

By Senator Simmons

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

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

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

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88 authorizing a telecommunications company to terminate
89 a certificate of authority; repealing s. 364.337,
90 F.S., relating to competitive local exchange
91 companies; amending s. 364.3375, F.S., relating to pay
92 telephone service providers; requiring pay telephone
93 providers to obtain a certificate of authority from
94 the commission; repealing ss. 364.3376, 364.3381,
95 364.3382, 364.339, 364.345, and 364.37, F.S., relating
96 to operator services, cross-subsidization, cost
97 disclosures, certificates for territories served,
98 shared tenant services, and powers of the commission
99 relating to service territories, respectively;
100 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
103 the report to be filed with the Legislature; repealing
104 ss. 364.501, 364.503, 364.506, 364.507, 364.508,
105 364.515, 364.516, 364.601, 364.602, 364.603, and
106 364.604, F.S., relating to the prevention of damages
107 to underground telecommunication facilities, mergers
108 or acquisitions, a short title for education
109 facilities, legislative intent for advanced
110 telecommunication services to eligible facilities,
111 definitions, infrastructure investments, penalties for
112 failing to provide advanced telecommunication
113 services, the short title for telecommunication
114 consumer protections, definitions, the methodology for
115 protecting consumers for changing telecommunication
116 providers, and billing procedures to inform and

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117 protect the consumer, respectively; amending ss.
118 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105,
119 364.32, and 489.103, F.S.; revising cross-references
120 to conform to changes made by the act; providing an
121 effective date.

122

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

124

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

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

129 364.01 Powers of commission, legislative intent.—

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

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

141 (3) Communications activities that are not regulated by the
142 Florida Public Service Commission, ~~including, but not limited~~
143 ~~to, VoIP, wireless, and broadband,~~ are subject to this state's
144 generally applicable business regulation and deceptive trade
145 practices and consumer protection laws, as enforced by the

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

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

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

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

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

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

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

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

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

200 ~~(h) Recognize the continuing emergence of a competitive~~
201 ~~telecommunications environment through the flexible regulatory~~
202 ~~treatment of competitive telecommunications services, where~~
203 ~~appropriate, if doing so does not reduce the availability of~~

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204 ~~adequate basic local telecommunications service to all citizens~~
205 ~~of the state at reasonable and affordable prices, if competitive~~
206 ~~telecommunications services are not subsidized by monopoly~~
207 ~~telecommunications services, and if all monopoly services are~~
208 ~~available to all competitors on a nondiscriminatory basis.~~

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

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

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

218 (1) Intrastate interexchange telecommunications services.

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

221 (3) VoIP.

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

224 (5) Basic service.

225 (6) Nonbasic services.

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

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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~~
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:

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- 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.
- 281 (c) Build and facilitate local technology planning teams or
282 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

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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, such as
301 unreasonably high pole-attachment rates ~~investments in primarily~~
302 ~~unserved areas to give consumers a choice of more than one~~
303 ~~broadband Internet service provider.~~

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

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

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

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

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

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

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

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

332 Section 8. Section 364.02, Florida Statutes, is amended to
333 read:

334 364.02 Definitions.—As used in this chapter, the term:

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

347 (2) "Broadband service" means any service that consists of
348 or includes the offering of the capability to transmit or

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349 receive information at a rate that is not less than 200 kilobits
350 per second and either:

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

352 (b) Provides computer processing, information storage,
353 information content, or protocol conversion in combination with
354 the service.

355

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

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

362 (4) "Commission" means the Florida Public Service
363 Commission.

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

368 (6) "Corporation" includes a corporation, company,
369 association, or joint stock association.

370 (7) "Intrastate interexchange telecommunications company"
371 means any entity that provides intrastate interexchange
372 telecommunications services.

373 (8) "Local exchange telecommunications company" means any
374 company certificated by the commission to provide local exchange
375 telecommunications service in this state on or before June 30,
376 1995.

377 ~~(9) "Monopoly service" means a telecommunications service~~

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378 ~~for which there is no effective competition, either in fact or~~
379 ~~by operation of law.~~

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

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

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

393 (10) ~~(13)~~ "Service" is to be construed in its broadest and
394 most inclusive sense. The term "service" does not include
395 broadband service or voice-over-Internet protocol service for
396 purposes of regulation by the commission. Nothing herein shall
397 affect the rights and obligations of any entity related to the
398 payment of switched network access rates or other intercarrier
399 compensation, if any, related to voice-over-Internet protocol
400 service. Notwithstanding s. 364.013, and the exemption of
401 services pursuant to this subsection, the commission may
402 arbitrate, enforce, or approve interconnection agreements, and
403 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
404 any other applicable federal law or regulation. With respect to
405 the services exempted in this subsection, regardless of the
406 technology, the duties of a local exchange telecommunications

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407 company are only those that the company is obligated to extend
 408 or provide under applicable federal law and regulations.

409 (11)~~(14)~~ "Telecommunications company" includes every
 410 corporation, partnership, and person and their lessees,
 411 trustees, or receivers appointed by any court whatsoever, and
 412 every political subdivision in the state, offering two-way
 413 telecommunications service to the public for hire within this
 414 state by the use of a telecommunications facility. The term
 415 "telecommunications company" does not include:

416 (a) An entity that provides a telecommunications facility
 417 exclusively to a certificated telecommunications company;

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

421 (c) A commercial mobile radio service provider;

422 (d) A facsimile transmission service;

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

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

427 (g) An intrastate interexchange telecommunications company.

