

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 s. 364.015, F.S., relating to
23 injunctive relief; amending s. 364.016, F.S.; removing the
24 commission's authority to assess travel cost to review
25 out-of-state records of telecommunications company
26 affiliates; amending s. 364.02, F.S.; removing the
27 definition of the term "monopoly service"; revising the
28 definitions of the terms "basic local telecommunications

29 service" and "nonbasic service"; excluding an operator
30 service provider from the meaning of the term
31 "telecommunications company"; revising the definition of
32 the term "VoIP"; repealing ss. 364.025, 364.0251, and
33 364.0252, F.S., relating to uniform telecommunications
34 service, a telecommunications consumer information
35 program, and the expansion of consumer information
36 programs, respectively; amending s. 364.04, F.S.;
37 providing that the commission has no jurisdiction over the
38 content, form, or format of rate schedules published by a
39 telecommunications company; providing that a
40 telecommunications company may undertake certain
41 activities; repealing ss. 364.051, 364.052, 364.057,
42 364.058, 364.059, 364.06, 364.063, 364.07, and 364.08,
43 F.S., relating to price regulation, regulatory methods for
44 small local exchange telecommunications companies,
45 experimental and transitional rates, limited proceedings,
46 procedures for seeking a stay of proceedings, joint rates,
47 tolls, and contracts, rate adjustment orders, intrastate
48 interexchange service contracts, and unlawful charges
49 against consumers, respectively; amending s. 364.10, F.S.;
50 removing obsolete provisions; requiring an eligible
51 telecommunications carrier to provide a Lifeline
52 Assistance Plan to qualified residential subscribers;
53 repealing s. 364.15, F.S., relating to repairs,
54 improvements, and additions to telecommunication
55 facilities; amending s. 364.16, F.S., relating to
56 interconnection, unbundling, and resale of

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

85 | certain information when applying for a certificate of
86 | authority; describing the criteria necessary to be granted
87 | a certificate of authority; authorizing a
88 | telecommunications company to terminate a certificate of
89 | authority; repealing s. 364.337, F.S., relating to
90 | competitive local exchange companies; amending s.
91 | 364.3375, F.S., relating to pay telephone service
92 | providers; requiring pay telephone providers to obtain a
93 | certificate of authority from the commission; repealing
94 | ss. 364.3376, 364.3381, 364.3382, 364.339, 364.345, and
95 | 364.37, F.S., relating to operator services, cross-
96 | subsidization, cost disclosures, certificates for
97 | territories served, shared tenant services, and powers of
98 | the commission relating to service territories,
99 | respectively; amending s. 364.385, F.S.; removing obsolete
100 | provisions relating to saving clauses; amending s.
101 | 364.386, F.S.; revising the content to be included in the
102 | report to be filed with the Legislature; repealing ss.
103 | 364.501, 364.503, 364.506, 364.507, 364.508, 364.515,
104 | 364.516, 364.601, 364.602, 364.603, and 364.604, F.S.,
105 | relating to the prevention of damages to underground
106 | telecommunication facilities, mergers or acquisitions, a
107 | short title for education facilities, legislative intent
108 | for advanced telecommunication services to eligible
109 | facilities, definitions, infrastructure investments,
110 | penalties for failing to provide advanced
111 | telecommunication services, the short title for
112 | telecommunication consumer protections, definitions, the

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113 methodology for protecting consumers for changing
 114 telecommunication providers, and billing procedures to
 115 inform and protect the consumer, respectively; amending
 116 ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105,
 117 364.32, and 489.103, F.S.; revising cross-references to
 118 conform to changes made by the act; providing an effective
 119 date.

120

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

122

123 Section 1. This act may be cited as the "Regulatory Reform
 124 Act."

125 Section 2. Section 364.01, Florida Statutes, is amended to
 126 read:

127 364.01 Powers of commission, legislative intent.—

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

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

139 (3) Communications activities that are not regulated by
 140 the Florida Public Service Commission, ~~including, but not~~

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141 ~~limited to, VoIP, wireless, and broadband,~~ are subject to this
142 state's generally applicable business regulation and deceptive
143 trade practices and consumer protection laws, as enforced by the
144 appropriate state authority or through actions in the judicial
145 system. This chapter does not limit the availability to any
146 party of any remedy or defense under state or federal antitrust
147 laws. The Legislature finds that the competitive provision of
148 telecommunications services, including local exchange
149 telecommunications service, is in the public interest and has
150 provided ~~will provide~~ customers with freedom of choice,
151 encouraged ~~encourage~~ the introduction of new telecommunications
152 service, encouraged ~~encourage~~ technological innovation, and
153 encouraged ~~encourage~~ investment in telecommunications
154 infrastructure. ~~The Legislature further finds that the~~
155 ~~transition from the monopoly provision of local exchange service~~
156 ~~to the competitive provision thereof will require appropriate~~
157 ~~regulatory oversight to protect consumers and provide for the~~
158 ~~development of fair and effective competition, but nothing in~~
159 ~~this chapter shall limit the availability to any party of any~~
160 ~~remedy under state or federal antitrust laws. The Legislature~~
161 ~~further finds that changes in regulations allowing increased~~
162 ~~competition in telecommunications services could provide the~~
163 ~~occasion for increases in the telecommunications workforce;~~
164 ~~therefore, it is in the public interest that competition in~~
165 ~~telecommunications services lead to a situation that enhances~~
166 ~~the high-technological skills and the economic status of the~~
167 ~~telecommunications workforce. The Legislature further finds that~~
168 ~~the provision of voice over Internet protocol (VoIP) free of~~

169 ~~unnecessary regulation, regardless of the provider, is in the~~
 170 ~~public interest.~~

171 ~~(4) The commission shall exercise its exclusive~~
 172 ~~jurisdiction in order to:~~

173 ~~(a) Protect the public health, safety, and welfare by~~
 174 ~~ensuring that basic local telecommunications services are~~
 175 ~~available to all consumers in the state at reasonable and~~
 176 ~~affordable prices.~~

177 ~~(b) Encourage competition through flexible regulatory~~
 178 ~~treatment among providers of telecommunications services in~~
 179 ~~order to ensure the availability of the widest possible range of~~
 180 ~~consumer choice in the provision of all telecommunications~~
 181 ~~services.~~

182 ~~(c) Protect the public health, safety, and welfare by~~
 183 ~~ensuring that monopoly services provided by telecommunications~~
 184 ~~companies continue to be subject to effective price, rate, and~~
 185 ~~service regulation.~~

186 ~~(d) Promote competition by encouraging innovation and~~
 187 ~~investment in telecommunications markets and by allowing a~~
 188 ~~transitional period in which new and emerging technologies are~~
 189 ~~subject to a reduced level of regulatory oversight.~~

190 ~~(e) Encourage all providers of telecommunications services~~
 191 ~~to introduce new or experimental telecommunications services~~
 192 ~~free of unnecessary regulatory restraints.~~

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

195 ~~(g) Ensure that all providers of telecommunications~~
 196 ~~services are treated fairly, by preventing anticompetitive~~

197 ~~behavior and eliminating unnecessary regulatory restraint.~~

198 ~~(h) Recognize the continuing emergence of a competitive~~
 199 ~~telecommunications environment through the flexible regulatory~~
 200 ~~treatment of competitive telecommunications services, where~~
 201 ~~appropriate, if doing so does not reduce the availability of~~
 202 ~~adequate basic local telecommunications service to all citizens~~
 203 ~~of the state at reasonable and affordable prices, if competitive~~
 204 ~~telecommunications services are not subsidized by monopoly~~
 205 ~~telecommunications services, and if all monopoly services are~~
 206 ~~available to all competitors on a nondiscriminatory basis.~~

207 ~~(i) Continue its historical role as a surrogate for~~
 208 ~~competition for monopoly services provided by local exchange~~
 209 ~~telecommunications companies.~~

210 Section 3. Section 364.011, Florida Statutes, is amended
 211 to read:

212 364.011 Exemptions from commission jurisdiction.—The
 213 following services are exempt from oversight by the commission,
 214 except to the extent delineated in this chapter ~~or specifically~~
 215 ~~authorized by federal law:~~

216 (1) Intrastate interexchange telecommunications services.

217 (2) Broadband services, regardless of the provider,
 218 platform, or protocol.

219 (3) VoIP.

220 (4) Wireless telecommunications, including commercial
 221 mobile radio service providers.

222 (5) Basic service.

223 (6) Nonbasic services.

224 Section 4. Subsection (2) of section 364.012, Florida

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225 Statutes, is amended to read:

226 364.012 Consistency with federal law.—

227 (2) This chapter does not limit or modify the duties of a
 228 local exchange telecommunications company ~~carrier~~ to provide
 229 unbundled access to network elements or the commission's
 230 authority to arbitrate and enforce interconnection agreements to
 231 the extent that those elements are required under 47 U.S.C. ss.
 232 251 and 252, and under any regulations issued by the Federal
 233 Communications Commission at rates determined in accordance with
 234 the standards established by the Federal Communications
 235 Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of
 236 any successor regulation or successor forbearance of regulation.

