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1 A bill to be entitled  
2 An act relating to telecommunications; creating the  
3 "Regulatory Reform Act"; amending s. 364.01, F.S.;  
4 revising legislative intent with respect to the  
5 jurisdiction of the Florida Public Service Commission;  
6 amending s. 364.011, F.S.; providing that certain basic  
7 and nonbasic telecommunication services are exempt from  
8 the jurisdiction of the Public Service Commission;  
9 amending s. 364.012, F.S.; requiring local exchange  
10 telecommunications companies to provide unbundled access  
11 to network elements; amending s. 364.0135, F.S.; providing  
12 legislative intent relating to the sustainable adoption of  
13 broadband Internet service; providing a definition of  
14 "sustainable adoption" as it relates to broadband Internet  
15 services; removing obsolete legislative intent;  
16 authorizing the Department of Management Services to work  
17 collaboratively with, and to receive staffing support and  
18 other resources from, Enterprise Florida, Inc., state  
19 agencies, local governments, private businesses, and  
20 community organizations to encourage sustainable adoption  
21 of broadband Internet services; authorizing the department  
22 to adopt rules; repealing ss. 364.015 and 364.016, F.S.,  
23 relating to injunctive relief and travel costs of the  
24 commission; amending s. 364.02, F.S.; removing definitions  
25 for "monopoly service," "operator service," and "operator  
26 service provider," and adding a definition for "VoIP";  
27 repealing ss. 364.025, 364.0251, and 364.0252, F.S.,  
28 relating to uniform telecommunications service, a

29 | telecommunications consumer information program, and the  
30 | expansion of consumer information programs, respectively;  
31 | amending s. 364.04, F.S.; providing that the commission  
32 | has no jurisdiction over the content, form, or format of  
33 | rate schedules published by a telecommunications company;  
34 | providing that a telecommunications company may undertake  
35 | certain activities; repealing ss. 364.051, 364.052,  
36 | 364.057, 364.058, 364.059, 364.06, 364.063, 364.07, and  
37 | 364.08, F.S., relating to price regulation, regulatory  
38 | methods for small local exchange telecommunications  
39 | companies, experimental and transitional rates, limited  
40 | proceedings, procedures for seeking a stay of proceedings,  
41 | joint rates, tolls, and contracts, rate adjustment orders,  
42 | intrastate interexchange service contracts, and unlawful  
43 | charges against consumers, respectively; amending s.  
44 | 364.10, F.S.; removing obsolete provisions; requiring an  
45 | eligible telecommunications carrier to provide a Lifeline  
46 | Assistance Plan to qualified residential subscribers;  
47 | repealing s. 364.15, F.S., relating to repairs,  
48 | improvements, and additions to telecommunication  
49 | facilities; amending s. 364.16, F.S., relating to  
50 | interconnection, unbundling, and resale of  
51 | telecommunication services; requiring the commission to,  
52 | upon request, arbitrate and enforce interconnection  
53 | agreements; prohibiting a telecommunications company from  
54 | knowingly delivering traffic for which terminating access  
55 | service charges would otherwise apply; authorizing the  
56 | commission to adopt rules to prevent the unauthorized

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57 | changing of a subscriber's telecommunications service;  
58 | removing obsolete provisions relating to local exchange  
59 | telecommunications companies; repealing ss. 364.161 and  
60 | 364.162, F.S., relating to unbundling and resale of  
61 | telecommunication services and negotiated prices for  
62 | interconnection services, respectively; amending s.  
63 | 364.163, F.S.; conforming provisions to changes made by  
64 | the act; amending s. 364.183, F.S.; revising provisions  
65 | relating to access of the commission to certain records of  
66 | a telecommunications company; repealing ss. 364.185,  
67 | 364.19, and 364.27, F.S., relating to powers of the  
68 | commission to investigate and inspect any premises of a  
69 | telecommunications company, regulation of  
70 | telecommunication contracts, and powers and duties as to  
71 | interstate rates, respectively; amending s. 364.33, F.S.,  
72 | relating to the certificate of authority; prohibiting a  
73 | person from providing any telecommunications service to  
74 | the public without a certificate of necessity or a  
75 | certificate of authority issued by the commission;  
76 | providing that, after a specified date, the commission  
77 | will no longer issue certificates of necessity; amending  
78 | s. 364.335, F.S.; requiring an applicant to provide  
79 | certain information when applying for a certificate of  
80 | authority; describing the criteria necessary to be granted  
81 | a certificate of authority; authorizing a  
82 | telecommunications company to terminate a certificate of  
83 | authority; repealing s. 364.337, F.S., relating to  
84 | competitive local exchange companies; amending s.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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85 | 364.3375, F.S., relating to pay telephone service  
86 | providers; requiring pay telephone providers to obtain a  
87 | certificate of authority from the commission; repealing  
88 | ss. 364.3376, 364.3381, 364.3382, 364.339, 364.345, and  
89 | 364.37, F.S., relating to operator services, cross-  
90 | subsidization, cost disclosures, certificates for  
91 | territories served, shared tenant services, and powers of  
92 | the commission relating to service territories,  
93 | respectively; amending s. 364.385, F.S.; removing obsolete  
94 | provisions relating to saving clauses; amending s.  
95 | 364.386, F.S.; revising the content to be included in the  
96 | report to be filed with the Legislature; repealing ss.  
97 | 364.501, 364.503, 364.506, 364.507, 364.508, 364.515,  
98 | 364.516, 364.601, 364.602, 364.603, and 364.604, F.S.,  
99 | relating to the prevention of damages to underground  
100 | telecommunication facilities, mergers or acquisitions, a  
101 | short title for education facilities, legislative intent  
102 | for advanced telecommunication services to eligible  
103 | facilities, definitions, infrastructure investments,  
104 | penalties for failing to provide advanced  
105 | telecommunication services, the short title for  
106 | telecommunication consumer protections, definitions, the  
107 | methodology for protecting consumers for changing  
108 | telecommunication providers, and billing procedures to  
109 | inform and protect the consumer, respectively; amending  
110 | ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105,  
111 | 364.32, and 489.103, F.S.; revising cross-references to  
112 | conform to changes made by the act; providing an effective

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113 date.

114

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

116

117 Section 1. This act may be cited as the "Regulatory Reform  
 118 Act."

119 Section 2. Section 364.01, Florida Statutes, is amended to  
 120 read:

121 364.01 Powers of commission, legislative intent.—

122 (1) The Florida Public Service Commission shall exercise  
 123 over and in relation to telecommunications companies the powers  
 124 conferred by this chapter.

125 (2) It is the legislative intent to give exclusive  
 126 jurisdiction in all matters set forth in this chapter to the  
 127 Florida Public Service Commission in regulating  
 128 telecommunications companies, and such preemption shall  
 129 supersede any local or special act or municipal charter where  
 130 any conflict of authority may exist. However, ~~the provisions of~~  
 131 this chapter does ~~shall~~ not affect the authority and powers  
 132 granted in s. 166.231(9) or s. 337.401.

133 (3) Communications activities that are not regulated by  
 134 the Florida Public Service Commission, ~~including, but not~~  
 135 ~~limited to, VoIP, wireless, and broadband,~~ are subject to this  
 136 state's generally applicable business regulation and deceptive  
 137 trade practices and consumer protection laws, as enforced by the  
 138 appropriate state authority or through actions in the judicial  
 139 system. This chapter does not limit the availability to any  
 140 party of any remedy or defense under state or federal antitrust

141 laws. The Legislature finds that the competitive provision of  
 142 telecommunications services, including local exchange  
 143 telecommunications service, is in the public interest and has  
 144 provided ~~will provide~~ customers with freedom of choice,  
 145 encouraged ~~encourage~~ the introduction of new telecommunications  
 146 service, encouraged ~~encourage~~ technological innovation, and  
 147 encouraged ~~encourage~~ investment in telecommunications  
 148 infrastructure. ~~The Legislature further finds that the~~  
 149 ~~transition from the monopoly provision of local exchange service~~  
 150 ~~to the competitive provision thereof will require appropriate~~  
 151 ~~regulatory oversight to protect consumers and provide for the~~  
 152 ~~development of fair and effective competition, but nothing in~~  
 153 ~~this chapter shall limit the availability to any party of any~~  
 154 ~~remedy under state or federal antitrust laws. The Legislature~~  
 155 ~~further finds that changes in regulations allowing increased~~  
 156 ~~competition in telecommunications services could provide the~~  
 157 ~~occasion for increases in the telecommunications workforce;~~  
 158 ~~therefore, it is in the public interest that competition in~~  
 159 ~~telecommunications services lead to a situation that enhances~~  
 160 ~~the high technological skills and the economic status of the~~  
 161 ~~telecommunications workforce. The Legislature further finds that~~  
 162 ~~the provision of voice-over-Internet protocol (VoIP) free of~~  
 163 ~~unnecessary regulation, regardless of the provider, is in the~~  
 164 ~~public interest.~~

165 ~~(4) The commission shall exercise its exclusive~~  
 166 ~~jurisdiction in order to:~~

167 ~~(a) Protect the public health, safety, and welfare by~~  
 168 ~~ensuring that basic local telecommunications services are~~

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169 ~~available to all consumers in the state at reasonable and~~  
170 ~~affordable prices.~~

171 ~~(b) Encourage competition through flexible regulatory~~  
172 ~~treatment among providers of telecommunications services in~~  
173 ~~order to ensure the availability of the widest possible range of~~  
174 ~~consumer choice in the provision of all telecommunications~~  
175 ~~services.~~

176 ~~(c) Protect the public health, safety, and welfare by~~  
177 ~~ensuring that monopoly services provided by telecommunications~~  
178 ~~companies continue to be subject to effective price, rate, and~~  
179 ~~service regulation.~~

180 ~~(d) Promote competition by encouraging innovation and~~  
181 ~~investment in telecommunications markets and by allowing a~~  
182 ~~transitional period in which new and emerging technologies are~~  
183 ~~subject to a reduced level of regulatory oversight.~~

