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CS/CS/HB 1231

2011 Legislature

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; amending s. 364.02, F.S.; removing the
23 definition of the term "monopoly service"; revising the
24 definitions of the terms "basic local telecommunications
25 service" and "nonbasic service"; excluding an operator
26 service provider from the meaning of the term
27 "telecommunications company"; revising the definition of
28 the term "VoIP"; repealing ss. 364.025, 364.0251, and

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

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

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

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85 | telecommunications company to terminate a certificate of
86 | authority; amending s. 364.336, F.S.; requiring the
87 | commission to initiate rulemaking to reduce the regulatory
88 | assessment fee for telecommunications companies and to
89 | produce an annual report describing its efforts to reduce
90 | the fee; repealing s. 364.337, F.S., relating to
91 | competitive local exchange companies; amending s.
92 | 364.3375, F.S., relating to pay telephone service
93 | providers; requiring pay telephone providers to obtain a
94 | certificate of authority from the commission; repealing
95 | ss. 364.3376, 364.3381, 364.3382, 364.339, 364.345, and
96 | 364.37, F.S., relating to operator services, cross-
97 | subsidization, cost disclosures, certificates for
98 | territories served, shared tenant services, and powers of
99 | the commission relating to service territories,
100 | respectively; amending s. 364.385, F.S.; removing obsolete
101 | provisions relating to saving clauses; amending s.
102 | 364.386, F.S.; revising the content to be included in the
103 | report to be filed with the Legislature; repealing ss.
104 | 364.501, 364.503, 364.506, 364.507, 364.508, 364.515,
105 | 364.516, 364.601, 364.602, 364.603, and 364.604, F.S.,
106 | relating to the prevention of damages to underground
107 | telecommunication facilities, mergers or acquisitions, a
108 | short title for education facilities, legislative intent
109 | for advanced telecommunication services to eligible
110 | facilities, definitions, infrastructure investments,
111 | penalties for failing to provide advanced
112 | telecommunication services, the short title for

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

121

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

123

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

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

128 364.01 Powers of commission, legislative intent.—

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

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

140 (3) Communications activities that are not regulated by

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

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169 ~~the provision of voice over Internet protocol (VoIP) free of~~
170 ~~unnecessary regulation, regardless of the provider, is in the~~
171 ~~public interest.~~

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

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

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

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

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

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

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

196 ~~(g) Ensure that all providers of telecommunications~~

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197 ~~services are treated fairly, by preventing anticompetitive~~
198 ~~behavior and eliminating unnecessary regulatory restraint.~~

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

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

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

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

217 (1) Intrastate interexchange telecommunications services.

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

220 (3) VoIP.

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

223 (5) Basic service.

224 (6) Nonbasic services or comparable services offered by

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225 any telecommunications company.

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

228 364.012 Consistency with federal law.—

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

239 Section 5. Section 364.0135, Florida Statutes, is amended
240 to read:

241 364.0135 Promotion of broadband adoption ~~deployment~~.—

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

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253 ~~service, especially in rural, unserved, or underserved~~
 254 ~~communities. The Legislature therefore intends to promote the~~
 255 ~~efficient and effective deployment of broadband Internet service~~
 256 ~~throughout the state through a coordinated statewide effort.~~

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

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

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

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

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281 (c) Build and facilitate local technology planning teams
282 or partnerships with members representing cross-sections of the
283 community, which may include, but are not limited to,
284 representatives from the following organizations and industries:
285 libraries, K-12 education, colleges and universities, local
286 health care providers, private businesses, community
287 organizations, economic development organizations, local
288 governments, tourism, parks and recreation, and agriculture.

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

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

299 2. Encourage the sustainable adoption of broadband in
300 primarily unserved areas by removing barriers to entry
301 ~~investments in primarily unserved areas to give consumers a~~
302 ~~choice of more than one broadband Internet service provider.~~

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

306 4. Facilitate the development of applications, programs,
307 and services, including, but not limited to, telework,
308 telemedicine, and e-learning to increase the usage of, and

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309 demand for, broadband Internet service in the state.

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

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

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

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

329 Section 6. Section 364.02, Florida Statutes, is amended to
330 read:

331 364.02 Definitions.—As used in this chapter, the term:

332 (1) "Basic local telecommunications service" means voice-
333 grade, single-line, flat-rate residential local exchange service
334 that provides dial tone, local usage necessary to place
335 unlimited calls within a local exchange area, dual tone
336 multifrequency dialing, and access to the following: emergency

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337 services such as "911," all locally available interexchange
338 companies, directory assistance, operator services, and relay
339 services, ~~and an alphabetical directory listing~~. For a local
340 exchange telecommunications company, the term includes any
341 extended area service routes, and extended calling service in
342 existence or ordered by the commission on or before July 1,
343 1995.

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

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

349 (b) Provides computer processing, information storage,
350 information content, or protocol conversion in combination with
351 the service.

352
353 The definition of broadband service does not include any
354 intrastate telecommunications services that have been tariffed
355 with the commission on or before January 1, 2005.

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

359 (4) "Commission" means the Florida Public Service
360 Commission.

361 (5) "Competitive local exchange telecommunications
362 company" means any company certificated by the commission to
363 provide local exchange telecommunications services in this state
364 on or after July 1, 1995.

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365 (6) "Corporation" includes a corporation, company,
366 association, or joint stock association.

367 (7) "Intrastate interexchange telecommunications company"
368 means any entity that provides intrastate interexchange
369 telecommunications services.

370 (8) "Local exchange telecommunications company" means any
371 company certificated by the commission to provide local exchange
372 telecommunications service in this state on or before June 30,
373 1995.

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

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

384 (10)~~(11)~~ "Operator service" includes, but is not limited
385 to, billing or completion of third-party, person-to-person,
386 collect, or calling card or credit card calls through the use of
387 a live operator or automated equipment.

388 (11)~~(12)~~ "Operator service provider" means a person who
389 furnishes operator service through a call aggregator.

390 (12)~~(13)~~ "Service" is to be construed in its broadest and
391 most inclusive sense. The term "service" does not include
392 broadband service or voice-over-Internet protocol service for

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393 | purposes of regulation by the commission. Nothing herein shall
 394 | affect the rights and obligations of any entity related to the
 395 | payment of switched network access rates or other intercarrier
 396 | compensation, if any, related to voice-over-Internet protocol
 397 | service. Notwithstanding s. 364.013, and the exemption of
 398 | services pursuant to this subsection, the commission may
 399 | arbitrate, enforce, or approve interconnection agreements, and
 400 | resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
 401 | any other applicable federal law or regulation. With respect to
 402 | the services exempted in this subsection, regardless of the
 403 | technology, the duties of a local exchange telecommunications
 404 | company are only those that the company is obligated to extend
 405 | or provide under applicable federal law and regulations.

406 | (13)~~(14)~~ "Telecommunications company" includes every
 407 | corporation, partnership, and person and their lessees,
 408 | trustees, or receivers appointed by any court whatsoever, and
 409 | every political subdivision in the state, offering two-way
 410 | telecommunications service to the public for hire within this
 411 | state by the use of a telecommunications facility. The term
 412 | "telecommunications company" does not include:

413 | (a) An entity that provides a telecommunications facility
 414 | exclusively to a certificated telecommunications company;

415 | (b) An entity that provides a telecommunications facility
 416 | exclusively to a company which is excluded from the definition
 417 | of a telecommunications company under this subsection;

418 | (c) A commercial mobile radio service provider;

419 | (d) A facsimile transmission service;

420 | (e) A private computer data network company not offering

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- 421 service to the public for hire;
- 422 (f) A cable television company providing cable service as
- 423 defined in 47 U.S.C. s. 522; ~~or~~
- 424 (g) An intrastate interexchange telecommunications
- 425 company; or
- 426 (h) An operator service provider.