237 Section 5. Section 364.0135, Florida Statutes, is amended
 238 to read:

239 364.0135 Promotion of broadband adoption ~~deployment~~.—

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

253 ~~efficient and effective deployment of broadband Internet service~~
 254 ~~throughout the state through a coordinated statewide effort.~~

255 (2) The Department of Management Services is authorized to
 256 work collaboratively with, and to receive staffing support and
 257 other resources from, Enterprise Florida, Inc., state agencies,
 258 local governments, private businesses, and community
 259 organizations to:

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

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

276 (b) Create a strategic plan that has goals and strategies
 277 for increasing the use of broadband Internet service in the
 278 state.

279 (c) Build and facilitate local technology planning teams
 280 or partnerships with members representing cross-sections of the

281 community, which may include, but are not limited to,
 282 representatives from the following organizations and industries:
 283 libraries, K-12 education, colleges and universities, local
 284 health care providers, private businesses, community
 285 organizations, economic development organizations, local
 286 governments, tourism, parks and recreation, and agriculture.

287 (d) Encourage the use of broadband Internet service,
 288 especially in the rural, unserved, and underserved communities
 289 of the state through grant programs having effective strategies
 290 to facilitate the statewide deployment of broadband Internet
 291 service. For any grants to be awarded, priority must be given to
 292 projects that:

293 1. Provide access to broadband education, awareness,
 294 training, access, equipment, and support to libraries, schools,
 295 colleges and universities, health care providers, and community
 296 support organizations.

297 2. Encourage the sustainable adoption of broadband in
 298 primarily unserved areas by removing barriers to entry, such as
 299 unreasonably high pole-attachment rates ~~investments in primarily~~
 300 ~~unserved areas to give consumers a choice of more than one~~
 301 ~~broadband Internet service provider.~~

302 3. Work toward encouraging investments in establishing
 303 affordable and sustainable broadband Internet service in
 304 unserved areas of the state.

305 4. Facilitate the development of applications, programs,
 306 and services, including, but not limited to, telework,
 307 telemedicine, and e-learning to increase the usage of, and
 308 demand for, broadband Internet service in the state.

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

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

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

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

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

329 Section 7. Section 364.016, Florida Statutes, is amended
 330 to read:

331 364.016 Travel costs.—The commission has the authority to
 332 assess a telecommunications company for reasonable travel costs
 333 associated with reviewing the records of the telecommunications
 334 company ~~and its affiliates~~ when such records are kept out of
 335 state. The telecommunications company may bring the records back
 336 into the state for review.

337 Section 8. Section 364.02, Florida Statutes, is amended to
 338 read:

339 364.02 Definitions.—As used in this chapter, the term:

340 (1) "Basic local telecommunications service" means voice-
 341 grade, single-line, flat-rate residential local exchange service
 342 that provides dial tone, local usage necessary to place
 343 unlimited calls within a local exchange area, dual tone
 344 multifrequency dialing, and access to the following: emergency
 345 services such as "911," all locally available interexchange
 346 companies, directory assistance, operator services, and relay
 347 services, ~~and an alphabetical directory listing~~. For a local
 348 exchange telecommunications company, the term includes any
 349 extended area service routes, and extended calling service in
 350 existence or ordered by the commission on or before July 1,
 351 1995.

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

- 356 (a) Is used to provide access to the Internet; or
- 357 (b) Provides computer processing, information storage,
 358 information content, or protocol conversion in combination with
 359 the service.

360
 361 The definition of broadband service does not include any
 362 intrastate telecommunications services that have been tariffed
 363 with the commission on or before January 1, 2005.

364 (3) "Commercial mobile radio service provider" means a

365 commercial mobile radio service provider as defined by and
 366 pursuant to 47 U.S.C. ss. 153(27) and 332(d).

367 (4) "Commission" means the Florida Public Service
 368 Commission.

369 (5) "Competitive local exchange telecommunications
 370 company" means any company certificated by the commission to
 371 provide local exchange telecommunications services in this state
 372 on or after July 1, 1995.

373 (6) "Corporation" includes a corporation, company,
 374 association, or joint stock association.

375 (7) "Intrastate interexchange telecommunications company"
 376 means any entity that provides intrastate interexchange
 377 telecommunications services.

378 (8) "Local exchange telecommunications company" means any
 379 company certificated by the commission to provide local exchange
 380 telecommunications service in this state on or before June 30,
 381 1995.

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

385 (9) ~~(10)~~ "Nonbasic service" means any telecommunications
 386 service provided by a local exchange telecommunications company
 387 other than a basic local telecommunications service, ~~a~~ local
 388 interconnection, resale, or unbundling pursuant to arrangement
 389 ~~described in~~ s. 364.16, or a network access service described in
 390 s. 364.163. Any combination of basic service along with a
 391 nonbasic service or an unregulated service is nonbasic service.

392 (10) ~~(11)~~ "Operator service" includes, but is not limited

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393 to, billing or completion of third-party, person-to-person,
394 collect, or calling card or credit card calls through the use of
395 a live operator or automated equipment.

396 (11)~~(12)~~ "Operator service provider" means a person who
397 furnishes operator service through a call aggregator.

398 (12)~~(13)~~ "Service" is to be construed in its broadest and
399 most inclusive sense. The term "service" does not include
400 broadband service or voice-over-Internet protocol service for
401 purposes of regulation by the commission. Nothing herein shall
402 affect the rights and obligations of any entity related to the
403 payment of switched network access rates or other intercarrier
404 compensation, if any, related to voice-over-Internet protocol
405 service. Notwithstanding s. 364.013, and the exemption of
406 services pursuant to this subsection, the commission may
407 arbitrate, enforce, or approve interconnection agreements, and
408 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
409 any other applicable federal law or regulation. With respect to
410 the services exempted in this subsection, regardless of the
411 technology, the duties of a local exchange telecommunications
412 company are only those that the company is obligated to extend
413 or provide under applicable federal law and regulations.

414 (13)~~(14)~~ "Telecommunications company" includes every
415 corporation, partnership, and person and their lessees,
416 trustees, or receivers appointed by any court whatsoever, and
417 every political subdivision in the state, offering two-way
418 telecommunications service to the public for hire within this
419 state by the use of a telecommunications facility. The term
420 "telecommunications company" does not include:

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

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421 (a) An entity that provides a telecommunications facility
 422 exclusively to a certificated telecommunications company;

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

426 (c) A commercial mobile radio service provider;

427 (d) A facsimile transmission service;

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

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

432 (g) An intrastate interexchange telecommunications
 433 company; or

434 (h) An operator service provider.

435

436 However, each commercial mobile radio service provider and each
 437 intrastate interexchange telecommunications company shall
 438 continue to be liable for any taxes imposed under chapters 202,
 439 203, and 212 ~~and any fees assessed under s. 364.025.~~ Each
 440 intrastate interexchange telecommunications company shall
 441 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),
 442 ~~364.163, 364.285, 364.336, 364.501, 364.603, and 364.604,~~ shall
 443 ~~provide the commission with the current information as the~~
 444 ~~commission deems necessary to contact and communicate with the~~
 445 ~~company,~~ and shall continue to pay intrastate switched network
 446 access rates or other intercarrier compensation to the local
 447 exchange telecommunications company or the competitive local
 448 exchange telecommunications company for the origination and

449 termination of interexchange telecommunications service.

450 (14)~~(15)~~ "Telecommunications facility" includes real
 451 estate, easements, apparatus, property, and routes used and
 452 operated to provide two-way telecommunications service to the
 453 public for hire within this state.

454 (15)~~(16)~~ "VoIP" means any service that:

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

458 (b) Uses a broadband connection from the user's location;
 459 and

460 (c) Permits users generally to receive calls that
 461 originate on the public switched telephone network and to
 462 terminate calls to the public switched telephone network ~~the~~
 463 ~~voice over Internet protocol as that term is defined in federal~~
 464 ~~law.~~

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

466 Section 10. Section 364.0251, Florida Statutes, is
 467 repealed.

468 Section 11. Section 364.0252, Florida Statutes, is
 469 repealed.

470 Section 12. Section 364.04, Florida Statutes, is amended
 471 to read:

472 364.04 Schedules of rates, tolls, rentals, and charges;
 473 filing; public inspection.—

474 (1) Every telecommunications company shall publish through
 475 electronic or physical media schedules showing the rates, tolls,
 476 rentals, and charges of that company for service to be offered

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477 ~~performed~~ within the state. The commission shall have no
478 jurisdiction over the content or form or format of such
479 published schedules. A telecommunications company may, as an
480 option, file the published schedules with the commission or
481 publish its schedules through other reasonably publicly
482 accessible means, including on a website. A telecommunications
483 company that does not file its schedules with the commission
484 shall inform its customers where a customer may view the
485 telecommunications company's schedules.

