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1                   A bill to be entitled  
2           An act relating to telecommunications companies;  
3           creating the "Consumer Choice and Protection Act";  
4           providing legislative findings and intent; authorizing  
5           the Department of Management Services to engage in  
6           certain activities related to assessing the need for  
7           broadband Internet service in the state, planning for  
8           such service, and encouraging the statewide deployment  
9           of such service; authorizing the department to apply  
10          for and accept certain funds; authorizing the  
11          department to enter into contracts; authorizing the  
12          department to establish committees or workgroups;  
13          authorizing the department to adopt rules; amending s.  
14          364.013, F.S.; providing for local interconnection  
15          rights regardless of technology; amending s. 364.02,  
16          F.S.; redefining the terms "basic local  
17          telecommunications service," "nonbasic service," and  
18          "telecommunications company"; amending s. 364.04,  
19          F.S.; requiring each telecommunications company to  
20          publish through electronic or physical media the  
21          company's schedules showing its rates, tolls, rentals,  
22          contracts, and charges; authorizing a  
23          telecommunications company to file the published  
24          schedules with the Public Service Commission or to  
25          publish the schedules through other reasonably  
26          publicly accessible means, including on a website;  
27          deleting standards for printing schedules and notices;  
28          amending s. 364.051, F.S.; removing a limitation on  
29          eligibility to request an increase in basic rates due

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30 to storm damage; providing that the price for any  
31 service that was treated as basic service before a  
32 specified date may not be increased by more than the  
33 amount allowed for basic service; deleting provisions  
34 relating to rate increases for nonbasic services;  
35 amending s. 364.08, F.S.; prohibiting a  
36 telecommunications company from charging or receiving  
37 compensation for any service other than for the charge  
38 applicable to the service as specified in its schedule  
39 on file or otherwise published; providing an exception  
40 for employee concessions; repealing s. 364.09, F.S.,  
41 relating to the illegal giving of rebates or special  
42 rates by a telecommunications company; amending s.  
43 364.10, F.S.; providing the conditions that require a  
44 telecommunications carrier to provide Lifeline  
45 services to eligible customers; amending s. 364.15,  
46 F.S.; requiring that the Public Service Commission  
47 order only those repairs and improvements to  
48 telecommunications facilities which are authorized  
49 under law; amending s. 364.33, F.S.; providing that a  
50 certificate of necessity may be transferred from a  
51 person holding a certificate to another, and a person  
52 holding a certificate may acquire ownership or control  
53 of a telecommunications facility without prior  
54 approval of the commission; amending ss. 364.335 and  
55 364.345, F.S.; conforming provisions to changes made  
56 in the act; amending s. 364.3376, F.S.; requiring  
57 providers of telephone operator services to comply  
58 with certain enumerated criteria; requiring the

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59 operator services to bill for services in accordance  
60 with published schedules; amending s. 364.3382, F.S.;  
61 deleting the requirement that each local exchange  
62 telecommunications company submit to the Public  
63 Service Commission copies of the written notices and  
64 information concerning basic service for prior  
65 approval; amending s. 364.603, F.S.; providing  
66 procedures for resolving complaints regarding  
67 preferred carrier freezes on local exchange service;  
68 amending ss. 364.059 and 364.105, F.S.; conforming  
69 cross-references; providing an effective date.

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

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

75 Section 2. (1) The Legislature finds that broadband  
76 Internet service is critical to the economic development of the  
77 state and is beneficial for libraries, schools, colleges and  
78 universities, health care providers, and community  
79 organizations. The Legislature further finds that barriers exist  
80 to the statewide deployment of broadband Internet service,  
81 especially in rural, unserved, or underserved communities. The  
82 Legislature therefore intends to promote the efficient and  
83 effective deployment of broadband Internet service throughout  
84 the state through a coordinated statewide effort.

85 (2) The Department of Management Services is authorized to  
86 work collaboratively with, and to receive staffing support and  
87 other resources from, Enterprise Florida, Inc., state agencies,

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88 local governments, private businesses, and community  
89 organizations to:

90 (a) Conduct a needs assessment of broadband Internet  
91 service in collaboration with communications service providers,  
92 including, but not limited to, wireless and wireline Internet  
93 service providers, to develop geographical information system  
94 maps at the census tract level that will:

95 1. Identify geographic gaps in broadband services,  
96 including areas unserved by any broadband provider and areas  
97 served by a single broadband provider;

98 2. Identify the download and upload transmission speeds  
99 made available to businesses and individuals in the state, at  
100 the census tract level of detail, using data rate benchmarks for  
101 broadband service used by the Federal Communications Commission  
102 to reflect different speed tiers; and

103 3. Provide a baseline assessment of statewide broadband  
104 deployment in terms of percentage of households with broadband  
105 availability.

106 (b) Create a strategic plan that has goals and strategies  
107 for increasing the use of broadband Internet service in the  
108 state.