427

428 However, each commercial mobile radio service provider and each

429 intrastate interexchange telecommunications company shall

430 continue to be liable for any taxes imposed under chapters 202,

431 203, and 212 ~~and any fees assessed under s. 364.025.~~ Each

432 intrastate interexchange telecommunications company shall

433 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),

434 ~~364.163, 364.285, 364.336, 364.501, 364.603, and 364.604,~~ shall

435 ~~provide the commission with the current information as the~~

436 ~~commission deems necessary to contact and communicate with the~~

437 ~~company,~~ and shall continue to pay intrastate switched network

438 access rates or other intercarrier compensation to the local

439 exchange telecommunications company or the competitive local

440 exchange telecommunications company for the origination and

441 termination of interexchange telecommunications service.

442 ~~(14)-(15)~~ "Telecommunications facility" includes real

443 estate, easements, apparatus, property, and routes used and

444 operated to provide two-way telecommunications service to the

445 public for hire within this state.

446 ~~(15)-(16)~~ "VoIP" means any service that:

- 447 (a) Enables real-time, two-way voice communications that
- 448 originate from or terminate to the user's location in Internet

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449 Protocol or any successor protocol;
450 (b) Uses a broadband connection from the user's location;
451 and

452 (c) Permits users generally to receive calls that
453 originate on the public switched telephone network and to
454 terminate calls to the public switched telephone network the
455 ~~voice over Internet protocol as that term is defined in federal~~
456 ~~law.~~

457 Section 7. Section 364.025, Florida Statutes, is repealed.

458 Section 8. Section 364.0251, Florida Statutes, is
459 repealed.

460 Section 9. Section 364.0252, Florida Statutes, is
461 repealed.

462 Section 10. Section 364.04, Florida Statutes, is amended
463 to read:

464 364.04 Schedules of rates, tolls, rentals, and charges;
465 filing; public inspection.—

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

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477 telecommunications company's schedules.

478 (2) This chapter does not prohibit a telecommunications
479 company from:

480 (a) Entering into contracts establishing rates, tolls,
481 rentals, and charges that differ from its published schedules or
482 offering services that are not included in its published
483 schedules; or

484 (b) Meeting competitive offerings in a specific geographic
485 market or to a specific customer.

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

488 ~~The schedules shall plainly state the places telecommunications~~
489 ~~service will be rendered and shall also state separately all~~
490 ~~charges and all privileges or facilities granted or allowed and~~
491 ~~any rules or regulations or forms of contract which may in~~
492 ~~anywise change, affect, or determine any of the aggregate of the~~
493 ~~rates, tolls, rentals, or charges for the service rendered.~~

494 Section 11. Section 364.051, Florida Statutes, is
495 repealed.

496 Section 12. Section 364.052, Florida Statutes, is
497 repealed.

498 Section 13. Section 364.057, Florida Statutes, is
499 repealed.

500 Section 14. Section 364.058, Florida Statutes, is
501 repealed.

502 Section 15. Section 364.059, Florida Statutes, is
503 repealed.

504 Section 16. Section 364.06, Florida Statutes, is repealed.

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505 Section 17. Section 364.063, Florida Statutes, is
506 repealed.

507 Section 18. Section 364.07, Florida Statutes, is repealed.

508 Section 19. Section 364.08, Florida Statutes, is repealed.

509 Section 20. Section 364.10, Florida Statutes, is amended
510 to read:

511 364.10 ~~Undue advantage to person or locality prohibited;~~
512 Lifeline service.-

513 ~~(1) A telecommunications company may not make or give any~~
514 ~~undue or unreasonable preference or advantage to any person or~~
515 ~~locality or subject any particular person or locality to any~~
516 ~~undue or unreasonable prejudice or disadvantage in any respect~~
517 ~~whatsoever.~~

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

529 (b) An eligible telecommunications carrier shall offer a
530 consumer who applies for or receives Lifeline service the option
531 of blocking all toll calls or, if technically capable, placing a
532 limit on the number of toll calls a consumer can make. The

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533 eligible telecommunications carrier may not charge the consumer
534 an administrative charge or other additional fee for blocking
535 the service.

536 (c) An eligible telecommunications carrier may not collect
537 a service deposit in order to initiate Lifeline service if the
538 qualifying low-income consumer voluntarily elects toll blocking
539 or toll limitation. If the qualifying low-income consumer elects
540 not to place toll blocking on the line, an eligible
541 telecommunications carrier may charge a service deposit.

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

544 (e)1. An eligible telecommunications carrier must notify a
545 Lifeline subscriber of impending termination of Lifeline service
546 if the company has a reasonable basis for believing that the
547 subscriber no longer qualifies. Notification of pending
548 termination must be in the form of a letter that is separate
549 from the subscriber's bill.

550 2. An eligible telecommunications carrier shall allow a
551 subscriber 60 days following the date of the pending termination
552 letter to demonstrate continued eligibility. The subscriber must
553 present proof of continued eligibility. An eligible
554 telecommunications carrier may transfer a subscriber off of
555 Lifeline service, pursuant to its tariff, if the subscriber
556 fails to demonstrate continued eligibility.

557 3. The commission shall establish procedures for such
558 notification and termination.

559 (f) An eligible telecommunications carrier shall timely
560 credit a consumer's bill with the Lifeline Assistance credit as

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561 | soon as practicable, but no later than 60 days following receipt
562 | of notice of eligibility from the Office of Public Counsel or
563 | proof of eligibility from the consumer.

564 | ~~(2)~~(3)(a) Each local exchange telecommunications company
565 | that has more than 1 million access lines and that is designated
566 | as an eligible telecommunications carrier shall, and any
567 | commercial mobile radio service provider designated as an
568 | eligible telecommunications carrier pursuant to 47 U.S.C. s.
569 | 214(e) may, upon filing a notice of election to do so with the
570 | commission, provide Lifeline service to any otherwise eligible
571 | customer or potential customer who meets an income eligibility
572 | test at 150 percent or less of the federal poverty income
573 | guidelines for Lifeline customers. Such a test for eligibility
574 | must augment, rather than replace, the eligibility standards
575 | established by federal law and based on participation in certain
576 | low-income assistance programs. Each intrastate interexchange
577 | telecommunications company shall file or publish a schedule
578 | providing at a minimum the intrastate interexchange
579 | telecommunications company's ~~carrier's~~ current Lifeline benefits
580 | and exemptions to Lifeline customers who meet the income
581 | eligibility test set forth in this subsection. The Office of
582 | Public Counsel shall certify and maintain claims submitted by a
583 | customer for eligibility under the income test authorized by
584 | this subsection.

585 | (b) Each eligible telecommunications carrier subject to
586 | this subsection shall provide to each state and federal agency
587 | providing benefits to persons eligible for Lifeline service
588 | applications, brochures, pamphlets, or other materials that

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589 | inform the persons of their eligibility for Lifeline, and each
590 | state agency providing the benefits shall furnish the materials
591 | to affected persons at the time they apply for benefits.

592 | ~~(c) Any local exchange telecommunications company customer~~
593 | ~~receiving Lifeline benefits shall not be subject to any~~
594 | ~~residential basic local telecommunications service rate~~
595 | ~~increases authorized by s. 364.164 until the local exchange~~
596 | ~~telecommunications company reaches parity as defined in s.~~
597 | ~~364.164(5) or until the customer no longer qualifies for the~~
598 | ~~Lifeline benefits established by this section or s. 364.105, or~~
599 | ~~unless otherwise determined by the commission upon petition by a~~
600 | ~~local exchange telecommunications company.~~

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

611 | (d)~~(e)~~ An eligible telecommunications carrier may not
612 | refuse to connect, reconnect, or provide Lifeline service
613 | because of unpaid toll charges or nonbasic charges other than
614 | basic local telecommunications ~~exchange~~ service.