184 ~~(e) Encourage all providers of telecommunications services~~  
185 ~~to introduce new or experimental telecommunications services~~  
186 ~~free of unnecessary regulatory restraints.~~

187 ~~(f) Eliminate any rules or regulations which will delay or~~  
188 ~~impair the transition to competition.~~

189 ~~(g) Ensure that all providers of telecommunications~~  
190 ~~services are treated fairly, by preventing anticompetitive~~  
191 ~~behavior and eliminating unnecessary regulatory restraint.~~

192 ~~(h) Recognize the continuing emergence of a competitive~~  
193 ~~telecommunications environment through the flexible regulatory~~  
194 ~~treatment of competitive telecommunications services, where~~  
195 ~~appropriate, if doing so does not reduce the availability of~~  
196 ~~adequate basic local telecommunications service to all citizens~~

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197 ~~of the state at reasonable and affordable prices, if competitive~~  
 198 ~~telecommunications services are not subsidized by monopoly~~  
 199 ~~telecommunications services, and if all monopoly services are~~  
 200 ~~available to all competitors on a nondiscriminatory basis.~~

201 ~~(i) Continue its historical role as a surrogate for~~  
 202 ~~competition for monopoly services provided by local exchange~~  
 203 ~~telecommunications companies.~~

204 Section 3. Section 364.011, Florida Statutes, is amended  
 205 to read:

206 364.011 Exemptions from commission jurisdiction.—The  
 207 following services are exempt from oversight by the commission,  
 208 except to the extent delineated in this chapter ~~or specifically~~  
 209 ~~authorized by federal law:~~

210 (1) Intrastate interexchange telecommunications services.

211 (2) Broadband services, regardless of the provider,  
 212 platform, or protocol.

213 (3) VoIP.

214 (4) Wireless telecommunications, including commercial  
 215 mobile radio service providers.

216 (5) Basic service.

217 (6) Nonbasic services.

218 Section 4. Subsection (2) of section 364.012, Florida  
 219 Statutes, is amended to read:

220 364.012 Consistency with federal law.—

221 (2) This chapter does not limit or modify the duties of a  
 222 local exchange telecommunications company ~~carrier~~ to provide  
 223 unbundled access to network elements or the commission's  
 224 authority to arbitrate and enforce interconnection agreements to



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225 the extent that those elements are required under 47 U.S.C. ss.  
 226 251 and 252, and under any regulations issued by the Federal  
 227 Communications Commission at rates determined in accordance with  
 228 the standards established by the Federal Communications  
 229 Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of  
 230 any successor regulation or successor forbearance of regulation.

231 Section 5. Section 364.0135, Florida Statutes, is amended  
 232 to read:

233 364.0135 Promotion of broadband adoption ~~deployment~~.—

234 (1) The Legislature finds that the sustainable adoption of  
 235 broadband Internet service is critical to the economic and  
 236 business development of the state and is beneficial for  
 237 libraries, schools, colleges and universities, health care  
 238 providers, and community organizations. The term "sustainable  
 239 adoption" means the ability for communications service providers  
 240 to offer broadband services in all areas of the state by  
 241 encouraging adoption and utilization levels that allow for these  
 242 services to be offered in the free market absent the need for  
 243 governmental subsidy. ~~The Legislature further finds that~~  
 244 ~~barriers exist to the statewide deployment of broadband Internet~~  
 245 ~~service, especially in rural, unserved, or underserved~~  
 246 ~~communities. The Legislature therefore intends to promote the~~  
 247 ~~efficient and effective deployment of broadband Internet service~~  
 248 ~~throughout the state through a coordinated statewide effort.~~

249 (2) The Department of Management Services is authorized to  
 250 work collaboratively with, and to receive staffing support and  
 251 other resources from, Enterprise Florida, Inc., state agencies,  
 252 local governments, private businesses, and community

253 organizations to:

254 (a) Monitor the adoption of ~~Conduct a needs assessment of~~  
 255 broadband Internet service in collaboration with communications  
 256 service providers, including, but not limited to, wireless and  
 257 wireline Internet service providers, to develop geographical  
 258 information system maps at the census tract level that will:

- 259 1. Identify geographic gaps in broadband services,  
 260 including areas unserved by any broadband provider and areas  
 261 served by a single broadband provider;
- 262 2. Identify the download and upload transmission speeds  
 263 made available to businesses and individuals in the state, at  
 264 the census tract level of detail, using data rate benchmarks for  
 265 broadband service used by the Federal Communications Commission  
 266 to reflect different speed tiers; and
- 267 3. Provide a baseline assessment of statewide broadband  
 268 deployment in terms of percentage of households with broadband  
 269 availability.

270 (b) Create a strategic plan that has goals and strategies  
 271 for increasing the use of broadband Internet service in the  
 272 state.

273 (c) Build and facilitate local technology planning teams  
 274 or partnerships with members representing cross-sections of the  
 275 community, which may include, but are not limited to,  
 276 representatives from the following organizations and industries:  
 277 libraries, K-12 education, colleges and universities, local  
 278 health care providers, private businesses, community  
 279 organizations, economic development organizations, local  
 280 governments, tourism, parks and recreation, and agriculture.

281 (d) Encourage the use of broadband Internet service,  
 282 especially in the rural, unserved, and underserved communities  
 283 of the state through grant programs having effective strategies  
 284 to facilitate the statewide deployment of broadband Internet  
 285 service. For any grants to be awarded, priority must be given to  
 286 projects that:

287 1. Provide access to broadband education, awareness,  
 288 training, access, equipment, and support to libraries, schools,  
 289 colleges and universities, health care providers, and community  
 290 support organizations.

291 2. Encourage the sustainable adoption of broadband in  
 292 primarily unserved areas by removing barriers to entry, such as  
 293 unreasonably high pole-attachment rates ~~investments in primarily~~  
 294 ~~unserved areas to give consumers a choice of more than one~~  
 295 ~~broadband Internet service provider.~~

296 3. Work toward encouraging investments in establishing  
 297 affordable and sustainable broadband Internet service in  
 298 unserved areas of the state.

299 4. Facilitate the development of applications, programs,  
 300 and services, including, but not limited to, telework,  
 301 telemedicine, and e-learning to increase the usage of, and  
 302 demand for, broadband Internet service in the state.

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

306 (4) The department may ~~is authorized to~~ enter into  
 307 contracts necessary or useful to carry out the purposes of this  
 308 section.

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309 (5) The department may ~~is authorized to~~ establish any  
310 committee or workgroup to administer and carry out the purposes  
311 of this section.

312 (6) The department may ~~is authorized to~~ adopt rules  
313 necessary to carry out the purposes of this section. Any rule,  
314 contract, grant, or other activity undertaken by the department  
315 shall ensure that all entities are in compliance with any  
316 applicable federal or state laws, rules, and regulations,  
317 including, but not limited to, those applicable to private  
318 entities providing communications services for hire and the  
319 requirements of s. 350.81, ~~including, without limitation, the~~  
320 ~~authority to establish definitions of terms pertinent to this~~  
321 ~~section.~~

322 Section 6. Section 364.015, Florida Statutes, is repealed.

323 Section 7. Section 364.016, Florida Statutes, is repealed.

324 Section 8. Section 364.02, Florida Statutes, is amended to  
325 read:

326 364.02 Definitions.—As used in this chapter, the term:

327 (1) "Basic local telecommunications service" means voice-  
328 grade, single-line, flat-rate residential local exchange service  
329 that provides dial tone, local usage necessary to place  
330 unlimited calls within a local exchange area, dual tone  
331 multifrequency dialing, and access to the following: emergency  
332 services such as "911," all locally available interexchange  
333 companies, directory assistance, operator services, and relay  
334 services, ~~and an alphabetical directory listing.~~ For a local  
335 exchange telecommunications company, the term includes any  
336 extended area service routes, and extended calling service in

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337 existence or ordered by the commission on or before July 1,  
 338 1995.

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

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

344 (b) Provides computer processing, information storage,  
 345 information content, or protocol conversion in combination with  
 346 the service.

347  
 348 The definition of broadband service does not include any  
 349 intrastate telecommunications services that have been tariffed  
 350 with the commission on or before January 1, 2005.

351 (3) "Commercial mobile radio service provider" means a  
 352 commercial mobile radio service provider as defined by and  
 353 pursuant to 47 U.S.C. ss. 153(27) and 332(d).

354 (4) "Commission" means the Florida Public Service  
 355 Commission.

356 (5) "Competitive local exchange telecommunications  
 357 company" means any company certificated by the commission to  
 358 provide local exchange telecommunications services in this state  
 359 on or after July 1, 1995.

360 (6) "Corporation" includes a corporation, company,  
 361 association, or joint stock association.

362 (7) "Intrastate interexchange telecommunications company"  
 363 means any entity that provides intrastate interexchange  
 364 telecommunications services.

365 (8) "Local exchange telecommunications company" means any  
 366 company certificated by the commission to provide local exchange  
 367 telecommunications service in this state on or before June 30,  
 368 1995.

369 ~~(9) "Monopoly service" means a telecommunications service~~  
 370 ~~for which there is no effective competition, either in fact or~~  
 371 ~~by operation of law.~~

372 (9) ~~(10)~~ "Nonbasic service" means any telecommunications  
 373 service provided by a local exchange telecommunications company  
 374 other than a basic local telecommunications service, a local  
 375 interconnection, resale, or unbundling pursuant to arrangement  
 376 ~~described in s. 364.16, or a network access service described in~~  
 377 ~~s. 364.163. Any combination of basic service along with a~~  
 378 ~~nonbasic service or an unregulated service is nonbasic service.~~

379 ~~(11) "Operator service" includes, but is not limited to,~~  
 380 ~~billing or completion of third-party, person-to-person, collect,~~  
 381 ~~or calling card or credit card calls through the use of a live~~  
 382 ~~operator or automated equipment.~~

383 ~~(12) "Operator service provider" means a person who~~  
 384 ~~furnishes operator service through a call aggregator.~~

385 (10) ~~(13)~~ "Service" is to be construed in its broadest and  
 386 most inclusive sense. The term "service" does not include  
 387 broadband service or voice-over-Internet protocol service for  
 388 purposes of regulation by the commission. Nothing herein shall  
 389 affect the rights and obligations of any entity related to the  
 390 payment of switched network access rates or other intercarrier  
 391 compensation, if any, related to voice-over-Internet protocol  
 392 service. Notwithstanding s. 364.013, and the exemption of

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393 services pursuant to this subsection, the commission may  
394 arbitrate, enforce, or approve interconnection agreements, and  
395 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or  
396 any other applicable federal law or regulation. With respect to  
397 the services exempted in this subsection, regardless of the  
398 technology, the duties of a local exchange telecommunications  
399 company are only those that the company is obligated to extend  
400 or provide under applicable federal law and regulations.