428
 429 However, each commercial mobile radio service provider and each
 430 intrastate interexchange telecommunications company shall
 431 continue to be liable for any taxes imposed under chapters 202,
 432 203, and 212 ~~and any fees assessed under s. 364.025~~. Each
 433 intrastate interexchange telecommunications company shall
 434 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),
 435 ~~364.163, 364.285, 364.336, 364.501, 364.603, and 364.604,~~ shall

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436 ~~provide the commission with the current information as the~~
437 ~~commission deems necessary to contact and communicate with the~~
438 ~~company,~~ and shall continue to pay intrastate switched network
439 access rates or other intercarrier compensation to the local
440 exchange telecommunications company or the competitive local
441 exchange telecommunications company for the origination and
442 termination of interexchange telecommunications service.

443 (12) ~~(15)~~ "Telecommunications facility" includes real
444 estate, easements, apparatus, property, and routes used and
445 operated to provide two-way telecommunications service to the
446 public for hire within this state.

447 (13) ~~(16)~~ "VoIP" means any service that:

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

451 (b) Uses a broadband connection from the user's location;
452 and

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

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

458 Section 10. Section 364.0251, Florida Statutes, is
459 repealed.

460 Section 11. Section 364.0252, Florida Statutes, is
461 repealed.

462 Section 12. Section 364.04, Florida Statutes, is amended to
463 read:

464 364.04 Schedules of rates, tolls, rentals, and charges;

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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
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.~~

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494 Section 13. Section 364.051, Florida Statutes, is repealed.
 495 Section 14. Section 364.052, Florida Statutes, is repealed.
 496 Section 15. Section 364.057, Florida Statutes, is repealed.
 497 Section 16. Section 364.058, Florida Statutes, is repealed.
 498 Section 17. Section 364.059, Florida Statutes, is repealed.
 499 Section 18. Section 364.06, Florida Statutes, is repealed.
 500 Section 19. Section 364.063, Florida Statutes, is repealed.
 501 Section 20. Section 364.07, Florida Statutes, is repealed.
 502 Section 21. Section 364.08, Florida Statutes, is repealed.
 503 Section 22. Section 364.10, Florida Statutes, is amended to
 504 read:

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

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

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

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

530 (c) An eligible telecommunications carrier may not collect
531 a service deposit in order to initiate Lifeline service if the
532 qualifying low-income consumer voluntarily elects toll blocking
533 or toll limitation. If the qualifying low-income consumer elects
534 not to place toll blocking on the line, an eligible
535 telecommunications carrier may charge a service deposit.

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

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

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

551 3. The commission shall establish procedures for such

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552 notification and termination.

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

558 (2)~~(3)~~(a) Each local exchange telecommunications company
559 that has more than 1 million access lines and that is designated
560 as an eligible telecommunications carrier shall, and any
561 commercial mobile radio service provider designated as an
562 eligible telecommunications carrier pursuant to 47 U.S.C. s.
563 214(e) may, upon filing a notice of election to do so with the
564 commission, provide Lifeline service to any otherwise eligible
565 customer or potential customer who meets an income eligibility
566 test at 150 percent or less of the federal poverty income
567 guidelines for Lifeline customers. Such a test for eligibility
568 must augment, rather than replace, the eligibility standards
569 established by federal law and based on participation in certain
570 low-income assistance programs. Each intrastate interexchange
571 telecommunications company shall file or publish a schedule
572 providing at a minimum the intrastate interexchange
573 telecommunications company's ~~carrier's~~ current Lifeline benefits
574 and exemptions to Lifeline customers who meet the income
575 eligibility test set forth in this subsection. The Office of
576 Public Counsel shall certify and maintain claims submitted by a
577 customer for eligibility under the income test authorized by
578 this subsection.

579 (b) Each eligible telecommunications carrier subject to
580 this subsection shall provide to each state and federal agency

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581 providing benefits to persons eligible for Lifeline service
582 applications, brochures, pamphlets, or other materials that
583 inform the persons of their eligibility for Lifeline, and each
584 state agency providing the benefits shall furnish the materials
585 to affected persons at the time they apply for benefits.

586 ~~(c) Any local exchange telecommunications company customer~~
587 ~~receiving Lifeline benefits shall not be subject to any~~
588 ~~residential basic local telecommunications service rate~~
589 ~~increases authorized by s. 364.164 until the local exchange~~
590 ~~telecommunications company reaches parity as defined in s.~~
591 ~~364.164(5) or until the customer no longer qualifies for the~~
592 ~~Lifeline benefits established by this section or s. 364.105, or~~
593 ~~unless otherwise determined by the commission upon petition by a~~
594 ~~local exchange telecommunications company.~~

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

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

609 (e) ~~(f)~~ An eligible telecommunications carrier may require

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610 that payment arrangements be made for outstanding debt
611 associated with basic local telecommunications ~~exchange~~ service,
612 subscriber line charges, E-911, telephone relay system charges,
613 and applicable state and federal taxes.

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

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

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639 the carriers can identify and enroll an eligible person in the
640 Lifeline and Link-Up programs. The information remains
641 confidential pursuant to s. 364.107 and may only be used for
642 purposes of determining eligibility and enrollment in the
643 Lifeline and Link-Up programs.

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

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

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

667 (i)~~(j)~~ The commission shall adopt rules to administer this

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668 section.

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

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

672 364.16 ~~Connection of lines and transfers; Local~~
673 ~~interconnection, unbundling, and resale; telephone number~~
674 ~~portability.~~—

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

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

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

696 (4) A telecommunications company may not knowingly deliver

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697 traffic, for which terminating access service charges would
698 otherwise apply, through a local interconnection arrangement
699 without paying the appropriate charges for such terminating
700 access service. Any party having a substantial interest may
701 petition the commission for an investigation of any suspected
702 violation of this subsection. If any telecommunications company
703 knowingly violates this subsection, the commission has
704 jurisdiction to arbitrate bona fide complaints arising from the
705 requirements of this subsection and shall, upon such complaint,
706 have access to all relevant customer records and accounts of any
707 telecommunications company.