615 | (e)~~(f)~~ An eligible telecommunications carrier may require
616 | that payment arrangements be made for outstanding debt

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617 associated with basic local telecommunications ~~exchange~~ service,
618 subscriber line charges, E-911, telephone relay system charges,
619 and applicable state and federal taxes.

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

632 (g) ~~(h)~~ 1. By December 31, 2010, each state agency that
633 provides benefits to persons eligible for Lifeline service shall
634 undertake, in cooperation with the Department of Children and
635 Family Services, the Department of Education, the commission,
636 the Office of Public Counsel, and telecommunications companies
637 designated eligible telecommunications carriers providing
638 Lifeline services, the development of procedures to promote
639 Lifeline participation. The departments, the commission, and the
640 Office of Public Counsel may exchange sufficient information
641 with the appropriate eligible telecommunications carriers and
642 any commercial mobile radio service provider electing to provide
643 Lifeline service under paragraph (a), such as a person's name,
644 date of birth, service address, and telephone number, so that

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645 the carriers can identify and enroll an eligible person in the
646 Lifeline and Link-Up programs. The information remains
647 confidential pursuant to s. 364.107 and may only be used for
648 purposes of determining eligibility and enrollment in the
649 Lifeline and Link-Up programs.

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

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

669 (h)~~(i)~~ The commission shall report to the Governor, the
670 President of the Senate, and the Speaker of the House of
671 Representatives by December 31 each year on the number of
672 customers who are subscribing to Lifeline service and the

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673 effectiveness of any procedures to promote participation.

674 (i) The commission may undertake appropriate measures to
675 inform low-income consumers of the availability of the Lifeline
676 and Link-Up programs.

677 (j) The commission shall adopt rules to administer this
678 section.

679 Section 21. Section 364.15, Florida Statutes, is repealed.

680 Section 22. Section 364.16, Florida Statutes, is amended
681 to read:

682 364.16 ~~Connection of lines and transfers; Local~~
683 interconnection, unbundling, and resale; ~~telephone number~~
684 portability.—

685 (1) The Legislature finds that the competitive provision
686 of local exchange service requires appropriate continued
687 regulatory oversight of carrier-to-carrier relationships in
688 order to provide for the development of fair and effective
689 competition.

690 (2) It is the intent of the Legislature that in resolving
691 disputes, the commission treat all providers of
692 telecommunications services fairly by preventing anticompetitive
693 behavior, including, but not limited to, predatory pricing.

694 (3) The commission shall, upon request, arbitrate and
695 enforce interconnection agreements pursuant to 47 U.S.C. ss. 251
696 and 252 and the Federal Communications Commission's orders and
697 regulations implementing those sections. The commission has the
698 authority to resolve disputes among carriers concerning
699 violations of this chapter and under the authority conferred by
700 federal law to resolve such disputes, including, but not limited

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701 to, federal law addressing resale of services, local
702 interconnection, unbundling, number portability, dialing parity,
703 access to rights-of-way, access to poles and conduits, and
704 reciprocal compensation. However, this section does not confer
705 jurisdiction on the commission for services that are exempt from
706 commission jurisdiction under s. 364.011 or s. 364.013.
707 Additionally, a competitive local exchange telecommunications
708 company is entitled to interconnection with a local exchange
709 telecommunications company to transmit and route voice traffic
710 between both the competitive local exchange telecommunications
711 company and the local exchange telecommunications company
712 regardless of the technology by which the voice traffic is
713 originated by and terminated to an end user. The commission
714 shall afford the competitive local exchange telecommunications
715 company all substantive and procedural rights available to such
716 companies regarding interconnection under the law.
717 (4) A telecommunications company may not knowingly deliver
718 traffic, for which terminating access service charges would
719 otherwise apply, through a local interconnection arrangement
720 without paying the appropriate charges for such terminating
721 access service. Any party having a substantial interest may
722 petition the commission for an investigation of any suspected
723 violation of this subsection. If a telecommunications company
724 knowingly violates this subsection, the commission has
725 jurisdiction to arbitrate bona fide complaints arising from the
726 requirements of this subsection and shall, upon such complaint,
727 have access to all relevant customer records and accounts of any
728 telecommunications company.

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729 (5) The commission shall adopt rules to prevent the
730 unauthorized changing of a subscriber's telecommunications
731 service. Such rules shall be consistent with the
732 Telecommunications Act of 1996, provide for specific
733 verification methodologies, provide for the notification to
734 subscribers of the ability to freeze the subscriber's choice of
735 carriers at no charge, allow for a subscriber's change to be
736 considered valid if verification was performed consistent with
737 commission rules, provide remedies for violations of the rules,
738 and allow for the imposition of other penalties available under
739 this chapter. The commission shall resolve on an expedited basis
740 any complaints of anticompetitive behavior concerning a local
741 preferred carrier freeze. The telecommunications company that is
742 asserting the existence of a local preferred carrier freeze,
743 which is the subject of a complaint, has the burden of proving
744 through competent evidence that the subscriber did in fact
745 request the freeze.

746 (6) Upon petition, the commission may conduct a limited or
747 expedited proceeding to consider and act upon any matter under
748 this section. The commission shall determine the issues to be
749 considered during such a proceeding and may grant or deny any
750 request to expand the scope of the proceeding to include other
751 matters. The commission shall implement an expedited process to
752 facilitate the quick resolution of disputes between
753 telecommunications companies. The process implemented by the
754 commission shall, to the greatest extent feasible, minimize the
755 time necessary to reach a decision on a dispute. The commission
756 may limit the use of the expedited process based on the number

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757 of parties, the number of issues, or the complexity of the
758 issues. For any proceeding conducted pursuant to the expedited
759 process, the commission shall make its determination within 120
760 days after a petition is filed or a motion is made. The
761 commission shall adopt rules to administer this subsection.

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

774 ~~(2) Each competitive local exchange telecommunications~~
775 ~~company shall provide access to, and interconnection with, its~~
776 ~~telecommunications services to any other provider of local~~
777 ~~exchange telecommunications services requesting such access and~~
778 ~~interconnection at nondiscriminatory prices, terms, and~~
779 ~~conditions. If the parties are unable to negotiate mutually~~
780 ~~acceptable prices, terms, and conditions after 60 days, either~~
781 ~~party may petition the commission and the commission shall have~~
782 ~~120 days to make a determination after proceeding as required by~~
783 ~~s. 364.162(2) pertaining to interconnection services.~~

784 ~~(3) Each local exchange telecommunications company shall~~

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785 ~~provide access to, and interconnection with, its~~
786 ~~telecommunications facilities to any other provider of local~~
787 ~~exchange telecommunications services requesting such access and~~
788 ~~interconnection at nondiscriminatory prices, rates, terms, and~~
789 ~~conditions established by the procedures set forth in s.~~
790 ~~364.162.~~

791 ~~(a) No local exchange telecommunications company or~~
792 ~~competitive local exchange telecommunications company shall~~
793 ~~knowingly deliver traffic, for which terminating access service~~
794 ~~charges would otherwise apply, through a local interconnection~~
795 ~~arrangement without paying the appropriate charges for such~~
796 ~~terminating access service.~~

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

805 ~~(7)-(4)~~ (7) In order to ensure ~~assure~~ that consumers have
806 access to different local exchange service providers without
807 being disadvantaged, deterred, or inconvenienced by having to
808 give up the consumer's existing local telephone number, the
809 commission must make sure that all providers of local exchange
810 services ~~must~~ have access to local telephone numbering resources
811 and assignments on equitable terms that include a recognition of
812 the scarcity of such resources and that are in accordance with

