

By the Committees on Commerce and Tourism; and Communications, Energy, and Public Utilities; and Senators Simmons, Bennett, Thrasher, Oelrich, Smith, Gaetz, Braynon, Siplin, and Flores

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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; amending s.
24 364.02, F.S.; removing the definition of "monopoly
25 service" and adding a definition for "VoIP"; repealing
26 ss. 364.025, 364.0251, and 364.0252, F.S., relating to
27 uniform telecommunications service, a
28 telecommunications consumer information program, and
29 the expansion of consumer information programs,

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

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59 telecommunications company for certain purposes;
60 prohibiting a telecommunications company from
61 knowingly delivering traffic for which terminating
62 access service charges would otherwise apply;
63 authorizing any party having a substantial interest to
64 petition the commission for an investigation;
65 requiring the commission to adopt rules to prevent the
66 unauthorized changing of a subscriber's
67 telecommunications service; requiring the commission
68 to conduct an expedited proceeding to resolve
69 disputes; providing that the telecommunications
70 company that asserts the existence of a local
71 preferred carrier freeze has a certain burden of
72 proof; removing obsolete provisions relating to local
73 exchange telecommunications companies; repealing ss.
74 364.161 and 364.162, F.S., relating to unbundling and
75 resale of telecommunication services and negotiated
76 prices for interconnection services, respectively;
77 amending s. 364.163, F.S.; conforming provisions to
78 changes made by the act; amending s. 364.183, F.S.;

79 revising provisions relating to access of the
80 commission to certain records of a telecommunications
81 company; repealing ss. 364.185, 364.19, and 364.27,
82 F.S., relating to powers of the commission to
83 investigate and inspect any premises of a
84 telecommunications company, regulation of
85 telecommunication contracts, and powers and duties as
86 to interstate rates, respectively; amending s. 364.33,
87 F.S., relating to the certificate of authority;

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88 prohibiting a person from providing any
89 telecommunications service to the public without a
90 certificate of necessity or a certificate of authority
91 issued by the commission; providing that, after a
92 specified date, the commission will no longer issue
93 certificates of necessity; amending s. 364.335, F.S.;
94 requiring an applicant to provide certain information
95 when applying for a certificate of authority;
96 describing the criteria necessary to be granted a
97 certificate of authority; authorizing a
98 telecommunications company to terminate a certificate
99 of authority; repealing s. 364.337, F.S., relating to
100 competitive local exchange companies; amending s.
101 364.3375, F.S., relating to pay telephone service
102 providers; requiring pay telephone providers to obtain
103 a certificate of authority from the commission;
104 repealing ss. 364.3376, 364.3381, 364.3382, 364.339,
105 364.345, and 364.37, F.S., relating to operator
106 services, cross-subsidization, cost disclosures,
107 certificates for territories served, shared tenant
108 services, and powers of the commission relating to
109 service territories, respectively; amending s.
110 364.385, F.S.; removing obsolete provisions relating
111 to saving clauses; amending s. 364.386, F.S.; revising
112 the content to be included in the report to be filed
113 with the Legislature; repealing ss. 364.501, 364.503,
114 364.506, 364.507, 364.508, 364.515, 364.516, 364.601,
115 364.602, 364.603, and 364.604, F.S., relating to the
116 prevention of damages to underground telecommunication

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117 facilities, mergers or acquisitions, a short title for
118 education facilities, legislative intent for advanced
119 telecommunication services to eligible facilities,
120 definitions, infrastructure investments, penalties for
121 failing to provide advanced telecommunication
122 services, the short title for telecommunication
123 consumer protections, definitions, the methodology for
124 protecting consumers for changing telecommunication
125 providers, and billing procedures to inform and
126 protect the consumer, respectively; amending ss.
127 196.012, 199.183, 212.08, 290.007, 350.0605, 364.105,
128 364.32, and 489.103, F.S.; revising cross-references
129 to conform to changes made by the act; providing an
130 effective date.

131

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

133

134 Section 1. This act may be cited as the "Regulatory Reform
135 Act."

136 Section 2. Section 364.01, Florida Statutes, is amended to
137 read:

138 364.01 Powers of commission, legislative intent.—

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

142 (2) It is the legislative intent to give exclusive
143 jurisdiction in all matters set forth in this chapter to the
144 Florida Public Service Commission in regulating
145 telecommunications companies, and such preemption shall

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146 supersede any local or special act or municipal charter where
147 any conflict of authority may exist. However, ~~the provisions of~~
148 this chapter does ~~shall~~ not affect the authority and powers
149 granted in s. 166.231(9) or s. 337.401.

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

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175 ~~therefore, it is in the public interest that competition in~~
176 ~~telecommunications services lead to a situation that enhances~~
177 ~~the high-technological skills and the economic status of the~~
178 ~~telecommunications workforce. The Legislature further finds that~~
179 ~~the provision of voice-over-Internet protocol (VoIP) free of~~
180 ~~unnecessary regulation, regardless of the provider, is in the~~
181 ~~public interest.~~

182 ~~(4) The commission shall exercise its exclusive~~
183 ~~jurisdiction in order to:~~

184 ~~(a) Protect the public health, safety, and welfare by~~
185 ~~ensuring that basic local telecommunications services are~~
186 ~~available to all consumers in the state at reasonable and~~
187 ~~affordable prices.~~

188 ~~(b) Encourage competition through flexible regulatory~~
189 ~~treatment among providers of telecommunications services in~~
190 ~~order to ensure the availability of the widest possible range of~~
191 ~~consumer choice in the provision of all telecommunications~~
192 ~~services.~~

193 ~~(c) Protect the public health, safety, and welfare by~~
194 ~~ensuring that monopoly services provided by telecommunications~~
195 ~~companies continue to be subject to effective price, rate, and~~
196 ~~service regulation.~~

197 ~~(d) Promote competition by encouraging innovation and~~
198 ~~investment in telecommunications markets and by allowing a~~
199 ~~transitional period in which new and emerging technologies are~~
200 ~~subject to a reduced level of regulatory oversight.~~

201 ~~(e) Encourage all providers of telecommunications services~~
202 ~~to introduce new or experimental telecommunications services~~
203 ~~free of unnecessary regulatory restraints.~~

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

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

209 ~~(h) Recognize the continuing emergence of a competitive~~
210 ~~telecommunications environment through the flexible regulatory~~
211 ~~treatment of competitive telecommunications services, where~~
212 ~~appropriate, if doing so does not reduce the availability of~~
213 ~~adequate basic local telecommunications service to all citizens~~
214 ~~of the state at reasonable and affordable prices, if competitive~~
215 ~~telecommunications services are not subsidized by monopoly~~
216 ~~telecommunications services, and if all monopoly services are~~
217 ~~available to all competitors on a nondiscriminatory basis.~~

218 ~~(i) Continue its historical role as a surrogate for~~
219 ~~competition for monopoly services provided by local exchange~~
220 ~~telecommunications companies.~~

221 Section 3. Section 364.011, Florida Statutes, is amended to
222 read:

223 364.011 Exemptions from commission jurisdiction.—The
224 following services are exempt from oversight by the commission,
225 except to the extent delineated in this chapter ~~or specifically~~
226 ~~authorized by federal law:~~

227 (1) Intrastate interexchange telecommunications services.