486 (2) This chapter does not prohibit a telecommunications
487 company from:

488 (a) Entering into contracts establishing rates, tolls,
489 rentals, and charges that differ from its published schedules or
490 offering services that are not included in its published
491 schedules; or

492 (b) Meeting competitive offerings in a specific geographic
493 market or to a specific customer.

494 (3) This section does not apply to the rates, terms, and
495 conditions established pursuant to 47 U.S.C. ss. 251 and 252.
496 ~~The schedules shall plainly state the places telecommunications~~
497 ~~service will be rendered and shall also state separately all~~
498 ~~charges and all privileges or facilities granted or allowed and~~
499 ~~any rules or regulations or forms of contract which may in~~
500 ~~anywise change, affect, or determine any of the aggregate of the~~
501 ~~rates, tolls, rentals, or charges for the service rendered.~~

502 Section 13. Section 364.051, Florida Statutes, is
503 repealed.

504 Section 14. Section 364.052, Florida Statutes, is

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505 repealed.
 506 Section 15. Section 364.057, Florida Statutes, is
 507 repealed.
 508 Section 16. Section 364.058, Florida Statutes, is
 509 repealed.
 510 Section 17. Section 364.059, Florida Statutes, is
 511 repealed.
 512 Section 18. Section 364.06, Florida Statutes, is repealed.
 513 Section 19. Section 364.063, Florida Statutes, is
 514 repealed.
 515 Section 20. Section 364.07, Florida Statutes, is repealed.
 516 Section 21. Section 364.08, Florida Statutes, is repealed.
 517 Section 22. Section 364.10, Florida Statutes, is amended
 518 to read:
 519 364.10 ~~Undue advantage to person or locality prohibited;~~
 520 Lifeline service.-
 521 ~~(1) A telecommunications company may not make or give any~~
 522 ~~undue or unreasonable preference or advantage to any person or~~
 523 ~~locality or subject any particular person or locality to any~~
 524 ~~undue or unreasonable prejudice or disadvantage in any respect~~
 525 ~~whatsoever.~~
 526 (1)(2)(a) ~~The prohibitions of subsection (1)~~
 527 ~~notwithstanding,~~ An eligible telecommunications carrier shall
 528 provide a Lifeline Assistance Plan to qualified residential
 529 subscribers, as defined in the eligible telecommunications
 530 carrier's published schedules ~~a commission-approved tariff or~~
 531 ~~price list, and a preferential rate to eligible facilities as~~
 532 ~~provided for in part II.~~ For the purposes of this section, the

533 term "eligible telecommunications carrier" means a
534 telecommunications company, as defined by s. 364.02, which is
535 designated as an eligible telecommunications carrier by the
536 commission pursuant to 47 C.F.R. s. 54.201.

537 (b) An eligible telecommunications carrier shall offer a
538 consumer who applies for or receives Lifeline service the option
539 of blocking all toll calls or, if technically capable, placing a
540 limit on the number of toll calls a consumer can make. The
541 eligible telecommunications carrier may not charge the consumer
542 an administrative charge or other additional fee for blocking
543 the service.

544 (c) An eligible telecommunications carrier may not collect
545 a service deposit in order to initiate Lifeline service if the
546 qualifying low-income consumer voluntarily elects toll blocking
547 or toll limitation. If the qualifying low-income consumer elects
548 not to place toll blocking on the line, an eligible
549 telecommunications carrier may charge a service deposit.

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

552 (e)1. An eligible telecommunications carrier must notify a
553 Lifeline subscriber of impending termination of Lifeline service
554 if the company has a reasonable basis for believing that the
555 subscriber no longer qualifies. Notification of pending
556 termination must be in the form of a letter that is separate
557 from the subscriber's bill.

558 2. An eligible telecommunications carrier shall allow a
559 subscriber 60 days following the date of the pending termination
560 letter to demonstrate continued eligibility. The subscriber must

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561 present proof of continued eligibility. An eligible
562 telecommunications carrier may transfer a subscriber off of
563 Lifeline service, pursuant to its tariff, if the subscriber
564 fails to demonstrate continued eligibility.

565 3. The commission shall establish procedures for such
566 notification and termination.

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

572 (2)~~(3)~~(a) Each local exchange telecommunications company
573 that has more than 1 million access lines and that is designated
574 as an eligible telecommunications carrier shall, and any
575 commercial mobile radio service provider designated as an
576 eligible telecommunications carrier pursuant to 47 U.S.C. s.
577 214(e) may, upon filing a notice of election to do so with the
578 commission, provide Lifeline service to any otherwise eligible
579 customer or potential customer who meets an income eligibility
580 test at 150 percent or less of the federal poverty income
581 guidelines for Lifeline customers. Such a test for eligibility
582 must augment, rather than replace, the eligibility standards
583 established by federal law and based on participation in certain
584 low-income assistance programs. Each intrastate interexchange
585 telecommunications company shall file or publish a schedule
586 providing at a minimum the intrastate interexchange
587 telecommunications company's ~~carrier's~~ current Lifeline benefits
588 and exemptions to Lifeline customers who meet the income

589 eligibility test set forth in this subsection. The Office of
 590 Public Counsel shall certify and maintain claims submitted by a
 591 customer for eligibility under the income test authorized by
 592 this subsection.

593 (b) Each eligible telecommunications carrier subject to
 594 this subsection shall provide to each state and federal agency
 595 providing benefits to persons eligible for Lifeline service
 596 applications, brochures, pamphlets, or other materials that
 597 inform the persons of their eligibility for Lifeline, and each
 598 state agency providing the benefits shall furnish the materials
 599 to affected persons at the time they apply for benefits.

600 ~~(c) Any local exchange telecommunications company customer~~
 601 ~~receiving Lifeline benefits shall not be subject to any~~
 602 ~~residential basic local telecommunications service rate~~
 603 ~~increases authorized by s. 364.164 until the local exchange~~
 604 ~~telecommunications company reaches parity as defined in s.~~
 605 ~~364.164(5) or until the customer no longer qualifies for the~~
 606 ~~Lifeline benefits established by this section or s. 364.105, or~~
 607 ~~unless otherwise determined by the commission upon petition by a~~
 608 ~~local exchange telecommunications company.~~

609 (c) ~~(d)~~ An eligible telecommunications carrier may not
 610 discontinue basic local telecommunications ~~exchange telephone~~
 611 service to a subscriber who receives Lifeline service because of
 612 nonpayment by the subscriber of charges for nonbasic services
 613 billed by the telecommunications company, including long-
 614 distance service. A subscriber who receives Lifeline service
 615 shall pay all applicable basic local telecommunications ~~exchange~~
 616 service fees, including the subscriber line charge, E-911,

617 telephone relay system charges, and applicable state and federal
618 taxes.

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

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

628 (f)~~(g)~~ An eligible telecommunications carrier may block a
629 Lifeline service subscriber's access to all long-distance
630 service, except for toll-free numbers, and may block the ability
631 to accept collect calls when the subscriber owes an outstanding
632 amount for long-distance service or amounts resulting from
633 collect calls. However, the eligible telecommunications carrier
634 may not impose a charge for blocking long-distance service. The
635 eligible telecommunications carrier shall remove the block at
636 the request of the subscriber without additional cost to the
637 subscriber upon payment of the outstanding amount. An eligible
638 telecommunications carrier may charge a service deposit before
639 removing the block.

640 (g)~~(h)~~1. By December 31, 2010, each state agency that
641 provides benefits to persons eligible for Lifeline service shall
642 undertake, in cooperation with the Department of Children and
643 Family Services, the Department of Education, the commission,
644 the Office of Public Counsel, and telecommunications companies

645 designated eligible telecommunications carriers providing
646 Lifeline services, the development of procedures to promote
647 Lifeline participation. The departments, the commission, and the
648 Office of Public Counsel may exchange sufficient information
649 with the appropriate eligible telecommunications carriers and
650 any commercial mobile radio service provider electing to provide
651 Lifeline service under paragraph (a), such as a person's name,
652 date of birth, service address, and telephone number, so that
653 the carriers can identify and enroll an eligible person in the
654 Lifeline and Link-Up programs. The information remains
655 confidential pursuant to s. 364.107 and may only be used for
656 purposes of determining eligibility and enrollment in the
657 Lifeline and Link-Up programs.

658 2. If any state agency determines that a person is
659 eligible for Lifeline services, the agency shall immediately
660 forward the information to the commission to ensure that the
661 person is automatically enrolled in the program with the
662 appropriate eligible telecommunications carrier. The state
663 agency shall include an option for an eligible customer to
664 choose not to subscribe to the Lifeline service. The Public
665 Service Commission and the Department of Children and Family
666 Services shall, no later than December 31, 2007, adopt rules
667 creating procedures to automatically enroll eligible customers
668 in Lifeline service.

669 3. By December 31, 2010, the commission, the Department of
670 Children and Family Services, the Office of Public Counsel, and
671 each eligible telecommunications carrier offering Lifeline and
672 Link-Up services shall convene a Lifeline Workgroup to discuss

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673 | how the eligible subscriber information in subparagraph 1. will
 674 | be shared, the obligations of each party with respect to the use
 675 | of that information, and the procedures to be implemented to
 676 | increase enrollment and verify eligibility in these programs.