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813 national assignment guidelines. ~~Each local exchange provider,~~
 814 ~~except small local exchange telecommunications companies under~~
 815 ~~rate of return regulation, shall provide a temporary means of~~
 816 ~~achieving telephone number portability. The parties, under the~~
 817 ~~direction of the commission, shall set up a number portability~~
 818 ~~standards group by no later than September 1, 1995, for the~~
 819 ~~purposes of investigation and development of appropriate~~
 820 ~~parameters, costs, and standards for number portability. If the~~
 821 ~~parties are unable to successfully negotiate the prices, terms,~~
 822 ~~and conditions of a temporary number portability solution, the~~
 823 ~~commission shall establish a temporary number portability~~
 824 ~~solution by no later than January 1, 1996. Each local exchange~~
 825 ~~service provider shall make necessary modifications to allow~~
 826 ~~permanent portability of local telephone numbers between~~
 827 ~~certificated providers of local exchange service as soon as~~
 828 ~~reasonably possible after the development of national standards.~~
 829 ~~The parties shall negotiate the prices, terms, and conditions~~
 830 ~~for permanent telephone number portability arrangements. In the~~
 831 ~~event the parties are unable to satisfactorily negotiate the~~
 832 ~~prices, terms, and conditions, either party may petition the~~
 833 ~~commission and the commission shall, after opportunity for a~~
 834 ~~hearing, set the rates, terms, and conditions. The prices and~~
 835 ~~rates shall not be below cost. Number portability between~~
 836 ~~different certificated providers of local exchange service at~~
 837 ~~the same location shall be provided temporarily no later than~~
 838 ~~January 1, 1996.~~

839 (8)~~(5)~~ When requested, each certificated
 840 telecommunications company shall provide access to any poles,

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841 conduits, rights-of-way, and like facilities that it owns or
842 controls to any local exchange telecommunications company or
843 competitive local exchange telecommunications company pursuant
844 to reasonable rates and conditions mutually agreed to which do
845 not discriminate between similarly situated companies.

846 Section 23. Section 364.161, Florida Statutes, is
847 repealed.

848 Section 24. Section 364.162, Florida Statutes, is
849 repealed.

850 Section 25. Section 364.163, Florida Statutes, is amended
851 to read:

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

868 Section 26. Section 364.183, Florida Statutes, is amended

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869 to read:

870 364.183 Access to company records.—

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

890 (2) Discovery in any docket or proceeding before the
891 commission shall be in the manner provided for in Rule 1.280 of
892 the Florida Rules of Civil Procedure. Upon a showing by a
893 company or other person and a finding by the commission that
894 discovery will require the disclosure of proprietary
895 confidential business information, the commission shall issue an
896 appropriate protective order designating the manner for handling

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

916 (3) The term "proprietary confidential business
917 information" means information, regardless of form or
918 characteristics, which is owned or controlled by the person or
919 company, is intended to be and is treated by the person or
920 company as private in that the disclosure of the information
921 would cause harm to the ratepayers or the person's or company's
922 business operations, and has not been disclosed unless disclosed
923 pursuant to a statutory provision, an order of a court or
924 administrative body, or private agreement that provides that the

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925 information will not be released to the public. The term
 926 includes, but is not limited to:

- 927 (a) Trade secrets.
- 928 (b) Internal auditing controls and reports of internal
 929 auditors.
- 930 (c) Security measures, systems, or procedures.
- 931 (d) Information concerning bids or other contractual data,
 932 the disclosure of which would impair the efforts of the company
 933 or its affiliates to contract for goods or services on favorable
 934 terms.
- 935 (e) Information relating to competitive interests, the
 936 disclosure of which would impair the competitive business of the
 937 provider of information.
- 938 (f) Employee personnel information unrelated to
 939 compensation, duties, qualifications, or responsibilities.

940 (4) Any finding by the commission that a record contains
 941 proprietary confidential business information is effective for a
 942 period set by the commission not to exceed 18 months, unless the
 943 commission finds, for good cause, that the protection from
 944 disclosure shall be for a specified longer period. The
 945 commission shall order the return of a record containing
 946 proprietary confidential business information when such record
 947 is no longer necessary for the commission to conduct its
 948 business. At that time, the commission shall order any other
 949 person holding such record to return it to the person providing
 950 the record. Any record containing proprietary confidential
 951 business information which has not been returned at the
 952 conclusion of the period set pursuant to this subsection shall

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953 no longer be exempt from s. 119.07(1) unless the
 954 telecommunications company or affected person shows, and the
 955 commission finds, that the record continues to contain
 956 proprietary confidential business information. Upon such
 957 finding, the commission may extend the period for confidential
 958 treatment for a period not to exceed 18 months unless the
 959 commission finds, for good cause, that the protection from
 960 disclosure shall be for a specified longer period. During
 961 commission consideration of an extension, the record in question
 962 remains exempt from s. 119.07(1). The commission shall adopt
 963 rules to implement this subsection, which shall include notice
 964 to the telecommunications company or affected person regarding
 965 the expiration of confidential treatment.

966 Section 27. Section 364.185, Florida Statutes, is
 967 repealed.

968 Section 28. Section 364.19, Florida Statutes, is repealed.

969 Section 29. Section 364.27, Florida Statutes, is repealed.

970 Section 30. Section 364.33, Florida Statutes, is amended
 971 to read:

972 364.33 Certificate of necessity or authority ~~prerequisite~~
 973 ~~to construction, operation, or control of telecommunications~~
 974 ~~facilities. Except for a transfer of a certificate of necessity~~
 975 ~~from one person to another or to the parent or affiliate of a~~
 976 ~~certificated person as provided in this section, A person may~~
 977 ~~not provide begin the construction or operation of any~~
 978 ~~telecommunications services to the public without a certificate~~
 979 ~~of necessity or a certificate of authority. After July 1, 2011,~~
 980 ~~the commission shall cease to issue certificates of necessity,~~

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981 but existing certificates of necessity remain valid. A
 982 certificate of necessity or authority may be transferred to the
 983 holder's parent company or an affiliate or another person
 984 holding a certificate of necessity or authority, its parent
 985 company, or an affiliate without prior approval of the
 986 commission by giving written notice of the transfer to the
 987 commission within 60 days after the completion of the transfer.
 988 The transferee assumes the rights and obligations conferred by
 989 the certificate. This section does not affect any obligation of
 990 the transferee pursuant to 47 U.S.C. ss. 251 and 252 and the
 991 Federal Communications Commission's orders and regulations
 992 implementing those sections. ~~facility, or any extension thereof~~
 993 ~~for the purpose of providing telecommunications services to the~~
 994 ~~public, or acquire ownership or control thereof, in whatever~~
 995 ~~manner, including the acquisition, transfer, or assignment of~~
 996 ~~majority organizational control or controlling stock ownership,~~
 997 ~~without prior approval. A certificate of necessity or control~~
 998 ~~thereof may be transferred from a person holding a certificate,~~
 999 ~~its parent or an affiliate to another person holding a~~
 1000 ~~certificate, its parent or an affiliate, and a person holding a~~
 1001 ~~certificate, its parent or an affiliate may acquire ownership or~~
 1002 ~~control of a telecommunications facility through the~~
 1003 ~~acquisition, transfer, or assignment of majority organizational~~
 1004 ~~control or controlling stock ownership of a person holding a~~
 1005 ~~certificate without prior approval of the commission by giving~~
 1006 ~~60 days' written notice of the transfer or change of control to~~
 1007 ~~the commission and affected customers. This section does not~~
 1008 ~~require approval by the commission prior to the construction,~~

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1009 ~~operation, or extension of a facility by a certificated company~~
 1010 ~~within its certificated area nor in any way limit the~~
 1011 ~~commission's ability to review the prudence of such construction~~
 1012 ~~programs for ratemaking as provided under this chapter.~~

1013 Section 31. Section 364.335, Florida Statutes, is amended
 1014 to read:

1015 364.335 Application for certificate of authority.—

1016 (1) Each applicant for a certificate of authority shall:

1017 (a) Provide the following information:

1018 1. The applicant's official name and, if different, any
 1019 name under which the applicant will do business.

