

By the Committee on Communications, Energy, and Public Utilities; and Senators Simmons, Bennett, Thrasher, Oelrich, Smith, Gaetz, and Braynon

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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 s. 364.015, F.S., relating to injunctive relief;
25 364.02, F.S.; removing the definition of "monopoly
26 service" and adding a definition for "VoIP"; repealing
27 ss. 364.025, 364.0251, and 364.0252, F.S., relating to
28 uniform telecommunications service, a
29 telecommunications consumer information program, and

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

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

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88 F.S., relating to competitive local exchange
89 companies; amending s. 364.3375, F.S., relating to pay
90 telephone service providers; requiring pay telephone
91 providers to obtain a certificate of authority from
92 the commission; repealing ss. 364.3376, 364.3381,
93 364.3382, 364.339, 364.345, and 364.37, F.S., relating
94 to operator services, cross-subsidization, cost
95 disclosures, certificates for territories served,
96 shared tenant services, and powers of the commission
97 relating to service territories, respectively;
98 amending s. 364.385, F.S.; removing obsolete
99 provisions relating to saving clauses; amending s.
100 364.386, F.S.; revising the content to be included in
101 the report to be filed with the Legislature; repealing
102 ss. 364.501, 364.503, 364.506, 364.507, 364.508,
103 364.515, 364.516, 364.601, 364.602, 364.603, and
104 364.604, F.S., relating to the prevention of damages
105 to underground telecommunication facilities, mergers
106 or acquisitions, a short title for education
107 facilities, legislative intent for advanced
108 telecommunication services to eligible facilities,
109 definitions, infrastructure investments, penalties for
110 failing to provide advanced telecommunication
111 services, the short title for telecommunication
112 consumer protections, definitions, the methodology for
113 protecting consumers for changing telecommunication
114 providers, and billing procedures to inform and
115 protect the consumer, respectively; amending ss.
116 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105,

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117 364.32, and 489.103, F.S.; revising cross-references
118 to conform to changes made by the act; providing an
119 effective date.

120

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

122

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

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

127 364.01 Powers of commission, legislative intent.—

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

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

139 (3) Communications activities that are not regulated by the
140 Florida Public Service Commission, ~~including, but not limited~~
141 ~~to, VoIP, wireless, and broadband,~~ are subject to this state's
142 generally applicable business regulation and deceptive trade
143 practices and consumer protection laws, as enforced by the
144 appropriate state authority or through actions in the judicial
145 system. This chapter does not limit the availability to any

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

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

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

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175 ~~available to all consumers in the state at reasonable and~~
176 ~~affordable prices.~~

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

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

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

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

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

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

198 ~~(h) Recognize the continuing emergence of a competitive~~
199 ~~telecommunications environment through the flexible regulatory~~
200 ~~treatment of competitive telecommunications services, where~~
201 ~~appropriate, if doing so does not reduce the availability of~~
202 ~~adequate basic local telecommunications service to all citizens~~
203 ~~of the state at reasonable and affordable prices, if competitive~~

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204 ~~telecommunications services are not subsidized by monopoly~~
205 ~~telecommunications services, and if all monopoly services are~~
206 ~~available to all competitors on a nondiscriminatory basis.~~

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

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

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

216 (1) Intrastate interexchange telecommunications services.

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

219 (3) VoIP.

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

222 (5) Basic service.

223 (6) Nonbasic services.

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

226 364.012 Consistency with federal law.—

227 (2) This chapter does not limit or modify the duties of a
228 local exchange telecommunications company ~~carrier~~ to provide
229 unbundled access to network elements or the commission's
230 authority to arbitrate and enforce interconnection agreements to
231 the extent that those elements are required under 47 U.S.C. ss.
232 251 and 252, and under any regulations issued by the Federal

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233 Communications Commission at rates determined in accordance with
234 the standards established by the Federal Communications
235 Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of
236 any successor regulation or successor forbearance of regulation.

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

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

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

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

260 (a) Monitor the adoption of ~~Conduct a needs assessment of~~
261 broadband Internet service in collaboration with communications

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262 service providers, including, but not limited to, wireless and
263 wireline Internet service providers, to develop geographical
264 information system maps at the census tract level that will:

265 1. Identify geographic gaps in broadband services,
266 including areas unserved by any broadband provider and areas
267 served by a single broadband provider;

268 2. Identify the download and upload transmission speeds
269 made available to businesses and individuals in the state, at
270 the census tract level of detail, using data rate benchmarks for
271 broadband service used by the Federal Communications Commission
272 to reflect different speed tiers; and

273 3. Provide a baseline assessment of statewide broadband
274 deployment in terms of percentage of households with broadband
275 availability.

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

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

287 (d) Encourage the use of broadband Internet service,
288 especially in the rural, unserved, and underserved communities
289 of the state through grant programs having effective strategies
290 to facilitate the statewide deployment of broadband Internet

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291 service. For any grants to be awarded, priority must be given to
292 projects that:

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

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

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

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

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

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

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

318 (6) The department may ~~is authorized to~~ adopt rules
319 necessary to carry out the purposes of this section. Any rule,

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320 contract, grant, or other activity undertaken by the department
321 shall ensure that all entities are in compliance with any
322 applicable federal or state laws, rules, and regulations,
323 including, but not limited to, those applicable to private
324 entities providing communications services for hire and the
325 requirements of s. 350.81, including, without limitation, the
326 authority to establish definitions of terms pertinent to this
327 section.