228 (2) Broadband services, regardless of the provider,
229 platform, or protocol.

230 (3) VoIP.

231 (4) Wireless telecommunications, including commercial
232 mobile radio service providers.

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233 (5) Basic service.

234 (6) Nonbasic services or comparable services offered by any
235 telecommunications company.

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

238 364.012 Consistency with federal law.—

239 (2) This chapter does not limit or modify the duties of a
240 local exchange telecommunications company ~~carrier~~ to provide
241 unbundled access to network elements or the commission's
242 authority to arbitrate and enforce interconnection agreements to
243 the extent that those elements are required under 47 U.S.C. ss.
244 251 and 252, and under any regulations issued by the Federal
245 Communications Commission at rates determined in accordance with
246 the standards established by the Federal Communications
247 Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of
248 any successor regulation or successor forbearance of regulation.

249 Section 5. Section 364.0135, Florida Statutes, is amended
250 to read:

251 364.0135 Promotion of broadband adoption ~~deployment~~.—

252 (1) The Legislature finds that the sustainable adoption of
253 broadband Internet service is critical to the economic and
254 business development of the state and is beneficial for
255 libraries, schools, colleges and universities, health care
256 providers, and community organizations. The term "sustainable
257 adoption" means the ability for communications service providers
258 to offer broadband services in all areas of the state by
259 encouraging adoption and utilization levels that allow for these
260 services to be offered in the free market absent the need for
261 governmental subsidy. The Legislature further finds that

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262 ~~barriers exist to the statewide deployment of broadband Internet~~
263 ~~service, especially in rural, unserved, or underserved~~
264 ~~communities. The Legislature therefore intends to promote the~~
265 ~~efficient and effective deployment of broadband Internet service~~
266 ~~throughout the state through a coordinated statewide effort.~~

267 (2) The Department of Management Services is authorized to
268 work collaboratively with, and to receive staffing support and
269 other resources from, Enterprise Florida, Inc., state agencies,
270 local governments, private businesses, and community
271 organizations to:

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

277 1. Identify geographic gaps in broadband services,
278 including areas unserved by any broadband provider and areas
279 served by a single broadband provider;

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

285 3. Provide a baseline assessment of statewide broadband
286 deployment in terms of percentage of households with broadband
287 availability.

288 (b) Create a strategic plan that has goals and strategies
289 for increasing the use of broadband Internet service in the
290 state.

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291 (c) Build and facilitate local technology planning teams or
292 partnerships with members representing cross-sections of the
293 community, which may include, but are not limited to,
294 representatives from the following organizations and industries:
295 libraries, K-12 education, colleges and universities, local
296 health care providers, private businesses, community
297 organizations, economic development organizations, local
298 governments, tourism, parks and recreation, and agriculture.

299 (d) Encourage the use of broadband Internet service,
300 especially in the rural, unserved, and underserved communities
301 of the state through grant programs having effective strategies
302 to facilitate the statewide deployment of broadband Internet
303 service. For any grants to be awarded, priority must be given to
304 projects that:

305 1. Provide access to broadband education, awareness,
306 training, access, equipment, and support to libraries, schools,
307 colleges and universities, health care providers, and community
308 support organizations.

309 2. Encourage the sustainable adoption of broadband in
310 primarily unserved areas by removing economic barriers to entry
311 ~~investments in primarily unserved areas to give consumers a~~
312 ~~choice of more than one broadband Internet service provider.~~

313 3. Work toward encouraging investments in establishing
314 affordable and sustainable broadband Internet service in
315 unserved areas of the state.

316 4. Facilitate the development of applications, programs,
317 and services, including, but not limited to, telework,
318 telemedicine, and e-learning to increase the usage of, and
319 demand for, broadband Internet service in the state.

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

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

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

329 (6) The department may ~~is authorized to~~ adopt rules
330 necessary to carry out the purposes of this section. Any rule,
331 contract, grant, or other activity undertaken by the department
332 shall ensure that all entities are in compliance with any
333 applicable federal or state laws, rules, and regulations,
334 including, but not limited to, those applicable to private
335 entities providing communications services for hire and the
336 requirements of s. 350.81, including, without limitation, the
337 authority to establish definitions of terms pertinent to this
338 section.

339 Section 6. Section 364.02, Florida Statutes, is amended to
340 read:

341 364.02 Definitions.—As used in this chapter, the term:

342 (1) "Basic local telecommunications service" means voice-
343 grade, single-line, flat-rate residential local exchange service
344 that provides dial tone, local usage necessary to place
345 unlimited calls within a local exchange area, dual tone
346 multifrequency dialing, and access to the following: emergency
347 services such as "911," all locally available interexchange
348 companies, directory assistance, operator services, and relay

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349 ~~services, and an alphabetical directory listing.~~ For a local
350 exchange telecommunications company, the term includes any
351 extended area service routes, and extended calling service in
352 existence or ordered by the commission on or before July 1,
353 1995.

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

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

359 (b) Provides computer processing, information storage,
360 information content, or protocol conversion in combination with
361 the service.

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

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

369 (4) "Commission" means the Florida Public Service
370 Commission.

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

375 (6) "Corporation" includes a corporation, company,
376 association, or joint stock association.

377 (7) "Intrastate interexchange telecommunications company"

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378 means any entity that provides intrastate interexchange
379 telecommunications services.

380 (8) "Local exchange telecommunications company" means any
381 company certificated by the commission to provide local exchange
382 telecommunications service in this state on or before June 30,
383 1995.

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

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

394 (10)~~(11)~~ "Operator service" includes, but is not limited
395 to, billing or completion of third-party, person-to-person,
396 collect, or calling card or credit card calls through the use of
397 a live operator or automated equipment.