1020 2. The street address of the principal place of business
 1021 of the applicant.

1022 3. The federal employer identification number or the
 1023 Department of State's document number.

1024 4. The name, address, and telephone number of an officer,
 1025 partner, owner, member, or manager as a contact person for the
 1026 applicant to whom questions or concerns may be addressed.

1027 5. Information demonstrating the applicant's managerial,
 1028 technical, and financial ability to provide telecommunications
 1029 service, including an attestation to the accuracy of the
 1030 information provided. ~~provide all information required by rule~~
 1031 ~~or order of the commission, which may include a detailed inquiry~~
 1032 ~~into the ability of the applicant to provide service, a detailed~~
 1033 ~~inquiry into the territory and facilities involved, and a~~
 1034 ~~detailed inquiry into the existence of service from other~~
 1035 ~~sources within geographical proximity to the territory applied~~
 1036 ~~for.~~

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1037 ~~(b) File with the commission schedules showing all rates~~
 1038 ~~for service of every kind furnished by it and all rules and~~
 1039 ~~contracts relating to such service.~~

1040 (b)(e) File the application fee required by the commission
 1041 in an amount not to exceed \$500. Such fees shall be deposited in
 1042 accordance with s. 350.113.

1043 ~~(d) Submit an affidavit that the applicant has caused~~
 1044 ~~notice of its application to be given to such persons and in~~
 1045 ~~such manner as may be prescribed by commission rule.~~

1046 (2) The commission shall grant a certificate of authority
 1047 to provide telecommunications service upon a showing that the
 1048 applicant has sufficient technical, financial, and managerial
 1049 capability to provide such service in the geographic area
 1050 proposed to be served. The applicant shall ensure continued
 1051 compliance with applicable business formation, registration, and
 1052 taxation provisions of law. If the commission grants the
 1053 ~~requested certificate, any person who would be substantially~~
 1054 ~~affected by the requested certification may, within 21 days~~
 1055 ~~after the granting of such certificate, file a written objection~~
 1056 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~
 1057 ~~commission may, on its own motion, institute a proceeding under~~
 1058 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~
 1059 ~~certificate is in the public interest. The commission shall~~
 1060 ~~order such proceeding conducted in or near the territory applied~~
 1061 ~~for, if feasible. If any person requests a public hearing on the~~
 1062 ~~application, such hearing shall, if feasible, be held in or near~~
 1063 ~~the territory applied for, and the transcript of the public~~
 1064 ~~hearing and any material submitted at or prior to the hearing~~

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1065 ~~shall be considered part of the record of the application and~~
1066 ~~any proceeding related to the application.~~

1067 (3) A certificate of authority may be terminated by the
1068 telecommunications company by submitting notice to the
1069 commission. ~~The commission may grant a certificate, in whole or~~
1070 ~~in part or with modifications in the public interest, but in no~~
1071 ~~event granting authority greater than that requested in the~~
1072 ~~application or amendments thereto and noticed under subsection~~
1073 ~~(1); or it may deny a certificate. The commission may grant~~
1074 ~~certificates for proposed telecommunications companies, or for~~
1075 ~~the extension of an existing telecommunications company, without~~
1076 ~~regard to whether such companies will be in competition with or~~
1077 ~~duplicate the local exchange services provided by any other~~
1078 ~~telecommunications company. The commission may also grant a~~
1079 ~~certificate for a proposed telecommunications company, or for~~
1080 ~~the extension of an existing telecommunications company, which~~
1081 ~~will be providing either competitive or duplicative pay~~
1082 ~~telephone service pursuant to the provisions of s. 364.3375, or~~
1083 ~~private line service by a certified alternative access vendor~~
1084 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~
1085 ~~that telephone service using telephones that are capable of~~
1086 ~~accepting payment by specie, paper money, or credit cards.~~

1087 (4) Except as provided in s. 364.33, revocation,
1088 suspension, transfer, or amendment of a certificate shall be
1089 subject to the provisions of this section; ~~except that, when the~~
1090 ~~commission initiates the action, the commission shall furnish~~
1091 ~~notice to the appropriate local government and to the Public~~
1092 ~~Counsel.~~

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1093 Section 32. Section 364.336, Florida Statutes, is amended
1094 to read:

1095 364.336 Regulatory assessment fees.—

1096 (1) Notwithstanding any ~~provisions of~~ law to the contrary,
1097 each telecommunications company licensed or operating under this
1098 chapter, for any part of the preceding 6-month period, shall pay
1099 to the commission, within 30 days following the end of each 6-
1100 month period, a fee that may not exceed 0.25 percent annually of
1101 its gross operating revenues derived from intrastate business,
1102 except, for purposes of this section and the fee specified in s.
1103 350.113(3), any amount paid to another telecommunications
1104 company for the use of any telecommunications network shall be
1105 deducted from the gross operating revenue for purposes of
1106 computing the fee due. The commission shall by rule assess a
1107 minimum fee in an amount up to \$1,000. The minimum amount may
1108 vary depending on the type of service provided by the
1109 telecommunications company, and shall, to the extent
1110 practicable, be related to the cost of regulating such type of
1111 company. Differences, if any, between the amount paid in any 6-
1112 month period and the amount actually determined by the
1113 commission to be due shall, upon motion by the commission, be
1114 immediately paid or refunded. Fees under this section may not be
1115 less than \$50 annually. Such fees shall be deposited in
1116 accordance with s. 350.113. The commission may by rule establish
1117 criteria for payment of the regulatory assessment fee on an
1118 annual basis rather than on a semiannual basis.

1119 (2) By August 1, 2011, the commission must begin
1120 rulemaking to reduce the regulatory assessment fee for

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1121 telecommunications companies under s. 350.113 and this section,
 1122 as required to reflect the reduction in regulation resulting
 1123 from the amendments to chapter 364 that take effect on July 1,
 1124 2011. The reduced fee shall be applied beginning with payments
 1125 due in January 2012 on revenues for the preceding 6-month
 1126 period. The commission's consideration of the required amount of
 1127 the reduction to the regulatory assessment fee must include, but
 1128 is not limited to:

1129 (a) The regulatory activities that are no longer required
 1130 and the number of staff currently assigned to such activities.

1131 (b) The number of staff necessary to carry out the reduced
 1132 level of regulatory responsibilities based on reductions in
 1133 workload for the staff in the Division of Regulatory Analysis,
 1134 the Office of Auditing and Performance Analysis, and the
 1135 Division of Service, Safety and Consumer Assistance.

1136 (c) The reductions in overhead associated with the
 1137 commissioner's offices, the Office of General Counsel, the
 1138 Office of Commission Clerk, the Office of Information Technology
 1139 Services, the Office of Public Information, and the Office of
 1140 Inspector General.

1141 (d) The reductions in direct and indirect costs, including
 1142 allocations of fixed costs.

1143 (3) By January 15, 2012, and annually thereafter, the
 1144 commission must report to the Governor, the President of the
 1145 Senate, and the Speaker of the House of Representatives,
 1146 providing a detailed description of its efforts to reduce the
 1147 regulatory assessment fee for telecommunications companies,
 1148 including a detailed description of the regulatory activities

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1149 that are no longer required; the commensurate reduction in costs
 1150 associated with this reduction in regulation; the regulatory
 1151 activities that continue to be required under this chapter; and
 1152 the costs associated with those regulatory activities.