109 (c) Build and facilitate local technology planning teams or  
110 partnerships with members representing cross-sections of the  
111 community, which may include, but are not limited to,  
112 representatives from the following organizations and industries:  
113 libraries, K-12 education, colleges and universities, local  
114 health care providers, private businesses, community  
115 organizations, economic development organizations, local  
116 governments, tourism, parks and recreation, and agriculture.

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117 (d) Encourage the use of broadband Internet service,  
118 especially in the rural, unserved, and underserved communities  
119 of the state through grant programs having effective strategies  
120 to facilitate the statewide deployment of broadband Internet  
121 service. For any grants to be awarded, priority must be given to  
122 projects that:

123 1. Provide access to broadband education, awareness,  
124 training, access, equipment, and support to libraries, schools,  
125 colleges and universities, health care providers, and community  
126 support organizations.

127 2. Encourage investments in primarily unserved areas to  
128 give consumers a choice of more than one broadband Internet  
129 service provider.

130 3. Work toward establishing affordable and sustainable  
131 broadband Internet service in unserved areas of the state.

132 4. Facilitate the development of applications, programs,  
133 and services, including, but not limited to, telework,  
134 telemedicine, and e-learning to increase the usage of, and  
135 demand for, broadband Internet service in the state.

136 (3) The department may apply for and accept federal funds  
137 for purposes of this section, as well as gifts and donations  
138 from individuals, foundations, and private organizations.

139 (4) The department is authorized to enter into contracts  
140 necessary or useful to carry out the purposes of this section.

141 (5) The department is authorized to establish any committee  
142 or workgroup to administer and carry out the purposes of this  
143 section.

144 (6) The department is authorized to adopt rules necessary  
145 to carry out the purposes of this section, including, without

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146 limitation, the authority to establish definitions of terms  
147 pertinent to this section.

148 Section 3. Section 364.013, Florida Statutes, is amended to  
149 read:

150 364.013 Emerging and advanced services.—Broadband service  
151 and the provision of voice-over-Internet-protocol (VoIP) are  
152 exempt from commission jurisdiction and shall be free of state  
153 regulation, except as delineated in this chapter ~~or as~~  
154 ~~specifically authorized by federal law~~, regardless of the  
155 provider, platform, or protocol. Notwithstanding the exemptions  
156 in this chapter, a competitive local exchange telecommunications  
157 company is entitled to interconnection with a local exchange  
158 telecommunications company to transmit and route voice traffic  
159 between both the competitive local exchange telecommunications  
160 company and the local exchange telecommunications company  
161 regardless of the technology by which the voice traffic is  
162 originated by and terminated to an end user. The commission  
163 shall afford such competitive local exchange telecommunications  
164 company all substantive and procedural rights available to such  
165 companies regarding interconnection under the law.

166 Section 4. Section 364.02, Florida Statutes, is amended to  
167 read:

168 364.02 Definitions.—As used in this chapter, the term:

169 (1) "Basic local telecommunications service" means voice-  
170 grade, single-line, flat-rate residential, ~~and flat-rate single-~~  
171 ~~line business~~ local exchange service that provides services  
172 ~~which provide~~ dial tone, local usage necessary to place  
173 unlimited calls within a local exchange area, dual tone  
174 multifrequency dialing, and access to the following: emergency

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175 services such as "911," all locally available interexchange  
176 companies, directory assistance, operator services, relay  
177 services, and an alphabetical directory listing. For a local  
178 exchange telecommunications company, the term includes ~~shall~~  
179 ~~include~~ any extended area service routes, and extended calling  
180 service in existence or ordered by the commission on or before  
181 July 1, 1995.

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

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

187 (b) Provides computer processing, information storage,  
188 information content, or protocol conversion in combination with  
189 the service.

190

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

194 (3) "Commercial mobile radio service provider" means a  
195 commercial mobile radio service provider as defined by and  
196 pursuant to 47 U.S.C. ss. 153(27) ~~(n)~~ and 332(d).

197 (4) "Commission" means the Florida Public Service  
198 Commission.

199 (5) "Competitive local exchange telecommunications company"  
200 means any company certificated by the commission to provide  
201 local exchange telecommunications services in this state on or  
202 after July 1, 1995.

203 (6) "Corporation" includes a corporation, company,

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204 association, or joint stock association.

205 (7) "Intrastate interexchange telecommunications company"  
206 means any entity that provides intrastate interexchange  
207 telecommunications services.

208 (8) "Local exchange telecommunications company" means any  
209 company certificated by the commission to provide local exchange  
210 telecommunications service in this state on or before June 30,  
211 1995.

212 (9) "Monopoly service" means a telecommunications service  
213 for which there is no effective competition, either in fact or  
214 by operation of law.