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

329 Section 7. Section 364.02, Florida Statutes, is amended to
330 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

377 (9) ~~(10)~~ "Nonbasic service" means any telecommunications

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

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

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

390 (12)~~(13)~~ "Service" is to be construed in its broadest and
391 most inclusive sense. The term "service" does not include
392 broadband service or voice-over-Internet protocol service for
393 purposes of regulation by the commission. Nothing herein shall
394 affect the rights and obligations of any entity related to the
395 payment of switched network access rates or other intercarrier
396 compensation, if any, related to voice-over-Internet protocol
397 service. Notwithstanding s. 364.013, and the exemption of
398 services pursuant to this subsection, the commission may
399 arbitrate, enforce, or approve interconnection agreements, and
400 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
401 any other applicable federal law or regulation. With respect to
402 the services exempted in this subsection, regardless of the
403 technology, the duties of a local exchange telecommunications
404 company are only those that the company is obligated to extend
405 or provide under applicable federal law and regulations.

406 (13)~~(14)~~ "Telecommunications company" includes every

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

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

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

418 (c) A commercial mobile radio service provider;

419 (d) A facsimile transmission service;

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

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

424 (g) An intrastate interexchange telecommunications company;
425 or

426 (h) An operator services provider.

427
428 However, each commercial mobile radio service provider and each
429 intrastate interexchange telecommunications company shall
430 continue to be liable for any taxes imposed under chapters 202,
431 203, and 212 ~~and any fees assessed under s. 364.025~~. Each
432 intrastate interexchange telecommunications company shall
433 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),
434 ~~364.163, 364.285, 364.336, 364.501, 364.603, and 364.604,~~ shall
435 ~~provide the commission with the current information as the~~

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

442 (14)~~(15)~~ "Telecommunications facility" includes real
443 estate, easements, apparatus, property, and routes used and
444 operated to provide two-way telecommunications service to the
445 public for hire within this state.

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

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

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

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

456 Section 8. Section 364.025, Florida Statutes, is repealed.

457 Section 9. Section 364.0251, Florida Statutes, is repealed.

458 Section 10. Section 364.0252, Florida Statutes, is
459 repealed.

460 Section 11. Section 364.04, Florida Statutes, is amended to
461 read:

462 364.04 Schedules of rates, tolls, rentals, and charges;
463 filing; public inspection.—

464 (1) Every telecommunications company shall publish through

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

476 (2) This chapter does not prohibit a telecommunications
477 company from:

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

482 (b) Meeting competitive offerings in a specific geographic
483 market or to a specific customer.

484 (3) This section does not apply to the rates, terms, and
485 conditions established pursuant to 47 U.S.C. ss. 251 and 252.
486 ~~The schedules shall plainly state the places telecommunications~~
487 ~~service will be rendered and shall also state separately all~~
488 ~~charges and all privileges or facilities granted or allowed and~~
489 ~~any rules or regulations or forms of contract which may in~~
490 ~~anywise change, affect, or determine any of the aggregate of the~~
491 ~~rates, tolls, rentals, or charges for the service rendered.~~

492 Section 12. Section 364.051, Florida Statutes, is repealed.

493 Section 13. Section 364.052, Florida Statutes, is repealed.

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494 Section 14. Section 364.057, Florida Statutes, is repealed.

495 Section 15. Section 364.058, Florida Statutes, is repealed.

496 Section 16. Section 364.059, Florida Statutes, is repealed.

497 Section 17. Section 364.06, Florida Statutes, is repealed.

498 Section 18. Section 364.063, Florida Statutes, is repealed.

499 Section 19. Section 364.07, Florida Statutes, is repealed.

500 Section 20. Section 364.08, Florida Statutes, is repealed.

501 Section 21. Section 364.10, Florida Statutes, is amended to
502 read:

503 ~~364.10 Undue advantage to person or locality prohibited;~~
504 Lifeline service.-

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

510 ~~(1)(2)(a) The prohibitions of subsection (1)~~
511 ~~notwithstanding,~~ An eligible telecommunications carrier shall
512 provide a Lifeline Assistance Plan to qualified residential
513 subscribers, as defined in the eligible telecommunications
514 carrier's published schedules ~~a commission-approved tariff or~~
515 ~~price list, and a preferential rate to eligible facilities as~~
516 ~~provided for in part II.~~ For the purposes of this section, the
517 term "eligible telecommunications carrier" means a
518 telecommunications company, as defined by s. 364.02, which is
519 designated as an eligible telecommunications carrier by the
520 commission pursuant to 47 C.F.R. s. 54.201.

521 (b) An eligible telecommunications carrier shall offer a
522 consumer who applies for or receives Lifeline service the option

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523 of blocking all toll calls or, if technically capable, placing a
524 limit on the number of toll calls a consumer can make. The
525 eligible telecommunications carrier may not charge the consumer
526 an administrative charge or other additional fee for blocking
527 the service.

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

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

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

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

549 3. The commission shall establish procedures for such
550 notification and termination.