401 (11)~~(14)~~ "Telecommunications company" includes every  
402 corporation, partnership, and person and their lessees,  
403 trustees, or receivers appointed by any court whatsoever, and  
404 every political subdivision in the state, offering two-way  
405 telecommunications service to the public for hire within this  
406 state by the use of a telecommunications facility. The term  
407 "telecommunications company" does not include:

408 (a) An entity that provides a telecommunications facility  
409 exclusively to a certificated telecommunications company;

410 (b) An entity that provides a telecommunications facility  
411 exclusively to a company which is excluded from the definition  
412 of a telecommunications company under this subsection;

413 (c) A commercial mobile radio service provider;

414 (d) A facsimile transmission service;

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

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

419 (g) An intrastate interexchange telecommunications  
420 company.

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421  
422 However, each commercial mobile radio service provider and each  
423 intrastate interexchange telecommunications company shall  
424 continue to be liable for any taxes imposed under chapters 202,  
425 203, and 212 and ~~any fees assessed under s. 364.025~~. Each  
426 intrastate interexchange telecommunications company shall  
427 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),  
428 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall  
429 ~~provide the commission with the current information as the~~  
430 ~~commission deems necessary to contact and communicate with the~~  
431 ~~company,~~ and shall continue to pay intrastate switched network  
432 access rates or other intercarrier compensation to the local  
433 exchange telecommunications company or the competitive local  
434 exchange telecommunications company for the origination and  
435 termination of interexchange telecommunications service.

436 ~~(12)-(15)~~ "Telecommunications facility" includes real  
437 estate, easements, apparatus, property, and routes used and  
438 operated to provide two-way telecommunications service to the  
439 public for hire within this state.

440 ~~(13)-(16)~~ "VoIP" means any service that:

441 (a) Enables real-time, two-way voice communications that  
442 originate from or terminate to the user's location in Internet  
443 Protocol or any successor protocol;

444 (b) Uses a broadband connection from the user's location;  
445 and

446 (c) Permits users generally to receive calls that  
447 originate on the public switched telephone network and to  
448 terminate calls to the public switched telephone network ~~the~~



449 ~~voice over Internet protocol as that term is defined in federal~~  
 450 ~~law.~~

451 Section 9. Section 364.025, Florida Statutes, is repealed.

452 Section 10. Section 364.0251, Florida Statutes, is  
 453 repealed.

454 Section 11. Section 364.0252, Florida Statutes, is  
 455 repealed.

456 Section 12. Section 364.04, Florida Statutes, is amended  
 457 to read:

458 364.04 Schedules of rates, tolls, rentals, and charges;  
 459 filing; public inspection.—

460 (1) Every telecommunications company shall publish through  
 461 electronic or physical media schedules showing the rates, tolls,  
 462 rentals, and charges of that company for service to be offered  
 463 ~~performed~~ within the state. The commission shall have no  
 464 jurisdiction over the content or form or format of such  
 465 published schedules. A telecommunications company may, as an  
 466 option, file the published schedules with the commission or  
 467 publish its schedules through other reasonably publicly  
 468 accessible means, including on a website. A telecommunications  
 469 company that does not file its schedules with the commission  
 470 shall inform its customers where a customer may view the  
 471 telecommunications company's schedules.

472 (2) This chapter does not prohibit a telecommunications  
 473 company from:

474 (a) Entering into contracts establishing rates, tolls,  
 475 rentals, and charges that differ from its published schedules or  
 476 offering services that are not included in its published

477 schedules; or

478 (b) Meeting competitive offerings in a specific geographic  
 479 market or to a specific customer.

480 (3) This section does not apply to the rates, terms, and  
 481 conditions established pursuant to 47 U.S.C. ss. 251 and 252.

482 ~~The schedules shall plainly state the places telecommunications~~  
 483 ~~service will be rendered and shall also state separately all~~  
 484 ~~charges and all privileges or facilities granted or allowed and~~  
 485 ~~any rules or regulations or forms of contract which may in~~  
 486 ~~anywise change, affect, or determine any of the aggregate of the~~  
 487 ~~rates, tolls, rentals, or charges for the service rendered.~~

488 Section 13. Section 364.051, Florida Statutes, is  
 489 repealed.

490 Section 14. Section 364.052, Florida Statutes, is  
 491 repealed.

492 Section 15. Section 364.057, Florida Statutes, is  
 493 repealed.

494 Section 16. Section 364.058, Florida Statutes, is  
 495 repealed.

496 Section 17. Section 364.059, Florida Statutes, is  
 497 repealed.

498 Section 18. Section 364.06, Florida Statutes, is repealed.

499 Section 19. Section 364.063, Florida Statutes, is  
 500 repealed.

501 Section 20. Section 364.07, Florida Statutes, is repealed.

502 Section 21. Section 364.08, Florida Statutes, is repealed.

503 Section 22. Section 364.10, Florida Statutes, is amended  
 504 to read:

505           364.10 ~~Undue advantage to person or locality prohibited;~~  
 506 Lifeline service.-

507           ~~(1) A telecommunications company may not make or give any~~  
 508 ~~undue or unreasonable preference or advantage to any person or~~  
 509 ~~locality or subject any particular person or locality to any~~  
 510 ~~undue or unreasonable prejudice or disadvantage in any respect~~  
 511 ~~whatsoever.~~

512           (1)~~(2)~~ (a) ~~The prohibitions of subsection (1)~~  
 513 ~~notwithstanding,~~ An eligible telecommunications carrier shall  
 514 provide a Lifeline Assistance Plan to qualified residential  
 515 subscribers, as defined in the eligible telecommunications  
 516 carrier's published schedules ~~a commission-approved tariff or~~  
 517 ~~price list, and a preferential rate to eligible facilities as~~  
 518 ~~provided for in part II.~~ For the purposes of this section, the  
 519 term "eligible telecommunications carrier" means a  
 520 telecommunications company, as defined by s. 364.02, which is  
 521 designated as an eligible telecommunications carrier by the  
 522 commission pursuant to 47 C.F.R. s. 54.201.

523           (b) An eligible telecommunications carrier shall offer a  
 524 consumer who applies for or receives Lifeline service the option  
 525 of blocking all toll calls or, if technically capable, placing a  
 526 limit on the number of toll calls a consumer can make. The  
 527 eligible telecommunications carrier may not charge the consumer  
 528 an administrative charge or other additional fee for blocking  
 529 the service.

530           (c) An eligible telecommunications carrier may not collect  
 531 a service deposit in order to initiate Lifeline service if the  
 532 qualifying low-income consumer voluntarily elects toll blocking

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533 or toll limitation. If the qualifying low-income consumer elects  
 534 not to place toll blocking on the line, an eligible  
 535 telecommunications carrier may charge a service deposit.

536 (d) An eligible telecommunications carrier may not charge  
 537 Lifeline subscribers a monthly number-portability charge.

538 (e)1. An eligible telecommunications carrier must notify a  
 539 Lifeline subscriber of impending termination of Lifeline service  
 540 if the company has a reasonable basis for believing that the  
 541 subscriber no longer qualifies. Notification of pending  
 542 termination must be in the form of a letter that is separate  
 543 from the subscriber's bill.

544 2. An eligible telecommunications carrier shall allow a  
 545 subscriber 60 days following the date of the pending termination  
 546 letter to demonstrate continued eligibility. The subscriber must  
 547 present proof of continued eligibility. An eligible  
 548 telecommunications carrier may transfer a subscriber off of  
 549 Lifeline service, pursuant to its tariff, if the subscriber  
 550 fails to demonstrate continued eligibility.

551 3. The commission shall establish procedures for such  
 552 notification and termination.

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

558 (2)~~(3)~~ (a) Each local exchange telecommunications company  
 559 that has more than 1 million access lines and that is designated  
 560 as an eligible telecommunications carrier shall, and any

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561 commercial mobile radio service provider designated as an  
562 eligible telecommunications carrier pursuant to 47 U.S.C. s.  
563 214(e) may, upon filing a notice of election to do so with the  
564 commission, provide Lifeline service to any otherwise eligible  
565 customer or potential customer who meets an income eligibility  
566 test at 150 percent or less of the federal poverty income  
567 guidelines for Lifeline customers. Such a test for eligibility  
568 must augment, rather than replace, the eligibility standards  
569 established by federal law and based on participation in certain  
570 low-income assistance programs. Each intrastate interexchange  
571 telecommunications company shall file or publish a schedule  
572 providing at a minimum the intrastate interexchange  
573 telecommunications company's ~~carrier's~~ current Lifeline benefits  
574 and exemptions to Lifeline customers who meet the income  
575 eligibility test set forth in this subsection. The Office of  
576 Public Counsel shall certify and maintain claims submitted by a  
577 customer for eligibility under the income test authorized by  
578 this subsection.

579 (b) Each eligible telecommunications carrier subject to  
580 this subsection shall provide to each state and federal agency  
581 providing benefits to persons eligible for Lifeline service  
582 applications, brochures, pamphlets, or other materials that  
583 inform the persons of their eligibility for Lifeline, and each  
584 state agency providing the benefits shall furnish the materials  
585 to affected persons at the time they apply for benefits.