215 (10) "Nonbasic service" means any telecommunications  
216 service provided by a local exchange telecommunications company  
217 other than a basic local telecommunications service, a local  
218 interconnection arrangement described in s. 364.16, or a network  
219 access service described in s. 364.163. Any combination of basic  
220 service along with a nonbasic service or an unregulated service  
221 is nonbasic service.

222 (11) "Operator service" includes, but is not limited to,  
223 billing or completion of third-party, person-to-person, collect,  
224 or calling card or credit card calls through the use of a live  
225 operator or automated equipment.

226 (12) "Operator service provider" means a person who  
227 furnishes operator service through a call aggregator.

228 (13) "Service" is to be construed in its broadest and most  
229 inclusive sense. The term "service" does not include broadband  
230 service or voice-over-Internet protocol service for purposes of  
231 regulation by the commission. Nothing herein shall affect the  
232 rights and obligations of any entity related to the payment of



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233 switched network access rates or other intercarrier  
234 compensation, if any, related to voice-over-Internet protocol  
235 service. Notwithstanding s. 364.013, and the exemption of  
236 services pursuant to this subsection, the commission may  
237 arbitrate, enforce, or approve interconnection agreements, and  
238 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or  
239 any other applicable federal law or regulation. With respect to  
240 the services exempted in this subsection, regardless of the  
241 technology, the duties of a local exchange telecommunications  
242 company are only those that the company is obligated to extend  
243 or provide under applicable federal law and regulations.

244 (14) "Telecommunications company" includes every  
245 corporation, partnership, and person and their lessees,  
246 trustees, or receivers appointed by any court whatsoever, and  
247 every political subdivision in the state, offering two-way  
248 telecommunications service to the public for hire within this  
249 state by the use of a telecommunications facility. The term  
250 "telecommunications company" does not include:

251 (a) An entity that ~~which~~ provides a telecommunications  
252 facility exclusively to a certificated telecommunications  
253 company;

254 (b) An entity that ~~which~~ provides a telecommunications  
255 facility exclusively to a company which is excluded from the  
256 definition of a telecommunications company under this  
257 subsection;

258 (c) A commercial mobile radio service provider;

259 (d) A facsimile transmission service;

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

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

264 (g) An intrastate interexchange telecommunications company.  
265

266 However, each commercial mobile radio service provider and each  
267 intrastate interexchange telecommunications company shall  
268 continue to be liable for any taxes imposed under chapters 202,  
269 203, and 212 and any fees assessed under s. 364.025. Each  
270 intrastate interexchange telecommunications company shall  
271 continue to be subject to ss. 364.04, 364.10(3)(a) and (d),  
272 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall  
273 provide the commission with the current information as the  
274 commission deems necessary to contact and communicate with the  
275 company, and shall continue to pay intrastate switched network  
276 access rates or other intercarrier compensation to the local  
277 exchange telecommunications company or the competitive local  
278 exchange telecommunications company for the origination and  
279 termination of interexchange telecommunications service, ~~and~~  
280 ~~shall reduce its intrastate long distance toll rates in~~  
281 ~~accordance with former s. 364.163(2).~~

282 (15) "Telecommunications facility" includes real estate,  
283 easements, apparatus, property, and routes used and operated to  
284 provide two-way telecommunications service to the public for  
285 hire within this state.

286 (16) "VoIP" means the voice-over-Internet protocol as that  
287 term is defined in federal law.

288 Section 5. Section 364.04, Florida Statutes, is amended to  
289 read:

290 364.04 Schedules of rates, tolls, rentals, ~~contracts,~~ and

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291 charges; filing; public inspection.-

292 (1) ~~Upon order of the commission,~~ Every telecommunications  
293 company shall publish through electronic or physical media file  
294 ~~with the commission, and shall print and keep open to public~~  
295 ~~inspection,~~ schedules showing the rates, tolls, rentals,  
296 ~~contracts,~~ and charges of that company for service to be  
297 performed within the state. A telecommunications company may, as  
298 an option, file the published schedules with the commission or  
299 publish its schedules through other reasonably publicly  
300 accessible means, including on a website. A telecommunications  
301 company that does not file its schedules with the commission  
302 shall inform its customers where a customer may view the  
303 telecommunications company's schedules.

304 (2) The schedules ~~schedule,~~ ~~as printed and open to public~~  
305 ~~inspection,~~ shall plainly state the places ~~between which~~  
306 telecommunications service will be rendered and shall also state  
307 separately all charges and all privileges or facilities granted  
308 or allowed and any rules or regulations or forms of contract  
309 which may in anywise change, affect, or determine any of the  
310 aggregate of the rates, tolls, rentals, or charges for the  
311 service rendered.