677 | (h)~~(i)~~ The commission shall report to the Governor, the
 678 | President of the Senate, and the Speaker of the House of
 679 | Representatives by December 31 each year on the number of
 680 | customers who are subscribing to Lifeline service and the
 681 | effectiveness of any procedures to promote participation.

682 | (i)~~(j)~~ The commission shall adopt rules to administer this
 683 | section.

684 | Section 23. Section 364.15, Florida Statutes, is repealed.

685 | Section 24. Section 364.16, Florida Statutes, is amended
 686 | to read:

687 | 364.16 ~~Connection of lines and transfers; Local~~
 688 | ~~interconnection, unbundling, and resale; telephone number~~
 689 | ~~portability.~~

690 | (1) The Legislature finds that the competitive provision
 691 | of local exchange service requires appropriate regulatory
 692 | oversight of carrier-to-carrier relationships to provide for the
 693 | development of fair and effective competition.

694 | (2) It is the intent of the Legislature that in resolving
 695 | disputes, the commission shall treat all providers of
 696 | telecommunications services fairly by preventing anticompetitive
 697 | behavior.

698 | (3) The commission shall, upon request, arbitrate and
 699 | enforce interconnection agreements pursuant to 47 U.S.C. ss. 251
 700 | and 252 and the Federal Communications Commission's orders and

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701 regulations implementing those sections. The commission has the
702 authority to resolve disputes among carriers concerning
703 violations of this chapter and under the authority conferred by
704 federal law to resolve such disputes, including, but not limited
705 to, federal law addressing resale of services, number
706 portability, dialing parity, access to rights of way, access to
707 poles and conduits, and reciprocal compensation. However, this
708 section does not confer jurisdiction on the commission for
709 matters that are exempt from commission jurisdiction under ss.
710 364.011 and 364.013.

711 (4) A telecommunications company may not knowingly deliver
712 traffic, for which terminating access service charges would
713 otherwise apply, through a local interconnection arrangement
714 without paying the appropriate charges for such terminating
715 access service. Any party having a substantial interest may
716 petition the commission for an investigation of any suspected
717 violation of this subsection. If any telecommunications company
718 knowingly violates this subsection, the commission has
719 jurisdiction to arbitrate bona fide complaints arising from the
720 requirements of this subsection and shall, upon such complaint,
721 have access to all relevant customer records and accounts of any
722 telecommunications company.

723 (5) The commission shall adopt rules to prevent the
724 unauthorized changing of a subscriber's telecommunications
725 service. Such rules shall be consistent with the
726 Telecommunications Act of 1996, provide for specific
727 verification methodologies, provide for the notification to
728 subscribers of the ability to freeze the subscriber's choice of

729 carriers at no charge, allow for a subscriber's change to be
730 considered valid if verification was performed consistent with
731 commission rules, provide remedies for violations of the rules,
732 and allow for the imposition of other penalties available under
733 this chapter. The commission shall resolve on an expedited basis
734 any complaints of anticompetitive behavior concerning a local
735 preferred carrier freeze. The telecommunications company that is
736 asserting the existence of a local preferred carrier freeze,
737 which is the subject of a complaint, has the burden of proving
738 through competent evidence that the subscriber did in fact
739 request the freeze.

740 (6) Upon petition, the commission may conduct a limited or
741 expedited proceeding to consider and act upon any matter under
742 this section. The commission shall determine the issues to be
743 considered during such a proceeding and may grant or deny any
744 request to expand the scope of the proceeding to include other
745 matters. The commission shall implement an expedited process to
746 facilitate the quick resolution of disputes between
747 telecommunications companies. The process implemented by the
748 commission shall, to the greatest extent feasible, minimize the
749 time necessary to reach a decision on a dispute. The commission
750 may limit the use of the expedited process based on the number
751 of parties, the number of issues, or the complexity of the
752 issues. For any proceeding conducted pursuant to the expedited
753 process, the commission shall make its determination within 120
754 days after a petition is filed or a motion is made. The
755 commission shall adopt rules to administer this subsection.

756 ~~(1) Whenever the commission finds that connections between~~

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757 ~~any two or more local exchange telecommunications companies,~~
758 ~~whose lines form a continuous line of communication or could be~~
759 ~~made to do so by the construction and maintenance of suitable~~
760 ~~connections at common points, can reasonably be made and~~
761 ~~efficient service obtained, and that such connections are~~
762 ~~necessary, the commission may require such connections to be~~
763 ~~made, may require that telecommunications services be~~
764 ~~transferred, and may prescribe through lines and joint rates and~~
765 ~~charges to be made, used, observed, and in force in the future~~
766 ~~and fix the rates and charges by order to be served upon the~~
767 ~~company or companies affected.~~

768 ~~(2) Each competitive local exchange telecommunications~~
769 ~~company shall provide access to, and interconnection with, its~~
770 ~~telecommunications services to any other provider of local~~
771 ~~exchange telecommunications services requesting such access and~~
772 ~~interconnection at nondiscriminatory prices, terms, and~~
773 ~~conditions. If the parties are unable to negotiate mutually~~
774 ~~acceptable prices, terms, and conditions after 60 days, either~~
775 ~~party may petition the commission and the commission shall have~~
776 ~~120 days to make a determination after proceeding as required by~~
777 ~~s. 364.162(2) pertaining to interconnection services.~~

778 ~~(3) Each local exchange telecommunications company shall~~
779 ~~provide access to, and interconnection with, its~~
780 ~~telecommunications facilities to any other provider of local~~
781 ~~exchange telecommunications services requesting such access and~~
782 ~~interconnection at nondiscriminatory prices, rates, terms, and~~
783 ~~conditions established by the procedures set forth in s.~~
784 ~~364.162.~~

785 ~~(a) No local exchange telecommunications company or~~
 786 ~~competitive local exchange telecommunications company shall~~
 787 ~~knowingly deliver traffic, for which terminating access service~~
 788 ~~charges would otherwise apply, through a local interconnection~~
 789 ~~arrangement without paying the appropriate charges for such~~
 790 ~~terminating access service.~~

791 ~~(b) Any party with a substantial interest may petition the~~
 792 ~~commission for an investigation of any suspected violation of~~
 793 ~~paragraph (a). In the event any certificated local exchange~~
 794 ~~service provider knowingly violates paragraph (a), the~~
 795 ~~commission shall have jurisdiction to arbitrate bona fide~~
 796 ~~complaints arising from the requirements of this subsection and~~
 797 ~~shall, upon such complaint, have access to all relevant customer~~
 798 ~~records and accounts of any telecommunications company.~~

799 ~~(7)(4)~~ In order to ensure assure that consumers have
 800 access to different local exchange service providers without
 801 being disadvantaged, deterred, or inconvenienced by having to
 802 give up the consumer's existing local telephone number, the
 803 commission shall ensure that all providers of local exchange
 804 services must have access to local telephone numbering resources
 805 and assignments on equitable terms that include a recognition of
 806 the scarcity of such resources and are in accordance with
 807 national assignment guidelines. ~~Each local exchange provider,~~
 808 ~~except small local exchange telecommunications companies under~~
 809 ~~rate of return regulation, shall provide a temporary means of~~
 810 ~~achieving telephone number portability. The parties, under the~~
 811 ~~direction of the commission, shall set up a number portability~~
 812 ~~standards group by no later than September 1, 1995, for the~~

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813 ~~purposes of investigation and development of appropriate~~
814 ~~parameters, costs, and standards for number portability. If the~~
815 ~~parties are unable to successfully negotiate the prices, terms,~~
816 ~~and conditions of a temporary number portability solution, the~~
817 ~~commission shall establish a temporary number portability~~
818 ~~solution by no later than January 1, 1996. Each local exchange~~
819 ~~service provider shall make necessary modifications to allow~~
820 ~~permanent portability of local telephone numbers between~~
821 ~~certificated providers of local exchange service as soon as~~
822 ~~reasonably possible after the development of national standards.~~
823 ~~The parties shall negotiate the prices, terms, and conditions~~
824 ~~for permanent telephone number portability arrangements. In the~~
825 ~~event the parties are unable to satisfactorily negotiate the~~
826 ~~prices, terms, and conditions, either party may petition the~~
827 ~~commission and the commission shall, after opportunity for a~~
828 ~~hearing, set the rates, terms, and conditions. The prices and~~
829 ~~rates shall not be below cost. Number portability between~~
830 ~~different certificated providers of local exchange service at~~
831 ~~the same location shall be provided temporarily no later than~~
832 ~~January 1, 1996.~~

833 (8) ~~(5)~~ When requested, each certificated
834 telecommunications company shall provide access to any poles,
835 conduits, rights-of-way, and like facilities that it owns or
836 controls to any local exchange telecommunications company or
837 competitive local exchange telecommunications company pursuant
838 to reasonable rates and conditions mutually agreed to which do
839 not discriminate between similarly situated companies.