1153 Section 33. Section 364.337, Florida Statutes, is
 1154 repealed.

1155 Section 34. Section 364.3375, Florida Statutes, is amended
 1156 to read:

1157 364.3375 Pay telephone service providers.—

1158 (1) (a) A ~~No~~ person may not ~~shall~~ provide pay telephone
 1159 service without first obtaining from the commission a
 1160 certificate of authority or necessity ~~public convenience and~~
 1161 ~~necessity~~ to provide such service, except that the certification
 1162 provisions of this subsection do not apply to a local exchange
 1163 telecommunications company providing pay telephone service.

1164 (b) In granting such certificate the commission, if it
 1165 finds that the action is consistent with the public interest,
 1166 may exempt a pay telephone provider from some or all of the
 1167 requirements of this chapter. However, the commission may exempt
 1168 a pay telephone provider from this section only to prevent fraud
 1169 or if it finds the exemption to be in the public interest.

1170 (c) A certificate authorizes the pay telephone provider to
 1171 provide services statewide and to provide access to both local
 1172 and intrastate interexchange pay telephone service, except that
 1173 the commission may limit the type of calls that can be handled.

1174 (2) Each pay telephone station shall:

1175 (a) Receive and permit coin-free access to the universal
 1176 emergency telephone number "911" where operable or to a local

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1177 exchange company toll operator.

1178 (b) Receive and provide coin-free or coin-return access to
1179 local directory assistance and the telephone number of the
1180 person responsible for repair service.

1181 (c) Designate a party responsible for processing refunds
1182 to customers.

1183 (d) Be equipped with a legible sign, card, or plate of
1184 reasonable permanence which provides information determined by
1185 the commission, by rule, to adequately inform the end user.

1186 (e) Be eligible to subscribe to flat-rate, single-line
1187 business local exchange services.

1188 (3) Each pay telephone station which provides access to
1189 any interexchange telecommunications company shall provide
1190 access to all locally available interexchange telecommunications
1191 companies and shall provide for the completion of international
1192 telephone calls under terms and conditions as determined by the
1193 commission. The commission may grant limited waivers of this
1194 provision to pay telephone companies ~~or operator service~~
1195 ~~providers~~ to prevent fraud or as otherwise determined in the
1196 public interest.

1197 ~~(4) A pay telephone provider may charge, as a maximum rate~~
1198 ~~for local coin calls, a rate equivalent to the local coin rate~~
1199 ~~of the local exchange telecommunications company.~~

1200 ~~(5) A pay telephone provider shall not obtain services~~
1201 ~~from an operator service provider unless such operator service~~
1202 ~~provider has obtained a certificate of public convenience and~~
1203 ~~necessity from the commission pursuant to the provisions of s.~~
1204 ~~364.3376.~~

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1205 Section 35. Section 364.3376, Florida Statutes, is
 1206 repealed.

1207 Section 36. Section 364.3381, Florida Statutes, is
 1208 repealed.

1209 Section 37. Section 364.3382, Florida Statutes, is
 1210 repealed.

1211 Section 38. Section 364.339, Florida Statutes, is
 1212 repealed.

1213 Section 39. Section 364.345, Florida Statutes, is
 1214 repealed.

1215 Section 40. Section 364.37, Florida Statutes, is repealed.

1216 Section 41. Section 364.385, Florida Statutes, is amended
 1217 to read:

1218 364.385 Saving clauses.—

1219 ~~(1) This act does not invalidate any certificate or cause~~
 1220 ~~to be unlawful any rate which has been previously approved and~~
 1221 ~~which is lawfully being charged and collected immediately prior~~
 1222 ~~to July 1, 1995. However, such rate may not be changed, and a~~
 1223 ~~certificate may not be modified, suspended, or revoked, on or~~
 1224 ~~after July 1, 1995, except in accordance with the provisions of~~
 1225 ~~this act.~~

1226 ~~(2) All applications for extended area service, routes, or~~
 1227 ~~extended calling service pending before the commission on March~~
 1228 ~~1, 1995, shall be governed by the law as it existed prior to~~
 1229 ~~July 1, 1995. Upon the approval of the application, the extended~~
 1230 ~~area service, routes, or extended calling service shall be~~
 1231 ~~considered basic services and shall be regulated as provided in~~
 1232 ~~s. 364.051. Proceedings including judicial review pending on~~

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1233 ~~July 1, 1995, shall be governed by the law as it existed prior~~
 1234 ~~to the date on which this section becomes a law. No new~~
 1235 ~~proceedings governed by the law as it existed prior to July 1,~~
 1236 ~~1995, shall be initiated after July 1, 1995. Any administrative~~
 1237 ~~adjudicatory proceeding which has not progressed to the stage of~~
 1238 ~~a hearing by July 1, 1995, may, with the consent of all parties~~
 1239 ~~and the commission, be conducted in accordance with the law as~~
 1240 ~~it existed prior to January 1, 1996.~~

1241 ~~(3) Florida Public Service Commission Order No. PSC 94-~~
 1242 ~~0172-FOF-TL shall remain in effect, and BellSouth~~
 1243 ~~Telecommunications, Inc., shall fully comply with that order~~
 1244 ~~unless modified by the Florida Public Service Commission~~
 1245 ~~pursuant to the terms of that order. The order may not be~~
 1246 ~~modified to extend beyond December 31, 1997, except that the~~
 1247 ~~Florida Public Service Commission shall retain jurisdiction and~~
 1248 ~~all parties shall retain their rights under the agreement after~~
 1249 ~~December 31, 1997, solely for the purpose of effectuating the~~
 1250 ~~provisions of the order applicable to periods prior to January~~
 1251 ~~1, 1998. The depreciation rates approved by the Florida Public~~
 1252 ~~Service Commission and in effect as of December 31, 1994, shall~~
 1253 ~~be used to calculate the earnings available for sharing for~~
 1254 ~~periods prior to January 1, 1998.~~

1255 ~~(4) The rates and charges for basic local~~
 1256 ~~telecommunications service and network access service approved~~
 1257 ~~by the commission in accordance with the decisions set forth in~~
 1258 ~~Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which~~
 1259 ~~are in effect immediately prior to July 1, 2007, shall remain in~~
 1260 ~~effect and such rates and charges may not be changed after the~~

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1261 effective date of this act, except in accordance with the
1262 provisions of s. 364.163 ~~ss. 364.051 and 364.163~~.

1263 Section 42. Section 364.386, Florida Statutes, is amended
1264 to read:

1265 364.386 Reports to the Legislature.—

1266 (1) (a) The commission shall submit to the President of the
1267 Senate, the Speaker of the House of Representatives, and the
1268 majority and minority leaders of the Senate and the House of
1269 Representatives, on August 1, 2008, and on an annual basis
1270 thereafter, a report on the status of competition in the
1271 telecommunications industry and a detailed exposition of the
1272 following:

1273 ~~1. The overall impact of local exchange telecommunications~~
1274 ~~competition on the continued availability of universal service.~~

1275 ~~1.2.~~ The ability of competitive providers to make
1276 functionally equivalent local exchange services available to
1277 both residential and business customers at competitive rates,
1278 terms, and conditions.

1279 ~~2.3.~~ The ability of consumers to obtain functionally
1280 equivalent services at comparable rates, terms, and conditions.

1281 ~~3.4.~~ The overall impact of competition ~~price regulation~~ on
1282 the maintenance of reasonably affordable and reliable high-
1283 quality telecommunications services.