551 (f) An eligible telecommunications carrier shall timely

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552 credit a consumer's bill with the Lifeline Assistance credit as
553 soon as practicable, but no later than 60 days following receipt
554 of notice of eligibility from the Office of Public Counsel or
555 proof of eligibility from the consumer.

556 (2)~~(3)~~(a) Each local exchange telecommunications company
557 that has more than 1 million access lines and that is designated
558 as an eligible telecommunications carrier shall, and any
559 commercial mobile radio service provider designated as an
560 eligible telecommunications carrier pursuant to 47 U.S.C. s.
561 214(e) may, upon filing a notice of election to do so with the
562 commission, provide Lifeline service to any otherwise eligible
563 customer or potential customer who meets an income eligibility
564 test at 150 percent or less of the federal poverty income
565 guidelines for Lifeline customers. Such a test for eligibility
566 must augment, rather than replace, the eligibility standards
567 established by federal law and based on participation in certain
568 low-income assistance programs. Each intrastate interexchange
569 telecommunications company shall file or publish a schedule
570 providing at a minimum the intrastate interexchange
571 telecommunications company's ~~carrier's~~ current Lifeline benefits
572 and exemptions to Lifeline customers who meet the income
573 eligibility test set forth in this subsection. The Office of
574 Public Counsel shall certify and maintain claims submitted by a
575 customer for eligibility under the income test authorized by
576 this subsection.

577 (b) Each eligible telecommunications carrier subject to
578 this subsection shall provide to each state and federal agency
579 providing benefits to persons eligible for Lifeline service
580 applications, brochures, pamphlets, or other materials that

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581 inform the persons of their eligibility for Lifeline, and each
582 state agency providing the benefits shall furnish the materials
583 to affected persons at the time they apply for benefits.

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

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

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

607 (e) ~~(f)~~ An eligible telecommunications carrier may require
608 that payment arrangements be made for outstanding debt
609 associated with basic local telecommunications ~~exchange~~ service,

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610 subscriber line charges, E-911, telephone relay system charges,
611 and applicable state and federal taxes.

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

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

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639 confidential pursuant to s. 364.107 and may only be used for
640 purposes of determining eligibility and enrollment in the
641 Lifeline and Link-Up programs.

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

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

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

665 (i) ~~(j)~~ The commission shall adopt rules to administer this
666 section.

667 Section 22. Section 364.15, Florida Statutes, is repealed.

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668 Section 23. Section 364.16, Florida Statutes, is amended to
669 read:

670 364.16 ~~Connection of lines and transfers; Local~~
671 ~~interconnection, unbundling, and resale; telephone number~~
672 ~~portability.~~-

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

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

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

694 (4) A telecommunications company may not knowingly deliver
695 traffic, for which terminating access service charges would
696 otherwise apply, through a local interconnection arrangement

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

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

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

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

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

751 ~~(2) Each competitive local exchange telecommunications~~
752 ~~company shall provide access to, and interconnection with, its~~
753 ~~telecommunications services to any other provider of local~~
754 ~~exchange telecommunications services requesting such access and~~

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

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

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

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

782 ~~(7)(4)~~ In order to assure that consumers have access to
783 different local exchange service providers without being

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784 disadvantaged, deterred, or inconvenienced by having to give up
785 the consumer's existing local telephone number, all providers of
786 local exchange services must have access to local telephone
787 numbering resources and assignments on equitable terms that
788 include a recognition of the scarcity of such resources and are
789 in accordance with national assignment guidelines. ~~Each local~~
790 ~~exchange provider, except small local exchange~~
791 ~~telecommunications companies under rate of return regulation,~~
792 ~~shall provide a temporary means of achieving telephone number~~
793 ~~portability. The parties, under the direction of the commission,~~
794 ~~shall set up a number portability standards group by no later~~
795 ~~than September 1, 1995, for the purposes of investigation and~~
796 ~~development of appropriate parameters, costs, and standards for~~
797 ~~number portability. If the parties are unable to successfully~~
798 ~~negotiate the prices, terms, and conditions of a temporary~~
799 ~~number portability solution, the commission shall establish a~~
800 ~~temporary number portability solution by no later than January~~
801 ~~1, 1996. Each local exchange service provider shall make~~
802 ~~necessary modifications to allow permanent portability of local~~
803 ~~telephone numbers between certificated providers of local~~
804 ~~exchange service as soon as reasonably possible after the~~
805 ~~development of national standards. The parties shall negotiate~~
806 ~~the prices, terms, and conditions for permanent telephone number~~
807 ~~portability arrangements. In the event the parties are unable to~~
808 ~~satisfactorily negotiate the prices, terms, and conditions,~~
809 ~~either party may petition the commission and the commission~~
810 ~~shall, after opportunity for a hearing, set the rates, terms,~~
811 ~~and conditions. The prices and rates shall not be below cost.~~
812 ~~Number portability between different certificated providers of~~

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813 ~~local exchange service at the same location shall be provided~~
814 ~~temporarily no later than January 1, 1996.~~

815 (8) ~~(5)~~ When requested, each certificated telecommunications
816 company shall provide access to any poles, conduits, rights-of-
817 way, and like facilities that it owns or controls to any local
818 exchange telecommunications company or competitive local
819 exchange telecommunications company pursuant to reasonable rates
820 and conditions mutually agreed to which do not discriminate
821 between similarly situated companies.