840 Section 25. Section 364.161, Florida Statutes, is

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841 repealed.

842 Section 26. Section 364.162, Florida Statutes, is
 843 repealed.

844 Section 27. Section 364.163, Florida Statutes, is amended
 845 to read:

846 364.163 Network access services.—For purposes of this
 847 section, the term "network access service" is defined as any
 848 service provided by a local exchange telecommunications company
 849 to a telecommunications company certificated under this chapter
 850 or licensed by the Federal Communications Commission to access
 851 the local exchange telecommunications network, excluding ~~the~~
 852 local interconnection, resale, or unbundling pursuant to
 853 ~~arrangements in s. 364.16 and the resale arrangements in s.~~
 854 ~~364.161.~~ Each local exchange telecommunications company ~~subject~~
 855 ~~to s. 364.051~~ shall maintain tariffs with the commission
 856 containing the terms, conditions, and rates for each of its
 857 network access services. The switched network access service
 858 rates in effect immediately prior to July 1, 2007, shall be, and
 859 shall remain, capped at that level until July 1, 2010. An
 860 interexchange telecommunications company may not institute any
 861 intrastate connection fee or any similarly named fee.

862 Section 28. Section 364.183, Florida Statutes, is amended
 863 to read:

864 364.183 Access to company records.—

865 (1) The commission shall have access to all records of a
 866 telecommunications company which ~~that~~ are reasonably necessary
 867 for the disposition of matters within the commission's
 868 jurisdiction. ~~The commission shall also have access to those~~

869 ~~records of a local exchange telecommunications company's~~
870 ~~affiliated companies, including its parent company, that are~~
871 ~~reasonably necessary for the disposition of any matter~~
872 ~~concerning an affiliated transaction or a claim of~~
873 ~~anticompetitive behavior including claims of cross-subsidization~~
874 ~~and predatory pricing. The commission may require a~~
875 ~~telecommunications company to file records, reports or other~~
876 ~~data directly related to matters within the commission's~~
877 ~~jurisdiction in the form specified by the commission and may~~
878 ~~require such company to retain such information for a designated~~
879 ~~period of time.~~ Upon request of the company or other person, any
880 records received by the commission which are claimed by the
881 company or other person to be proprietary confidential business
882 information shall be kept confidential and shall be exempt from
883 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

884 (2) Discovery in any docket or proceeding before the
885 commission shall be in the manner provided for in Rule 1.280 of
886 the Florida Rules of Civil Procedure. Upon a showing by a
887 company or other person and a finding by the commission that
888 discovery will require the disclosure of proprietary
889 confidential business information, the commission shall issue an
890 appropriate protective order designating the manner for handling
891 such information during the course of the proceeding and for
892 protecting such information from disclosure outside the
893 proceeding. Such proprietary confidential business information
894 shall be exempt from s. 119.07(1). Any records provided pursuant
895 to a discovery request for which proprietary confidential
896 business information status is requested shall be treated by the

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897 commission and the Office of the Public Counsel and any other
898 party subject to the public records law as confidential and
899 shall be exempt from s. 119.07(1), pending a formal ruling on
900 such request by the commission or the return of the records to
901 the person providing the records. Any record which has been
902 determined to be proprietary confidential business information
903 and is not entered into the official record of the proceeding
904 shall be returned to the person providing the record within 60
905 days after the final order, unless the final order is appealed.
906 If the final order is appealed, any such record shall be
907 returned within 30 days after the decision on appeal. The
908 commission shall adopt the necessary rules to implement this
909 subsection.

910 (3) The term "proprietary confidential business
911 information" means information, regardless of form or
912 characteristics, which is owned or controlled by the person or
913 company, is intended to be and is treated by the person or
914 company as private in that the disclosure of the information
915 would cause harm to the ratepayers or the person's or company's
916 business operations, and has not been disclosed unless disclosed
917 pursuant to a statutory provision, an order of a court or
918 administrative body, or private agreement that provides that the
919 information will not be released to the public. The term
920 includes, but is not limited to:

- 921 (a) Trade secrets.
922 (b) Internal auditing controls and reports of internal
923 auditors.
924 (c) Security measures, systems, or procedures.

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925 (d) Information concerning bids or other contractual data,
926 the disclosure of which would impair the efforts of the company
927 or its affiliates to contract for goods or services on favorable
928 terms.

929 (e) Information relating to competitive interests, the
930 disclosure of which would impair the competitive business of the
931 provider of information.

932 (f) Employee personnel information unrelated to
933 compensation, duties, qualifications, or responsibilities.

934 (4) Any finding by the commission that a record contains
935 proprietary confidential business information is effective for a
936 period set by the commission not to exceed 18 months, unless the
937 commission finds, for good cause, that the protection from
938 disclosure shall be for a specified longer period. The
939 commission shall order the return of a record containing
940 proprietary confidential business information when such record
941 is no longer necessary for the commission to conduct its
942 business. At that time, the commission shall order any other
943 person holding such record to return it to the person providing
944 the record. Any record containing proprietary confidential
945 business information which has not been returned at the
946 conclusion of the period set pursuant to this subsection shall
947 no longer be exempt from s. 119.07(1) unless the
948 telecommunications company or affected person shows, and the
949 commission finds, that the record continues to contain
950 proprietary confidential business information. Upon such
951 finding, the commission may extend the period for confidential
952 treatment for a period not to exceed 18 months unless the

953 commission finds, for good cause, that the protection from
 954 disclosure shall be for a specified longer period. During
 955 commission consideration of an extension, the record in question
 956 remains exempt from s. 119.07(1). The commission shall adopt
 957 rules to implement this subsection, which shall include notice
 958 to the telecommunications company or affected person regarding
 959 the expiration of confidential treatment.

960 Section 29. Section 364.185, Florida Statutes, is
 961 repealed.

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

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

964 Section 32. Section 364.33, Florida Statutes, is amended
 965 to read:

966 364.33 Certificate of necessity or authority prerequisite
 967 ~~to construction, operation, or control of telecommunications~~
 968 ~~facilities. Except for a transfer of a certificate of necessity~~
 969 ~~from one person to another or to the parent or affiliate of a~~
 970 ~~certificated person as provided in this section, A person may~~
 971 ~~not provide begin the construction or operation of any~~
 972 telecommunications services to the public without a certificate
 973 of necessity or a certificate of authority. After July 1, 2011,
 974 the commission shall cease to issue certificates of necessity,
 975 but existing certificates of necessity remain valid. A
 976 certificate of necessity or authority may be transferred to the
 977 holder's parent company or an affiliate or another person
 978 holding a certificate of necessity or authority, its parent
 979 company, or an affiliate without prior approval of the
 980 commission by giving written notice of the transfer to the

981 commission within 60 days after the completion of the transfer.
 982 The transferee assumes the rights and obligations conferred by
 983 the certificate. This section does not affect any obligation of
 984 the transferee pursuant to 47 U.S.C. ss. 251 and 252 and the
 985 Federal Communications Commission's orders and regulations
 986 implementing those sections. ~~facility, or any extension thereof~~
 987 ~~for the purpose of providing telecommunications services to the~~
 988 ~~public, or acquire ownership or control thereof, in whatever~~
 989 ~~manner, including the acquisition, transfer, or assignment of~~
 990 ~~majority organizational control or controlling stock ownership,~~
 991 ~~without prior approval. A certificate of necessity or control~~
 992 ~~thereof may be transferred from a person holding a certificate,~~
 993 ~~its parent or an affiliate to another person holding a~~
 994 ~~certificate, its parent or an affiliate, and a person holding a~~
 995 ~~certificate, its parent or an affiliate may acquire ownership or~~
 996 ~~control of a telecommunications facility through the~~
 997 ~~acquisition, transfer, or assignment of majority organizational~~
 998 ~~control or controlling stock ownership of a person holding a~~
 999 ~~certificate without prior approval of the commission by giving~~
 1000 ~~60 days' written notice of the transfer or change of control to~~
 1001 ~~the commission and affected customers. This section does not~~
 1002 ~~require approval by the commission prior to the construction,~~
 1003 ~~operation, or extension of a facility by a certificated company~~
 1004 ~~within its certificated area nor in any way limit the~~
 1005 ~~commission's ability to review the prudence of such construction~~
 1006 ~~programs for ratemaking as provided under this chapter.~~

1007 Section 33. Section 364.335, Florida Statutes, is amended
 1008 to read:

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1009 364.335 Application for certificate of authority.—
 1010 (1) Each applicant for a certificate of authority shall:
 1011 (a) Provide the following information:
 1012 1. The applicant's official name and, if different, any
 1013 name under which the applicant will do business.
 1014 2. The street address of the principal place of business
 1015 of the applicant.
 1016 3. The federal employer identification number or the
 1017 Department of State's document number.
 1018 4. The name, address, and telephone number of an officer,
 1019 partner, owner, member, or manager as a contact person for the
 1020 applicant to whom questions or concerns may be addressed.
 1021 5. Information demonstrating the applicant's managerial,
 1022 technical, and financial ability to provide telecommunications
 1023 service, including an attestation to the accuracy of the
 1024 information provided. ~~provide all information required by rule~~
 1025 ~~or order of the commission, which may include a detailed inquiry~~
 1026 ~~into the ability of the applicant to provide service, a detailed~~
 1027 ~~inquiry into the territory and facilities involved, and a~~
 1028 ~~detailed inquiry into the existence of service from other~~
 1029 ~~sources within geographical proximity to the territory applied~~
 1030 ~~for.~~
 1031 ~~(b) File with the commission schedules showing all rates~~
 1032 ~~for service of every kind furnished by it and all rules and~~
 1033 ~~contracts relating to such service.~~
 1034 (b)(e) File the application fee required by the commission
 1035 in an amount not to exceed \$500. Such fees shall be deposited in
 1036 accordance with s. 350.113.