398 (11)~~(12)~~ "Operator service provider" means a person who
399 furnishes operator service through a call aggregator.

400 (12)~~(13)~~ "Service" is to be construed in its broadest and
401 most inclusive sense. The term "service" does not include
402 broadband service or voice-over-Internet protocol service for
403 purposes of regulation by the commission. Nothing herein shall
404 affect the rights and obligations of any entity related to the
405 payment of switched network access rates or other intercarrier
406 compensation, if any, related to voice-over-Internet protocol

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407 service. Notwithstanding s. 364.013, and the exemption of
408 services pursuant to this subsection, the commission may
409 arbitrate, enforce, or approve interconnection agreements, and
410 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
411 any other applicable federal law or regulation. With respect to
412 the services exempted in this subsection, regardless of the
413 technology, the duties of a local exchange telecommunications
414 company are only those that the company is obligated to extend
415 or provide under applicable federal law and regulations.

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

423 (a) An entity that provides a telecommunications facility
424 exclusively to a certificated telecommunications company;

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

428 (c) A commercial mobile radio service provider;

429 (d) A facsimile transmission service;

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

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

434 (g) An intrastate interexchange telecommunications company;

435 or

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436 (h) An operator services provider.

437

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

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

456 (15) ~~(16)~~ "VoIP" means any service that:

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

460 (b) Uses a broadband connection from the user's location;
461 and

462 (c) Permits users generally to receive calls that originate
463 on the public switched telephone network and to terminate calls
464 to the public switched telephone network ~~the voice-over-Internet~~

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465 ~~protocol as that term is defined in federal law.~~

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

467 Section 8. Section 364.0251, Florida Statutes, is repealed.

468 Section 9. Section 364.0252, Florida Statutes, is repealed.

469 Section 10. Section 364.04, Florida Statutes, is amended to
470 read:

471 364.04 Schedules of rates, tolls, rentals, and charges;
472 filing; public inspection.-

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

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

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

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

493 (3) This section does not apply to the rates, terms, and

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494 conditions established pursuant to 47 U.S.C. ss. 251 and 252.
495 ~~The schedules shall plainly state the places telecommunications~~
496 ~~service will be rendered and shall also state separately all~~
497 ~~charges and all privileges or facilities granted or allowed and~~
498 ~~any rules or regulations or forms of contract which may in~~
499 ~~anywise change, affect, or determine any of the aggregate of the~~
500 ~~rates, tolls, rentals, or charges for the service rendered.~~

501 Section 11. Section 364.051, Florida Statutes, is repealed.

502 Section 12. Section 364.052, Florida Statutes, is repealed.

503 Section 13. Section 364.057, Florida Statutes, is repealed.

504 Section 14. Section 364.058, Florida Statutes, is repealed.

505 Section 15. Section 364.059, Florida Statutes, is repealed.

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

507 Section 17. Section 364.063, Florida Statutes, is repealed.

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

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

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

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

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

519 (1)(2)(a) The prohibitions of subsection (1)
520 notwithstanding, An eligible telecommunications carrier shall
521 provide a Lifeline Assistance Plan to qualified residential
522 subscribers, as defined in the eligible telecommunications

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523 carrier's published schedules ~~a commission-approved tariff or~~
524 ~~price list, and a preferential rate to eligible facilities as~~
525 ~~provided for in part II.~~ For the purposes of this section, the
526 term "eligible telecommunications carrier" means a
527 telecommunications company, as defined by s. 364.02, which is
528 designated as an eligible telecommunications carrier by the
529 commission pursuant to 47 C.F.R. s. 54.201.

530 (b) An eligible telecommunications carrier shall offer a
531 consumer who applies for or receives Lifeline service the option
532 of blocking all toll calls or, if technically capable, placing a
533 limit on the number of toll calls a consumer can make. The
534 eligible telecommunications carrier may not charge the consumer
535 an administrative charge or other additional fee for blocking
536 the service.

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

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

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

551 2. An eligible telecommunications carrier shall allow a

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

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

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

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

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581 and exemptions to Lifeline customers who meet the income
582 eligibility test set forth in this subsection. The Office of
583 Public Counsel shall certify and maintain claims submitted by a
584 customer for eligibility under the income test authorized by
585 this subsection.

586 (b) Each eligible telecommunications carrier subject to
587 this subsection shall provide to each state and federal agency
588 providing benefits to persons eligible for Lifeline service
589 applications, brochures, pamphlets, or other materials that
590 inform the persons of their eligibility for Lifeline, and each
591 state agency providing the benefits shall furnish the materials
592 to affected persons at the time they apply for benefits.

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

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

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610 telephone relay system charges, and applicable state and federal
611 taxes.

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

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

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

633 (g)~~(h)~~ 1. By December 31, 2010, each state agency that
634 provides benefits to persons eligible for Lifeline service shall
635 undertake, in cooperation with the Department of Children and
636 Family Services, the Department of Education, the commission,
637 the Office of Public Counsel, and telecommunications companies
638 designated eligible telecommunications carriers providing

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

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

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

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668 increase enrollment and verify eligibility in these programs.

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

674 (i)~~(j)~~ The commission shall adopt rules to administer this
675 section.

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

677 Section 22. Section 364.16, Florida Statutes, is amended to
678 read:

679 364.16 Connection of lines and transfers; Local
680 interconnection, unbundling, and resale; telephone number
681 portability.-

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

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

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

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697 to, federal law addressing resale of services, local
698 interconnection, unbundling, number portability, dialing parity,
699 access to rights-of-way, access to poles and conduits, and
700 reciprocal compensation. However, this section does not confer
701 jurisdiction on the commission for services that are exempt from
702 commission jurisdiction under s. 364.011 or s. 364.013.
703 Additionally, a competitive local exchange telecommunications
704 company is entitled to interconnection with a local exchange
705 telecommunications company to transmit and route voice traffic
706 between both the competitive local exchange telecommunications
707 company and the local exchange telecommunications company
708 regardless of the technology by which the voice traffic is
709 originated by and terminated to an end user. The commission
710 shall afford the competitive local exchange telecommunications
711 company all substantive and procedural rights available to such
712 companies regarding interconnection under the law.

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

725 (5) The commission shall adopt rules to prevent the

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

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

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755 process, the commission shall make its determination within 120
756 days after a petition is filed or a motion is made. The
757 commission shall adopt rules to administer this subsection.