822 Section 24. Section 364.161, Florida Statutes, is repealed.

823 Section 25. Section 364.162, Florida Statutes, is repealed.

824 Section 26. Section 364.163, Florida Statutes, is amended
825 to read:

826 364.163 Network access services.—For purposes of this
827 section, the term “network access service” is defined as any
828 service provided by a local exchange telecommunications company
829 to a telecommunications company certificated under this chapter
830 or licensed by the Federal Communications Commission to access
831 the local exchange telecommunications network, excluding ~~the~~
832 local interconnection, resale, or unbundling pursuant to
833 arrangements in s. 364.16 and the resale arrangements in s.
834 364.161. Each local exchange telecommunications company ~~subject~~
835 ~~to s. 364.051~~ shall maintain tariffs with the commission
836 containing the terms, conditions, and rates for each of its
837 network access services. The switched network access service
838 rates in effect immediately prior to July 1, 2007, shall be, and
839 shall remain, capped at that level until July 1, 2010. An
840 interexchange telecommunications company may not institute any
841 intrastate connection fee or any similarly named fee.

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842 Section 27. Section 364.183, Florida Statutes, is amended
843 to read:

844 364.183 Access to company records.—

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

864 (2) Discovery in any docket or proceeding before the
865 commission shall be in the manner provided for in Rule 1.280 of
866 the Florida Rules of Civil Procedure. Upon a showing by a
867 company or other person and a finding by the commission that
868 discovery will require the disclosure of proprietary
869 confidential business information, the commission shall issue an
870 appropriate protective order designating the manner for handling

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

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

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900 includes, but is not limited to:

901 (a) Trade secrets.

902 (b) Internal auditing controls and reports of internal
903 auditors.

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

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

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

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

914 (4) Any finding by the commission that a record contains
915 proprietary confidential business information is effective for a
916 period set by the commission not to exceed 18 months, unless the
917 commission finds, for good cause, that the protection from
918 disclosure shall be for a specified longer period. The
919 commission shall order the return of a record containing
920 proprietary confidential business information when such record
921 is no longer necessary for the commission to conduct its
922 business. At that time, the commission shall order any other
923 person holding such record to return it to the person providing
924 the record. Any record containing proprietary confidential
925 business information which has not been returned at the
926 conclusion of the period set pursuant to this subsection shall
927 no longer be exempt from s. 119.07(1) unless the
928 telecommunications company or affected person shows, and the

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929 commission finds, that the record continues to contain
930 proprietary confidential business information. Upon such
931 finding, the commission may extend the period for confidential
932 treatment for a period not to exceed 18 months unless the
933 commission finds, for good cause, that the protection from
934 disclosure shall be for a specified longer period. During
935 commission consideration of an extension, the record in question
936 remains exempt from s. 119.07(1). The commission shall adopt
937 rules to implement this subsection, which shall include notice
938 to the telecommunications company or affected person regarding
939 the expiration of confidential treatment.

940 Section 28. Section 364.185, Florida Statutes, is repealed.

941 Section 29. Section 364.19, Florida Statutes, is repealed.

942 Section 30. Section 364.27, Florida Statutes, is repealed.

943 Section 31. Section 364.33, Florida Statutes, is amended to
944 read:

945 364.33 Certificate of necessity or authority ~~prerequisite~~
946 ~~to construction, operation, or control of telecommunications~~
947 ~~facilities. Except for a transfer of a certificate of necessity~~
948 ~~from one person to another or to the parent or affiliate of a~~
949 ~~certificated person as provided in this section, A person may~~
950 ~~not provide~~ begin the construction or operation of any
951 telecommunications services to the public without a certificate
952 of necessity or a certificate of authority. After July 1, 2011,
953 the commission shall cease to issue certificates of necessity,
954 but existing certificates of necessity remain valid. A
955 certificate of necessity or authority may be transferred to the
956 holder's parent company or an affiliate or another person
957 holding a certificate of necessity or authority, its parent

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

986 Section 32. Section 364.335, Florida Statutes, is amended

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987 to read:

988 364.335 Application for certificate of authority.—989 (1) Each applicant for a certificate of authority shall:990 (a) Provide the following information:991 1. The applicant's official name and, if different, any
992 name under which the applicant will do business.993 2. The street address of the principal place of business of
994 the applicant.995 3. The federal employer identification number or the
996 Department of State's document number.997 4. The name, address, and telephone number of an officer,
998 partner, owner, member, or manager as a contact person for the
999 applicant to whom questions or concerns may be addressed.1000 5. Information demonstrating the applicant's managerial,
1001 technical, and financial ability to provide telecommunications
1002 service, including an attestation to the accuracy of the
1003 information provided. ~~provide all information required by rule~~
1004 ~~or order of the commission, which may include a detailed inquiry~~
1005 ~~into the ability of the applicant to provide service, a detailed~~
1006 ~~inquiry into the territory and facilities involved, and a~~
1007 ~~detailed inquiry into the existence of service from other~~
1008 ~~sources within geographical proximity to the territory applied~~
1009 ~~for.~~1010 ~~(b) File with the commission schedules showing all rates~~
1011 ~~for service of every kind furnished by it and all rules and~~
1012 ~~contracts relating to such service.~~1013 (b)(e) File the application fee required by the commission
1014 in an amount not to exceed \$500. Such fees shall be deposited in
1015 accordance with s. 350.113.