1037 ~~(d) Submit an affidavit that the applicant has caused~~
 1038 ~~notice of its application to be given to such persons and in~~
 1039 ~~such manner as may be prescribed by commission rule.~~

1040 (2) The commission shall grant a certificate of authority
 1041 to provide telecommunications service upon a showing that the
 1042 applicant has sufficient technical, financial, and managerial
 1043 capability to provide such service in the geographic area
 1044 proposed to be served. The applicant shall ensure continued
 1045 compliance with applicable business formation, registration, and
 1046 taxation provisions of law. ~~If the commission grants the~~
 1047 ~~requested certificate, any person who would be substantially~~
 1048 ~~affected by the requested certification may, within 21 days~~
 1049 ~~after the granting of such certificate, file a written objection~~
 1050 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~
 1051 ~~commission may, on its own motion, institute a proceeding under~~
 1052 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~
 1053 ~~certificate is in the public interest. The commission shall~~
 1054 ~~order such proceeding conducted in or near the territory applied~~
 1055 ~~for, if feasible. If any person requests a public hearing on the~~
 1056 ~~application, such hearing shall, if feasible, be held in or near~~
 1057 ~~the territory applied for, and the transcript of the public~~
 1058 ~~hearing and any material submitted at or prior to the hearing~~
 1059 ~~shall be considered part of the record of the application and~~
 1060 ~~any proceeding related to the application.~~

1061 (3) A certificate of authority may be terminated by the
 1062 telecommunications company by submitting notice to the
 1063 commission. ~~The commission may grant a certificate, in whole or~~
 1064 ~~in part or with modifications in the public interest, but in no~~

1065 ~~event granting authority greater than that requested in the~~
 1066 ~~application or amendments thereto and noticed under subsection~~
 1067 ~~(1); or it may deny a certificate. The commission may grant~~
 1068 ~~certificates for proposed telecommunications companies, or for~~
 1069 ~~the extension of an existing telecommunications company, without~~
 1070 ~~regard to whether such companies will be in competition with or~~
 1071 ~~duplicate the local exchange services provided by any other~~
 1072 ~~telecommunications company. The commission may also grant a~~
 1073 ~~certificate for a proposed telecommunications company, or for~~
 1074 ~~the extension of an existing telecommunications company, which~~
 1075 ~~will be providing either competitive or duplicative pay~~
 1076 ~~telephone service pursuant to the provisions of s. 364.3375, or~~
 1077 ~~private line service by a certified alternative access vendor~~
 1078 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~
 1079 ~~that telephone service using telephones that are capable of~~
 1080 ~~accepting payment by specie, paper money, or credit cards.~~

1081 (4) Except as provided in s. 364.33, revocation,
 1082 suspension, transfer, or amendment of a certificate shall be
 1083 subject to the provisions of this section; ~~except that, when the~~
 1084 ~~commission initiates the action, the commission shall furnish~~
 1085 ~~notice to the appropriate local government and to the Public~~
 1086 ~~Counsel.~~

1087 Section 34. Section 364.337, Florida Statutes, is
 1088 repealed.

1089 Section 35. Section 364.3375, Florida Statutes, is amended
 1090 to read:

1091 364.3375 Pay telephone service providers.—

1092 (1) (a) A ~~No~~ person may not shall provide pay telephone

1093 service without first obtaining from the commission a
 1094 certificate of authority or necessity ~~public convenience and~~
 1095 ~~necessity~~ to provide such service, except that the certification
 1096 provisions of this subsection do not apply to a local exchange
 1097 telecommunications company providing pay telephone service.

1098 (b) In granting such certificate the commission, if it
 1099 finds that the action is consistent with the public interest,
 1100 may exempt a pay telephone provider from some or all of the
 1101 requirements of this chapter. However, the commission may exempt
 1102 a pay telephone provider from this section only to prevent fraud
 1103 or if it finds the exemption to be in the public interest.

1104 (c) A certificate authorizes the pay telephone provider to
 1105 provide services statewide and to provide access to both local
 1106 and intrastate interexchange pay telephone service, except that
 1107 the commission may limit the type of calls that can be handled.

1108 (2) Each pay telephone station shall:

1109 (a) Receive and permit coin-free access to the universal
 1110 emergency telephone number "911" where operable or to a local
 1111 exchange company toll operator.

1112 (b) Receive and provide coin-free or coin-return access to
 1113 local directory assistance and the telephone number of the
 1114 person responsible for repair service.

1115 (c) Designate a party responsible for processing refunds
 1116 to customers.

1117 (d) Be equipped with a legible sign, card, or plate of
 1118 reasonable permanence which provides information determined by
 1119 the commission, by rule, to adequately inform the end user.

1120 (e) Be eligible to subscribe to flat-rate, single-line

1121 business local exchange services.

1122 (3) Each pay telephone station which provides access to
 1123 any interexchange telecommunications company shall provide
 1124 access to all locally available interexchange telecommunications
 1125 companies and shall provide for the completion of international
 1126 telephone calls under terms and conditions as determined by the
 1127 commission. The commission may grant limited waivers of this
 1128 provision to pay telephone companies ~~or operator service~~
 1129 ~~providers~~ to prevent fraud or as otherwise determined in the
 1130 public interest.

1131 ~~(4) A pay telephone provider may charge, as a maximum rate~~
 1132 ~~for local coin calls, a rate equivalent to the local coin rate~~
 1133 ~~of the local exchange telecommunications company.~~

1134 ~~(5) A pay telephone provider shall not obtain services~~
 1135 ~~from an operator service provider unless such operator service~~
 1136 ~~provider has obtained a certificate of public convenience and~~
 1137 ~~necessity from the commission pursuant to the provisions of s.~~
 1138 ~~364.3376.~~

1139 Section 36. Section 364.3376, Florida Statutes, is
 1140 repealed.

1141 Section 37. Section 364.3381, Florida Statutes, is
 1142 repealed.

1143 Section 38. Section 364.3382, Florida Statutes, is
 1144 repealed.

1145 Section 39. Section 364.339, Florida Statutes, is
 1146 repealed.

1147 Section 40. Section 364.345, Florida Statutes, is
 1148 repealed.

1149 Section 41. Section 364.37, Florida Statutes, is repealed.

1150 Section 42. Section 364.385, Florida Statutes, is amended
1151 to read:

1152 364.385 Saving clauses.—

1153 ~~(1) This act does not invalidate any certificate or cause~~
1154 ~~to be unlawful any rate which has been previously approved and~~
1155 ~~which is lawfully being charged and collected immediately prior~~
1156 ~~to July 1, 1995. However, such rate may not be changed, and a~~
1157 ~~certificate may not be modified, suspended, or revoked, on or~~
1158 ~~after July 1, 1995, except in accordance with the provisions of~~
1159 ~~this act.~~

1160 ~~(2) All applications for extended area service, routes, or~~
1161 ~~extended calling service pending before the commission on March~~
1162 ~~1, 1995, shall be governed by the law as it existed prior to~~
1163 ~~July 1, 1995. Upon the approval of the application, the extended~~
1164 ~~area service, routes, or extended calling service shall be~~
1165 ~~considered basic services and shall be regulated as provided in~~
1166 ~~s. 364.051. Proceedings including judicial review pending on~~
1167 ~~July 1, 1995, shall be governed by the law as it existed prior~~
1168 ~~to the date on which this section becomes a law. No new~~
1169 ~~proceedings governed by the law as it existed prior to July 1,~~
1170 ~~1995, shall be initiated after July 1, 1995. Any administrative~~
1171 ~~adjudicatory proceeding which has not progressed to the stage of~~
1172 ~~a hearing by July 1, 1995, may, with the consent of all parties~~
1173 ~~and the commission, be conducted in accordance with the law as~~
1174 ~~it existed prior to January 1, 1996.~~

1175 ~~(3) Florida Public Service Commission Order No. PSC 94-~~
1176 ~~0172-FOF-TL shall remain in effect, and BellSouth~~