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

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

780 ~~(3) Each local exchange telecommunications company shall~~
781 ~~provide access to, and interconnection with, its~~
782 ~~telecommunications facilities to any other provider of local~~
783 ~~exchange telecommunications services requesting such access and~~

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784 ~~interconnection at nondiscriminatory prices, rates, terms, and~~
785 ~~conditions established by the procedures set forth in s.~~
786 ~~364.162.~~

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

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

801 ~~(7)(4)~~ In order to ensure assure that consumers have access
802 to different local exchange service providers without being
803 disadvantaged, deterred, or inconvenienced by having to give up
804 the consumer's existing local telephone number, the commission
805 must make sure that all providers of local exchange services
806 ~~must~~ have access to local telephone numbering resources and
807 assignments on equitable terms that include a recognition of the
808 scarcity of such resources and that are in accordance with
809 national assignment guidelines. ~~Each local exchange provider,~~
810 ~~except small local exchange telecommunications companies under~~
811 ~~rate of return regulation, shall provide a temporary means of~~
812 ~~achieving telephone number portability. The parties, under the~~

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

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

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842 Section 23. Section 364.161, Florida Statutes, is repealed.

843 Section 24. Section 364.162, Florida Statutes, is repealed.

844 Section 25. Section 364.163, Florida Statutes, is amended
845 to read:

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

862 Section 26. Section 364.183, Florida Statutes, is amended
863 to read:

864 364.183 Access to company records.—

865 (1) The commission shall have access to all records of a
866 telecommunications company which ~~that~~ are reasonably necessary
867 for the disposition of matters within the commission’s
868 jurisdiction. ~~The commission shall also have access to those~~
869 ~~records of a local exchange telecommunications company’s~~
870 ~~affiliated companies, including its parent company, that are~~

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

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

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900 such request by the commission or the return of the records to
901 the person providing the records. Any record which has been
902 determined to be proprietary confidential business information
903 and is not entered into the official record of the proceeding
904 shall be returned to the person providing the record within 60
905 days after the final order, unless the final order is appealed.
906 If the final order is appealed, any such record shall be
907 returned within 30 days after the decision on appeal. The
908 commission shall adopt the necessary rules to implement this
909 subsection.

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

921 (a) Trade secrets.

922 (b) Internal auditing controls and reports of internal
923 auditors.

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

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

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

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

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

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958 to the telecommunications company or affected person regarding
959 the expiration of confidential treatment.

960 Section 27. Section 364.185, Florida Statutes, is repealed.

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

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

963 Section 30. Section 364.33, Florida Statutes, is amended to
964 read:

965 364.33 Certificate of necessity or authority prerequisite
966 ~~to construction, operation, or control of telecommunications~~
967 ~~facilities. Except for a transfer of a certificate of necessity~~
968 ~~from one person to another or to the parent or affiliate of a~~
969 ~~certificated person as provided in this section, A person may~~
970 ~~not provide begin the construction or operation of any~~
971 telecommunications services to the public without a certificate
972 of necessity or a certificate of authority. After July 1, 2011,
973 the commission shall cease to issue certificates of necessity,
974 but existing certificates of necessity remain valid. A
975 certificate of necessity or authority may be transferred to the
976 holder's parent company or an affiliate or another person
977 holding a certificate of necessity or authority, its parent
978 company, or an affiliate without prior approval of the
979 commission by giving written notice of the transfer to the
980 commission within 60 days after the completion of the transfer.
981 The transferee assumes the rights and obligations conferred by
982 the certificate. This section does not affect any obligation of
983 the transferee pursuant to 47 U.S.C. ss. 251 and 252 and the
984 Federal Communications Commission's orders and regulations
985 implementing those sections. ~~facility, or any extension thereof~~
986 ~~for the purpose of providing telecommunications services to the~~

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987 ~~public, or acquire ownership or control thereof, in whatever~~
988 ~~manner, including the acquisition, transfer, or assignment of~~
989 ~~majority organizational control or controlling stock ownership,~~
990 ~~without prior approval. A certificate of necessity or control~~
991 ~~thereof may be transferred from a person holding a certificate,~~
992 ~~its parent or an affiliate to another person holding a~~
993 ~~certificate, its parent or an affiliate, and a person holding a~~
994 ~~certificate, its parent or an affiliate may acquire ownership or~~
995 ~~control of a telecommunications facility through the~~
996 ~~acquisition, transfer, or assignment of majority organizational~~
997 ~~control or controlling stock ownership of a person holding a~~
998 ~~certificate without prior approval of the commission by giving~~
999 ~~60 days' written notice of the transfer or change of control to~~
1000 ~~the commission and affected customers. This section does not~~
1001 ~~require approval by the commission prior to the construction,~~
1002 ~~operation, or extension of a facility by a certificated company~~
1003 ~~within its certificated area nor in any way limit the~~
1004 ~~commission's ability to review the prudence of such construction~~
1005 ~~programs for ratemaking as provided under this chapter.~~

1006 Section 31. Section 364.335, Florida Statutes, is amended
1007 to read:

1008 364.335 Application for certificate of authority.—

1009 (1) Each applicant for a certificate of authority shall:

1010 (a) Provide the following information:

1011 1. The applicant's official name and, if different, any
1012 name under which the applicant will do business.

1013 2. The street address of the principal place of business of
1014 the applicant.

1015 3. The federal employer identification number or the

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1016 Department of State's document number.

1017 4. The name, address, and telephone number of an officer,
1018 partner, owner, member, or manager as a contact person for the
1019 applicant to whom questions or concerns may be addressed.

1020 5. Information demonstrating the applicant's managerial,
1021 technical, and financial ability to provide telecommunications
1022 service, including an attestation to the accuracy of the
1023 information provided. ~~provide all information required by rule~~
1024 ~~or order of the commission, which may include a detailed inquiry~~
1025 ~~into the ability of the applicant to provide service, a detailed~~
1026 ~~inquiry into the territory and facilities involved, and a~~
1027 ~~detailed inquiry into the existence of service from other~~
1028 ~~sources within geographical proximity to the territory applied~~
1029 ~~for.~~

1030 ~~(b) File with the commission schedules showing all rates~~
1031 ~~for service of every kind furnished by it and all rules and~~
1032 ~~contracts relating to such service.~~

1033 (b)(e) File the application fee required by the commission
1034 in an amount not to exceed \$500. Such fees shall be deposited in
1035 accordance with s. 350.113.