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1016 ~~(d) Submit an affidavit that the applicant has caused~~
1017 ~~notice of its application to be given to such persons and in~~
1018 ~~such manner as may be prescribed by commission rule.~~

1019 (2) The commission shall grant a certificate of authority
1020 to provide telecommunications service upon a showing that the
1021 applicant has sufficient technical, financial, and managerial
1022 capability to provide such service in the geographic area
1023 proposed to be served. The applicant shall ensure continued
1024 compliance with applicable business formation, registration, and
1025 taxation provisions of law. If the commission grants the
1026 ~~requested certificate, any person who would be substantially~~
1027 ~~affected by the requested certification may, within 21 days~~
1028 ~~after the granting of such certificate, file a written objection~~
1029 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~
1030 ~~commission may, on its own motion, institute a proceeding under~~
1031 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~
1032 ~~certificate is in the public interest. The commission shall~~
1033 ~~order such proceeding conducted in or near the territory applied~~
1034 ~~for, if feasible. If any person requests a public hearing on the~~
1035 ~~application, such hearing shall, if feasible, be held in or near~~
1036 ~~the territory applied for, and the transcript of the public~~
1037 ~~hearing and any material submitted at or prior to the hearing~~
1038 ~~shall be considered part of the record of the application and~~
1039 ~~any proceeding related to the application.~~

1040 (3) A certificate of authority may be terminated by the
1041 telecommunications company by submitting notice to the
1042 commission. The commission may grant a certificate, in whole or
1043 ~~in part or with modifications in the public interest, but in no~~
1044 ~~event granting authority greater than that requested in the~~

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1045 ~~application or amendments thereto and noticed under subsection~~
1046 ~~(1); or it may deny a certificate. The commission may grant~~
1047 ~~certificates for proposed telecommunications companies, or for~~
1048 ~~the extension of an existing telecommunications company, without~~
1049 ~~regard to whether such companies will be in competition with or~~
1050 ~~duplicate the local exchange services provided by any other~~
1051 ~~telecommunications company. The commission may also grant a~~
1052 ~~certificate for a proposed telecommunications company, or for~~
1053 ~~the extension of an existing telecommunications company, which~~
1054 ~~will be providing either competitive or duplicative pay~~
1055 ~~telephone service pursuant to the provisions of s. 364.3375, or~~
1056 ~~private line service by a certified alternative access vendor~~
1057 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~
1058 ~~that telephone service using telephones that are capable of~~
1059 ~~accepting payment by specie, paper money, or credit cards.~~

1060 (4) Except as provided in s. 364.33, revocation,
1061 suspension, transfer, or amendment of a certificate shall be
1062 subject to the provisions of this section; ~~except that, when the~~
1063 ~~commission initiates the action, the commission shall furnish~~
1064 ~~notice to the appropriate local government and to the Public~~
1065 ~~Counsel.~~

1066 Section 33. Section 364.337, Florida Statutes, is repealed.

1067 Section 34. Section 364.3375, Florida Statutes, is amended
1068 to read:

1069 364.3375 Pay telephone service providers.-

1070 (1) (a) A No person may not shall provide pay telephone
1071 service without first obtaining from the commission a
1072 certificate of authority or necessity ~~public convenience and~~
1073 ~~necessity~~ to provide such service, except that the certification

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1074 provisions of this subsection do not apply to a local exchange
1075 telecommunications company providing pay telephone service.

1076 (b) In granting such certificate the commission, if it
1077 finds that the action is consistent with the public interest,
1078 may exempt a pay telephone provider from some or all of the
1079 requirements of this chapter. However, the commission may exempt
1080 a pay telephone provider from this section only to prevent fraud
1081 or if it finds the exemption to be in the public interest.

1082 (c) A certificate authorizes the pay telephone provider to
1083 provide services statewide and to provide access to both local
1084 and intrastate interexchange pay telephone service, except that
1085 the commission may limit the type of calls that can be handled.

1086 (2) Each pay telephone station shall:

1087 (a) Receive and permit coin-free access to the universal
1088 emergency telephone number "911" where operable or to a local
1089 exchange company toll operator.

1090 (b) Receive and provide coin-free or coin-return access to
1091 local directory assistance and the telephone number of the
1092 person responsible for repair service.

1093 (c) Designate a party responsible for processing refunds to
1094 customers.

1095 (d) Be equipped with a legible sign, card, or plate of
1096 reasonable permanence which provides information determined by
1097 the commission, by rule, to adequately inform the end user.

1098 (e) Be eligible to subscribe to flat-rate, single-line
1099 business local exchange services.

