  
775 thereof as a convention center, visitor center, sports facility  
776 with permanent seating, concert hall, arena, stadium, park, or  
777 beach is deemed a use that serves a governmental, municipal, or  
778 public purpose or function when access to the property is open  
779 to the general public with or without a charge for admission. If  
780 property deeded to a municipality by the United States is  
781 subject to a requirement that the Federal Government, through a  
782 schedule established by the Secretary of the Interior, determine  
783 that the property is being maintained for public historic

26-01090B-09

20092626

784 preservation, park, or recreational purposes and if those  
785 conditions are not met the property will revert back to the  
786 Federal Government, then such property shall be deemed to serve  
787 a municipal or public purpose. The term "governmental purpose"  
788 also includes a direct use of property on federal lands in  
789 connection with the Federal Government's Space Exploration  
790 Program or spaceport activities as defined in s. 212.02(22).  
791 Real property and tangible personal property owned by the  
792 Federal Government or Space Florida and used for defense and  
793 space exploration purposes or which is put to a use in support  
794 thereof shall be deemed to perform an essential national  
795 governmental purpose and shall be exempt. "Owned by the lessee"  
796 as used in this chapter does not include personal property,  
797 buildings, or other real property improvements used for the  
798 administration, operation, business offices and activities  
799 related specifically thereto in connection with the conduct of  
800 an aircraft full service fixed based operation which provides  
801 goods and services to the general aviation public in the  
802 promotion of air commerce provided that the real property is  
803 designated as an aviation area on an airport layout plan  
804 approved by the Federal Aviation Administration. For purposes of  
805 determination of "ownership," buildings and other real property  
806 improvements which will revert to the airport authority or other  
807 governmental unit upon expiration of the term of the lease shall  
808 be deemed "owned" by the governmental unit and not the lessee.  
809 Providing two-way telecommunications services to the public for  
810 hire by the use of a telecommunications facility, as defined in  
811 s. 364.02(16) ~~s. 364.02(15)~~, and for which a certificate is  
812 required under chapter 364 does not constitute an exempt use for

26-01090B-09

20092626\_\_

813 purposes of s. 196.199, unless the telecommunications services  
814 are provided by the operator of a public-use airport, as defined  
815 in s. 332.004, for the operator's provision of  
816 telecommunications services for the airport or its tenants,  
817 concessionaires, or licensees, or unless the telecommunications  
818 services are provided by a public hospital.

819 Section 19. Paragraph (b) of subsection (1) of section  
820 199.183, Florida Statutes, is amended to read:

821 199.183 Taxpayers exempt from nonrecurring taxes.—

822 (1) Intangible personal property owned by this state or any  
823 of its political subdivisions or municipalities shall be exempt  
824 from taxation under this chapter. This exemption does not apply  
825 to:

826 (b) Property related to the provision of two-way  
827 telecommunications services to the public for hire by the use of  
828 a telecommunications facility, as defined in s. 364.02(16) ~~s.~~  
829 ~~364.02(15)~~, and for which a certificate is required under  
830 chapter 364, when the service is provided by any county,  
831 municipality, or other political subdivision of the state. Any  
832 immunity of any political subdivision of the state or other  
833 entity of local government from taxation of the property used to  
834 provide telecommunication services that is taxed as a result of  
835 this paragraph is hereby waived. However, intangible personal  
836 property related to the provision of telecommunications services  
837 provided by the operator of a public-use airport, as defined in  
838 s. 332.004, for the operator's provision of telecommunications  
839 services for the airport or its tenants, concessionaires, or  
840 licensees, and intangible personal property related to the  
841 provision of telecommunications services provided by a public

26-01090B-09

20092626\_\_

842 hospital, are exempt from taxation under this chapter.

843 Section 20. Subsection (6) of section 212.08, Florida  
844 Statutes, is amended to read:

845 212.08 Sales, rental, use, consumption, distribution, and  
846 storage tax; specified exemptions.—The sale at retail, the  
847 rental, the use, the consumption, the distribution, and the  
848 storage to be used or consumed in this state of the following  
849 are hereby specifically exempt from the tax imposed by this  
850 chapter.

851 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also  
852 exempt from the tax imposed by this chapter sales made to the  
853 United States Government, a state, or any county, municipality,  
854 or political subdivision of a state when payment is made  
855 directly to the dealer by the governmental entity. This  
856 exemption shall not inure to any transaction otherwise taxable  
857 under this chapter when payment is made by a government employee  
858 by any means, including, but not limited to, cash, check, or  
859 credit card when that employee is subsequently reimbursed by the  
860 governmental entity. This exemption does not include sales of  
861 tangible personal property made to contractors employed either  
862 directly or as agents of any such government or political  
863 subdivision thereof when such tangible personal property goes  
864 into or becomes a part of public works owned by such government  
865 or political subdivision. A determination whether a particular  
866 transaction is properly characterized as an exempt sale to a  
867 government entity or a taxable sale to a contractor shall be  
868 based on the substance of the transaction rather than the form  
869 in which the transaction is cast. The department shall adopt  
870 rules that give special consideration to factors that govern the

