



905238

LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/27/2011 10:22 AM

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Senator Simmons moved the following:

**Senate Amendment (with title amendment)**

Between lines 1085 and 1086

insert:

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

364.336 Regulatory assessment fees.—

(1) Notwithstanding any ~~provisions of~~ law to the contrary, each telecommunications company licensed or operating under this chapter, for any part of the preceding 6-month period, shall pay to the commission, within 30 days following the end of each 6-month period, a fee that may not exceed 0.25 percent annually of its gross operating revenues derived from intrastate business,



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14 except, for purposes of this section and the fee specified in s.  
15 350.113(3), any amount paid to another telecommunications  
16 company for the use of any telecommunications network shall be  
17 deducted from the gross operating revenue for purposes of  
18 computing the fee due. The commission shall by rule assess a  
19 minimum fee in an amount up to \$1,000. The minimum amount may  
20 vary depending on the type of service provided by the  
21 telecommunications company, and shall, to the extent  
22 practicable, be related to the cost of regulating such type of  
23 company. Differences, if any, between the amount paid in any 6-  
24 month period and the amount actually determined by the  
25 commission to be due shall, upon motion by the commission, be  
26 immediately paid or refunded. Fees under this section may not be  
27 less than \$50 annually. Such fees shall be deposited in  
28 accordance with s. 350.113. The commission may by rule establish  
29 criteria for payment of the regulatory assessment fee on an  
30 annual basis rather than on a semiannual basis.

31 (2) By August 1, 2011, the commission must begin rulemaking  
32 to reduce the regulatory assessment fee for telecommunications  
33 companies under s. 350.113 and this section, as required to  
34 reflect the reduction in regulation resulting from the  
35 amendments to this chapter which take effect on or after July 1,  
36 2011. The reduced fee shall be applied beginning with payments  
37 due in January 2012 on revenues for the preceding 6-month  
38 period. The commission's consideration of the required amount of  
39 the reduction to the regulatory assessment fee must include, but  
40 is not limited to:

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



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43           (b) The number of staff necessary to carry out the reduced  
44 level of regulatory responsibilities based on reductions in  
45 workload for the staff in the Division of Regulatory Analysis,  
46 the Office of Auditing and Performance Analysis, and the  
47 Division of Service, Safety and Consumer Assistance.

48           (c) The reductions in overhead associated with the  
49 commissioner's offices, the Office of General Counsel, the  
50 Office of Commission Clerk, the Office of Information Technology  
51 Services, the Office of Public Information, and the Office of  
52 Inspector General.

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

55           (3) By January 15, 2012, and annually thereafter, the  
56 commission must report to the Governor, the President of the  
57 Senate, and the Speaker of the House of Representatives,  
58 providing a detailed description of its efforts to reduce the  
59 regulatory assessment fee for telecommunications companies,  
60 including a detailed description of the regulatory activities  
61 that are no longer required; the commensurate reduction in costs  
62 associated with this reduction in regulation; the regulatory  
63 activities that continue to be required under this chapter; and  
64 the costs associated with those regulatory activities.

65  
66 ===== T I T L E   A M E N D M E N T =====

67 And the title is amended as follows:

68           Delete line 99

69 and insert:

70           of authority; amending s. 364.336, F.S.; requiring the  
71           commission to begin by a specified date rulemaking



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72 procedures to reduce the regulatory assessment fee  
73 charged to telecommunications companies; setting forth  
74 the issues to be considered for reducing the  
75 regulatory assessment fee; requiring the commission to  
76 provide the Governor and the Legislature with a  
77 detailed description of its activities to reduce the  
78 regulatory assessment fee; repealing s. 364.337, F.S.,  
79 relating to