312 ~~(3) A schedule shall be plainly printed in large type, and~~  
313 ~~a copy thereof shall be kept by every telecommunications company~~  
314 ~~readily accessible to, and for convenient inspection by, the~~  
315 ~~public at such places as may be designated by the commission.~~  
316 ~~Any such schedule shall be immediately produced by the~~  
317 ~~telecommunications company upon the demand of any person.~~

318 ~~(4) A notice printed in bold type and stating that such~~  
319 ~~schedules are on file and open to inspection by any person, the~~

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320 ~~places where the schedules are kept, and that the agent will~~  
321 ~~assist any person to determine from such schedules any rate,~~  
322 ~~toll, rental, rule, or regulation which is in force shall be~~  
323 ~~kept posted by every telecommunications company as the~~  
324 ~~commission designates.~~

325 Section 6. Paragraph (c) of subsection (1), paragraph (c)  
326 of subsection (2), paragraph (b) of subsection (4), and  
327 subsection (5) of section 364.051, Florida Statutes, are amended  
328 to read:

329 364.051 Price regulation.—

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

334 (c) Each company subject to this section is ~~shall be~~ exempt  
335 from rate base, rate of return regulation, and the requirements  
336 of ss. 364.03, 364.035, 364.037, 364.05, 364.055, 364.14,  
337 364.17, ~~and~~ 364.18, and 364.19.

338 (2) BASIC LOCAL TELECOMMUNICATIONS SERVICE.—Price  
339 regulation of basic local telecommunications service shall  
340 consist of the following:

341 (c) There shall be a flat-rate pricing option for basic  
342 local telecommunications service ~~services~~, and mandatory  
343 measured service for basic local telecommunications service  
344 ~~services~~ shall not be imposed.

345 (4)

346 (b) For purposes of this section, evidence of damage  
347 occurring to the lines, plants, or facilities of a local  
348 exchange telecommunications company ~~that is subject to the~~

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349 ~~carrier-of-last-resort obligations~~, which damage is the result  
350 of a tropical system occurring after June 1, 2005, and named by  
351 the National Hurricane Center, constitutes a compelling showing  
352 of changed circumstances.

353 1. A company may file a petition to recover its intrastate  
354 costs and expenses relating to repairing, restoring, or  
355 replacing the lines, plants, or facilities damaged by a named  
356 tropical system.

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

359 3. The company must show and the commission shall determine  
360 whether the intrastate costs and expenses are reasonable under  
361 the circumstances for the named tropical system.

362 4. A company having a storm-reserve fund may recover  
363 tropical-system-related costs and expenses from its customers  
364 only in excess of any amount available in the storm-reserve  
365 fund.

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

370 6. The commission may order the company to add an equal  
371 line-item charge per access line to the billing statement of the  
372 company's retail basic local telecommunications service  
373 customers, its retail nonbasic telecommunications service  
374 customers, and, to the extent the commission determines  
375 appropriate, its wholesale loop unbundled network element  
376 customers. At the end of the collection period, the commission  
377 shall verify that the collected amount does not exceed the

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378 amount authorized by the order. If collections exceed the  
379 ordered amount, the commission shall order the company to refund  
380 the excess.

381 7. In order to qualify for filing a petition under this  
382 paragraph, a company with 1 million or more access lines, but  
383 fewer than 3 million access lines, must have tropical-system-  
384 related costs and expenses exceeding \$1.5 million, and a company  
385 with 3 million or more access lines must have tropical-system-  
386 related costs and expenses of \$5 million or more. A company with  
387 fewer than 1 million access lines is not required to meet a  
388 minimum damage threshold in order to qualify to file a petition  
389 under this paragraph.

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

394  
395 ~~This paragraph is not intended to adversely affect the~~  
396 ~~commission's consideration of any petition for an increase in~~  
397 ~~basic rates to recover costs related to storm damage which was~~  
398 ~~filed before the effective date of this act.~~

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

401 (a) Each company subject to this section shall, at its  
402 option, maintain tariffs with the commission or otherwise  
403 publicly publish the terms, conditions, and rates for each of  
404 its nonbasic services, and may set or change, on 1 day's notice,  
405 the rate for each of its nonbasic services. ~~For a company~~  
406 ~~electing to publicly publish the terms, conditions, and rates~~

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407 ~~for each of its nonbasic services, the commission may establish~~  
408 ~~guidelines for the publication. The guidelines may not require~~  
409 ~~more information than what is required to be filed with a~~  
410 ~~tariff.~~ The price increase for any nonbasic service category  
411 shall not exceed 6 percent within a 12-month period until there  
412 is another provider providing local telecommunications service  
413 in an exchange area at which time the price for any nonbasic  
414 service category may be increased in an amount not to exceed 10  
415 ~~20~~ percent within a 12-month period, and the rate shall be  
416 presumptively valid. However, the price for any service that was  
417 treated as basic service before July 1, 2009, may not be  
418 increased by more than the amount allowed for basic service as  
419 provided in subsection (2). ~~However, for purposes of this~~  
420 ~~subsection, the prices of:~~