26-01090B-09

20092626

871 status of the tangible personal property before its affixation  
872 to real property. In developing these rules, assumption of the  
873 risk of damage or loss is of paramount consideration in the  
874 determination. This exemption does not include sales, rental,  
875 use, consumption, or storage for use in any political  
876 subdivision or municipality in this state of machines and  
877 equipment and parts and accessories therefor used in the  
878 generation, transmission, or distribution of electrical energy  
879 by systems owned and operated by a political subdivision in this  
880 state for transmission or distribution expansion. Likewise  
881 exempt are charges for services rendered by radio and television  
882 stations, including line charges, talent fees, or license fees  
883 and charges for films, videotapes, and transcriptions used in  
884 producing radio or television broadcasts. The exemption provided  
885 in this subsection does not include sales, rental, use,  
886 consumption, or storage for use in any political subdivision or  
887 municipality in this state of machines and equipment and parts  
888 and accessories therefor used in providing two-way  
889 telecommunications services to the public for hire by the use of  
890 a telecommunications facility, as defined in s. 364.02(16) ~~s.~~  
891 ~~364.02(15)~~, and for which a certificate is required under  
892 chapter 364, which facility is owned and operated by any county,  
893 municipality, or other political subdivision of the state. Any  
894 immunity of any political subdivision of the state or other  
895 entity of local government from taxation of the property used to  
896 provide telecommunication services that is taxed as a result of  
897 this section is hereby waived. However, the exemption provided  
898 in this subsection includes transactions taxable under this  
899 chapter which are for use by the operator of a public-use

26-01090B-09

20092626\_\_

900 airport, as defined in s. 332.004, in providing such  
901 telecommunications services for the airport or its tenants,  
902 concessionaires, or licensees, or which are for use by a public  
903 hospital for the provision of such telecommunications services.

904 Section 21. Subsection (8) of section 290.007, Florida  
905 Statutes, is amended to read:

906 290.007 State incentives available in enterprise zones.—The  
907 following incentives are provided by the state to encourage the  
908 revitalization of enterprise zones:

909 (8) Notwithstanding any law to the contrary, the Public  
910 Service Commission may allow public utilities and  
911 telecommunications companies to grant discounts of up to 50  
912 percent on tariffed rates for services to small businesses  
913 located in an enterprise zone designated pursuant to s.  
914 290.0065. Such discounts may be granted for a period not to  
915 exceed 5 years. For purposes of this subsection, the term  
916 "public utility" has the same meaning as in s. 366.02(1) and the  
917 term "telecommunications company" has the same meaning as in s.  
918 364.02(15) ~~s. 364.02(14)~~.

919 Section 22. Subsection (3) of section 350.0605, Florida  
920 Statutes, is amended to read:

921 350.0605 Former commissioners and employees; representation  
922 of clients before commission.—

923 (3) For a period of 2 years following termination of  
924 service on the commission, a former member may not accept  
925 employment by or compensation from a business entity which,  
926 directly or indirectly, owns or controls a public utility  
927 regulated by the commission, from a public utility regulated by  
928 the commission, from a business entity which, directly or



26-01090B-09

20092626

929 indirectly, is an affiliate or subsidiary of a public utility  
930 regulated by the commission or is an actual business competitor  
931 of a local exchange company or public utility regulated by the  
932 commission and is otherwise exempt from regulation by the  
933 commission under ss. 364.02(15) ~~ss. 364.02(14)~~ and 366.02(1), or  
934 from a business entity or trade association that has been a  
935 party to a commission proceeding within the 2 years preceding  
936 the member's termination of service on the commission. This  
937 subsection applies only to members of the Florida Public Service  
938 Commission who are appointed or reappointed after May 10, 1993.

939 Section 23. Subsection (4) of section 364.602, Florida  
940 Statutes, is amended to read:

941 364.602 Definitions.—For purposes of this part:

942 (4) "Originating party" means any person, firm,  
943 corporation, or other entity, including a telecommunications  
944 company or a billing clearinghouse, that provides any  
945 telecommunications service or information service to a customer  
946 or bills a customer through a billing party, except the term  
947 "originating party" does not include any entity specifically  
948 exempted from the definition of "telecommunications company" as  
949 provided in s. 364.02(15) ~~s. 364.02(14)~~.

950 Section 24. Subsection (5) of section 489.103, Florida  
951 Statutes, is amended to read:

952 489.103 Exemptions.—This part does not apply to:

953 (5) Public utilities, including special gas districts as  
954 defined in chapter 189, telecommunications companies as defined  
955 in s. 364.02(15) ~~s. 364.02(14)~~, and natural gas transmission  
956 companies as defined in s. 368.103(4), on construction,  
957 maintenance, and development work performed by their employees,

26-01090B-09

20092626\_\_

958 which work, including, but not limited to, work on bridges,  
959 roads, streets, highways, or railroads, is incidental to their  
960 business. The board shall define, by rule, the term "incidental  
961 to their business" for purposes of this subsection.

962 Section 25. This act shall take effect July 1, 2009.