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

725 (6) Upon petition, the commission may conduct a limited or

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

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

753 ~~(2) Each competitive local exchange telecommunications~~
754 ~~company shall provide access to, and interconnection with, its~~

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

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

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

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

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

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

817 (7)~~(5)~~ When requested, each certificated telecommunications
818 company shall provide access to any poles, conduits, rights-of-
819 way, and like facilities that it owns or controls to any local
820 exchange telecommunications company or competitive local
821 exchange telecommunications company pursuant to reasonable rates
822 and conditions mutually agreed to which do not discriminate
823 between similarly situated companies.

824 Section 25. Section 364.161, Florida Statutes, is repealed.

825 Section 26. Section 364.162, Florida Statutes, is repealed.

826 Section 27. Section 364.163, Florida Statutes, is amended
827 to read:

828 364.163 Network access services.—For purposes of this
829 section, the term "network access service" is defined as any
830 service provided by a local exchange telecommunications company
831 to a telecommunications company certificated under this chapter
832 or licensed by the Federal Communications Commission to access
833 the local exchange telecommunications network, excluding ~~the~~
834 local interconnection, resale, or unbundling pursuant to
835 arrangements in s. 364.16 and the resale arrangements in s.
836 364.161. Each local exchange telecommunications company ~~subject~~
837 ~~to s. 364.051~~ shall maintain tariffs with the commission
838 containing the terms, conditions, and rates for each of its
839 network access services. The switched network access service
840 rates in effect immediately prior to July 1, 2007, shall be, and
841 shall remain, capped at that level until July 1, 2010. An

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842 interexchange telecommunications company may not institute any
843 intrastate connection fee or any similarly named fee.

844 Section 28. Section 364.183, Florida Statutes, is amended
845 to read:

846 364.183 Access to company records.—

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

866 (2) Discovery in any docket or proceeding before the
867 commission shall be in the manner provided for in Rule 1.280 of
868 the Florida Rules of Civil Procedure. Upon a showing by a
869 company or other person and a finding by the commission that
870 discovery will require the disclosure of proprietary

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

892 (3) The term "proprietary confidential business
893 information" means information, regardless of form or
894 characteristics, which is owned or controlled by the person or
895 company, is intended to be and is treated by the person or
896 company as private in that the disclosure of the information
897 would cause harm to the ratepayers or the person's or company's
898 business operations, and has not been disclosed unless disclosed
899 pursuant to a statutory provision, an order of a court or

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900 administrative body, or private agreement that provides that the
901 information will not be released to the public. The term
902 includes, but is not limited to:

903 (a) Trade secrets.

904 (b) Internal auditing controls and reports of internal
905 auditors.

906 (c) Security measures, systems, or procedures.

907 (d) Information concerning bids or other contractual data,
908 the disclosure of which would impair the efforts of the company
909 or its affiliates to contract for goods or services on favorable
910 terms.

911 (e) Information relating to competitive interests, the
912 disclosure of which would impair the competitive business of the
913 provider of information.

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

916 (4) Any finding by the commission that a record contains
917 proprietary confidential business information is effective for a
918 period set by the commission not to exceed 18 months, unless the
919 commission finds, for good cause, that the protection from
920 disclosure shall be for a specified longer period. The
921 commission shall order the return of a record containing
922 proprietary confidential business information when such record
923 is no longer necessary for the commission to conduct its
924 business. At that time, the commission shall order any other
925 person holding such record to return it to the person providing
926 the record. Any record containing proprietary confidential
927 business information which has not been returned at the
928 conclusion of the period set pursuant to this subsection shall

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929 no longer be exempt from s. 119.07(1) unless the
930 telecommunications company or affected person shows, and the
931 commission finds, that the record continues to contain
932 proprietary confidential business information. Upon such
933 finding, the commission may extend the period for confidential
934 treatment for a period not to exceed 18 months unless the
935 commission finds, for good cause, that the protection from
936 disclosure shall be for a specified longer period. During
937 commission consideration of an extension, the record in question
938 remains exempt from s. 119.07(1). The commission shall adopt
939 rules to implement this subsection, which shall include notice
940 to the telecommunications company or affected person regarding
941 the expiration of confidential treatment.

942 Section 29. Section 364.185, Florida Statutes, is repealed.

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

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

945 Section 32. Section 364.33, Florida Statutes, is amended to
946 read:

947 364.33 Certificate of necessity or authority ~~prerequisite~~
948 ~~to construction, operation, or control of telecommunications~~
949 ~~facilities. Except for a transfer of a certificate of necessity~~
950 ~~from one person to another or to the parent or affiliate of a~~
951 ~~certificated person as provided in this section, A person may~~
952 ~~not provide begin the construction or operation of any~~
953 ~~telecommunications services to the public without a certificate~~
954 ~~of necessity or a certificate of authority. After July 1, 2011,~~
955 ~~the commission shall cease to issue certificates of necessity,~~
956 ~~but existing certificates of necessity remain valid. A~~
957 ~~certificate of necessity or authority may be transferred to the~~