1284 ~~4.5.~~ A listing and short description of any carrier
1285 disputes filed under s. 364.16. ~~What additional services, if~~
1286 ~~any, should be included in the definition of basic local~~
1287 ~~telecommunications services, taking into account advances in~~
1288 ~~technology and market demand.~~

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1289 ~~6. Any other information and recommendations which may be~~
1290 ~~in the public interest.~~

1291 (b) The commission shall make an annual request to
1292 providers of local exchange telecommunications services on or
1293 before March 1, 2008, and on or before March 1 of each year
1294 thereafter, for the data it requires to complete the report. A
1295 provider of local exchange telecommunications services shall
1296 file its response with the commission on or before April 15,
1297 2008, and on or before April 15 of each year thereafter.

1298 (2) ~~In lieu of~~ The quantitative part of the information
1299 requested in the commission's annual data request shall be
1300 limited to, ~~a provider of local exchange telecommunications~~
1301 ~~services may file the following:~~

1302 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of
1303 local exchange telecommunications service with the Federal
1304 Communications Commission, which must identify Florida-specific
1305 access line data or similar information if an FCC Form 477 is
1306 not available. ~~;~~ and

1307 ~~(b)~~ ~~Provisioned Florida access line data identified by~~
1308 ~~telephone exchange location.~~

1309 ~~(3)~~ ~~The Office of Public Counsel is also directed to~~
1310 ~~submit a report on competition in the telecommunications~~
1311 ~~industry and on how the price regulation provisions of s.~~
1312 ~~364.051 have benefited the ratepayers and consumers of this~~
1313 ~~state and any other information and recommendations which may be~~
1314 ~~in the public interest.~~

1315 Section 43. Section 364.501, Florida Statutes, is
1316 repealed.

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1317 Section 44. Section 364.503, Florida Statutes, is
1318 repealed.

1319 Section 45. Section 364.506, Florida Statutes, is
1320 repealed.

1321 Section 46. Section 364.507, Florida Statutes, is
1322 repealed.

1323 Section 47. Section 364.508, Florida Statutes, is
1324 repealed.

1325 Section 48. Section 364.515, Florida Statutes, is
1326 repealed.

1327 Section 49. Section 364.516, Florida Statutes, is
1328 repealed.

1329 Section 50. Section 364.601, Florida Statutes, is
1330 repealed.

1331 Section 51. Section 364.602, Florida Statutes, is
1332 repealed.

1333 Section 52. Section 364.603, Florida Statutes, is
1334 repealed.

1335 Section 53. Section 364.604, Florida Statutes, is
1336 repealed.

1337 Section 54. Subsection (6) of section 196.012, Florida
1338 Statutes, is amended to read:

1339 196.012 Definitions.—For the purpose of this chapter, the
1340 following terms are defined as follows, except where the context
1341 clearly indicates otherwise:

1342 (6) Governmental, municipal, or public purpose or function
1343 shall be deemed to be served or performed when the lessee under
1344 any leasehold interest created in property of the United States,

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1345 | the state or any of its political subdivisions, or any
 1346 | municipality, agency, special district, authority, or other
 1347 | public body corporate of the state is demonstrated to perform a
 1348 | function or serve a governmental purpose which could properly be
 1349 | performed or served by an appropriate governmental unit or which
 1350 | is demonstrated to perform a function or serve a purpose which
 1351 | would otherwise be a valid subject for the allocation of public
 1352 | funds. For purposes of the preceding sentence, an activity
 1353 | undertaken by a lessee which is permitted under the terms of its
 1354 | lease of real property designated as an aviation area on an
 1355 | airport layout plan which has been approved by the Federal
 1356 | Aviation Administration and which real property is used for the
 1357 | administration, operation, business offices and activities
 1358 | related specifically thereto in connection with the conduct of
 1359 | an aircraft full service fixed base operation which provides
 1360 | goods and services to the general aviation public in the
 1361 | promotion of air commerce shall be deemed an activity which
 1362 | serves a governmental, municipal, or public purpose or function.
 1363 | Any activity undertaken by a lessee which is permitted under the
 1364 | terms of its lease of real property designated as a public
 1365 | airport as defined in s. 332.004(14) by municipalities,
 1366 | agencies, special districts, authorities, or other public bodies
 1367 | corporate and public bodies politic of the state, a spaceport as
 1368 | defined in s. 331.303, or which is located in a deepwater port
 1369 | identified in s. 403.021(9)(b) and owned by one of the foregoing
 1370 | governmental units, subject to a leasehold or other possessory
 1371 | interest of a nongovernmental lessee that is deemed to perform
 1372 | an aviation, airport, aerospace, maritime, or port purpose or

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1373 operation shall be deemed an activity that serves a
 1374 governmental, municipal, or public purpose. The use by a lessee,
 1375 licensee, or management company of real property or a portion
 1376 thereof as a convention center, visitor center, sports facility
 1377 with permanent seating, concert hall, arena, stadium, park, or
 1378 beach is deemed a use that serves a governmental, municipal, or
 1379 public purpose or function when access to the property is open
 1380 to the general public with or without a charge for admission. If
 1381 property deeded to a municipality by the United States is
 1382 subject to a requirement that the Federal Government, through a
 1383 schedule established by the Secretary of the Interior, determine
 1384 that the property is being maintained for public historic
 1385 preservation, park, or recreational purposes and if those
 1386 conditions are not met the property will revert back to the
 1387 Federal Government, then such property shall be deemed to serve
 1388 a municipal or public purpose. The term "governmental purpose"
 1389 also includes a direct use of property on federal lands in
 1390 connection with the Federal Government's Space Exploration
 1391 Program or spaceport activities as defined in s. 212.02(22).
 1392 Real property and tangible personal property owned by the
 1393 Federal Government or Space Florida and used for defense and
 1394 space exploration purposes or which is put to a use in support
 1395 thereof shall be deemed to perform an essential national
 1396 governmental purpose and shall be exempt. "Owned by the lessee"
 1397 as used in this chapter does not include personal property,
 1398 buildings, or other real property improvements used for the
 1399 administration, operation, business offices and activities
 1400 related specifically thereto in connection with the conduct of

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1401 an aircraft full service fixed based operation which provides
 1402 goods and services to the general aviation public in the
 1403 promotion of air commerce provided that the real property is
 1404 designated as an aviation area on an airport layout plan
 1405 approved by the Federal Aviation Administration. For purposes of
 1406 determination of "ownership," buildings and other real property
 1407 improvements which will revert to the airport authority or other
 1408 governmental unit upon expiration of the term of the lease shall
 1409 be deemed "owned" by the governmental unit and not the lessee.
 1410 Providing two-way telecommunications services to the public for
 1411 hire by the use of a telecommunications facility, as defined in
 1412 s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is
 1413 required under chapter 364 does not constitute an exempt use for
 1414 purposes of s. 196.199, unless the telecommunications services
 1415 are provided by the operator of a public-use airport, as defined
 1416 in s. 332.004, for the operator's provision of
 1417 telecommunications services for the airport or its tenants,
 1418 concessionaires, or licensees, or unless the telecommunications
 1419 services are provided by a public hospital.