1100 (3) Each pay telephone station which provides access to any
1101 interexchange telecommunications company shall provide access to
1102 all locally available interexchange telecommunications companies

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

1109 ~~(4) A pay telephone provider may charge, as a maximum rate~~
1110 ~~for local coin calls, a rate equivalent to the local coin rate~~
1111 ~~of the local exchange telecommunications company.~~

1112 ~~(5) A pay telephone provider shall not obtain services from~~
1113 ~~an operator service provider unless such operator service~~
1114 ~~provider has obtained a certificate of public convenience and~~
1115 ~~necessity from the commission pursuant to the provisions of s.~~
1116 ~~364.3376.~~

1117 Section 35. Section 364.3376, Florida Statutes, is
1118 repealed.

1119 Section 36. Section 364.3381, Florida Statutes, is
1120 repealed.

1121 Section 37. Section 364.3382, Florida Statutes, is
1122 repealed.

1123 Section 38. Section 364.339, Florida Statutes, is repealed.

1124 Section 39. Section 364.345, Florida Statutes, is repealed.

1125 Section 40. Section 364.37, Florida Statutes, is repealed.

1126 Section 41. Section 364.385, Florida Statutes, is amended
1127 to read:

1128 364.385 Saving clauses.—

1129 ~~(1) This act does not invalidate any certificate or cause~~
1130 ~~to be unlawful any rate which has been previously approved and~~
1131 ~~which is lawfully being charged and collected immediately prior~~

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1132 ~~to July 1, 1995. However, such rate may not be changed, and a~~
1133 ~~certificate may not be modified, suspended, or revoked, on or~~
1134 ~~after July 1, 1995, except in accordance with the provisions of~~
1135 ~~this act.~~

1136 ~~(2) All applications for extended area service, routes, or~~
1137 ~~extended calling service pending before the commission on March~~
1138 ~~1, 1995, shall be governed by the law as it existed prior to~~
1139 ~~July 1, 1995. Upon the approval of the application, the extended~~
1140 ~~area service, routes, or extended calling service shall be~~
1141 ~~considered basic services and shall be regulated as provided in~~
1142 ~~s. 364.051. Proceedings including judicial review pending on~~
1143 ~~July 1, 1995, shall be governed by the law as it existed prior~~
1144 ~~to the date on which this section becomes a law. No new~~
1145 ~~proceedings governed by the law as it existed prior to July 1,~~
1146 ~~1995, shall be initiated after July 1, 1995. Any administrative~~
1147 ~~adjudicatory proceeding which has not progressed to the stage of~~
1148 ~~a hearing by July 1, 1995, may, with the consent of all parties~~
1149 ~~and the commission, be conducted in accordance with the law as~~
1150 ~~it existed prior to January 1, 1996.~~

1151 ~~(3) Florida Public Service Commission Order No. PSC 94-~~
1152 ~~0172-FOF-TL shall remain in effect, and BellSouth~~
1153 ~~Telecommunications, Inc., shall fully comply with that order~~
1154 ~~unless modified by the Florida Public Service Commission~~
1155 ~~pursuant to the terms of that order. The order may not be~~
1156 ~~modified to extend beyond December 31, 1997, except that the~~
1157 ~~Florida Public Service Commission shall retain jurisdiction and~~
1158 ~~all parties shall retain their rights under the agreement after~~
1159 ~~December 31, 1997, solely for the purpose of effectuating the~~
1160 ~~provisions of the order applicable to periods prior to January~~

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

1165 ~~(4) The rates and charges for basic local~~
1166 ~~telecommunications service and network access service approved~~
1167 ~~by the commission in accordance with the decisions set forth in~~
1168 ~~Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which~~
1169 ~~are in effect immediately prior to July 1, 2007, shall remain in~~
1170 ~~effect and such rates and charges may not be changed after the~~
1171 ~~effective date of this act, except in accordance with the~~
1172 ~~provisions of s. 364.163 ss. 364.051 and 364.163.~~

1173 Section 42. Section 364.386, Florida Statutes, is amended
1174 to read:

1175 364.386 Reports to the Legislature.—

1176 (1) (a) The commission shall submit to the President of the
1177 Senate, the Speaker of the House of Representatives, and the
1178 majority and minority leaders of the Senate and the House of
1179 Representatives, on August 1, 2008, and on an annual basis
1180 thereafter, a report on the status of competition in the
1181 telecommunications industry and a detailed exposition of the
1182 following:

1183 ~~1. The overall impact of local exchange telecommunications~~
1184 ~~competition on the continued availability of universal service.~~

1185 1.2. The ability of competitive providers to make
1186 functionally equivalent local exchange services available to
1187 both residential and business customers at competitive rates,
1188 terms, and conditions.

1189 2.3. The ability of consumers to obtain functionally

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1190 equivalent services at comparable rates, terms, and conditions.

1191 ~~3.4.~~ The overall impact of competition ~~price regulation~~ on
1192 the maintenance of reasonably affordable and reliable high-
1193 quality telecommunications services.

1194 ~~4.5.~~ A listing and short description of any carrier
1195 disputes filed under s. 364.16. ~~What additional services, if~~
1196 ~~any, should be included in the definition of basic local~~
1197 ~~telecommunications services, taking into account advances in~~
1198 ~~technology and market demand.~~

1199 ~~6.~~ ~~Any other information and recommendations which may be~~
1200 ~~in the public interest.~~

1201 (b) The commission shall make an annual request to
1202 providers of local exchange telecommunications services on or
1203 before March 1, 2008, and on or before March 1 of each year
1204 thereafter, for the data it requires to complete the report. A
1205 provider of local exchange telecommunications services shall
1206 file its response with the commission on or before April 15,
1207 2008, and on or before April 15 of each year thereafter.