586 ~~(c) Any local exchange telecommunications company customer~~  
587 ~~receiving Lifeline benefits shall not be subject to any~~  
588 ~~residential basic local telecommunications service rate~~

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589 ~~increases authorized by s. 364.164 until the local exchange~~  
590 ~~telecommunications company reaches parity as defined in s.~~  
591 ~~364.164(5) or until the customer no longer qualifies for the~~  
592 ~~Lifeline benefits established by this section or s. 364.105, or~~  
593 ~~unless otherwise determined by the commission upon petition by a~~  
594 ~~local exchange telecommunications company.~~

595 (c)~~(d)~~ An eligible telecommunications carrier may not  
596 discontinue basic local telecommunications ~~exchange telephone~~  
597 service to a subscriber who receives Lifeline service because of  
598 nonpayment by the subscriber of charges for nonbasic services  
599 billed by the telecommunications company, including long-  
600 distance service. A subscriber who receives Lifeline service  
601 shall pay all applicable basic local telecommunications ~~exchange~~  
602 service fees, including the subscriber line charge, E-911,  
603 telephone relay system charges, and applicable state and federal  
604 taxes.

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

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

614 (f)~~(g)~~ An eligible telecommunications carrier may block a  
615 Lifeline service subscriber's access to all long-distance  
616 service, except for toll-free numbers, and may block the ability

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617 | to accept collect calls when the subscriber owes an outstanding  
618 | amount for long-distance service or amounts resulting from  
619 | collect calls. However, the eligible telecommunications carrier  
620 | may not impose a charge for blocking long-distance service. The  
621 | eligible telecommunications carrier shall remove the block at  
622 | the request of the subscriber without additional cost to the  
623 | subscriber upon payment of the outstanding amount. An eligible  
624 | telecommunications carrier may charge a service deposit before  
625 | removing the block.

626 |       (g)~~(h)~~1. By December 31, 2010, each state agency that  
627 | provides benefits to persons eligible for Lifeline service shall  
628 | undertake, in cooperation with the Department of Children and  
629 | Family Services, the Department of Education, the commission,  
630 | the Office of Public Counsel, and telecommunications companies  
631 | designated eligible telecommunications carriers providing  
632 | Lifeline services, the development of procedures to promote  
633 | Lifeline participation. The departments, the commission, and the  
634 | Office of Public Counsel may exchange sufficient information  
635 | with the appropriate eligible telecommunications carriers and  
636 | any commercial mobile radio service provider electing to provide  
637 | Lifeline service under paragraph (a), such as a person's name,  
638 | date of birth, service address, and telephone number, so that  
639 | the carriers can identify and enroll an eligible person in the  
640 | Lifeline and Link-Up programs. The information remains  
641 | confidential pursuant to s. 364.107 and may only be used for  
642 | purposes of determining eligibility and enrollment in the  
643 | Lifeline and Link-Up programs.

644 |       2. If any state agency determines that a person is

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645 eligible for Lifeline services, the agency shall immediately  
 646 forward the information to the commission to ensure that the  
 647 person is automatically enrolled in the program with the  
 648 appropriate eligible telecommunications carrier. The state  
 649 agency shall include an option for an eligible customer to  
 650 choose not to subscribe to the Lifeline service. The Public  
 651 Service Commission and the Department of Children and Family  
 652 Services shall, no later than December 31, 2007, adopt rules  
 653 creating procedures to automatically enroll eligible customers  
 654 in Lifeline service.

655 3. By December 31, 2010, the commission, the Department of  
 656 Children and Family Services, the Office of Public Counsel, and  
 657 each eligible telecommunications carrier offering Lifeline and  
 658 Link-Up services shall convene a Lifeline Workgroup to discuss  
 659 how the eligible subscriber information in subparagraph 1. will  
 660 be shared, the obligations of each party with respect to the use  
 661 of that information, and the procedures to be implemented to  
 662 increase enrollment and verify eligibility in these programs.

663 (h)~~(i)~~ The commission shall report to the Governor, the  
 664 President of the Senate, and the Speaker of the House of  
 665 Representatives by December 31 each year on the number of  
 666 customers who are subscribing to Lifeline service and the  
 667 effectiveness of any procedures to promote participation.

668 (i)~~(j)~~ The commission shall adopt rules to administer this  
 669 section.

670 Section 23. Section 364.15, Florida Statutes, is repealed.

671 Section 24. Section 364.16, Florida Statutes, is amended  
 672 to read:



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673           364.16 ~~Connection of lines and transfers; Local~~  
674 ~~interconnection, unbundling, and resale; telephone number~~  
675 ~~portability.-~~

676           (1) The Legislature finds that the competitive provision  
677 of local exchange service requires appropriate regulatory  
678 oversight of carrier-to-carrier relationships to provide for the  
679 development of fair and effective competition.

680           (2) It is the intent of the Legislature that in resolving  
681 disputes, the commission shall treat all providers of  
682 telecommunications services fairly by preventing anticompetitive  
683 behavior.

684           (3) The commission shall, upon request, arbitrate and  
685 enforce interconnection agreements pursuant to 47 U.S.C. ss. 251  
686 and 252 and the Federal Communications Commission's orders and  
687 regulations implementing those sections. The commission has the  
688 authority to resolve disputes among carriers concerning  
689 violations of this chapter and under the authority conferred by  
690 federal law to resolve such disputes, including, but not limited  
691 to, federal law addressing resale of services, number  
692 portability, dialing parity, access to rights of way, access to  
693 poles and conduits, and reciprocal compensation. However, this  
694 section does not confer jurisdiction on the commission for  
695 matters that are exempt from commission jurisdiction under ss.  
696 364.011 and 364.013.

697           (4) A telecommunications company may not knowingly deliver  
698 traffic, for which terminating access service charges would  
699 otherwise apply, through a local interconnection arrangement  
700 without paying the appropriate charges for such terminating

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701 access service. Any party having a substantial interest may  
702 petition the commission for an investigation of any suspected  
703 violation of this subsection. If any telecommunications company  
704 knowingly violates this subsection, the commission has  
705 jurisdiction to arbitrate bona fide complaints arising from the  
706 requirements of this subsection and shall, upon such complaint,  
707 have access to all relevant customer records and accounts of any  
708 telecommunications company.

709 (5) The commission shall adopt rules to prevent the  
710 unauthorized changing of a subscriber's telecommunications  
711 service. Such rules shall be consistent with the  
712 Telecommunications Act of 1996, provide for specific  
713 verification methodologies, provide for the notification to  
714 subscribers of the ability to freeze the subscriber's choice of  
715 carriers at no charge, allow for a subscriber's change to be  
716 considered valid if verification was performed consistent with  
717 commission rules, provide remedies for violations of the rules,  
718 and allow for the imposition of other penalties available under  
719 this chapter. The commission shall resolve on an expedited basis  
720 any complaints of anticompetitive behavior concerning a local  
721 preferred carrier freeze. The telecommunications company that is  
722 asserting the existence of a local preferred carrier freeze,  
723 which is the subject of a complaint, has the burden of proving  
724 through competent evidence that the subscriber did in fact  
725 request the freeze.

726 (6) Upon petition, the commission may conduct a limited or  
727 expedited proceeding to consider and act upon any matter under  
728 this section. The commission shall determine the issues to be

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729 considered during such a proceeding and may grant or deny any  
730 request to expand the scope of the proceeding to include other  
731 matters. The commission shall implement an expedited process to  
732 facilitate the quick resolution of disputes between  
733 telecommunications companies. The process implemented by the  
734 commission shall, to the greatest extent feasible, minimize the  
735 time necessary to reach a decision on a dispute. The commission  
736 may limit the use of the expedited process based on the number  
737 of parties, the number of issues, or the complexity of the  
738 issues. For any proceeding conducted pursuant to the expedited  
739 process, the commission shall make its determination within 120  
740 days after a petition is filed or a motion is made. The  
741 commission shall adopt rules to administer this subsection.

742 ~~(1) Whenever the commission finds that connections between~~  
743 ~~any two or more local exchange telecommunications companies,~~  
744 ~~whose lines form a continuous line of communication or could be~~  
745 ~~made to do so by the construction and maintenance of suitable~~  
746 ~~connections at common points, can reasonably be made and~~  
747 ~~efficient service obtained, and that such connections are~~  
748 ~~necessary, the commission may require such connections to be~~  
749 ~~made, may require that telecommunications services be~~  
750 ~~transferred, and may prescribe through lines and joint rates and~~  
751 ~~charges to be made, used, observed, and in force in the future~~  
752 ~~and fix the rates and charges by order to be served upon the~~  
753 ~~company or companies affected.~~

754 ~~(2) Each competitive local exchange telecommunications~~  
755 ~~company shall provide access to, and interconnection with, its~~  
756 ~~telecommunications services to any other provider of local~~

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757 ~~exchange telecommunications services requesting such access and~~  
758 ~~interconnection at nondiscriminatory prices, terms, and~~  
759 ~~conditions. If the parties are unable to negotiate mutually~~  
760 ~~acceptable prices, terms, and conditions after 60 days, either~~  
761 ~~party may petition the commission and the commission shall have~~  
762 ~~120 days to make a determination after proceeding as required by~~  
763 ~~s. 364.162(2) pertaining to interconnection services.~~

764 ~~(3) Each local exchange telecommunications company shall~~  
765 ~~provide access to, and interconnection with, its~~  
766 ~~telecommunications facilities to any other provider of local~~  
767 ~~exchange telecommunications services requesting such access and~~  
768 ~~interconnection at nondiscriminatory prices, rates, terms, and~~  
769 ~~conditions established by the procedures set forth in s.~~  
770 ~~364.162.~~

771 ~~(a) No local exchange telecommunications company or~~  
772 ~~competitive local exchange telecommunications company shall~~  
773 ~~knowingly deliver traffic, for which terminating access service~~  
774 ~~charges would otherwise apply, through a local interconnection~~  
775 ~~arrangement without paying the appropriate charges for such~~  
776 ~~terminating access service.~~