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1177 ~~Telecommunications, Inc., shall fully comply with that order~~
 1178 ~~unless modified by the Florida Public Service Commission~~
 1179 ~~pursuant to the terms of that order. The order may not be~~
 1180 ~~modified to extend beyond December 31, 1997, except that the~~
 1181 ~~Florida Public Service Commission shall retain jurisdiction and~~
 1182 ~~all parties shall retain their rights under the agreement after~~
 1183 ~~December 31, 1997, solely for the purpose of effectuating the~~
 1184 ~~provisions of the order applicable to periods prior to January~~
 1185 ~~1, 1998. The depreciation rates approved by the Florida Public~~
 1186 ~~Service Commission and in effect as of December 31, 1994, shall~~
 1187 ~~be used to calculate the earnings available for sharing for~~
 1188 ~~periods prior to January 1, 1998.~~

1189 ~~(4) The rates and charges for basic local~~
 1190 ~~telecommunications service and network access service approved~~
 1191 ~~by the commission in accordance with the decisions set forth in~~
 1192 ~~Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which~~
 1193 ~~are in effect immediately prior to July 1, 2007, shall remain in~~
 1194 ~~effect and such rates and charges may not be changed after the~~
 1195 ~~effective date of this act, except in accordance with the~~
 1196 ~~provisions of s. 364.163 ~~ss. 364.051 and 364.163.~~~~

1197 Section 43. Section 364.386, Florida Statutes, is amended
 1198 to read:

1199 364.386 Reports to the Legislature.—

1200 (1) (a) The commission shall submit to the President of the
 1201 Senate, the Speaker of the House of Representatives, and the
 1202 majority and minority leaders of the Senate and the House of
 1203 Representatives, on August 1, 2008, and on an annual basis
 1204 thereafter, a report on the status of competition in the

1205 telecommunications industry and a detailed exposition of the
 1206 following:

1207 ~~1. The overall impact of local exchange telecommunications~~
 1208 ~~competition on the continued availability of universal service.~~

1209 1.2. The ability of competitive providers to make
 1210 functionally equivalent local exchange services available to
 1211 both residential and business customers at competitive rates,
 1212 terms, and conditions.

1213 2.3. The ability of consumers to obtain functionally
 1214 equivalent services at comparable rates, terms, and conditions.

1215 3.4. The overall impact of competition ~~price regulation~~ on
 1216 the maintenance of reasonably affordable and reliable high-
 1217 quality telecommunications services.

1218 4.5. A listing and short description of any carrier
 1219 disputes filed under s. 364.16. ~~What additional services, if~~
 1220 ~~any, should be included in the definition of basic local~~
 1221 ~~telecommunications services, taking into account advances in~~
 1222 ~~technology and market demand.~~

1223 ~~6. Any other information and recommendations which may be~~
 1224 ~~in the public interest.~~

1225 (b) The commission shall make an annual request to
 1226 providers of local exchange telecommunications services on or
 1227 before March 1, 2008, and on or before March 1 of each year
 1228 thereafter, for the data it requires to complete the report. A
 1229 provider of local exchange telecommunications services shall
 1230 file its response with the commission on or before April 15,
 1231 2008, and on or before April 15 of each year thereafter.

1232 (2) ~~In lieu of~~ The quantitative part of the information

1233 requested in the commission's annual data request shall be
 1234 limited to, ~~a provider of local exchange telecommunications~~
 1235 ~~services may file the following:~~

1236 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of
 1237 local exchange telecommunications service with the Federal
 1238 Communications Commission, which must identify Florida-specific
 1239 access line data or similar information if an FCC Form 477 is
 1240 not available. ~~;~~ ~~and~~

1241 ~~(b)~~ ~~Provisioned Florida access line data identified by~~
 1242 ~~telephone exchange location.~~

1243 ~~(3)~~ ~~The Office of Public Counsel is also directed to~~
 1244 ~~submit a report on competition in the telecommunications~~
 1245 ~~industry and on how the price regulation provisions of s.~~
 1246 ~~364.051 have benefited the ratepayers and consumers of this~~
 1247 ~~state and any other information and recommendations which may be~~
 1248 ~~in the public interest.~~

1249 Section 44. Section 364.501, Florida Statutes, is
 1250 repealed.

1251 Section 45. Section 364.503, Florida Statutes, is
 1252 repealed.

1253 Section 46. Section 364.506, Florida Statutes, is
 1254 repealed.

1255 Section 47. Section 364.507, Florida Statutes, is
 1256 repealed.

1257 Section 48. Section 364.508, Florida Statutes, is
 1258 repealed.

1259 Section 49. Section 364.515, Florida Statutes, is
 1260 repealed.

1261 Section 50. Section 364.516, Florida Statutes, is
 1262 repealed.

1263 Section 51. Section 364.601, Florida Statutes, is
 1264 repealed.

1265 Section 52. Section 364.602, Florida Statutes, is
 1266 repealed.

1267 Section 53. Section 364.603, Florida Statutes, is
 1268 repealed.

1269 Section 54. Section 364.604, Florida Statutes, is
 1270 repealed.

1271 Section 55. Subsection (6) of section 196.012, Florida
 1272 Statutes, is amended to read:

1273 196.012 Definitions.—For the purpose of this chapter, the
 1274 following terms are defined as follows, except where the context
 1275 clearly indicates otherwise:

1276 (6) Governmental, municipal, or public purpose or function
 1277 shall be deemed to be served or performed when the lessee under
 1278 any leasehold interest created in property of the United States,
 1279 the state or any of its political subdivisions, or any
 1280 municipality, agency, special district, authority, or other
 1281 public body corporate of the state is demonstrated to perform a
 1282 function or serve a governmental purpose which could properly be
 1283 performed or served by an appropriate governmental unit or which
 1284 is demonstrated to perform a function or serve a purpose which
 1285 would otherwise be a valid subject for the allocation of public
 1286 funds. For purposes of the preceding sentence, an activity
 1287 undertaken by a lessee which is permitted under the terms of its
 1288 lease of real property designated as an aviation area on an

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1289 | airport layout plan which has been approved by the Federal
 1290 | Aviation Administration and which real property is used for the
 1291 | administration, operation, business offices and activities
 1292 | related specifically thereto in connection with the conduct of
 1293 | an aircraft full service fixed base operation which provides
 1294 | goods and services to the general aviation public in the
 1295 | promotion of air commerce shall be deemed an activity which
 1296 | serves a governmental, municipal, or public purpose or function.
 1297 | Any activity undertaken by a lessee which is permitted under the
 1298 | terms of its lease of real property designated as a public
 1299 | airport as defined in s. 332.004(14) by municipalities,
 1300 | agencies, special districts, authorities, or other public bodies
 1301 | corporate and public bodies politic of the state, a spaceport as
 1302 | defined in s. 331.303, or which is located in a deepwater port
 1303 | identified in s. 403.021(9)(b) and owned by one of the foregoing
 1304 | governmental units, subject to a leasehold or other possessory
 1305 | interest of a nongovernmental lessee that is deemed to perform
 1306 | an aviation, airport, aerospace, maritime, or port purpose or
 1307 | operation shall be deemed an activity that serves a
 1308 | governmental, municipal, or public purpose. The use by a lessee,
 1309 | licensee, or management company of real property or a portion
 1310 | thereof as a convention center, visitor center, sports facility
 1311 | with permanent seating, concert hall, arena, stadium, park, or
 1312 | beach is deemed a use that serves a governmental, municipal, or
 1313 | public purpose or function when access to the property is open
 1314 | to the general public with or without a charge for admission. If
 1315 | property deeded to a municipality by the United States is
 1316 | subject to a requirement that the Federal Government, through a

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1317 | schedule established by the Secretary of the Interior, determine
 1318 | that the property is being maintained for public historic
 1319 | preservation, park, or recreational purposes and if those
 1320 | conditions are not met the property will revert back to the
 1321 | Federal Government, then such property shall be deemed to serve
 1322 | a municipal or public purpose. The term "governmental purpose"
 1323 | also includes a direct use of property on federal lands in
 1324 | connection with the Federal Government's Space Exploration
 1325 | Program or spaceport activities as defined in s. 212.02(22).
 1326 | Real property and tangible personal property owned by the
 1327 | Federal Government or Space Florida and used for defense and
 1328 | space exploration purposes or which is put to a use in support
 1329 | thereof shall be deemed to perform an essential national
 1330 | governmental purpose and shall be exempt. "Owned by the lessee"
 1331 | as used in this chapter does not include personal property,
 1332 | buildings, or other real property improvements used for the
 1333 | administration, operation, business offices and activities
 1334 | related specifically thereto in connection with the conduct of
 1335 | an aircraft full service fixed based operation which provides
 1336 | goods and services to the general aviation public in the
 1337 | promotion of air commerce provided that the real property is
 1338 | designated as an aviation area on an airport layout plan
 1339 | approved by the Federal Aviation Administration. For purposes of
 1340 | determination of "ownership," buildings and other real property
 1341 | improvements which will revert to the airport authority or other
 1342 | governmental unit upon expiration of the term of the lease shall
 1343 | be deemed "owned" by the governmental unit and not the lessee.
 1344 | Providing two-way telecommunications services to the public for

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1345 hire by the use of a telecommunications facility, as defined in
 1346 s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is
 1347 required under chapter 364 does not constitute an exempt use for
 1348 purposes of s. 196.199, unless the telecommunications services
 1349 are provided by the operator of a public-use airport, as defined
 1350 in s. 332.004, for the operator's provision of
 1351 telecommunications services for the airport or its tenants,
 1352 concessionaires, or licensees, or unless the telecommunications
 1353 services are provided by a public hospital.