1208 (2) ~~In lieu of~~ The quantitative part of the information
1209 requested in the commission's annual data request shall be
1210 limited to, ~~a provider of local exchange telecommunications~~
1211 ~~services may file the following:~~

1212 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of local
1213 exchange telecommunications service with the Federal
1214 Communications Commission, which must identify Florida-specific
1215 access line data or similar information if an FCC Form 477 is
1216 not available.; ~~and~~

1217 ~~(b)~~ ~~Provisioned Florida access line data identified by~~
1218 ~~telephone exchange location.~~

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1219 ~~(3) The Office of Public Counsel is also directed to submit~~
 1220 ~~a report on competition in the telecommunications industry and~~
 1221 ~~on how the price regulation provisions of s. 364.051 have~~
 1222 ~~benefited the ratepayers and consumers of this state and any~~
 1223 ~~other information and recommendations which may be in the public~~
 1224 ~~interest.~~

1225 Section 43. Section 364.501, Florida Statutes, is repealed.

1226 Section 44. Section 364.503, Florida Statutes, is repealed.

1227 Section 45. Section 364.506, Florida Statutes, is repealed.

1228 Section 46. Section 364.507, Florida Statutes, is repealed.

1229 Section 47. Section 364.508, Florida Statutes, is repealed.

1230 Section 48. Section 364.515, Florida Statutes, is repealed.

1231 Section 49. Section 364.516, Florida Statutes, is repealed.

1232 Section 50. Section 364.601, Florida Statutes, is repealed.

1233 Section 51. Section 364.602, Florida Statutes, is repealed.

1234 Section 52. Section 364.603, Florida Statutes, is repealed.

1235 Section 53. Section 364.604, Florida Statutes, is repealed.

1236 Section 54. Subsection (6) of section 196.012, Florida
 1237 Statutes, is amended to read:

1238 196.012 Definitions.—For the purpose of this chapter, the
 1239 following terms are defined as follows, except where the context
 1240 clearly indicates otherwise:

1241 (6) Governmental, municipal, or public purpose or function
 1242 shall be deemed to be served or performed when the lessee under
 1243 any leasehold interest created in property of the United States,
 1244 the state or any of its political subdivisions, or any
 1245 municipality, agency, special district, authority, or other
 1246 public body corporate of the state is demonstrated to perform a
 1247 function or serve a governmental purpose which could properly be

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

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

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1306 improvements which will revert to the airport authority or other
1307 governmental unit upon expiration of the term of the lease shall
1308 be deemed "owned" by the governmental unit and not the lessee.
1309 Providing two-way telecommunications services to the public for
1310 hire by the use of a telecommunications facility, as defined in
1311 s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is
1312 required under chapter 364 does not constitute an exempt use for
1313 purposes of s. 196.199, unless the telecommunications services
1314 are provided by the operator of a public-use airport, as defined
1315 in s. 332.004, for the operator's provision of
1316 telecommunications services for the airport or its tenants,
1317 concessionaires, or licensees, or unless the telecommunications
1318 services are provided by a public hospital.

1319 Section 55. Paragraph (b) of subsection (1) of section
1320 199.183, Florida Statutes, is amended to read:

1321 199.183 Taxpayers exempt from nonrecurring taxes.—

1322 (1) Intangible personal property owned by this state or any
1323 of its political subdivisions or municipalities shall be exempt
1324 from taxation under this chapter. This exemption does not apply
1325 to:

1326 (b) Property related to the provision of two-way
1327 telecommunications services to the public for hire by the use of
1328 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
1329 ~~364.02(15)~~, and for which a certificate is required under
1330 chapter 364, when the service is provided by any county,
1331 municipality, or other political subdivision of the state. Any
1332 immunity of any political subdivision of the state or other
1333 entity of local government from taxation of the property used to
1334 provide telecommunication services that is taxed as a result of

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

1343 Section 56. Subsection (6) of section 212.08, Florida
1344 Statutes, is amended to read:

1345 212.08 Sales, rental, use, consumption, distribution, and
1346 storage tax; specified exemptions.—The sale at retail, the
1347 rental, the use, the consumption, the distribution, and the
1348 storage to be used or consumed in this state of the following
1349 are hereby specifically exempt from the tax imposed by this
1350 chapter.

1351 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
1352 exempt from the tax imposed by this chapter sales made to the
1353 United States Government, a state, or any county, municipality,
1354 or political subdivision of a state when payment is made
1355 directly to the dealer by the governmental entity. This
1356 exemption shall not inure to any transaction otherwise taxable
1357 under this chapter when payment is made by a government employee
1358 by any means, including, but not limited to, cash, check, or
1359 credit card when that employee is subsequently reimbursed by the
1360 governmental entity. This exemption does not include sales of
1361 tangible personal property made to contractors employed either
1362 directly or as agents of any such government or political
1363 subdivision thereof when such tangible personal property goes