777 ~~(b) Any party with a substantial interest may petition the~~  
778 ~~commission for an investigation of any suspected violation of~~  
779 ~~paragraph (a). In the event any certificated local exchange~~  
780 ~~service provider knowingly violates paragraph (a), the~~  
781 ~~commission shall have jurisdiction to arbitrate bona fide~~  
782 ~~complaints arising from the requirements of this subsection and~~  
783 ~~shall, upon such complaint, have access to all relevant customer~~  
784 ~~records and accounts of any telecommunications company.~~

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785           ~~(4) In order to assure that consumers have access to~~  
786 ~~different local exchange service providers without being~~  
787 ~~disadvantaged, deterred, or inconvenienced by having to give up~~  
788 ~~the consumer's existing local telephone number, all providers of~~  
789 ~~local exchange services must have access to local telephone~~  
790 ~~numbering resources and assignments on equitable terms that~~  
791 ~~include a recognition of the scarcity of such resources and are~~  
792 ~~in accordance with national assignment guidelines. Each local~~  
793 ~~exchange provider, except small local exchange~~  
794 ~~telecommunications companies under rate of return regulation,~~  
795 ~~shall provide a temporary means of achieving telephone number~~  
796 ~~portability. The parties, under the direction of the commission,~~  
797 ~~shall set up a number portability standards group by no later~~  
798 ~~than September 1, 1995, for the purposes of investigation and~~  
799 ~~development of appropriate parameters, costs, and standards for~~  
800 ~~number portability. If the parties are unable to successfully~~  
801 ~~negotiate the prices, terms, and conditions of a temporary~~  
802 ~~number portability solution, the commission shall establish a~~  
803 ~~temporary number portability solution by no later than January~~  
804 ~~1, 1996. Each local exchange service provider shall make~~  
805 ~~necessary modifications to allow permanent portability of local~~  
806 ~~telephone numbers between certificated providers of local~~  
807 ~~exchange service as soon as reasonably possible after the~~  
808 ~~development of national standards. The parties shall negotiate~~  
809 ~~the prices, terms, and conditions for permanent telephone number~~  
810 ~~portability arrangements. In the event the parties are unable to~~  
811 ~~satisfactorily negotiate the prices, terms, and conditions,~~  
812 ~~either party may petition the commission and the commission~~

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813 ~~shall, after opportunity for a hearing, set the rates, terms,~~  
 814 ~~and conditions. The prices and rates shall not be below cost.~~  
 815 ~~Number portability between different certificated providers of~~  
 816 ~~local exchange service at the same location shall be provided~~  
 817 ~~temporarily no later than January 1, 1996.~~

818 (7)~~(5)~~ When requested, each certificated  
 819 telecommunications company shall provide access to any poles,  
 820 conduits, rights-of-way, and like facilities that it owns or  
 821 controls to any local exchange telecommunications company or  
 822 competitive local exchange telecommunications company pursuant  
 823 to reasonable rates and conditions mutually agreed to which do  
 824 not discriminate between similarly situated companies.

825 Section 25. Section 364.161, Florida Statutes, is  
 826 repealed.

827 Section 26. Section 364.162, Florida Statutes, is  
 828 repealed.

829 Section 27. Section 364.163, Florida Statutes, is amended  
 830 to read:

831 364.163 Network access services.—For purposes of this  
 832 section, the term "network access service" is defined as any  
 833 service provided by a local exchange telecommunications company  
 834 to a telecommunications company certificated under this chapter  
 835 or licensed by the Federal Communications Commission to access  
 836 the local exchange telecommunications network, excluding ~~the~~  
 837 local interconnection, resale, or unbundling pursuant to  
 838 arrangements in s. 364.16 and the resale arrangements in s.  
 839 364.161. Each local exchange telecommunications company ~~subject~~  
 840 ~~to s. 364.051~~ shall maintain tariffs with the commission

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841 containing the terms, conditions, and rates for each of its  
842 network access services. The switched network access service  
843 rates in effect immediately prior to July 1, 2007, shall be, and  
844 shall remain, capped at that level until July 1, 2010. An  
845 interexchange telecommunications company may not institute any  
846 intrastate connection fee or any similarly named fee.

847 Section 28. Section 364.183, Florida Statutes, is amended  
848 to read:

849 364.183 Access to company records.—

850 (1) The commission shall have access to all records of a  
851 telecommunications company which ~~that~~ are reasonably necessary  
852 for the disposition of matters within the commission's  
853 jurisdiction. ~~The commission shall also have access to those~~  
854 ~~records of a local exchange telecommunications company's~~  
855 ~~affiliated companies, including its parent company, that are~~  
856 ~~reasonably necessary for the disposition of any matter~~  
857 ~~concerning an affiliated transaction or a claim of~~  
858 ~~anticompetitive behavior including claims of cross-subsidization~~  
859 ~~and predatory pricing. The commission may require a~~  
860 ~~telecommunications company to file records, reports or other~~  
861 ~~data directly related to matters within the commission's~~  
862 ~~jurisdiction in the form specified by the commission and may~~  
863 ~~require such company to retain such information for a designated~~  
864 ~~period of time.~~ Upon request of the company or other person, any  
865 records received by the commission which are claimed by the  
866 company or other person to be proprietary confidential business  
867 information shall be kept confidential and shall be exempt from  
868 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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869           (2) Discovery in any docket or proceeding before the  
870 commission shall be in the manner provided for in Rule 1.280 of  
871 the Florida Rules of Civil Procedure. Upon a showing by a  
872 company or other person and a finding by the commission that  
873 discovery will require the disclosure of proprietary  
874 confidential business information, the commission shall issue an  
875 appropriate protective order designating the manner for handling  
876 such information during the course of the proceeding and for  
877 protecting such information from disclosure outside the  
878 proceeding. Such proprietary confidential business information  
879 shall be exempt from s. 119.07(1). Any records provided pursuant  
880 to a discovery request for which proprietary confidential  
881 business information status is requested shall be treated by the  
882 commission and the Office of the Public Counsel and any other  
883 party subject to the public records law as confidential and  
884 shall be exempt from s. 119.07(1), pending a formal ruling on  
885 such request by the commission or the return of the records to  
886 the person providing the records. Any record which has been  
887 determined to be proprietary confidential business information  
888 and is not entered into the official record of the proceeding  
889 shall be returned to the person providing the record within 60  
890 days after the final order, unless the final order is appealed.  
891 If the final order is appealed, any such record shall be  
892 returned within 30 days after the decision on appeal. The  
893 commission shall adopt the necessary rules to implement this  
894 subsection.

895           (3) The term "proprietary confidential business  
896 information" means information, regardless of form or



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897 characteristics, which is owned or controlled by the person or  
898 company, is intended to be and is treated by the person or  
899 company as private in that the disclosure of the information  
900 would cause harm to the ratepayers or the person's or company's  
901 business operations, and has not been disclosed unless disclosed  
902 pursuant to a statutory provision, an order of a court or  
903 administrative body, or private agreement that provides that the  
904 information will not be released to the public. The term  
905 includes, but is not limited to:

- 906 (a) Trade secrets.
- 907 (b) Internal auditing controls and reports of internal  
908 auditors.
- 909 (c) Security measures, systems, or procedures.
- 910 (d) Information concerning bids or other contractual data,  
911 the disclosure of which would impair the efforts of the company  
912 or its affiliates to contract for goods or services on favorable  
913 terms.
- 914 (e) Information relating to competitive interests, the  
915 disclosure of which would impair the competitive business of the  
916 provider of information.

917 (f) ~~Employee personnel information unrelated to~~  
918 ~~compensation, duties, qualifications, or responsibilities.~~

919 (4) Any finding by the commission that a record contains  
920 proprietary confidential business information is effective for a  
921 period set by the commission not to exceed 18 months, unless the  
922 commission finds, for good cause, that the protection from  
923 disclosure shall be for a specified longer period. The  
924 commission shall order the return of a record containing

925 proprietary confidential business information when such record  
 926 is no longer necessary for the commission to conduct its  
 927 business. At that time, the commission shall order any other  
 928 person holding such record to return it to the person providing  
 929 the record. Any record containing proprietary confidential  
 930 business information which has not been returned at the  
 931 conclusion of the period set pursuant to this subsection shall  
 932 no longer be exempt from s. 119.07(1) unless the  
 933 telecommunications company or affected person shows, and the  
 934 commission finds, that the record continues to contain  
 935 proprietary confidential business information. Upon such  
 936 finding, the commission may extend the period for confidential  
 937 treatment for a period not to exceed 18 months unless the  
 938 commission finds, for good cause, that the protection from  
 939 disclosure shall be for a specified longer period. During  
 940 commission consideration of an extension, the record in question  
 941 remains exempt from s. 119.07(1). The commission shall adopt  
 942 rules to implement this subsection, which shall include notice  
 943 to the telecommunications company or affected person regarding  
 944 the expiration of confidential treatment.