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958 holder's parent company or an affiliate or another person
959 holding a certificate of necessity or authority, its parent
960 company, or an affiliate without prior approval of the
961 commission by giving written notice of the transfer to the
962 commission within 60 days after the completion of the transfer.
963 The transferee assumes the rights and obligations conferred by
964 the certificate. This section does not affect any obligation of
965 the transferee pursuant to 47 U.S.C. ss. 251 and 252 and the
966 Federal Communications Commission's orders and regulations
967 implementing those sections. facility, or any extension thereof
968 for the purpose of providing telecommunications services to the
969 public, or acquire ownership or control thereof, in whatever
970 manner, including the acquisition, transfer, or assignment of
971 majority organizational control or controlling stock ownership,
972 without prior approval. A certificate of necessity or control
973 thereof may be transferred from a person holding a certificate,
974 its parent or an affiliate to another person holding a
975 certificate, its parent or an affiliate, and a person holding a
976 certificate, its parent or an affiliate may acquire ownership or
977 control of a telecommunications facility through the
978 acquisition, transfer, or assignment of majority organizational
979 control or controlling stock ownership of a person holding a
980 certificate without prior approval of the commission by giving
981 60 days' written notice of the transfer or change of control to
982 the commission and affected customers. This section does not
983 require approval by the commission prior to the construction,
984 operation, or extension of a facility by a certificated company
985 within its certificated area nor in any way limit the
986 commission's ability to review the prudence of such construction

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987 ~~programs for ratemaking as provided under this chapter.~~

988 Section 33. Section 364.335, Florida Statutes, is amended
989 to read:

990 364.335 Application for certificate of authority.—

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

992 (a) Provide the following information:

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

995 2. The street address of the principal place of business of
996 the applicant.

997 3. The federal employer identification number or the
998 Department of State's document number.

999 4. The name, address, and telephone number of an officer,
1000 partner, owner, member, or manager as a contact person for the
1001 applicant to whom questions or concerns may be addressed.

1002 5. Information demonstrating the applicant's managerial,
1003 technical, and financial ability to provide telecommunications
1004 service, including an attestation to the accuracy of the
1005 information provided. ~~provide all information required by rule~~
1006 ~~or order of the commission, which may include a detailed inquiry~~
1007 ~~into the ability of the applicant to provide service, a detailed~~
1008 ~~inquiry into the territory and facilities involved, and a~~
1009 ~~detailed inquiry into the existence of service from other~~
1010 ~~sources within geographical proximity to the territory applied~~
1011 ~~for.~~

1012 ~~(b) File with the commission schedules showing all rates~~
1013 ~~for service of every kind furnished by it and all rules and~~
1014 ~~contracts relating to such service.~~

1015 (b)(e) File the application fee required by the commission

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1016 in an amount not to exceed \$500. Such fees shall be deposited in
1017 accordance with s. 350.113.

1018 ~~(d) Submit an affidavit that the applicant has caused~~
1019 ~~notice of its application to be given to such persons and in~~
1020 ~~such manner as may be prescribed by commission rule.~~

1021 (2) The commission shall grant a certificate of authority
1022 to provide telecommunications service upon a showing that the
1023 applicant has sufficient technical, financial, and managerial
1024 capability to provide such service in the geographic area
1025 proposed to be served. The applicant shall ensure continued
1026 compliance with applicable business formation, registration, and
1027 taxation provisions of law. ~~If the commission grants the~~
1028 ~~requested certificate, any person who would be substantially~~
1029 ~~affected by the requested certification may, within 21 days~~
1030 ~~after the granting of such certificate, file a written objection~~
1031 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~
1032 ~~commission may, on its own motion, institute a proceeding under~~
1033 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~
1034 ~~certificate is in the public interest. The commission shall~~
1035 ~~order such proceeding conducted in or near the territory applied~~
1036 ~~for, if feasible. If any person requests a public hearing on the~~
1037 ~~application, such hearing shall, if feasible, be held in or near~~
1038 ~~the territory applied for, and the transcript of the public~~
1039 ~~hearing and any material submitted at or prior to the hearing~~
1040 ~~shall be considered part of the record of the application and~~
1041 ~~any proceeding related to the application.~~

1042 (3) A certificate of authority may be terminated by the
1043 telecommunications company by submitting notice to the
1044 commission. ~~The commission may grant a certificate, in whole or~~

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1045 ~~in part or with modifications in the public interest, but in no~~
1046 ~~event granting authority greater than that requested in the~~
1047 ~~application or amendments thereto and noticed under subsection~~
1048 ~~(1); or it may deny a certificate. The commission may grant~~
1049 ~~certificates for proposed telecommunications companies, or for~~
1050 ~~the extension of an existing telecommunications company, without~~
1051 ~~regard to whether such companies will be in competition with or~~
1052 ~~duplicate the local exchange services provided by any other~~
1053 ~~telecommunications company. The commission may also grant a~~
1054 ~~certificate for a proposed telecommunications company, or for~~
1055 ~~the extension of an existing telecommunications company, which~~
1056 ~~will be providing either competitive or duplicative pay~~
1057 ~~telephone service pursuant to the provisions of s. 364.3375, or~~
1058 ~~private line service by a certified alternative access vendor~~
1059 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~
1060 ~~that telephone service using telephones that are capable of~~
1061 ~~accepting payment by specie, paper money, or credit cards.~~

1062 (4) Except as provided in s. 364.33, revocation,
1063 suspension, transfer, or amendment of a certificate shall be
1064 subject to the provisions of this section; ~~except that, when the~~
1065 ~~commission initiates the action, the commission shall furnish~~
1066 ~~notice to the appropriate local government and to the Public~~
1067 ~~Counsel.~~

1068 Section 34. Section 364.337, Florida Statutes, is repealed.

1069 Section 35. Section 364.3375, Florida Statutes, is amended
1070 to read:

1071 364.3375 Pay telephone service providers.—

1072 (1) (a) A No person may not shall provide pay telephone
1073 service without first obtaining from the commission a

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1074 certificate of authority or necessity ~~public convenience and~~
1075 ~~necessity~~ to provide such service, except that the certification
1076 provisions of this subsection do not apply to a local exchange
1077 telecommunications company providing pay telephone service.