1036 ~~(d) Submit an affidavit that the applicant has caused~~
1037 ~~notice of its application to be given to such persons and in~~
1038 ~~such manner as may be prescribed by commission rule.~~

1039 (2) The commission shall grant a certificate of authority
1040 to provide telecommunications service upon a showing that the
1041 applicant has sufficient technical, financial, and managerial
1042 capability to provide such service in the geographic area
1043 proposed to be served. The applicant shall ensure continued
1044 compliance with applicable business formation, registration, and

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1045 taxation provisions of law. ~~If the commission grants the~~
1046 ~~requested certificate, any person who would be substantially~~
1047 ~~affected by the requested certification may, within 21 days~~
1048 ~~after the granting of such certificate, file a written objection~~
1049 ~~requesting a proceeding pursuant to ss. 120.569 and 120.57. The~~
1050 ~~commission may, on its own motion, institute a proceeding under~~
1051 ~~ss. 120.569 and 120.57 to determine whether the grant of such~~
1052 ~~certificate is in the public interest. The commission shall~~
1053 ~~order such proceeding conducted in or near the territory applied~~
1054 ~~for, if feasible. If any person requests a public hearing on the~~
1055 ~~application, such hearing shall, if feasible, be held in or near~~
1056 ~~the territory applied for, and the transcript of the public~~
1057 ~~hearing and any material submitted at or prior to the hearing~~
1058 ~~shall be considered part of the record of the application and~~
1059 ~~any proceeding related to the application.~~

1060 (3) A certificate of authority may be terminated by the
1061 telecommunications company by submitting notice to the
1062 commission. ~~The commission may grant a certificate, in whole or~~
1063 ~~in part or with modifications in the public interest, but in no~~
1064 ~~event granting authority greater than that requested in the~~
1065 ~~application or amendments thereto and noticed under subsection~~
1066 ~~(1); or it may deny a certificate. The commission may grant~~
1067 ~~certificates for proposed telecommunications companies, or for~~
1068 ~~the extension of an existing telecommunications company, without~~
1069 ~~regard to whether such companies will be in competition with or~~
1070 ~~duplicate the local exchange services provided by any other~~
1071 ~~telecommunications company. The commission may also grant a~~
1072 ~~certificate for a proposed telecommunications company, or for~~
1073 ~~the extension of an existing telecommunications company, which~~

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1074 ~~will be providing either competitive or duplicative pay~~
1075 ~~telephone service pursuant to the provisions of s. 364.3375, or~~
1076 ~~private line service by a certified alternative access vendor~~
1077 ~~pursuant to s. 364.337(6). Pay telephone service shall include~~
1078 ~~that telephone service using telephones that are capable of~~
1079 ~~accepting payment by specie, paper money, or credit cards.~~

1080 (4) Except as provided in s. 364.33, revocation,
1081 suspension, transfer, or amendment of a certificate shall be
1082 subject to the provisions of this section; ~~except that, when the~~
1083 ~~commission initiates the action, the commission shall furnish~~
1084 ~~notice to the appropriate local government and to the Public~~
1085 ~~Counsel.~~

1086 Section 32. Section 364.337, Florida Statutes, is repealed.

1087 Section 33. Section 364.3375, Florida Statutes, is amended
1088 to read:

1089 364.3375 Pay telephone service providers.—

1090 (1) (a) A No person may not shall provide pay telephone
1091 service without first obtaining from the commission a
1092 certificate of authority or necessity ~~public convenience and~~
1093 ~~necessity~~ to provide such service, except that the certification
1094 provisions of this subsection do not apply to a local exchange
1095 telecommunications company providing pay telephone service.

1096 (b) In granting such certificate the commission, if it
1097 finds that the action is consistent with the public interest,
1098 may exempt a pay telephone provider from some or all of the
1099 requirements of this chapter. However, the commission may exempt
1100 a pay telephone provider from this section only to prevent fraud
1101 or if it finds the exemption to be in the public interest.

1102 (c) A certificate authorizes the pay telephone provider to

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1103 provide services statewide and to provide access to both local
1104 and intrastate interexchange pay telephone service, except that
1105 the commission may limit the type of calls that can be handled.

1106 (2) Each pay telephone station shall:

1107 (a) Receive and permit coin-free access to the universal
1108 emergency telephone number "911" where operable or to a local
1109 exchange company toll operator.

1110 (b) Receive and provide coin-free or coin-return access to
1111 local directory assistance and the telephone number of the
1112 person responsible for repair service.

1113 (c) Designate a party responsible for processing refunds to
1114 customers.

1115 (d) Be equipped with a legible sign, card, or plate of
1116 reasonable permanence which provides information determined by
1117 the commission, by rule, to adequately inform the end user.

1118 (e) Be eligible to subscribe to flat-rate, single-line
1119 business local exchange services.

1120 (3) Each pay telephone station which provides access to any
1121 interexchange telecommunications company shall provide access to
1122 all locally available interexchange telecommunications companies
1123 and shall provide for the completion of international telephone
1124 calls under terms and conditions as determined by the
1125 commission. The commission may grant limited waivers of this
1126 provision to pay telephone companies ~~or operator service~~
1127 ~~providers~~ to prevent fraud or as otherwise determined in the
1128 public interest.

1129 ~~(4) A pay telephone provider may charge, as a maximum rate~~
1130 ~~for local coin calls, a rate equivalent to the local coin rate~~
1131 ~~of the local exchange telecommunications company.~~

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1132 ~~(5) A pay telephone provider shall not obtain services from~~
1133 ~~an operator service provider unless such operator service~~
1134 ~~provider has obtained a certificate of public convenience and~~
1135 ~~necessity from the commission pursuant to the provisions of s.~~
1136 ~~364.3376.~~

1137 Section 34. Section 364.3376, Florida Statutes, is
1138 repealed.

1139 Section 35. Section 364.3381, Florida Statutes, is
1140 repealed.

1141 Section 36. Section 364.3382, Florida Statutes, is
1142 repealed.

1143 Section 37. Section 364.339, Florida Statutes, is repealed.

1144 Section 38. Section 364.345, Florida Statutes, is repealed.

1145 Section 39. Section 364.37, Florida Statutes, is repealed.

1146 Section 40. Section 364.385, Florida Statutes, is amended
1147 to read:

1148 364.385 Saving clauses.—

1149 ~~(1) This act does not invalidate any certificate or cause~~
1150 ~~to be unlawful any rate which has been previously approved and~~
1151 ~~which is lawfully being charged and collected immediately prior~~
1152 ~~to July 1, 1995. However, such rate may not be changed, and a~~
1153 ~~certificate may not be modified, suspended, or revoked, on or~~
1154 ~~after July 1, 1995, except in accordance with the provisions of~~
1155 ~~this act.~~