945 Section 29. Section 364.185, Florida Statutes, is  
 946 repealed.

947 Section 30. Section 364.19, Florida Statutes, is repealed.

948 Section 31. Section 364.27, Florida Statutes, is repealed.

949 Section 32. Section 364.33, Florida Statutes, is amended  
 950 to read:

951 364.33 Certificate of necessity or authority ~~prerequisite~~  
 952 ~~to construction, operation, or control of telecommunications~~

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953 ~~facilities. Except for a transfer of a certificate of necessity~~  
954 ~~from one person to another or to the parent or affiliate of a~~  
955 ~~certificated person as provided in this section,~~ A person may  
956 not provide ~~begin the construction or operation of any~~  
957 telecommunications services to the public without a certificate  
958 of necessity or a certificate of authority. After July 1, 2011,  
959 the commission shall cease to issue certificates of necessity,  
960 but existing certificates of necessity remain valid. A  
961 certificate of necessity or authority may be transferred to the  
962 holder's parent company or an affiliate or another person  
963 holding a certificate of necessity or authority, its parent  
964 company, or an affiliate without prior approval of the  
965 commission by giving written notice of the transfer to the  
966 commission within 60 days after the completion of the transfer.  
967 The transferee assumes the rights and obligations conferred by  
968 the certificate. This section does not affect any obligation of  
969 the transferee pursuant to 47 U.S.C. ss. 251 and 252 and the  
970 Federal Communications Commission's orders and regulations  
971 implementing those sections. ~~facility, or any extension thereof~~  
972 ~~for the purpose of providing telecommunications services to the~~  
973 ~~public, or acquire ownership or control thereof, in whatever~~  
974 ~~manner, including the acquisition, transfer, or assignment of~~  
975 ~~majority organizational control or controlling stock ownership,~~  
976 ~~without prior approval. A certificate of necessity or control~~  
977 ~~thereof may be transferred from a person holding a certificate,~~  
978 ~~its parent or an affiliate to another person holding a~~  
979 ~~certificate, its parent or an affiliate, and a person holding a~~  
980 ~~certificate, its parent or an affiliate may acquire ownership or~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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981 ~~control of a telecommunications facility through the~~  
982 ~~acquisition, transfer, or assignment of majority organizational~~  
983 ~~control or controlling stock ownership of a person holding a~~  
984 ~~certificate without prior approval of the commission by giving~~  
985 ~~60 days' written notice of the transfer or change of control to~~  
986 ~~the commission and affected customers. This section does not~~  
987 ~~require approval by the commission prior to the construction,~~  
988 ~~operation, or extension of a facility by a certificated company~~  
989 ~~within its certificated area nor in any way limit the~~  
990 ~~commission's ability to review the prudence of such construction~~  
991 ~~programs for ratemaking as provided under this chapter.~~

992 Section 33. Section 364.335, Florida Statutes, is amended  
993 to read:

994 364.335 Application for certificate of authority.—

995 (1) Each applicant for a certificate of authority shall:

996 (a) Provide the following information:

997 1. The applicant's official name and, if different, any  
998 name under which the applicant will do business.

999 2. The street address of the principal place of business  
1000 of the applicant.

1001 3. The federal employer identification number or the  
1002 Department of State's document number.

1003 4. The name, address, and telephone number of an officer,  
1004 partner, owner, member, or manager as a contact person for the  
1005 applicant to whom questions or concerns may be addressed.

1006 5. Information demonstrating the applicant's managerial,  
1007 technical, and financial ability to provide telecommunications  
1008 service, including an attestation to the accuracy of the

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1009 information provided. ~~provide all information required by rule~~  
 1010 ~~or order of the commission, which may include a detailed inquiry~~  
 1011 ~~into the ability of the applicant to provide service, a detailed~~  
 1012 ~~inquiry into the territory and facilities involved, and a~~  
 1013 ~~detailed inquiry into the existence of service from other~~  
 1014 ~~sources within geographical proximity to the territory applied~~  
 1015 ~~for.~~

1016 ~~(b) File with the commission schedules showing all rates~~  
 1017 ~~for service of every kind furnished by it and all rules and~~  
 1018 ~~contracts relating to such service.~~

1019 (b) ~~(e)~~ File the application fee required by the commission  
 1020 in an amount not to exceed \$500. Such fees shall be deposited in  
 1021 accordance with s. 350.113.

1022 ~~(d) Submit an affidavit that the applicant has caused~~  
 1023 ~~notice of its application to be given to such persons and in~~  
 1024 ~~such manner as may be prescribed by commission rule.~~

1025 (2) The commission shall grant a certificate of authority  
 1026 to provide telecommunications service upon a showing that the  
 1027 applicant has sufficient technical, financial, and managerial  
 1028 capability to provide such service in the geographic area  
 1029 proposed to be served. The applicant shall ensure continued  
 1030 compliance with applicable business formation, registration, and  
 1031 taxation provisions of law. If the commission grants the  
 1032 ~~requested certificate, any person who would be substantially~~  
 1033 ~~affected by the requested certification may, within 21 days~~  
 1034 ~~after the granting of such certificate, file a written objection~~  
 1035 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~  
 1036 ~~commission may, on its own motion, institute a proceeding under~~

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1037 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~  
1038 ~~certificate is in the public interest. The commission shall~~  
1039 ~~order such proceeding conducted in or near the territory applied~~  
1040 ~~for, if feasible. If any person requests a public hearing on the~~  
1041 ~~application, such hearing shall, if feasible, be held in or near~~  
1042 ~~the territory applied for, and the transcript of the public~~  
1043 ~~hearing and any material submitted at or prior to the hearing~~  
1044 ~~shall be considered part of the record of the application and~~  
1045 ~~any proceeding related to the application.~~

1046       (3) A certificate of authority may be terminated by the  
1047 telecommunications company by submitting notice to the  
1048 commission. ~~The commission may grant a certificate, in whole or~~  
1049 ~~in part or with modifications in the public interest, but in no~~  
1050 ~~event granting authority greater than that requested in the~~  
1051 ~~application or amendments thereto and noticed under subsection~~  
1052 ~~(1); or it may deny a certificate. The commission may grant~~  
1053 ~~certificates for proposed telecommunications companies, or for~~  
1054 ~~the extension of an existing telecommunications company, without~~  
1055 ~~regard to whether such companies will be in competition with or~~  
1056 ~~duplicate the local exchange services provided by any other~~  
1057 ~~telecommunications company. The commission may also grant a~~  
1058 ~~certificate for a proposed telecommunications company, or for~~  
1059 ~~the extension of an existing telecommunications company, which~~  
1060 ~~will be providing either competitive or duplicative pay~~  
1061 ~~telephone service pursuant to the provisions of s. 364.3375, or~~  
1062 ~~private line service by a certified alternative access vendor~~  
1063 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~  
1064 ~~that telephone service using telephones that are capable of~~

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1065 ~~accepting payment by specie, paper money, or credit cards.~~

1066 (4) Except as provided in s. 364.33, revocation,  
 1067 suspension, transfer, or amendment of a certificate shall be  
 1068 subject to the provisions of this section; ~~except that, when the~~  
 1069 ~~commission initiates the action, the commission shall furnish~~  
 1070 ~~notice to the appropriate local government and to the Public~~  
 1071 ~~Counsel.~~

1072 Section 34. Section 364.337, Florida Statutes, is  
 1073 repealed.

1074 Section 35. Section 364.3375, Florida Statutes, is amended  
 1075 to read:

1076 364.3375 Pay telephone service providers.—

1077 (1) (a) A ~~No~~ person may not ~~shall~~ provide pay telephone  
 1078 service without first obtaining from the commission a  
 1079 certificate of authority or necessity ~~public convenience and~~  
 1080 ~~necessity~~ to provide such service, except that the certification  
 1081 provisions of this subsection do not apply to a local exchange  
 1082 telecommunications company providing pay telephone service.

1083 (b) In granting such certificate the commission, if it  
 1084 finds that the action is consistent with the public interest,  
 1085 may exempt a pay telephone provider from some or all of the  
 1086 requirements of this chapter. However, the commission may exempt  
 1087 a pay telephone provider from this section only to prevent fraud  
 1088 or if it finds the exemption to be in the public interest.

1089 (c) A certificate authorizes the pay telephone provider to  
 1090 provide services statewide and to provide access to both local  
 1091 and intrastate interexchange pay telephone service, except that  
 1092 the commission may limit the type of calls that can be handled.

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- 1093 (2) Each pay telephone station shall:
- 1094 (a) Receive and permit coin-free access to the universal
- 1095 emergency telephone number "911" where operable or to a local
- 1096 exchange company toll operator.
- 1097 (b) Receive and provide coin-free or coin-return access to
- 1098 local directory assistance and the telephone number of the
- 1099 person responsible for repair service.
- 1100 (c) Designate a party responsible for processing refunds
- 1101 to customers.
- 1102 (d) Be equipped with a legible sign, card, or plate of
- 1103 reasonable permanence which provides information determined by
- 1104 the commission, by rule, to adequately inform the end user.
- 1105 (e) Be eligible to subscribe to flat-rate, single-line
- 1106 business local exchange services.
- 1107 (3) Each pay telephone station which provides access to
- 1108 any interexchange telecommunications company shall provide
- 1109 access to all locally available interexchange telecommunications
- 1110 companies and shall provide for the completion of international
- 1111 telephone calls under terms and conditions as determined by the
- 1112 commission. The commission may grant limited waivers of this
- 1113 provision to pay telephone companies or operator service
- 1114 providers to prevent fraud or as otherwise determined in the
- 1115 public interest.
- 1116 ~~(4) A pay telephone provider may charge, as a maximum rate~~
- 1117 ~~for local coin calls, a rate equivalent to the local coin rate~~
- 1118 ~~of the local exchange telecommunications company.~~
- 1119 ~~(5) A pay telephone provider shall not obtain services~~
- 1120 ~~from an operator service provider unless such operator service~~



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1121 ~~provider has obtained a certificate of public convenience and~~  
 1122 ~~necessity from the commission pursuant to the provisions of s.~~  
 1123 ~~364.3376.~~

1124 Section 36. Section 364.3376, Florida Statutes, is  
 1125 repealed.

1126 Section 37. Section 364.3381, Florida Statutes, is  
 1127 repealed.

1128 Section 38. Section 364.3382, Florida Statutes, is  
 1129 repealed.

1130 Section 39. Section 364.339, Florida Statutes, is  
 1131 repealed.

1132 Section 40. Section 364.345, Florida Statutes, is  
 1133 repealed.

1134 Section 41. Section 364.37, Florida Statutes, is repealed.

1135 Section 42. Section 364.385, Florida Statutes, is amended  
 1136 to read:

1137 364.385 Saving clauses.—

1138 ~~(1) This act does not invalidate any certificate or cause~~  
 1139 ~~to be unlawful any rate which has been previously approved and~~  
 1140 ~~which is lawfully being charged and collected immediately prior~~  
 1141 ~~to July 1, 1995. However, such rate may not be changed, and a~~  
 1142 ~~certificate may not be modified, suspended, or revoked, on or~~  
 1143 ~~after July 1, 1995, except in accordance with the provisions of~~  
 1144 ~~this act.~~