1078 (b) In granting such certificate the commission, if it
1079 finds that the action is consistent with the public interest,
1080 may exempt a pay telephone provider from some or all of the
1081 requirements of this chapter. However, the commission may exempt
1082 a pay telephone provider from this section only to prevent fraud
1083 or if it finds the exemption to be in the public interest.

1084 (c) A certificate authorizes the pay telephone provider to
1085 provide services statewide and to provide access to both local
1086 and intrastate interexchange pay telephone service, except that
1087 the commission may limit the type of calls that can be handled.

1088 (2) Each pay telephone station shall:

1089 (a) Receive and permit coin-free access to the universal
1090 emergency telephone number "911" where operable or to a local
1091 exchange company toll operator.

1092 (b) Receive and provide coin-free or coin-return access to
1093 local directory assistance and the telephone number of the
1094 person responsible for repair service.

1095 (c) Designate a party responsible for processing refunds to
1096 customers.

1097 (d) Be equipped with a legible sign, card, or plate of
1098 reasonable permanence which provides information determined by
1099 the commission, by rule, to adequately inform the end user.

1100 (e) Be eligible to subscribe to flat-rate, single-line
1101 business local exchange services.

1102 (3) Each pay telephone station which provides access to any

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1103 interexchange telecommunications company shall provide access to
1104 all locally available interexchange telecommunications companies
1105 and shall provide for the completion of international telephone
1106 calls under terms and conditions as determined by the
1107 commission. The commission may grant limited waivers of this
1108 provision to pay telephone companies or operator service
1109 providers to prevent fraud or as otherwise determined in the
1110 public interest.

1111 ~~(4) A pay telephone provider may charge, as a maximum rate~~
1112 ~~for local coin calls, a rate equivalent to the local coin rate~~
1113 ~~of the local exchange telecommunications company.~~

1114 ~~(5) A pay telephone provider shall not obtain services from~~
1115 ~~an operator service provider unless such operator service~~
1116 ~~provider has obtained a certificate of public convenience and~~
1117 ~~necessity from the commission pursuant to the provisions of s.~~
1118 ~~364.3376.~~

1119 Section 36. Section 364.3376, Florida Statutes, is
1120 repealed.

1121 Section 37. Section 364.3381, Florida Statutes, is
1122 repealed.

1123 Section 38. Section 364.3382, Florida Statutes, is
1124 repealed.

1125 Section 39. Section 364.339, Florida Statutes, is repealed.

1126 Section 40. Section 364.345, Florida Statutes, is repealed.

1127 Section 41. Section 364.37, Florida Statutes, is repealed.

1128 Section 42. Section 364.385, Florida Statutes, is amended
1129 to read:

1130 364.385 Saving clauses.—

1131 ~~(1) This act does not invalidate any certificate or cause~~

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1132 ~~to be unlawful any rate which has been previously approved and~~
1133 ~~which is lawfully being charged and collected immediately prior~~
1134 ~~to July 1, 1995. However, such rate may not be changed, and a~~
1135 ~~certificate may not be modified, suspended, or revoked, on or~~
1136 ~~after July 1, 1995, except in accordance with the provisions of~~
1137 ~~this act.~~

1138 ~~(2) All applications for extended area service, routes, or~~
1139 ~~extended calling service pending before the commission on March~~
1140 ~~1, 1995, shall be governed by the law as it existed prior to~~
1141 ~~July 1, 1995. Upon the approval of the application, the extended~~
1142 ~~area service, routes, or extended calling service shall be~~
1143 ~~considered basic services and shall be regulated as provided in~~
1144 ~~s. 364.051. Proceedings including judicial review pending on~~
1145 ~~July 1, 1995, shall be governed by the law as it existed prior~~
1146 ~~to the date on which this section becomes a law. No new~~
1147 ~~proceedings governed by the law as it existed prior to July 1,~~
1148 ~~1995, shall be initiated after July 1, 1995. Any administrative~~
1149 ~~adjudicatory proceeding which has not progressed to the stage of~~
1150 ~~a hearing by July 1, 1995, may, with the consent of all parties~~
1151 ~~and the commission, be conducted in accordance with the law as~~
1152 ~~it existed prior to January 1, 1996.~~

1153 ~~(3) Florida Public Service Commission Order No. PSC 94-~~
1154 ~~0172-FOF-TL shall remain in effect, and BellSouth~~
1155 ~~Telecommunications, Inc., shall fully comply with that order~~
1156 ~~unless modified by the Florida Public Service Commission~~
1157 ~~pursuant to the terms of that order. The order may not be~~
1158 ~~modified to extend beyond December 31, 1997, except that the~~
1159 ~~Florida Public Service Commission shall retain jurisdiction and~~
1160 ~~all parties shall retain their rights under the agreement after~~

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1161 ~~December 31, 1997, solely for the purpose of effectuating the~~
1162 ~~provisions of the order applicable to periods prior to January~~
1163 ~~1, 1998. The depreciation rates approved by the Florida Public~~
1164 ~~Service Commission and in effect as of December 31, 1994, shall~~
1165 ~~be used to calculate the earnings available for sharing for~~
1166 ~~periods prior to January 1, 1998.~~