1420 Section 55. Paragraph (b) of subsection (1) of section
 1421 199.183, Florida Statutes, is amended to read:

1422 199.183 Taxpayers exempt from nonrecurring taxes.—

1423 (1) Intangible personal property owned by this state or
 1424 any of its political subdivisions or municipalities shall be
 1425 exempt from taxation under this chapter. This exemption does not
 1426 apply to:

1427 (b) Property related to the provision of two-way
 1428 telecommunications services to the public for hire by the use of

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1429 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
 1430 ~~364.02(15)~~, and for which a certificate is required under
 1431 chapter 364, when the service is provided by any county,
 1432 municipality, or other political subdivision of the state. Any
 1433 immunity of any political subdivision of the state or other
 1434 entity of local government from taxation of the property used to
 1435 provide telecommunication services that is taxed as a result of
 1436 this paragraph is hereby waived. However, intangible personal
 1437 property related to the provision of telecommunications services
 1438 provided by the operator of a public-use airport, as defined in
 1439 s. 332.004, for the operator's provision of telecommunications
 1440 services for the airport or its tenants, concessionaires, or
 1441 licensees, and intangible personal property related to the
 1442 provision of telecommunications services provided by a public
 1443 hospital, are exempt from taxation under this chapter.

1444 Section 56. Subsection (6) of section 212.08, Florida
 1445 Statutes, is amended to read:

1446 212.08 Sales, rental, use, consumption, distribution, and
 1447 storage tax; specified exemptions.—The sale at retail, the
 1448 rental, the use, the consumption, the distribution, and the
 1449 storage to be used or consumed in this state of the following
 1450 are hereby specifically exempt from the tax imposed by this
 1451 chapter.

1452 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
 1453 exempt from the tax imposed by this chapter sales made to the
 1454 United States Government, a state, or any county, municipality,
 1455 or political subdivision of a state when payment is made
 1456 directly to the dealer by the governmental entity. This

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1457 exemption shall not inure to any transaction otherwise taxable
1458 under this chapter when payment is made by a government employee
1459 by any means, including, but not limited to, cash, check, or
1460 credit card when that employee is subsequently reimbursed by the
1461 governmental entity. This exemption does not include sales of
1462 tangible personal property made to contractors employed either
1463 directly or as agents of any such government or political
1464 subdivision thereof when such tangible personal property goes
1465 into or becomes a part of public works owned by such government
1466 or political subdivision. A determination whether a particular
1467 transaction is properly characterized as an exempt sale to a
1468 government entity or a taxable sale to a contractor shall be
1469 based on the substance of the transaction rather than the form
1470 in which the transaction is cast. The department shall adopt
1471 rules that give special consideration to factors that govern the
1472 status of the tangible personal property before its affixation
1473 to real property. In developing these rules, assumption of the
1474 risk of damage or loss is of paramount consideration in the
1475 determination. This exemption does not include sales, rental,
1476 use, consumption, or storage for use in any political
1477 subdivision or municipality in this state of machines and
1478 equipment and parts and accessories therefor used in the
1479 generation, transmission, or distribution of electrical energy
1480 by systems owned and operated by a political subdivision in this
1481 state for transmission or distribution expansion. Likewise
1482 exempt are charges for services rendered by radio and television
1483 stations, including line charges, talent fees, or license fees
1484 and charges for films, videotapes, and transcriptions used in

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1485 producing radio or television broadcasts. The exemption provided
 1486 in this subsection does not include sales, rental, use,
 1487 consumption, or storage for use in any political subdivision or
 1488 municipality in this state of machines and equipment and parts
 1489 and accessories therefor used in providing two-way
 1490 telecommunications services to the public for hire by the use of
 1491 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
 1492 ~~364.02(15)~~, and for which a certificate is required under
 1493 chapter 364, which facility is owned and operated by any county,
 1494 municipality, or other political subdivision of the state. Any
 1495 immunity of any political subdivision of the state or other
 1496 entity of local government from taxation of the property used to
 1497 provide telecommunication services that is taxed as a result of
 1498 this section is hereby waived. However, the exemption provided
 1499 in this subsection includes transactions taxable under this
 1500 chapter which are for use by the operator of a public-use
 1501 airport, as defined in s. 332.004, in providing such
 1502 telecommunications services for the airport or its tenants,
 1503 concessionaires, or licensees, or which are for use by a public
 1504 hospital for the provision of such telecommunications services.

1505 Section 57. Subsection (8) of section 290.007, Florida
 1506 Statutes, is amended to read:

1507 290.007 State incentives available in enterprise zones.—
 1508 The following incentives are provided by the state to encourage
 1509 the revitalization of enterprise zones:

1510 (8) Notwithstanding any law to the contrary, the Public
 1511 Service Commission may allow public utilities and
 1512 telecommunications companies to grant discounts of up to 50

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1513 percent on tariffed rates for services to small businesses
1514 located in an enterprise zone designated pursuant to s.
1515 290.0065. Such discounts may be granted for a period not to
1516 exceed 5 years. For purposes of this subsection, the term
1517 "public utility" has the same meaning as in s. 366.02(1) and the
1518 term "telecommunications company" has the same meaning as in s.
1519 364.02(13) ~~s. 364.02(14)~~.

1520 Section 58. Subsection (3) of section 350.0605, Florida
1521 Statutes, is amended to read:

1522 350.0605 Former commissioners and employees;
1523 representation of clients before commission.—

1524 (3) For a period of 2 years following termination of
1525 service on the commission, a former member may not accept
1526 employment by or compensation from a business entity which,
1527 directly or indirectly, owns or controls a public utility
1528 regulated by the commission, from a public utility regulated by
1529 the commission, from a business entity which, directly or
1530 indirectly, is an affiliate or subsidiary of a public utility
1531 regulated by the commission or is an actual business competitor
1532 of a local exchange company or public utility regulated by the
1533 commission and is otherwise exempt from regulation by the
1534 commission under ss. 364.02(13) ~~ss. 364.02(14)~~ and 366.02(1), or
1535 from a business entity or trade association that has been a
1536 party to a commission proceeding within the 2 years preceding
1537 the member's termination of service on the commission. This
1538 subsection applies only to members of the Florida Public Service
1539 Commission who are appointed or reappointed after May 10, 1993.

1540 Section 59. Section 364.105, Florida Statutes, is amended

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1541 to read:
1542 364.105 Discounted rate for basic service for former
1543 Lifeline subscribers.—Each local exchange telecommunications
1544 company shall offer discounted residential basic local
1545 telecommunications service at 70 percent of the residential
1546 local telecommunications service rate for any Lifeline
1547 subscriber who no longer qualifies for Lifeline. A Lifeline
1548 subscriber who requests such service shall receive the
1549 discounted price for a period of 1 year after the date the
1550 subscriber ceases to be qualified for Lifeline. In no event
1551 shall this preclude the offering of any other discounted
1552 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1553 Section 60. Section 364.32, Florida Statutes, is amended
1554 to read:

1555 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~
1556 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~
1557 ~~364.345 and 364.37:~~

1558 (1) "Person" means:

1559 (a) Any natural person, firm, association, county,
1560 municipality, corporation, business, trust, or partnership
1561 owning, leasing, or operating any facility used in the
1562 furnishing of public telecommunications service within this
1563 state; and

1564 (b) A cooperative, nonprofit, membership corporation, or
1565 limited dividend or mutual association, now or hereafter
1566 created, with respect to that part or portion of its operations
1567 devoted to the furnishing of telecommunications service within
1568 this state.

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1569 (2) "Territory" means any area, whether within or without
1570 the boundaries of a municipality.

1571 Section 61. Subsection (5) of section 489.103, Florida
1572 Statutes, is amended to read:

1573 489.103 Exemptions.—This part does not apply to:

1574 (5) Public utilities, including special gas districts as
1575 defined in chapter 189, telecommunications companies as defined
1576 in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission
1577 companies as defined in s. 368.103(4), on construction,
1578 maintenance, and development work performed by their employees,
1579 which work, including, but not limited to, work on bridges,
1580 roads, streets, highways, or railroads, is incidental to their
1581 business. The board shall define, by rule, the term "incidental
1582 to their business" for purposes of this subsection.

1583 Section 62. This act shall take effect July 1, 2011.