1145 ~~(2) All applications for extended area service, routes, or~~  
 1146 ~~extended calling service pending before the commission on March~~  
 1147 ~~1, 1995, shall be governed by the law as it existed prior to~~  
 1148 ~~July 1, 1995. Upon the approval of the application, the extended~~

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1149 ~~area service, routes, or extended calling service shall be~~  
1150 ~~considered basic services and shall be regulated as provided in~~  
1151 ~~s. 364.051. Proceedings including judicial review pending on~~  
1152 ~~July 1, 1995, shall be governed by the law as it existed prior~~  
1153 ~~to the date on which this section becomes a law. No new~~  
1154 ~~proceedings governed by the law as it existed prior to July 1,~~  
1155 ~~1995, shall be initiated after July 1, 1995. Any administrative~~  
1156 ~~adjudicatory proceeding which has not progressed to the stage of~~  
1157 ~~a hearing by July 1, 1995, may, with the consent of all parties~~  
1158 ~~and the commission, be conducted in accordance with the law as~~  
1159 ~~it existed prior to January 1, 1996.~~

1160 ~~(3) Florida Public Service Commission Order No. PSC 94-~~  
1161 ~~0172-FOF-TL shall remain in effect, and BellSouth~~  
1162 ~~Telecommunications, Inc., shall fully comply with that order~~  
1163 ~~unless modified by the Florida Public Service Commission~~  
1164 ~~pursuant to the terms of that order. The order may not be~~  
1165 ~~modified to extend beyond December 31, 1997, except that the~~  
1166 ~~Florida Public Service Commission shall retain jurisdiction and~~  
1167 ~~all parties shall retain their rights under the agreement after~~  
1168 ~~December 31, 1997, solely for the purpose of effectuating the~~  
1169 ~~provisions of the order applicable to periods prior to January~~  
1170 ~~1, 1998. The depreciation rates approved by the Florida Public~~  
1171 ~~Service Commission and in effect as of December 31, 1994, shall~~  
1172 ~~be used to calculate the earnings available for sharing for~~  
1173 ~~periods prior to January 1, 1998.~~

1174 ~~(4) The rates and charges for basic local~~  
1175 ~~telecommunications service and network access service approved~~  
1176 ~~by the commission in accordance with the decisions set forth in~~

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1177 Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which  
 1178 are in effect immediately prior to July 1, 2007, shall remain in  
 1179 effect and such rates and charges may not be changed after the  
 1180 effective date of this act, except in accordance with the  
 1181 provisions of s. 364.163 ~~ss. 364.051 and 364.163~~.

1182 Section 43. Section 364.386, Florida Statutes, is amended  
 1183 to read:

1184 364.386 Reports to the Legislature.—

1185 (1) (a) The commission shall submit to the President of the  
 1186 Senate, the Speaker of the House of Representatives, and the  
 1187 majority and minority leaders of the Senate and the House of  
 1188 Representatives, on August 1, 2008, and on an annual basis  
 1189 thereafter, a report on the status of competition in the  
 1190 telecommunications industry and a detailed exposition of the  
 1191 following:

1192 ~~1. The overall impact of local exchange telecommunications~~  
 1193 ~~competition on the continued availability of universal service.~~

1194 ~~1.2.~~ The ability of competitive providers to make  
 1195 functionally equivalent local exchange services available to  
 1196 both residential and business customers at competitive rates,  
 1197 terms, and conditions.

1198 ~~2.3.~~ The ability of consumers to obtain functionally  
 1199 equivalent services at comparable rates, terms, and conditions.

1200 ~~3.4.~~ The overall impact of competition ~~price regulation~~ on  
 1201 the maintenance of reasonably affordable and reliable high-  
 1202 quality telecommunications services.

1203 ~~4.5.~~ A listing and short description of any carrier  
 1204 disputes filed under s. 364.16. ~~What additional services, if~~

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1205 ~~any, should be included in the definition of basic local~~  
 1206 ~~telecommunications services, taking into account advances in~~  
 1207 ~~technology and market demand.~~

1208 ~~6. Any other information and recommendations which may be~~  
 1209 ~~in the public interest.~~

1210 (b) The commission shall make an annual request to  
 1211 providers of local exchange telecommunications services on or  
 1212 before March 1, 2008, and on or before March 1 of each year  
 1213 thereafter, for the data it requires to complete the report. A  
 1214 provider of local exchange telecommunications services shall  
 1215 file its response with the commission on or before April 15,  
 1216 2008, and on or before April 15 of each year thereafter.

1217 (2) ~~In lieu of~~ The quantitative part of the information  
 1218 requested in the commission's annual data request shall be  
 1219 limited to, ~~a provider of local exchange telecommunications~~  
 1220 ~~services may file the following:~~

1221 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of  
 1222 local exchange telecommunications service with the Federal  
 1223 Communications Commission, which must identify Florida-specific  
 1224 access line data or similar information if an FCC Form 477 is  
 1225 not available.; ~~and~~

1226 ~~(b) Provisioned Florida access line data identified by~~  
 1227 ~~telephone exchange location.~~

1228 ~~(3) The Office of Public Counsel is also directed to~~  
 1229 ~~submit a report on competition in the telecommunications~~  
 1230 ~~industry and on how the price regulation provisions of s.~~  
 1231 ~~364.051 have benefited the ratepayers and consumers of this~~  
 1232 ~~state and any other information and recommendations which may be~~

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1233 ~~in the public interest.~~

1234 Section 44. Section 364.501, Florida Statutes, is  
 1235 repealed.

1236 Section 45. Section 364.503, Florida Statutes, is  
 1237 repealed.

1238 Section 46. Section 364.506, Florida Statutes, is  
 1239 repealed.

1240 Section 47. Section 364.507, Florida Statutes, is  
 1241 repealed.

1242 Section 48. Section 364.508, Florida Statutes, is  
 1243 repealed.

1244 Section 49. Section 364.515, Florida Statutes, is  
 1245 repealed.

1246 Section 50. Section 364.516, Florida Statutes, is  
 1247 repealed.

1248 Section 51. Section 364.601, Florida Statutes, is  
 1249 repealed.

1250 Section 52. Section 364.602, Florida Statutes, is  
 1251 repealed.

1252 Section 53. Section 364.603, Florida Statutes, is  
 1253 repealed.

1254 Section 54. Section 364.604, Florida Statutes, is  
 1255 repealed.

1256 Section 55. Subsection (6) of section 196.012, Florida  
 1257 Statutes, is amended to read:

1258 196.012 Definitions.—For the purpose of this chapter, the  
 1259 following terms are defined as follows, except where the context  
 1260 clearly indicates otherwise:

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1261           (6) Governmental, municipal, or public purpose or function  
 1262 shall be deemed to be served or performed when the lessee under  
 1263 any leasehold interest created in property of the United States,  
 1264 the state or any of its political subdivisions, or any  
 1265 municipality, agency, special district, authority, or other  
 1266 public body corporate of the state is demonstrated to perform a  
 1267 function or serve a governmental purpose which could properly be  
 1268 performed or served by an appropriate governmental unit or which  
 1269 is demonstrated to perform a function or serve a purpose which  
 1270 would otherwise be a valid subject for the allocation of public  
 1271 funds. For purposes of the preceding sentence, an activity  
 1272 undertaken by a lessee which is permitted under the terms of its  
 1273 lease of real property designated as an aviation area on an  
 1274 airport layout plan which has been approved by the Federal  
 1275 Aviation Administration and which real property is used for the  
 1276 administration, operation, business offices and activities  
 1277 related specifically thereto in connection with the conduct of  
 1278 an aircraft full service fixed base operation which provides  
 1279 goods and services to the general aviation public in the  
 1280 promotion of air commerce shall be deemed an activity which  
 1281 serves a governmental, municipal, or public purpose or function.  
 1282 Any activity undertaken by a lessee which is permitted under the  
 1283 terms of its lease of real property designated as a public  
 1284 airport as defined in s. 332.004(14) by municipalities,  
 1285 agencies, special districts, authorities, or other public bodies  
 1286 corporate and public bodies politic of the state, a spaceport as  
 1287 defined in s. 331.303, or which is located in a deepwater port  
 1288 identified in s. 403.021(9)(b) and owned by one of the foregoing

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1289 governmental units, subject to a leasehold or other possessory  
1290 interest of a nongovernmental lessee that is deemed to perform  
1291 an aviation, airport, aerospace, maritime, or port purpose or  
1292 operation shall be deemed an activity that serves a  
1293 governmental, municipal, or public purpose. The use by a lessee,  
1294 licensee, or management company of real property or a portion  
1295 thereof as a convention center, visitor center, sports facility  
1296 with permanent seating, concert hall, arena, stadium, park, or  
1297 beach is deemed a use that serves a governmental, municipal, or  
1298 public purpose or function when access to the property is open  
1299 to the general public with or without a charge for admission. If  
1300 property deeded to a municipality by the United States is  
1301 subject to a requirement that the Federal Government, through a  
1302 schedule established by the Secretary of the Interior, determine  
1303 that the property is being maintained for public historic  
1304 preservation, park, or recreational purposes and if those  
1305 conditions are not met the property will revert back to the  
1306 Federal Government, then such property shall be deemed to serve  
1307 a municipal or public purpose. The term "governmental purpose"  
1308 also includes a direct use of property on federal lands in  
1309 connection with the Federal Government's Space Exploration  
1310 Program or spaceport activities as defined in s. 212.02(22).  
1311 Real property and tangible personal property owned by the  
1312 Federal Government or Space Florida and used for defense and  
1313 space exploration purposes or which is put to a use in support  
1314 thereof shall be deemed to perform an essential national  
1315 governmental purpose and shall be exempt. "Owned by the lessee"  
1316 as used in this chapter does not include personal property,

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1317 buildings, or other real property improvements used for the  
 1318 administration, operation, business offices and activities  
 1319 related specifically thereto in connection with the conduct of  
 1320 an aircraft full service fixed based operation which provides  
 1321 goods and services to the general aviation public in the  
 1322 promotion of air commerce provided that the real property is  
 1323 designated as an aviation area on an airport layout plan  
 1324 approved by the Federal Aviation Administration. For purposes of  
 1325 determination of "ownership," buildings and other real property  
 1326 improvements which will revert to the airport authority or other  
 1327 governmental unit upon expiration of the term of the lease shall  
 1328 be deemed "owned" by the governmental unit and not the lessee.  
 1329 Providing two-way telecommunications services to the public for  
 1330 hire by the use of a telecommunications facility, as defined in  
 1331 s. 364.02(12) ~~s. 364.02(15)~~, and for which a certificate is  
 1332 required under chapter 364 does not constitute an exempt use for  
 1333 purposes of s. 196.199, unless the telecommunications services  
 1334 are provided by the operator of a public-use airport, as defined  
 1335 in s. 332.004, for the operator's provision of  
 1336 telecommunications services for the airport or its tenants,  
 1337 concessionaires, or licensees, or unless the telecommunications  
 1338 services are provided by a public hospital.