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1364 into or becomes a part of public works owned by such government
1365 or political subdivision. A determination whether a particular
1366 transaction is properly characterized as an exempt sale to a
1367 government entity or a taxable sale to a contractor shall be
1368 based on the substance of the transaction rather than the form
1369 in which the transaction is cast. The department shall adopt
1370 rules that give special consideration to factors that govern the
1371 status of the tangible personal property before its affixation
1372 to real property. In developing these rules, assumption of the
1373 risk of damage or loss is of paramount consideration in the
1374 determination. This exemption does not include sales, rental,
1375 use, consumption, or storage for use in any political
1376 subdivision or municipality in this state of machines and
1377 equipment and parts and accessories therefor used in the
1378 generation, transmission, or distribution of electrical energy
1379 by systems owned and operated by a political subdivision in this
1380 state for transmission or distribution expansion. Likewise
1381 exempt are charges for services rendered by radio and television
1382 stations, including line charges, talent fees, or license fees
1383 and charges for films, videotapes, and transcriptions used in
1384 producing radio or television broadcasts. The exemption provided
1385 in this subsection does not include sales, rental, use,
1386 consumption, or storage for use in any political subdivision or
1387 municipality in this state of machines and equipment and parts
1388 and accessories therefor used in providing two-way
1389 telecommunications services to the public for hire by the use of
1390 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
1391 ~~364.02(15)~~, and for which a certificate is required under
1392 chapter 364, which facility is owned and operated by any county,

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

1404 Section 57. Subsection (8) of section 290.007, Florida
1405 Statutes, is amended to read:

1406 290.007 State incentives available in enterprise zones.—The
1407 following incentives are provided by the state to encourage the
1408 revitalization of enterprise zones:

1409 (8) Notwithstanding any law to the contrary, the Public
1410 Service Commission may allow public utilities and
1411 telecommunications companies to grant discounts of up to 50
1412 percent on tariffed rates for services to small businesses
1413 located in an enterprise zone designated pursuant to s.
1414 290.0065. Such discounts may be granted for a period not to
1415 exceed 5 years. For purposes of this subsection, the term
1416 "public utility" has the same meaning as in s. 366.02(1) and the
1417 term "telecommunications company" has the same meaning as in s.
1418 364.02(13) ~~s. 364.02(14)~~.

1419 Section 58. Subsection (3) of section 350.0605, Florida
1420 Statutes, is amended to read:

1421 350.0605 Former commissioners and employees; representation

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1422 of clients before commission.—

1423 (3) For a period of 2 years following termination of
1424 service on the commission, a former member may not accept
1425 employment by or compensation from a business entity which,
1426 directly or indirectly, owns or controls a public utility
1427 regulated by the commission, from a public utility regulated by
1428 the commission, from a business entity which, directly or
1429 indirectly, is an affiliate or subsidiary of a public utility
1430 regulated by the commission or is an actual business competitor
1431 of a local exchange company or public utility regulated by the
1432 commission and is otherwise exempt from regulation by the
1433 commission under ss. 364.02(13) ~~ss. 364.02(14)~~ and 366.02(1), or
1434 from a business entity or trade association that has been a
1435 party to a commission proceeding within the 2 years preceding
1436 the member's termination of service on the commission. This
1437 subsection applies only to members of the Florida Public Service
1438 Commission who are appointed or reappointed after May 10, 1993.

1439 Section 59. Section 364.105, Florida Statutes, is amended
1440 to read:

1441 364.105 Discounted rate for basic service for former
1442 Lifeline subscribers.—Each local exchange telecommunications
1443 company shall offer discounted residential basic local
1444 telecommunications service at 70 percent of the residential
1445 local telecommunications service rate for any Lifeline
1446 subscriber who no longer qualifies for Lifeline. A Lifeline
1447 subscriber who requests such service shall receive the
1448 discounted price for a period of 1 year after the date the
1449 subscriber ceases to be qualified for Lifeline. In no event
1450 shall this preclude the offering of any other discounted

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1451 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1452 Section 60. Section 364.32, Florida Statutes, is amended to
1453 read:

1454 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~
1455 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~
1456 ~~364.345 and 364.37:~~

1457 (1) "Person" means:

1458 (a) Any natural person, firm, association, county,
1459 municipality, corporation, business, trust, or partnership
1460 owning, leasing, or operating any facility used in the
1461 furnishing of public telecommunications service within this
1462 state; and

1463 (b) A cooperative, nonprofit, membership corporation, or
1464 limited dividend or mutual association, now or hereafter
1465 created, with respect to that part or portion of its operations
1466 devoted to the furnishing of telecommunications service within
1467 this state.

1468 (2) "Territory" means any area, whether within or without
1469 the boundaries of a municipality.

1470 Section 61. Subsection (5) of section 489.103, Florida
1471 Statutes, is amended to read:

1472 489.103 Exemptions.—This part does not apply to:

1473 (5) Public utilities, including special gas districts as
1474 defined in chapter 189, telecommunications companies as defined
1475 in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission
1476 companies as defined in s. 368.103(4), on construction,
1477 maintenance, and development work performed by their employees,
1478 which work, including, but not limited to, work on bridges,
1479 roads, streets, highways, or railroads, is incidental to their

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1480 business. The board shall define, by rule, the term "incidental
1481 to their business" for purposes of this subsection.

1482 Section 62. This act shall take effect July 1, 2011.