1156 ~~(2) All applications for extended area service, routes, or~~
1157 ~~extended calling service pending before the commission on March~~
1158 ~~1, 1995, shall be governed by the law as it existed prior to~~
1159 ~~July 1, 1995. Upon the approval of the application, the extended~~
1160 ~~area service, routes, or extended calling service shall be~~

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1161 ~~considered basic services and shall be regulated as provided in~~
1162 ~~s. 364.051. Proceedings including judicial review pending on~~
1163 ~~July 1, 1995, shall be governed by the law as it existed prior~~
1164 ~~to the date on which this section becomes a law. No new~~
1165 ~~proceedings governed by the law as it existed prior to July 1,~~
1166 ~~1995, shall be initiated after July 1, 1995. Any administrative~~
1167 ~~adjudicatory proceeding which has not progressed to the stage of~~
1168 ~~a hearing by July 1, 1995, may, with the consent of all parties~~
1169 ~~and the commission, be conducted in accordance with the law as~~
1170 ~~it existed prior to January 1, 1996.~~

1171 ~~(3) Florida Public Service Commission Order No. PSC 94-~~
1172 ~~0172-FOF-TL shall remain in effect, and BellSouth~~
1173 ~~Telecommunications, Inc., shall fully comply with that order~~
1174 ~~unless modified by the Florida Public Service Commission~~
1175 ~~pursuant to the terms of that order. The order may not be~~
1176 ~~modified to extend beyond December 31, 1997, except that the~~
1177 ~~Florida Public Service Commission shall retain jurisdiction and~~
1178 ~~all parties shall retain their rights under the agreement after~~
1179 ~~December 31, 1997, solely for the purpose of effectuating the~~
1180 ~~provisions of the order applicable to periods prior to January~~
1181 ~~1, 1998. The depreciation rates approved by the Florida Public~~
1182 ~~Service Commission and in effect as of December 31, 1994, shall~~
1183 ~~be used to calculate the earnings available for sharing for~~
1184 ~~periods prior to January 1, 1998.~~

1185 ~~(4) The rates and charges for basic local~~
1186 ~~telecommunications service and network access service approved~~
1187 ~~by the commission in accordance with the decisions set forth in~~
1188 ~~Order Nos. PSC 03-1469-FOF-TL and PSC 04-0456-FOF-TL, and which~~
1189 ~~are in effect immediately prior to July 1, 2007, shall remain in~~

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1190 effect and such rates and charges may not be changed after the
1191 effective date of this act, except in accordance with the
1192 provisions of s. 364.163 ~~ss. 364.051 and 364.163~~.

1193 Section 41. Section 364.386, Florida Statutes, is amended
1194 to read:

1195 364.386 Reports to the Legislature.—

1196 (1) (a) The commission shall submit to the President of the
1197 Senate, the Speaker of the House of Representatives, and the
1198 majority and minority leaders of the Senate and the House of
1199 Representatives, on August 1, 2008, and on an annual basis
1200 thereafter, a report on the status of competition in the
1201 telecommunications industry and a detailed exposition of the
1202 following:

1203 ~~1. The overall impact of local exchange telecommunications~~
1204 ~~competition on the continued availability of universal service.~~

1205 ~~1.2.~~ The ability of competitive providers to make
1206 functionally equivalent local exchange services available to
1207 both residential and business customers at competitive rates,
1208 terms, and conditions.

1209 ~~2.3.~~ The ability of consumers to obtain functionally
1210 equivalent services at comparable rates, terms, and conditions.

1211 ~~3.4.~~ The overall impact of competition ~~price regulation~~ on
1212 the maintenance of reasonably affordable and reliable high-
1213 quality telecommunications services.

1214 ~~4.5.~~ A listing and short description of any carrier
1215 disputes filed under s. 364.16. ~~What additional services, if~~
1216 ~~any, should be included in the definition of basic local~~
1217 ~~telecommunications services, taking into account advances in~~
1218 ~~technology and market demand.~~

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1219 ~~6. Any other information and recommendations which may be~~
1220 ~~in the public interest.~~

1221 (b) The commission shall make an annual request to
1222 providers of local exchange telecommunications services on or
1223 before March 1, 2008, and on or before March 1 of each year
1224 thereafter, for the data it requires to complete the report. A
1225 provider of local exchange telecommunications services shall
1226 file its response with the commission on or before April 15,
1227 2008, and on or before April 15 of each year thereafter.

1228 ~~(2) In lieu of~~ The quantitative part of the information
1229 requested in the commission's annual data request shall be
1230 limited to, ~~a provider of local exchange telecommunications~~
1231 ~~services may file the following:~~

1232 ~~(a)~~ a copy of the FCC Form 477 filed by a provider of local
1233 exchange telecommunications service with the Federal
1234 Communications Commission, which must identify Florida-specific
1235 access line data or similar information if an FCC Form 477 is
1236 not available.; ~~and~~

1237 ~~(b) Provisioned Florida access line data identified by~~
1238 ~~telephone exchange location.~~

1239 ~~(3) The Office of Public Counsel is also directed to submit~~
1240 ~~a report on competition in the telecommunications industry and~~
1241 ~~on how the price regulation provisions of s. 364.051 have~~
1242 ~~benefited the ratepayers and consumers of this state and any~~
1243 ~~other information and recommendations which may be in the public~~
1244 ~~interest.~~

1245 Section 42. Section 364.501, Florida Statutes, is repealed.

1246 Section 43. Section 364.503, Florida Statutes, is repealed.

1247 Section 44. Section 364.506, Florida Statutes, is repealed.

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1248 Section 45. Section 364.507, Florida Statutes, is repealed.