1339 Section 56. Paragraph (b) of subsection (1) of section  
 1340 199.183, Florida Statutes, is amended to read:

1341 199.183 Taxpayers exempt from nonrecurring taxes.—

1342 (1) Intangible personal property owned by this state or  
 1343 any of its political subdivisions or municipalities shall be  
 1344 exempt from taxation under this chapter. This exemption does not



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1345 apply to:

1346 (b) Property related to the provision of two-way  
 1347 telecommunications services to the public for hire by the use of  
 1348 a telecommunications facility, as defined in s. 364.02(12) ~~s.~~  
 1349 ~~364.02(15)~~, and for which a certificate is required under  
 1350 chapter 364, when the service is provided by any county,  
 1351 municipality, or other political subdivision of the state. Any  
 1352 immunity of any political subdivision of the state or other  
 1353 entity of local government from taxation of the property used to  
 1354 provide telecommunication services that is taxed as a result of  
 1355 this paragraph is hereby waived. However, intangible personal  
 1356 property related to the provision of telecommunications services  
 1357 provided by the operator of a public-use airport, as defined in  
 1358 s. 332.004, for the operator's provision of telecommunications  
 1359 services for the airport or its tenants, concessionaires, or  
 1360 licensees, and intangible personal property related to the  
 1361 provision of telecommunications services provided by a public  
 1362 hospital, are exempt from taxation under this chapter.

1363 Section 57. Subsection (6) of section 212.08, Florida  
 1364 Statutes, is amended to read:

1365 212.08 Sales, rental, use, consumption, distribution, and  
 1366 storage tax; specified exemptions.—The sale at retail, the  
 1367 rental, the use, the consumption, the distribution, and the  
 1368 storage to be used or consumed in this state of the following  
 1369 are hereby specifically exempt from the tax imposed by this  
 1370 chapter.

1371 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also  
 1372 exempt from the tax imposed by this chapter sales made to the

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1373 United States Government, a state, or any county, municipality,  
1374 or political subdivision of a state when payment is made  
1375 directly to the dealer by the governmental entity. This  
1376 exemption shall not inure to any transaction otherwise taxable  
1377 under this chapter when payment is made by a government employee  
1378 by any means, including, but not limited to, cash, check, or  
1379 credit card when that employee is subsequently reimbursed by the  
1380 governmental entity. This exemption does not include sales of  
1381 tangible personal property made to contractors employed either  
1382 directly or as agents of any such government or political  
1383 subdivision thereof when such tangible personal property goes  
1384 into or becomes a part of public works owned by such government  
1385 or political subdivision. A determination whether a particular  
1386 transaction is properly characterized as an exempt sale to a  
1387 government entity or a taxable sale to a contractor shall be  
1388 based on the substance of the transaction rather than the form  
1389 in which the transaction is cast. The department shall adopt  
1390 rules that give special consideration to factors that govern the  
1391 status of the tangible personal property before its affixation  
1392 to real property. In developing these rules, assumption of the  
1393 risk of damage or loss is of paramount consideration in the  
1394 determination. This exemption does not include sales, rental,  
1395 use, consumption, or storage for use in any political  
1396 subdivision or municipality in this state of machines and  
1397 equipment and parts and accessories therefor used in the  
1398 generation, transmission, or distribution of electrical energy  
1399 by systems owned and operated by a political subdivision in this  
1400 state for transmission or distribution expansion. Likewise

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1401 exempt are charges for services rendered by radio and television  
 1402 stations, including line charges, talent fees, or license fees  
 1403 and charges for films, videotapes, and transcriptions used in  
 1404 producing radio or television broadcasts. The exemption provided  
 1405 in this subsection does not include sales, rental, use,  
 1406 consumption, or storage for use in any political subdivision or  
 1407 municipality in this state of machines and equipment and parts  
 1408 and accessories therefor used in providing two-way  
 1409 telecommunications services to the public for hire by the use of  
 1410 a telecommunications facility, as defined in s. 364.02(12) ~~s.~~  
 1411 ~~364.02(15)~~, and for which a certificate is required under  
 1412 chapter 364, which facility is owned and operated by any county,  
 1413 municipality, or other political subdivision of the state. Any  
 1414 immunity of any political subdivision of the state or other  
 1415 entity of local government from taxation of the property used to  
 1416 provide telecommunication services that is taxed as a result of  
 1417 this section is hereby waived. However, the exemption provided  
 1418 in this subsection includes transactions taxable under this  
 1419 chapter which are for use by the operator of a public-use  
 1420 airport, as defined in s. 332.004, in providing such  
 1421 telecommunications services for the airport or its tenants,  
 1422 concessionaires, or licensees, or which are for use by a public  
 1423 hospital for the provision of such telecommunications services.

1424 Section 58. Subsection (8) of section 290.007, Florida  
 1425 Statutes, is amended to read:

1426 290.007 State incentives available in enterprise zones.—  
 1427 The following incentives are provided by the state to encourage  
 1428 the revitalization of enterprise zones:

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1429           (8) Notwithstanding any law to the contrary, the Public  
1430 Service Commission may allow public utilities and  
1431 telecommunications companies to grant discounts of up to 50  
1432 percent on tariffed rates for services to small businesses  
1433 located in an enterprise zone designated pursuant to s.  
1434 290.0065. Such discounts may be granted for a period not to  
1435 exceed 5 years. For purposes of this subsection, the term  
1436 "public utility" has the same meaning as in s. 366.02(1) and the  
1437 term "telecommunications company" has the same meaning as in s.  
1438 364.02(11) ~~s. 364.02(14)~~.

1439           Section 59. Subsection (3) of section 350.0605, Florida  
1440 Statutes, is amended to read:

1441           350.0605 Former commissioners and employees;  
1442 representation of clients before commission.—

1443           (3) For a period of 2 years following termination of  
1444 service on the commission, a former member may not accept  
1445 employment by or compensation from a business entity which,  
1446 directly or indirectly, owns or controls a public utility  
1447 regulated by the commission, from a public utility regulated by  
1448 the commission, from a business entity which, directly or  
1449 indirectly, is an affiliate or subsidiary of a public utility  
1450 regulated by the commission or is an actual business competitor  
1451 of a local exchange company or public utility regulated by the  
1452 commission and is otherwise exempt from regulation by the  
1453 commission under ss. 364.02(11) ~~ss. 364.02(14)~~ and 366.02(1), or  
1454 from a business entity or trade association that has been a  
1455 party to a commission proceeding within the 2 years preceding  
1456 the member's termination of service on the commission. This

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1457 subsection applies only to members of the Florida Public Service  
 1458 Commission who are appointed or reappointed after May 10, 1993.

1459 Section 60. Section 364.105, Florida Statutes, is amended  
 1460 to read:

1461 364.105 Discounted rate for basic service for former  
 1462 Lifeline subscribers.—Each local exchange telecommunications  
 1463 company shall offer discounted residential basic local  
 1464 telecommunications service at 70 percent of the residential  
 1465 local telecommunications service rate for any Lifeline  
 1466 subscriber who no longer qualifies for Lifeline. A Lifeline  
 1467 subscriber who requests such service shall receive the  
 1468 discounted price for a period of 1 year after the date the  
 1469 subscriber ceases to be qualified for Lifeline. In no event  
 1470 shall this preclude the offering of any other discounted  
 1471 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1472 Section 61. Section 364.32, Florida Statutes, is amended  
 1473 to read:

1474 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~  
 1475 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~  
 1476 ~~364.345 and 364.37:~~

1477 (1) "Person" means:

1478 (a) Any natural person, firm, association, county,  
 1479 municipality, corporation, business, trust, or partnership  
 1480 owning, leasing, or operating any facility used in the  
 1481 furnishing of public telecommunications service within this  
 1482 state; and

1483 (b) A cooperative, nonprofit, membership corporation, or  
 1484 limited dividend or mutual association, now or hereafter

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1485 created, with respect to that part or portion of its operations  
 1486 devoted to the furnishing of telecommunications service within  
 1487 this state.

1488 (2) "Territory" means any area, whether within or without  
 1489 the boundaries of a municipality.

1490 Section 62. Subsection (5) of section 489.103, Florida  
 1491 Statutes, is amended to read:

1492 489.103 Exemptions.—This part does not apply to:

1493 (5) Public utilities, including special gas districts as  
 1494 defined in chapter 189, telecommunications companies as defined  
 1495 in s. 364.02(11) ~~s. 364.02(14)~~, and natural gas transmission  
 1496 companies as defined in s. 368.103(4), on construction,  
 1497 maintenance, and development work performed by their employees,  
 1498 which work, including, but not limited to, work on bridges,  
 1499 roads, streets, highways, or railroads, is incidental to their  
 1500 business. The board shall define, by rule, the term "incidental  
 1501 to their business" for purposes of this subsection.

1502 Section 63. This act shall take effect July 1, 2011.