1354 Section 56. Paragraph (b) of subsection (1) of section
 1355 199.183, Florida Statutes, is amended to read:

1356 199.183 Taxpayers exempt from nonrecurring taxes.—

1357 (1) Intangible personal property owned by this state or
 1358 any of its political subdivisions or municipalities shall be
 1359 exempt from taxation under this chapter. This exemption does not
 1360 apply to:

1361 (b) Property related to the provision of two-way
 1362 telecommunications services to the public for hire by the use of
 1363 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
 1364 ~~364.02(15)~~, and for which a certificate is required under
 1365 chapter 364, when the service is provided by any county,
 1366 municipality, or other political subdivision of the state. Any
 1367 immunity of any political subdivision of the state or other
 1368 entity of local government from taxation of the property used to
 1369 provide telecommunication services that is taxed as a result of
 1370 this paragraph is hereby waived. However, intangible personal
 1371 property related to the provision of telecommunications services
 1372 provided by the operator of a public-use airport, as defined in

1373 s. 332.004, for the operator's provision of telecommunications
 1374 services for the airport or its tenants, concessionaires, or
 1375 licensees, and intangible personal property related to the
 1376 provision of telecommunications services provided by a public
 1377 hospital, are exempt from taxation under this chapter.

1378 Section 57. Subsection (6) of section 212.08, Florida
 1379 Statutes, is amended to read:

1380 212.08 Sales, rental, use, consumption, distribution, and
 1381 storage tax; specified exemptions.—The sale at retail, the
 1382 rental, the use, the consumption, the distribution, and the
 1383 storage to be used or consumed in this state of the following
 1384 are hereby specifically exempt from the tax imposed by this
 1385 chapter.

1386 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
 1387 exempt from the tax imposed by this chapter sales made to the
 1388 United States Government, a state, or any county, municipality,
 1389 or political subdivision of a state when payment is made
 1390 directly to the dealer by the governmental entity. This
 1391 exemption shall not inure to any transaction otherwise taxable
 1392 under this chapter when payment is made by a government employee
 1393 by any means, including, but not limited to, cash, check, or
 1394 credit card when that employee is subsequently reimbursed by the
 1395 governmental entity. This exemption does not include sales of
 1396 tangible personal property made to contractors employed either
 1397 directly or as agents of any such government or political
 1398 subdivision thereof when such tangible personal property goes
 1399 into or becomes a part of public works owned by such government
 1400 or political subdivision. A determination whether a particular

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1401 transaction is properly characterized as an exempt sale to a
 1402 government entity or a taxable sale to a contractor shall be
 1403 based on the substance of the transaction rather than the form
 1404 in which the transaction is cast. The department shall adopt
 1405 rules that give special consideration to factors that govern the
 1406 status of the tangible personal property before its affixation
 1407 to real property. In developing these rules, assumption of the
 1408 risk of damage or loss is of paramount consideration in the
 1409 determination. This exemption does not include sales, rental,
 1410 use, consumption, or storage for use in any political
 1411 subdivision or municipality in this state of machines and
 1412 equipment and parts and accessories therefor used in the
 1413 generation, transmission, or distribution of electrical energy
 1414 by systems owned and operated by a political subdivision in this
 1415 state for transmission or distribution expansion. Likewise
 1416 exempt are charges for services rendered by radio and television
 1417 stations, including line charges, talent fees, or license fees
 1418 and charges for films, videotapes, and transcriptions used in
 1419 producing radio or television broadcasts. The exemption provided
 1420 in this subsection does not include sales, rental, use,
 1421 consumption, or storage for use in any political subdivision or
 1422 municipality in this state of machines and equipment and parts
 1423 and accessories therefor used in providing two-way
 1424 telecommunications services to the public for hire by the use of
 1425 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
 1426 ~~364.02(15)~~, and for which a certificate is required under
 1427 chapter 364, which facility is owned and operated by any county,
 1428 municipality, or other political subdivision of the state. Any

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1429 immunity of any political subdivision of the state or other
 1430 entity of local government from taxation of the property used to
 1431 provide telecommunication services that is taxed as a result of
 1432 this section is hereby waived. However, the exemption provided
 1433 in this subsection includes transactions taxable under this
 1434 chapter which are for use by the operator of a public-use
 1435 airport, as defined in s. 332.004, in providing such
 1436 telecommunications services for the airport or its tenants,
 1437 concessionaires, or licensees, or which are for use by a public
 1438 hospital for the provision of such telecommunications services.

1439 Section 58. Subsection (8) of section 290.007, Florida
 1440 Statutes, is amended to read:

1441 290.007 State incentives available in enterprise zones.—
 1442 The following incentives are provided by the state to encourage
 1443 the revitalization of enterprise zones:

1444 (8) Notwithstanding any law to the contrary, the Public
 1445 Service Commission may allow public utilities and
 1446 telecommunications companies to grant discounts of up to 50
 1447 percent on tariffed rates for services to small businesses
 1448 located in an enterprise zone designated pursuant to s.
 1449 290.0065. Such discounts may be granted for a period not to
 1450 exceed 5 years. For purposes of this subsection, the term
 1451 "public utility" has the same meaning as in s. 366.02(1) and the
 1452 term "telecommunications company" has the same meaning as in s.
 1453 364.02(13) ~~s. 364.02(14)~~.

1454 Section 59. Subsection (3) of section 350.0605, Florida
 1455 Statutes, is amended to read:

1456 350.0605 Former commissioners and employees;

1457 representation of clients before commission.—

1458 (3) For a period of 2 years following termination of
 1459 service on the commission, a former member may not accept
 1460 employment by or compensation from a business entity which,
 1461 directly or indirectly, owns or controls a public utility
 1462 regulated by the commission, from a public utility regulated by
 1463 the commission, from a business entity which, directly or
 1464 indirectly, is an affiliate or subsidiary of a public utility
 1465 regulated by the commission or is an actual business competitor
 1466 of a local exchange company or public utility regulated by the
 1467 commission and is otherwise exempt from regulation by the
 1468 commission under ss. 364.02(13) ~~ss. 364.02(14)~~ and 366.02(1), or
 1469 from a business entity or trade association that has been a
 1470 party to a commission proceeding within the 2 years preceding
 1471 the member's termination of service on the commission. This
 1472 subsection applies only to members of the Florida Public Service
 1473 Commission who are appointed or reappointed after May 10, 1993.

1474 Section 60. Section 364.105, Florida Statutes, is amended
 1475 to read:

1476 364.105 Discounted rate for basic service for former
 1477 Lifeline subscribers.—Each local exchange telecommunications
 1478 company shall offer discounted residential basic local
 1479 telecommunications service at 70 percent of the residential
 1480 local telecommunications service rate for any Lifeline
 1481 subscriber who no longer qualifies for Lifeline. A Lifeline
 1482 subscriber who requests such service shall receive the
 1483 discounted price for a period of 1 year after the date the
 1484 subscriber ceases to be qualified for Lifeline. In no event

1485 shall this preclude the offering of any other discounted
 1486 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1487 Section 61. Section 364.32, Florida Statutes, is amended
 1488 to read:

1489 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~
 1490 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~
 1491 ~~364.345 and 364.37:~~

1492 (1) "Person" means:

1493 (a) Any natural person, firm, association, county,
 1494 municipality, corporation, business, trust, or partnership
 1495 owning, leasing, or operating any facility used in the
 1496 furnishing of public telecommunications service within this
 1497 state; and

1498 (b) A cooperative, nonprofit, membership corporation, or
 1499 limited dividend or mutual association, now or hereafter
 1500 created, with respect to that part or portion of its operations
 1501 devoted to the furnishing of telecommunications service within
 1502 this state.

1503 (2) "Territory" means any area, whether within or without
 1504 the boundaries of a municipality.

1505 Section 62. Subsection (5) of section 489.103, Florida
 1506 Statutes, is amended to read:

1507 489.103 Exemptions.—This part does not apply to:

1508 (5) Public utilities, including special gas districts as
 1509 defined in chapter 189, telecommunications companies as defined
 1510 in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission
 1511 companies as defined in s. 368.103(4), on construction,
 1512 maintenance, and development work performed by their employees,

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1513 | which work, including, but not limited to, work on bridges,
1514 | roads, streets, highways, or railroads, is incidental to their
1515 | business. The board shall define, by rule, the term "incidental
1516 | to their business" for purposes of this subsection.

1517 | Section 63. This act shall take effect July 1, 2011.