421 1. ~~A voice grade, flat-rate, multi-line business local~~  
422 ~~exchange service, including multiple individual lines, centrex~~  
423 ~~lines, private branch exchange trunks, and any associated~~  
424 ~~hunting services, that provides dial tone and local usage~~  
425 ~~necessary to place a call within a local exchange calling area;~~  
426 ~~and~~

427 2. ~~Telecommunications services provided under contract~~  
428 ~~service arrangements to the SUNCOM Network, as defined in~~  
429 ~~chapter 282,~~

430  
431 ~~shall be capped at the rates in effect on July 1, 1995, and such~~  
432 ~~rates shall not be increased prior to January 1, 2000; provided,~~  
433 ~~however, that a petition to increase such rates may be filed~~  
434 ~~pursuant to subsection (4) utilizing the standards set forth~~  
435 ~~therein. There shall be a flat-rate pricing option for multi-~~

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436 ~~line business local exchange service, and mandatory measured~~  
437 ~~service for multi-line business local exchange service shall not~~  
438 ~~be imposed. Nothing contained in This chapter does not section~~  
439 ~~shall~~ prevent the local exchange telecommunications company from  
440 meeting offerings by any competitive provider of the same, or  
441 functionally equivalent, nonbasic services in a specific  
442 geographic market or to a specific customer by deaveraging the  
443 price of any nonbasic service, packaging nonbasic services  
444 together or with basic services, using volume discounts and term  
445 discounts, and offering individual contracts. However, the local  
446 exchange telecommunications company may ~~shall~~ not engage in any  
447 anticompetitive act or practice or, ~~nor~~ unreasonably  
448 discriminate among similarly situated customers.

449 (b) The commission has ~~shall have~~ continuing regulatory  
450 oversight of nonbasic services for purposes of ensuring  
451 ~~resolution of service complaints,~~ preventing cross-subsidization  
452 of nonbasic services with revenues from basic services, and  
453 ensuring that all providers are treated fairly in the  
454 telecommunications market. The price charged to a consumer for a  
455 nonbasic service shall cover the direct costs of providing the  
456 service. The cost standard for determining cross-subsidization  
457 is whether the total revenue from a nonbasic service is less  
458 than the total long-run incremental cost of the service. Total  
459 long-run incremental cost means service-specific volume and  
460 nonvolume-sensitive costs.

461 ~~(c) The price charged to a consumer for a nonbasic service~~  
462 ~~shall cover the direct costs of providing the service and shall,~~  
463 ~~to the extent a cost is not included in the direct cost, include~~  
464 ~~as an imputed cost the price charged by the company to~~



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465 ~~competitors for any monopoly component used by a competitor in~~  
466 ~~the provision of its same or functionally equivalent service.~~

467 Section 7. Section 364.08, Florida Statutes, is amended to  
468 read:

469 364.08 Unlawful to charge other than schedule rates or  
470 charges; free service and reduced rates prohibited.—

471 (1) A telecommunications company may not charge, demand,  
472 collect, or receive for any service rendered or to be rendered  
473 any compensation other than the charge applicable to such  
474 service as specified in its schedule on file or otherwise  
475 published and in effect at that time. A telecommunications  
476 company may not ~~refund or remit, directly or indirectly, any~~  
477 ~~portion of the rate or charge so specified or extend to any~~  
478 person any advantage of contract or agreement or the benefit of  
479 any rule or regulation or any privilege or facility not  
480 regularly and uniformly extended to all persons under like  
481 circumstances for like or substantially similar service.

482 (2) A telecommunications company subject to this chapter  
483 may provide ~~not, directly or indirectly, give any free or~~  
484 ~~reduced service between points within this state. However, it~~  
485 ~~shall be lawful for the commission to authorize~~ employee  
486 concessions without approval by the commission ~~if in the public~~  
487 ~~interest.~~

488 Section 8. Section 364.09, Florida Statutes, is repealed.

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

491 364.10 Undue advantage to person or locality prohibited;  
492 Lifeline service.—

493 (3) (a) Each ~~Effective September 1, 2003, any~~ local exchange

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494 telecommunications company that has more than 1 million access  
495 lines and that is designated as an eligible telecommunications  
496 carrier authorized by the commission to reduce its switched  
497 network access rate pursuant to s. 364.164 shall have tariffed  
498 ~~and~~ shall provide Lifeline service to any otherwise eligible  
499 customer or potential customer who meets an income eligibility  
500 test at 150 ~~135~~ percent or less of the federal poverty income  
501 guidelines for Lifeline customers. Such a test for eligibility  
502 must augment, rather than replace, the eligibility standards  
503 established by federal law and based on participation in certain  
504 low-income assistance programs. Each intrastate interexchange  
505 telecommunications company shall, ~~effective September 1, 2003,~~  
506 file or publish a schedule tariff providing at a minimum the  
507 intrastate interexchange telecommunications carrier's current  
508 Lifeline benefits and exemptions to Lifeline customers who meet  
509 the income eligibility test set forth in this subsection. The  
510 Office of Public Counsel shall certify and maintain claims  
511 submitted by a customer for eligibility under the income test  
512 authorized by this subsection.