1249 Section 46. Section 364.508, Florida Statutes, is repealed.

1250 Section 47. Section 364.515, Florida Statutes, is repealed.

1251 Section 48. Section 364.516, Florida Statutes, is repealed.

1252 Section 49. Section 364.601, Florida Statutes, is repealed.

1253 Section 50. Section 364.602, Florida Statutes, is repealed.

1254 Section 51. Section 364.603, Florida Statutes, is repealed.

1255 Section 52. Section 364.604, Florida Statutes, is repealed.

1256 Section 53. Subsection (6) of section 196.012, Florida
1257 Statutes, is amended to read:

1258 196.012 Definitions.—For the purpose of this chapter, the
1259 following terms are defined as follows, except where the context
1260 clearly indicates otherwise:

1261 (6) Governmental, municipal, or public purpose or function
1262 shall be deemed to be served or performed when the lessee under
1263 any leasehold interest created in property of the United States,
1264 the state or any of its political subdivisions, or any
1265 municipality, agency, special district, authority, or other
1266 public body corporate of the state is demonstrated to perform a
1267 function or serve a governmental purpose which could properly be
1268 performed or served by an appropriate governmental unit or which
1269 is demonstrated to perform a function or serve a purpose which
1270 would otherwise be a valid subject for the allocation of public
1271 funds. For purposes of the preceding sentence, an activity
1272 undertaken by a lessee which is permitted under the terms of its
1273 lease of real property designated as an aviation area on an
1274 airport layout plan which has been approved by the Federal
1275 Aviation Administration and which real property is used for the
1276 administration, operation, business offices and activities

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1277 related specifically thereto in connection with the conduct of
1278 an aircraft full service fixed base operation which provides
1279 goods and services to the general aviation public in the
1280 promotion of air commerce shall be deemed an activity which
1281 serves a governmental, municipal, or public purpose or function.
1282 Any activity undertaken by a lessee which is permitted under the
1283 terms of its lease of real property designated as a public
1284 airport as defined in s. 332.004(14) by municipalities,
1285 agencies, special districts, authorities, or other public bodies
1286 corporate and public bodies politic of the state, a spaceport as
1287 defined in s. 331.303, or which is located in a deepwater port
1288 identified in s. 403.021(9)(b) and owned by one of the foregoing
1289 governmental units, subject to a leasehold or other possessory
1290 interest of a nongovernmental lessee that is deemed to perform
1291 an aviation, airport, aerospace, maritime, or port purpose or
1292 operation shall be deemed an activity that serves a
1293 governmental, municipal, or public purpose. The use by a lessee,
1294 licensee, or management company of real property or a portion
1295 thereof as a convention center, visitor center, sports facility
1296 with permanent seating, concert hall, arena, stadium, park, or
1297 beach is deemed a use that serves a governmental, municipal, or
1298 public purpose or function when access to the property is open
1299 to the general public with or without a charge for admission. If
1300 property deeded to a municipality by the United States is
1301 subject to a requirement that the Federal Government, through a
1302 schedule established by the Secretary of the Interior, determine
1303 that the property is being maintained for public historic
1304 preservation, park, or recreational purposes and if those
1305 conditions are not met the property will revert back to the

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1306 Federal Government, then such property shall be deemed to serve
1307 a municipal or public purpose. The term "governmental purpose"
1308 also includes a direct use of property on federal lands in
1309 connection with the Federal Government's Space Exploration
1310 Program or spaceport activities as defined in s. 212.02(22).
1311 Real property and tangible personal property owned by the
1312 Federal Government or Space Florida and used for defense and
1313 space exploration purposes or which is put to a use in support
1314 thereof shall be deemed to perform an essential national
1315 governmental purpose and shall be exempt. "Owned by the lessee"
1316 as used in this chapter does not include personal property,
1317 buildings, or other real property improvements used for the
1318 administration, operation, business offices and activities
1319 related specifically thereto in connection with the conduct of
1320 an aircraft full service fixed based operation which provides
1321 goods and services to the general aviation public in the
1322 promotion of air commerce provided that the real property is
1323 designated as an aviation area on an airport layout plan
1324 approved by the Federal Aviation Administration. For purposes of
1325 determination of "ownership," buildings and other real property
1326 improvements which will revert to the airport authority or other
1327 governmental unit upon expiration of the term of the lease shall
1328 be deemed "owned" by the governmental unit and not the lessee.
1329 Providing two-way telecommunications services to the public for
1330 hire by the use of a telecommunications facility, as defined in
1331 s. 364.02(14) ~~s. 364.02(15)~~, and for which a certificate is
1332 required under chapter 364 does not constitute an exempt use for
1333 purposes of s. 196.199, unless the telecommunications services
1334 are provided by the operator of a public-use airport, as defined

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1335 in s. 332.004, for the operator's provision of
1336 telecommunications services for the airport or its tenants,
1337 concessionaires, or licensees, or unless the telecommunications
1338 services are provided by a public hospital.

1339 Section 54. Paragraph (b) of subsection (1) of section
1340 199.183, Florida Statutes, is amended to read:

1341 199.183 Taxpayers exempt from nonrecurring taxes.—

1342 (1) Intangible personal property owned by this state or any
1343 of its political subdivisions or municipalities shall be exempt
1344 from taxation under this chapter. This exemption does not apply
1345 to:

1346 (b) Property related to the provision of two-way
1347 telecommunications services to the public for hire by the use of
1348 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
1349 ~~364.02(15)~~, and for which a certificate is required under
1350 chapter 364, when the service is provided by any county,
1351 municipality, or other political subdivision of the state. Any
1352 immunity of any political subdivision of the state or other
1353 entity of local government from taxation of the property used to
1354 provide telecommunication services that is taxed as a result of
1355 this paragraph is hereby waived. However, intangible personal
1356 property related to the provision of telecommunications services
1357 provided by the operator of a public-use airport, as defined in
1358 s. 332.004, for the operator's provision of telecommunications
1359 services for the airport or its tenants, concessionaires, or
1360 licensees, and intangible personal property related to the
1361 provision of telecommunications services provided by a public
1362 hospital, are exempt from taxation under this chapter.

1363 Section 55. Subsection (6) of section 212.08, Florida

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1364 Statutes, is amended to read:

1365 212.08 Sales, rental, use, consumption, distribution, and
1366 storage tax; specified exemptions.—The sale at retail, the
1367 rental, the use, the consumption, the distribution, and the
1368 storage to be used or consumed in this state of the following
1369 are hereby specifically exempt from the tax imposed by this
1370 chapter.