1167 ~~(4) The rates and charges for basic local~~
1168 ~~telecommunications service and network access service approved~~
1169 ~~by the commission in accordance with the decisions set forth in~~
1170 ~~Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which~~
1171 ~~are in effect immediately prior to July 1, 2007, shall remain in~~
1172 ~~effect and such rates and charges may not be changed after the~~
1173 ~~effective date of this act, except in accordance with the~~
1174 ~~provisions of s. 364.163 ~~ss. 364.051 and 364.163.~~~~

1175 Section 43. Section 364.386, Florida Statutes, is amended
1176 to read:

1177 364.386 Reports to the Legislature.—

1178 (1) (a) The commission shall submit to the President of the
1179 Senate, the Speaker of the House of Representatives, and the
1180 majority and minority leaders of the Senate and the House of
1181 Representatives, on August 1, 2008, and on an annual basis
1182 thereafter, a report on the status of competition in the
1183 telecommunications industry and a detailed exposition of the
1184 following:

1185 ~~1. The overall impact of local exchange telecommunications~~
1186 ~~competition on the continued availability of universal service.~~

1187 1.2. The ability of competitive providers to make
1188 functionally equivalent local exchange services available to
1189 both residential and business customers at competitive rates,

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1190 terms, and conditions.

1191 ~~2.3.~~ The ability of consumers to obtain functionally
1192 equivalent services at comparable rates, terms, and conditions.

1193 ~~3.4.~~ The overall impact of competition ~~price regulation~~ on
1194 the maintenance of reasonably affordable and reliable high-
1195 quality telecommunications services.

1196 ~~4.5.~~ A listing and short description of any carrier
1197 disputes filed under s. 364.16. ~~What additional services, if~~
1198 ~~any, should be included in the definition of basic local~~
1199 ~~telecommunications services, taking into account advances in~~
1200 ~~technology and market demand.~~

1201 ~~6.~~ ~~Any other information and recommendations which may be~~
1202 ~~in the public interest.~~

1203 (b) The commission shall make an annual request to
1204 providers of local exchange telecommunications services on or
1205 before March 1, 2008, and on or before March 1 of each year
1206 thereafter, for the data it requires to complete the report. A
1207 provider of local exchange telecommunications services shall
1208 file its response with the commission on or before April 15,
1209 2008, and on or before April 15 of each year thereafter.

1210 (2) ~~In lieu of~~ The quantitative part of the information
1211 requested in the commission's annual data request shall be
1212 limited to, ~~a provider of local exchange telecommunications~~
1213 ~~services may file the following:~~

1214 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of local
1215 exchange telecommunications service with the Federal
1216 Communications Commission, which must identify Florida-specific
1217 access line data or similar information if an FCC Form 477 is
1218 not available. ~~; and~~

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1219 ~~(b) Provisioned Florida access line data identified by~~
1220 ~~telephone exchange location.~~

1221 ~~(3) The Office of Public Counsel is also directed to submit~~
1222 ~~a report on competition in the telecommunications industry and~~
1223 ~~on how the price regulation provisions of s. 364.051 have~~
1224 ~~benefited the ratepayers and consumers of this state and any~~
1225 ~~other information and recommendations which may be in the public~~
1226 ~~interest.~~

1227 Section 44. Section 364.501, Florida Statutes, is repealed.

1228 Section 45. Section 364.503, Florida Statutes, is repealed.

1229 Section 46. Section 364.506, Florida Statutes, is repealed.

1230 Section 47. Section 364.507, Florida Statutes, is repealed.

1231 Section 48. Section 364.508, Florida Statutes, is repealed.

1232 Section 49. Section 364.515, Florida Statutes, is repealed.

1233 Section 50. Section 364.516, Florida Statutes, is repealed.

1234 Section 51. Section 364.601, Florida Statutes, is repealed.

1235 Section 52. Section 364.602, Florida Statutes, is repealed.

1236 Section 53. Section 364.603, Florida Statutes, is repealed.

1237 Section 54. Section 364.604, Florida Statutes, is repealed.

1238 Section 55. Subsection (6) of section 196.012, Florida
1239 Statutes, is amended to read:

1240 196.012 Definitions.—For the purpose of this chapter, the
1241 following terms are defined as follows, except where the context
1242 clearly indicates otherwise:

1243 (6) Governmental, municipal, or public purpose or function
1244 shall be deemed to be served or performed when the lessee under
1245 any leasehold interest created in property of the United States,
1246 the state or any of its political subdivisions, or any
1247 municipality, agency, special district, authority, or other

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1248 public body corporate of the state is demonstrated to perform a
1249 function or serve a governmental purpose which could properly be
1250 performed or served by an appropriate governmental unit or which
1251 is demonstrated to perform a function or serve a purpose which
1252 would otherwise be a valid subject for the allocation of public
1253 funds. For purposes of the preceding sentence, an activity
1254 undertaken by a lessee which is permitted under the terms of its
1255 lease of real property designated as an aviation area on an
1256 airport layout plan which has been approved by the Federal
1257 Aviation Administration and which real property is used for the
1258 administration, operation, business offices and activities
1259 related specifically thereto in connection with the conduct of
1260 an aircraft full service fixed base operation which provides
1261 goods and services to the general aviation public in the
1262 promotion of air commerce shall be deemed an activity which
1263 serves a governmental, municipal, or public purpose or function.
1264 Any activity undertaken by a lessee which is permitted under the
1265 terms of its lease of real property designated as a public
1266 airport as defined in s. 332.004(14) by municipalities,
1267 agencies, special districts, authorities, or other public bodies
1268 corporate and public bodies politic of the state, a spaceport as
1269 defined in s. 331.303, or which is located in a deepwater port
1270 identified in s. 403.021(9)(b) and owned by one of the foregoing
1271 governmental units, subject to a leasehold or other possessory
1272 interest of a nongovernmental lessee that is deemed to perform
1273 an aviation, airport, aerospace, maritime, or port purpose or
1274 operation shall be deemed an activity that serves a
1275 governmental, municipal, or public purpose. The use by a lessee,
1276 licensee, or management company of real property or a portion