513 (b) Each eligible telecommunications carrier subject to  
514 this subsection shall provide to each state and federal agency  
515 providing benefits to persons eligible for Lifeline service  
516 applications, brochures, pamphlets, or other materials that  
517 inform the persons of their eligibility for Lifeline, and each  
518 state agency providing the benefits shall furnish the materials  
519 to affected persons at the time they apply for benefits.

520 (c) Any local exchange telecommunications company customer  
521 receiving Lifeline benefits shall not be subject to any  
522 residential basic local telecommunications service rate

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523 increases authorized by s. 364.164 until the local exchange  
524 telecommunications company reaches parity as defined in s.  
525 364.164(5) or until the customer no longer qualifies for the  
526 Lifeline benefits established by this section or s. 364.105, or  
527 unless otherwise determined by the commission upon petition by a  
528 local exchange telecommunications company.

529 (d) An eligible telecommunications carrier may not  
530 discontinue basic local exchange telephone service to a  
531 subscriber who receives Lifeline service because of nonpayment  
532 by the subscriber of charges for nonbasic services billed by the  
533 telecommunications company, including long-distance service. A  
534 subscriber who receives Lifeline service shall ~~be required to~~  
535 pay all applicable basic local exchange service fees, including  
536 the subscriber line charge, E-911, telephone relay system  
537 charges, and applicable state and federal taxes.

538 (e) An eligible telecommunications carrier may not refuse  
539 to connect, reconnect, or provide Lifeline service because of  
540 unpaid toll charges or nonbasic charges other than basic local  
541 exchange service.

542 (f) An eligible telecommunications carrier may require that  
543 payment arrangements be made for outstanding debt associated  
544 with basic local exchange service, subscriber line charges, E-  
545 911, telephone relay system charges, and applicable state and  
546 federal taxes.

547 (g) An eligible telecommunications carrier may block a  
548 Lifeline service subscriber's access to all long-distance  
549 service, except for toll-free numbers, and may block the ability  
550 to accept collect calls when the subscriber owes an outstanding  
551 amount for long-distance service or amounts resulting from

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552 collect calls. However, the eligible telecommunications carrier  
553 may not impose a charge for blocking long-distance service. The  
554 eligible telecommunications carrier shall remove the block at  
555 the request of the subscriber without additional cost to the  
556 subscriber upon payment of the outstanding amount. An eligible  
557 telecommunications carrier may charge a service deposit before  
558 removing the block.

559 (h)1. By December 31, 2007, each state agency that provides  
560 benefits to persons eligible for Lifeline service shall  
561 undertake, in cooperation with the Department of Children and  
562 Family Services, the Department of Education, the commission,  
563 the Office of Public Counsel, and telecommunications companies  
564 providing Lifeline services, the development of procedures to  
565 promote Lifeline participation.

566 2. If any state agency determines that a person is eligible  
567 for Lifeline services, the agency shall immediately forward the  
568 information to the commission to ensure that the person is  
569 automatically enrolled in the program with the appropriate  
570 eligible telecommunications carrier. The state agency shall  
571 include an option for an eligible customer to choose not to  
572 subscribe to the Lifeline service. The Public Service Commission  
573 and the Department of Children and Family Services shall, no  
574 later than December 31, 2007, adopt rules creating procedures to  
575 automatically enroll eligible customers in Lifeline service.

576 3. The commission, the Department of Children and Family  
577 Services, and the Office of Public Counsel shall enter into a  
578 memorandum of understanding establishing the respective duties  
579 of the commission, the department, and the public counsel with  
580 respect to the automatic enrollment procedures no later than

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581 December 31, 2007.

582 (i) The commission shall report to the Governor, the  
583 President of the Senate, and the Speaker of the House of  
584 Representatives by December 31 each year on the number of  
585 customers who are subscribing to Lifeline service and the  
586 effectiveness of any procedures to promote participation.

587 (j) The commission shall adopt rules to administer this  
588 section.

589 Section 10. Section 364.15, Florida Statutes, is amended to  
590 read:

591 364.15 Compelling repairs, improvements, changes,  
592 additions, or extensions.—Whenever the commission finds, on its  
593 own motion or upon complaint, that repairs or improvements to,  
594 or changes in, any telecommunications facility ought reasonably  
595 to be made, or that any additions or extensions should  
596 reasonably be made to any telecommunications facility, in order  
597 to promote the security or convenience of the public or  
598 employees or in order to secure adequate service or facilities  
599 for basic local telecommunications services consistent with the  
600 requirements set forth in this chapter, the commission shall  
601 make and serve an order directing that such repairs,  
602 improvements, changes, additions, or extensions be made in the  
603 manner to be specified in the order. This section authorizes the  
604 commission to impose only those requirements that it is  
605 otherwise authorized to impose under this chapter.