1371 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also
1372 exempt from the tax imposed by this chapter sales made to the
1373 United States Government, a state, or any county, municipality,
1374 or political subdivision of a state when payment is made
1375 directly to the dealer by the governmental entity. This
1376 exemption shall not inure to any transaction otherwise taxable
1377 under this chapter when payment is made by a government employee
1378 by any means, including, but not limited to, cash, check, or
1379 credit card when that employee is subsequently reimbursed by the
1380 governmental entity. This exemption does not include sales of
1381 tangible personal property made to contractors employed either
1382 directly or as agents of any such government or political
1383 subdivision thereof when such tangible personal property goes
1384 into or becomes a part of public works owned by such government
1385 or political subdivision. A determination whether a particular
1386 transaction is properly characterized as an exempt sale to a
1387 government entity or a taxable sale to a contractor shall be
1388 based on the substance of the transaction rather than the form
1389 in which the transaction is cast. The department shall adopt
1390 rules that give special consideration to factors that govern the
1391 status of the tangible personal property before its affixation
1392 to real property. In developing these rules, assumption of the

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1393 risk of damage or loss is of paramount consideration in the
1394 determination. This exemption does not include sales, rental,
1395 use, consumption, or storage for use in any political
1396 subdivision or municipality in this state of machines and
1397 equipment and parts and accessories therefor used in the
1398 generation, transmission, or distribution of electrical energy
1399 by systems owned and operated by a political subdivision in this
1400 state for transmission or distribution expansion. Likewise
1401 exempt are charges for services rendered by radio and television
1402 stations, including line charges, talent fees, or license fees
1403 and charges for films, videotapes, and transcriptions used in
1404 producing radio or television broadcasts. The exemption provided
1405 in this subsection does not include sales, rental, use,
1406 consumption, or storage for use in any political subdivision or
1407 municipality in this state of machines and equipment and parts
1408 and accessories therefor used in providing two-way
1409 telecommunications services to the public for hire by the use of
1410 a telecommunications facility, as defined in s. 364.02(14) ~~s.~~
1411 ~~364.02(15)~~, and for which a certificate is required under
1412 chapter 364, which facility is owned and operated by any county,
1413 municipality, or other political subdivision of the state. Any
1414 immunity of any political subdivision of the state or other
1415 entity of local government from taxation of the property used to
1416 provide telecommunication services that is taxed as a result of
1417 this section is hereby waived. However, the exemption provided
1418 in this subsection includes transactions taxable under this
1419 chapter which are for use by the operator of a public-use
1420 airport, as defined in s. 332.004, in providing such
1421 telecommunications services for the airport or its tenants,

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1422 concessionaires, or licensees, or which are for use by a public
1423 hospital for the provision of such telecommunications services.

1424 Section 56. Subsection (8) of section 290.007, Florida
1425 Statutes, is amended to read:

1426 290.007 State incentives available in enterprise zones.—The
1427 following incentives are provided by the state to encourage the
1428 revitalization of enterprise zones:

1429 (8) Notwithstanding any law to the contrary, the Public
1430 Service Commission may allow public utilities and
1431 telecommunications companies to grant discounts of up to 50
1432 percent on tariffed rates for services to small businesses
1433 located in an enterprise zone designated pursuant to s.
1434 290.0065. Such discounts may be granted for a period not to
1435 exceed 5 years. For purposes of this subsection, the term
1436 "public utility" has the same meaning as in s. 366.02(1) and the
1437 term "telecommunications company" has the same meaning as in s.
1438 364.02(13) ~~s. 364.02(14)~~.

1439 Section 57. Subsection (3) of section 350.0605, Florida
1440 Statutes, is amended to read:

1441 350.0605 Former commissioners and employees; representation
1442 of clients before commission.—

1443 (3) For a period of 2 years following termination of
1444 service on the commission, a former member may not accept
1445 employment by or compensation from a business entity which,
1446 directly or indirectly, owns or controls a public utility
1447 regulated by the commission, from a public utility regulated by
1448 the commission, from a business entity which, directly or
1449 indirectly, is an affiliate or subsidiary of a public utility
1450 regulated by the commission or is an actual business competitor

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1451 of a local exchange company or public utility regulated by the
1452 commission and is otherwise exempt from regulation by the
1453 commission under ss. 364.02(13) ~~ss. 364.02(14)~~ and 366.02(1), or
1454 from a business entity or trade association that has been a
1455 party to a commission proceeding within the 2 years preceding
1456 the member's termination of service on the commission. This
1457 subsection applies only to members of the Florida Public Service
1458 Commission who are appointed or reappointed after May 10, 1993.

1459 Section 58. Section 364.105, Florida Statutes, is amended
1460 to read:

1461 364.105 Discounted rate for basic service for former
1462 Lifeline subscribers.—Each local exchange telecommunications
1463 company shall offer discounted residential basic local
1464 telecommunications service at 70 percent of the residential
1465 local telecommunications service rate for any Lifeline
1466 subscriber who no longer qualifies for Lifeline. A Lifeline
1467 subscriber who requests such service shall receive the
1468 discounted price for a period of 1 year after the date the
1469 subscriber ceases to be qualified for Lifeline. In no event
1470 shall this preclude the offering of any other discounted
1471 services which comply with s. 364.10 ~~ss. 364.08 and 364.10~~.

1472 Section 59. Section 364.32, Florida Statutes, is amended to
1473 read:

1474 364.32 Definitions applicable to s. 364.33 ~~ss. 364.33,~~
1475 ~~364.337, 364.345 and 364.37. As used in ss. 364.33, 364.337,~~
1476 ~~364.345 and 364.37:~~

1477 (1) "Person" means:

1478 (a) Any natural person, firm, association, county,
1479 municipality, corporation, business, trust, or partnership

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1480 owning, leasing, or operating any facility used in the
1481 furnishing of public telecommunications service within this
1482 state; and

1483 (b) A cooperative, nonprofit, membership corporation, or
1484 limited dividend or mutual association, now or hereafter
1485 created, with respect to that part or portion of its operations
1486 devoted to the furnishing of telecommunications service within
1487 this state.

1488 (2) "Territory" means any area, whether within or without
1489 the boundaries of a municipality.

1490 Section 60. Subsection (5) of section 489.103, Florida
1491 Statutes, is amended to read:

1492 489.103 Exemptions.—This part does not apply to:

1493 (5) Public utilities, including special gas districts as
1494 defined in chapter 189, telecommunications companies as defined
1495 in s. 364.02(13) ~~s. 364.02(14)~~, and natural gas transmission
1496 companies as defined in s. 368.103(4), on construction,
1497 maintenance, and development work performed by their employees,
1498 which work, including, but not limited to, work on bridges,
1499 roads, streets, highways, or railroads, is incidental to their
1500 business. The board shall define, by rule, the term "incidental
1501 to their business" for purposes of this subsection.

1502 Section 61. This act shall take effect July 1, 2011.