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1277 thereof as a convention center, visitor center, sports facility
1278 with permanent seating, concert hall, arena, stadium, park, or
1279 beach is deemed a use that serves a governmental, municipal, or
1280 public purpose or function when access to the property is open
1281 to the general public with or without a charge for admission. If
1282 property deeded to a municipality by the United States is
1283 subject to a requirement that the Federal Government, through a
1284 schedule established by the Secretary of the Interior, determine
1285 that the property is being maintained for public historic
1286 preservation, park, or recreational purposes and if those
1287 conditions are not met the property will revert back to the
1288 Federal Government, then such property shall be deemed to serve
1289 a municipal or public purpose. The term "governmental purpose"
1290 also includes a direct use of property on federal lands in
1291 connection with the Federal Government's Space Exploration
1292 Program or spaceport activities as defined in s. 212.02(22).
1293 Real property and tangible personal property owned by the
1294 Federal Government or Space Florida and used for defense and
1295 space exploration purposes or which is put to a use in support
1296 thereof shall be deemed to perform an essential national
1297 governmental purpose and shall be exempt. "Owned by the lessee"
1298 as used in this chapter does not include personal property,
1299 buildings, or other real property improvements used for the
1300 administration, operation, business offices and activities
1301 related specifically thereto in connection with the conduct of
1302 an aircraft full service fixed based operation which provides
1303 goods and services to the general aviation public in the
1304 promotion of air commerce provided that the real property is
1305 designated as an aviation area on an airport layout plan

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1306 approved by the Federal Aviation Administration. For purposes of
1307 determination of "ownership," buildings and other real property
1308 improvements which will revert to the airport authority or other
1309 governmental unit upon expiration of the term of the lease shall
1310 be deemed "owned" by the governmental unit and not the lessee.
1311 Providing two-way telecommunications services to the public for
1312 hire by the use of a telecommunications facility, as defined in
1313 s. 364.02(12) ~~s. 364.02(15)~~, and for which a certificate is
1314 required under chapter 364 does not constitute an exempt use for
1315 purposes of s. 196.199, unless the telecommunications services
1316 are provided by the operator of a public-use airport, as defined
1317 in s. 332.004, for the operator's provision of
1318 telecommunications services for the airport or its tenants,
1319 concessionaires, or licensees, or unless the telecommunications
1320 services are provided by a public hospital.

1321 Section 56. Paragraph (b) of subsection (1) of section
1322 199.183, Florida Statutes, is amended to read:

1323 199.183 Taxpayers exempt from nonrecurring taxes.—

1324 (1) Intangible personal property owned by this state or any
1325 of its political subdivisions or municipalities shall be exempt
1326 from taxation under this chapter. This exemption does not apply
1327 to:

1328 (b) Property related to the provision of two-way
1329 telecommunications services to the public for hire by the use of
1330 a telecommunications facility, as defined in s. 364.02(12) ~~s.~~
1331 ~~364.02(15)~~, and for which a certificate is required under
1332 chapter 364, when the service is provided by any county,
1333 municipality, or other political subdivision of the state. Any
1334 immunity of any political subdivision of the state or other

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1335 entity of local government from taxation of the property used to
1336 provide telecommunication services that is taxed as a result of
1337 this paragraph is hereby waived. However, intangible personal
1338 property related to the provision of telecommunications services
1339 provided by the operator of a public-use airport, as defined in
1340 s. 332.004, for the operator's provision of telecommunications
1341 services for the airport or its tenants, concessionaires, or
1342 licensees, and intangible personal property related to the
1343 provision of telecommunications services provided by a public
1344 hospital, are exempt from taxation under this chapter.

1345 Section 57. Subsection (6) of section 212.08, Florida
1346 Statutes, is amended to read:

1347 212.08 Sales, rental, use, consumption, distribution, and
1348 storage tax; specified exemptions.—The sale at retail, the
1349 rental, the use, the consumption, the distribution, and the
1350 storage to be used or consumed in this state of the following
1351 are hereby specifically exempt from the tax imposed by this
1352 chapter.

1353 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
1354 exempt from the tax imposed by this chapter sales made to the
1355 United States Government, a state, or any county, municipality,
1356 or political subdivision of a state when payment is made
1357 directly to the dealer by the governmental entity. This
1358 exemption shall not inure to any transaction otherwise taxable
1359 under this chapter when payment is made by a government employee
1360 by any means, including, but not limited to, cash, check, or
1361 credit card when that employee is subsequently reimbursed by the
1362 governmental entity. This exemption does not include sales of
1363 tangible personal property made to contractors employed either