606 Section 11. Section 364.33, Florida Statutes, is amended to  
607 read:

608 364.33 Certificate of necessity prerequisite to  
609 construction, operation, or control of telecommunications

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610 facilities.—Except for a transfer of a certificate of necessity  
611 from one person to another or to the parent or affiliate of a  
612 certificated person as provided in this section, a person may  
613 not begin the construction or operation of any  
614 telecommunications facility, or any extension thereof for the  
615 purpose of providing telecommunications services to the public,  
616 or acquire ownership or control thereof, in whatever manner,  
617 including the acquisition, transfer, or assignment of majority  
618 organizational control or controlling stock ownership, without  
619 prior approval. A certificate of necessity or control thereof  
620 may be transferred from a person holding a certificate, its  
621 parent or an affiliate to another person holding a certificate,  
622 its parent or an affiliate and a person holding a certificate,  
623 its parent or an affiliate may acquire ownership or control of a  
624 telecommunications facility through the acquisition, transfer,  
625 or assignment of majority organizational control or controlling  
626 stock ownership of a person holding a certificate without prior  
627 approval of the commission by giving 60 days' written notice of  
628 the transfer or change of control to the commission and affected  
629 customers. This section does not require approval by the  
630 commission prior to the construction, operation, or extension of  
631 a facility by a certificated company within its certificated  
632 area nor in any way limit the commission's ability to review the  
633 prudence of such construction programs for ratemaking as  
634 provided under this chapter.

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

637 364.335 Application for certificate.—

638 (4) Except as provided in s. 364.33, revocation,

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639 suspension, transfer, or amendment of a certificate shall be  
640 subject to the provisions of this section; except that, when the  
641 commission initiates the action, the commission shall furnish  
642 notice to the appropriate local government and to the Public  
643 Counsel.

644 Section 13. Section 364.3376, Florida Statutes, is amended  
645 to read:

646 364.3376 Operator services.—

647 (1) (a) A person may not provide operator services as  
648 defined in s. 364.02 without first obtaining from the commission  
649 a certificate of public convenience and necessity as an operator  
650 services provider.

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

655 ~~(2) Notwithstanding any finding by the commission that a~~  
656 ~~service or facility is subject to competition and should be~~  
657 ~~regulated pursuant to s. 364.338, All intrastate operator~~  
658 ~~service providers are subject to the jurisdiction of the~~  
659 ~~commission and shall render operator services pursuant to~~  
660 ~~schedules in accordance with s. 364.04 tariffs approved by the~~  
661 ~~commission.~~

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

665 (3)~~(4)~~ Operator service providers shall:

666 (a) Require operators to:

667 1. Clearly identify the operator service provider to all

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668 end users before the call is made.

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

670 3. When requested, provide the number to call for  
671 complaints and inquiries.

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

674 (b) Not intentionally charge for incompletd calls and  
675 provide full refund or credit for any misbilled or incomplete  
676 calls.

677 (c) Bill for services in accordance with their published  
678 schedules ~~approved in their tariff and only at the rates set~~  
679 forth therein ~~tariff or otherwise approved rate~~, and disclose  
680 their names on bills which include charges for services  
681 rendered.

682 (4)~~(5)~~ Each call aggregator shall post in the immediate  
683 vicinity of each telephone available to the public the name of  
684 the operator service provider, a toll-free customer service  
685 number, a statement that rate quotes are available upon request,  
686 and instructions on how the end user may access other operator  
687 service providers and such other information determined by the  
688 commission to be necessary in the public interest.

689 (5)~~(6)~~ Neither the operator service provider nor the call  
690 aggregator shall block or prevent an end user's access to the  
691 end user's operator service provider of choice, except that the  
692 commission shall grant limited waivers to operator service  
693 providers or call aggregators upon a showing that such waiver is  
694 in the public interest.

695 (6)~~(7)~~ The local exchange telecommunications company shall  
696 not disconnect local service for properly contested nonpayment



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697 of any operator services bill.

698 ~~(7)(8)~~ The commission shall adopt and enforce requirements  
699 for the provision of services by operator services companies and  
700 call aggregators.

701 ~~(8)(9)~~ Operator service providers and local exchange  
702 companies providing billing and collection services shall ~~only~~  
703 bill and collect only the ~~tariffed~~ rates and charges set forth  
704 in the applicable schedules.

705 ~~(9)(10)~~ ~~Notwithstanding any finding by the commission that~~  
706 ~~a service or facility is subject to competition and should be~~  
707 ~~regulated pursuant to s. 364.338,~~ A local exchange  
708 telecommunications company may ~~shall~~ not perform billing and  
709 collection functions relating to regulated telecommunications  
710 services provided by an operator services provider unless the  
711 operator services provider has filed a statement with the local  
712 exchange telecommunications company signed by a corporate  
713 officer, or by another authorized person having personal  
714 knowledge, that all regulated telecommunications services to be  
715 billed will ~~shall~~ be rendered pursuant to applicable published  
716 schedules ~~tariffs approved by the commission~~.

717 ~~(10)(11)~~ The commission shall conduct ~~have the~~  
718 ~~responsibility for conducting~~ an effective program of random,  
719 no-notice compliance investigations of the operator services  
720 providers and call aggregators operating within the state. When  
721 the commission finds a blocking violation, it shall determine  
722 whether the blocking is the responsibility of the call  
723 aggregator or the operator services provider and may fine the  
724 responsible party in accordance with s. 364.285. Upon the  
725 failure of the responsible party to correct a violation within a

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726 mandatory time limit established by the commission or upon a  
727 proven pattern of intentional blocking, the commission shall  
728 order the discontinuance of the call aggregator's telephone  
729 service or revoke the operator services provider's certificate,  
730 as applicable.

731 Section 14. Section 364.3382, Florida Statutes, is amended  
732 to read:

733 364.3382 Disclosure.—

734 ~~(1)~~ A local exchange telecommunications company, when a  
735 residential customer initially requests service, shall advise  
736 each residential customer of the least-cost service available to  
737 that customer. ~~Annually, in the form of a bill insert,~~ the local  
738 exchange telecommunications company shall advise each  
739 residential customer of the price of each service option  
740 selected by that customer. The requirement of an annual notice  
741 ~~through a bill insert~~ does not apply to interexchange service.

742 ~~(2) Copies of both the written notices and information~~  
743 ~~provided to customer service representatives concerning the~~  
744 ~~disclosure required pursuant to subsection (1) shall be~~  
745 ~~submitted to the commission for prior approval.~~

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

748 364.345 Certificates; territory served; transfer.—

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

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

754 (b) The approval of the commission.

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755 Section 16. Section 364.603, Florida Statutes, is amended  
756 to read:

757 364.603 Methodology for changing telecommunications  
758 provider.—The commission shall adopt rules to prevent the  
759 unauthorized changing of a subscriber's telecommunications  
760 service. Such rules shall be consistent with the  
761 Telecommunications Act of 1996, provide for specific  
762 verification methodologies, provide for the notification to  
763 subscribers of the ability to freeze the subscriber's choice of  
764 carriers at no charge, allow for a subscriber's change to be  
765 considered valid if verification was performed consistent with  
766 the commission's rules, provide for remedies for violations of  
767 the rules, and allow for the imposition of other penalties  
768 available in this chapter. The commission shall resolve on an  
769 expedited basis any complaints of anticompetitive behavior  
770 concerning a local preferred carrier freeze. The  
771 telecommunications company that is asserting the existence of a  
772 local preferred carrier freeze, which is the subject of the  
773 complaint, shall have the burden of proving through competent  
774 evidence that the customer did in fact request the freeze.

775 Section 17. Paragraph (a) of subsection (1) of section  
776 364.059, Florida Statutes, is amended to read:

777 364.059 Procedures for seeking stay; benchmark; criteria.—

778 (1) If a local exchange telecommunications company has  
779 elected, pursuant to s. 364.051(6), to have its basic local  
780 telecommunications services treated the same as its nonbasic  
781 services, the following procedures shall be available:

782 (a) Any petition filed by a substantially interested party  
783 against a local exchange telecommunications company seeking a

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784 stay of the effective date of a price reduction for a basic  
785 local telecommunications service, alleging an anticompetitive  
786 price reduction pursuant to s. 364.051(5), s. 364.08, ~~s. 364.09~~,  
787 s. 364.10, or s. 364.3381, shall be resolved by the commission  
788 pursuant to this section and by an order issued within 45 days  
789 after the date the petition is filed.

790 Section 18. Section 364.105, Florida Statutes, is amended  
791 to read:

792 364.105 Discounted rate for basic service for former  
793 Lifeline subscribers.—Each local exchange telecommunications  
794 company shall offer discounted residential basic local  
795 telecommunications service at 70 percent of the residential  
796 local telecommunications service rate for any Lifeline  
797 subscriber who no longer qualifies for Lifeline. A Lifeline  
798 subscriber who requests such service shall receive the  
799 discounted price for a period of 1 year after the date the  
800 subscriber ceases to be qualified for Lifeline. In no event  
801 shall this preclude the offering of any other discounted  
802 services which comply with ss. 364.08, ~~364.09~~, and 364.10.

803 Section 19. This act shall take effect July 1, 2009.