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1364 directly or as agents of any such government or political
1365 subdivision thereof when such tangible personal property goes
1366 into or becomes a part of public works owned by such government
1367 or political subdivision. A determination whether a particular
1368 transaction is properly characterized as an exempt sale to a
1369 government entity or a taxable sale to a contractor shall be
1370 based on the substance of the transaction rather than the form
1371 in which the transaction is cast. The department shall adopt
1372 rules that give special consideration to factors that govern the
1373 status of the tangible personal property before its affixation
1374 to real property. In developing these rules, assumption of the
1375 risk of damage or loss is of paramount consideration in the
1376 determination. This exemption does not include sales, rental,
1377 use, consumption, or storage for use in any political
1378 subdivision or municipality in this state of machines and
1379 equipment and parts and accessories therefor used in the
1380 generation, transmission, or distribution of electrical energy
1381 by systems owned and operated by a political subdivision in this
1382 state for transmission or distribution expansion. Likewise
1383 exempt are charges for services rendered by radio and television
1384 stations, including line charges, talent fees, or license fees
1385 and charges for films, videotapes, and transcriptions used in
1386 producing radio or television broadcasts. The exemption provided
1387 in this subsection does not include sales, rental, use,
1388 consumption, or storage for use in any political subdivision or
1389 municipality in this state of machines and equipment and parts
1390 and accessories therefor used in providing two-way
1391 telecommunications services to the public for hire by the use of
1392 a telecommunications facility, as defined in s. 364.02(12) ~~s.~~

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1393 ~~364.02(15)~~, and for which a certificate is required under
1394 chapter 364, which facility is owned and operated by any county,
1395 municipality, or other political subdivision of the state. Any
1396 immunity of any political subdivision of the state or other
1397 entity of local government from taxation of the property used to
1398 provide telecommunication services that is taxed as a result of
1399 this section is hereby waived. However, the exemption provided
1400 in this subsection includes transactions taxable under this
1401 chapter which are for use by the operator of a public-use
1402 airport, as defined in s. 332.004, in providing such
1403 telecommunications services for the airport or its tenants,
1404 concessionaires, or licensees, or which are for use by a public
1405 hospital for the provision of such telecommunications services.

1406 Section 58. Subsection (8) of section 290.007, Florida
1407 Statutes, is amended to read:

1408 290.007 State incentives available in enterprise zones.—The
1409 following incentives are provided by the state to encourage the
1410 revitalization of enterprise zones:

1411 (8) Notwithstanding any law to the contrary, the Public
1412 Service Commission may allow public utilities and
1413 telecommunications companies to grant discounts of up to 50
1414 percent on tariffed rates for services to small businesses
1415 located in an enterprise zone designated pursuant to s.
1416 290.0065. Such discounts may be granted for a period not to
1417 exceed 5 years. For purposes of this subsection, the term
1418 "public utility" has the same meaning as in s. 366.02(1) and the
1419 term "telecommunications company" has the same meaning as in s.
1420 364.02(11) ~~s. 364.02(14)~~.

1421 Section 59. Subsection (3) of section 350.0605, Florida

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1422 Statutes, is amended to read:

1423 350.0605 Former commissioners and employees; representation
1424 of clients before commission.—

1425 (3) For a period of 2 years following termination of
1426 service on the commission, a former member may not accept
1427 employment by or compensation from a business entity which,
1428 directly or indirectly, owns or controls a public utility
1429 regulated by the commission, from a public utility regulated by
1430 the commission, from a business entity which, directly or
1431 indirectly, is an affiliate or subsidiary of a public utility
1432 regulated by the commission or is an actual business competitor
1433 of a local exchange company or public utility regulated by the
1434 commission and is otherwise exempt from regulation by the
1435 commission under ss. 364.02(11) ~~ss. 364.02(14)~~ and 366.02(1), or
1436 from a business entity or trade association that has been a
1437 party to a commission proceeding within the 2 years preceding
1438 the member's termination of service on the commission. This
1439 subsection applies only to members of the Florida Public Service
1440 Commission who are appointed or reappointed after May 10, 1993.

1441 Section 60. Section 364.105, Florida Statutes, is amended
1442 to read:

1443 364.105 Discounted rate for basic service for former
1444 Lifeline subscribers.—Each local exchange telecommunications
1445 company shall offer discounted residential basic local
1446 telecommunications service at 70 percent of the residential
1447 local telecommunications service rate for any Lifeline
1448 subscriber who no longer qualifies for Lifeline. A Lifeline
1449 subscriber who requests such service shall receive the
1450 discounted price for a period of 1 year after the date the

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1451 subscriber ceases to be qualified for Lifeline. In no event
1452 shall this preclude the offering of any other discounted
1453 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1454 Section 61. Section 364.32, Florida Statutes, is amended to
1455 read:

1456 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~
1457 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~
1458 ~~364.345 and 364.37:~~

1459 (1) "Person" means:

1460 (a) Any natural person, firm, association, county,
1461 municipality, corporation, business, trust, or partnership
1462 owning, leasing, or operating any facility used in the
1463 furnishing of public telecommunications service within this
1464 state; and

1465 (b) A cooperative, nonprofit, membership corporation, or
1466 limited dividend or mutual association, now or hereafter
1467 created, with respect to that part or portion of its operations
1468 devoted to the furnishing of telecommunications service within
1469 this state.

1470 (2) "Territory" means any area, whether within or without
1471 the boundaries of a municipality.

1472 Section 62. Subsection (5) of section 489.103, Florida
1473 Statutes, is amended to read:

1474 489.103 Exemptions.—This part does not apply to:

1475 (5) Public utilities, including special gas districts as
1476 defined in chapter 189, telecommunications companies as defined
1477 in s. 364.02(11) ~~s. 364.02(14)~~, and natural gas transmission
1478 companies as defined in s. 368.103(4), on construction,
1479 maintenance, and development work performed by their employees,

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1480 which work, including, but not limited to, work on bridges,
1481 roads, streets, highways, or railroads, is incidental to their
1482 business. The board shall define, by rule, the term "incidental
1483 to their business" for purposes of this subsection.

1484 Section 63. This act shall take effect July 1, 2011.