

1 A bill to be entitled
2 An act relating to designation of eligible
3 telecommunications carriers; amending s. 364.10, F.S.;
4 revising the term "eligible telecommunications
5 carrier"; authorizing the Public Service Commission to
6 designate a commercial mobile radio service provider
7 as an eligible telecommunications carrier for the
8 purpose of providing Lifeline service; deleting a
9 provision requiring carriers to allow subscribers to
10 demonstrate continued eligibility for Lifeline service
11 under certain conditions; requiring subscribers to
12 furnish proof of eligibility upon request from the
13 carrier or the Federal Communications Commission or
14 its designee; revising the carriers that may provide
15 Lifeline service; revising Lifeline service
16 eligibility; deleting obsolete provisions; revising
17 the entities with which the commission may exchange
18 certain information; amending s. 364.107, F.S.;
19 revising the entities that may receive certain
20 confidential and exempt information contained within
21 telecommunications carrier's Lifeline Assistance
22 Plans; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Section 364.10, Florida Statutes, is amended to
27 read:

28 364.10 Lifeline service.—

29 (1) (a) An eligible telecommunications carrier shall
30 provide a Lifeline Assistance Plan to qualified residential
31 subscribers, as defined in the eligible telecommunications
32 carrier's published schedules. For the purposes of this section,
33 the term "eligible telecommunications carrier" means a
34 telecommunications company, as defined by s. 364.02, which is
35 designated as an eligible telecommunications carrier by the
36 commission pursuant to 47 C.F.R. s. 54.201. Notwithstanding the
37 provision of s. 364.011 that exempts certain commercial mobile
38 radio service providers from commission oversight, the term
39 "eligible telecommunications carrier" includes any commercial
40 mobile radio service provider designated by the commission
41 pursuant to 47 C.F.R. s. 54.201, and the commission is
42 authorized to make such a designation, upon petition, for the
43 limited purpose of providing Lifeline service.

44 (b) An eligible telecommunications carrier must ~~shall~~
45 offer a consumer who applies for or receives Lifeline service
46 the option of blocking all toll calls or, if technically
47 capable, placing a limit on the number of toll calls a consumer
48 can make. The eligible telecommunications carrier may not charge
49 the consumer an administrative charge or other additional fee
50 for blocking the service.

51 (c) An eligible telecommunications carrier may not collect
52 a service deposit in order to initiate Lifeline service if the
53 qualifying low-income consumer voluntarily elects toll blocking
54 or toll limitation. If the qualifying low-income consumer elects
55 not to place toll blocking on the line, an eligible
56 telecommunications carrier may charge a service deposit.

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

59 (e)1. An eligible telecommunications carrier must notify a
60 Lifeline subscriber of impending termination of Lifeline service
61 if the company has a reasonable basis for believing that the
62 subscriber no longer qualifies for such service. Notification of
63 pending termination must be in the form of a letter that is
64 separate from the subscriber's bill.

65 2. ~~An eligible telecommunications carrier shall allow a~~
66 ~~subscriber 60 days following the date of the pending termination~~
67 ~~letter to demonstrate continued eligibility.~~ The subscriber must
68 present proof of continued eligibility upon request of the
69 eligible telecommunications carrier or the Federal
70 Communications Commission or its designee. An eligible
71 telecommunications carrier may transfer a subscriber off of
72 Lifeline service, pursuant to its tariff, if the subscriber
73 fails to demonstrate continued eligibility.

74 3. The commission shall establish procedures for such
75 notification and termination.

76 (f) An eligible telecommunications carrier must ~~shall~~
77 timely credit a consumer's bill with the Lifeline Assistance
78 credit as soon as practicable, but no later than 60 days
79 following receipt of notice of eligibility from the Office of
80 Public Counsel or proof of eligibility from the consumer.

81 (2) (a) An ~~Each local exchange telecommunications company~~
82 ~~that has more than 1 million access lines and that is designated~~
83 ~~as an eligible telecommunications carrier, including shall, and~~
84 any commercial mobile radio service provider designated as an
85 eligible telecommunications carrier pursuant to 47 U.S.C. s.
86 214(e), may, ~~upon filing a notice of election to do so with the~~
87 ~~commission,~~ provide Lifeline service to any otherwise eligible
88 customer or potential customer who meets an income eligibility
89 test at 135 ~~150~~ percent or less of the federal poverty income
90 guidelines for Lifeline customers. ~~Such a test for eligibility~~
91 ~~must augment, rather than replace, the eligibility standards~~
92 ~~established by federal law and based on participation in certain~~
93 ~~low-income assistance programs. Each intrastate interexchange~~
94 ~~telecommunications company shall file or publish a schedule~~
95 ~~providing at a minimum the intrastate interexchange~~
96 ~~telecommunications company's current Lifeline benefits and~~
97 ~~exemptions to Lifeline customers who meet the income eligibility~~
98 ~~test set forth in this subsection.~~ The Office of Public Counsel
99 shall certify and maintain claims submitted by a customer for
100 eligibility under the income test authorized by this subsection.

101 (b) Each eligible telecommunications carrier subject to
 102 this subsection must ~~shall~~ provide to each state and federal
 103 agency providing benefits to persons eligible for Lifeline
 104 service applications, brochures, pamphlets, or other materials
 105 that inform the persons of their eligibility for Lifeline, and
 106 each state agency providing the benefits shall furnish the
 107 materials to affected persons at the time they apply for
 108 benefits.

109 (c) An eligible telecommunications carrier may not
 110 discontinue basic local telecommunications service to a
 111 subscriber who receives Lifeline service because of nonpayment
 112 by the subscriber of charges for nonbasic services billed by the
 113 telecommunications company, including, but not limited to, long-
 114 distance service. A subscriber who receives Lifeline service
 115 must ~~shall~~ pay all applicable basic local telecommunications
 116 service fees, including the subscriber line charge, E-911,
 117 telephone relay system charges, and applicable state and federal
 118 taxes.

119 (d) An eligible telecommunications carrier may not refuse
 120 to connect, reconnect, or provide Lifeline service because of
 121 unpaid toll charges or nonbasic charges other than basic local
 122 telecommunications service.

123 (e) An eligible telecommunications carrier may require
 124 that payment arrangements be made for outstanding debt
 125 associated with basic local telecommunications service,

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

128 (f) An eligible telecommunications carrier may block a
129 Lifeline service subscriber's access to all long-distance
130 service, except for toll-free numbers, and may block the ability
131 to accept collect calls if ~~when~~ the subscriber owes an
132 outstanding amount for long-distance service or amounts
133 resulting from collect calls. However, the eligible
134 telecommunications carrier may not impose a charge for blocking
135 long-distance service. The eligible telecommunications carrier
136 shall remove the block at the request of the subscriber without
137 additional cost to the subscriber upon payment of the
138 outstanding amount. An eligible telecommunications carrier may
139 charge a service deposit before removing the block.

140 (g)1. ~~By December 31, 2010,~~ Each state agency that
141 provides benefits to persons eligible for Lifeline service shall
142 undertake, in cooperation with the Department of Children and
143 Families, ~~the Department of Education,~~ the commission, the
144 Office of Public Counsel, and telecommunications companies
145 designated eligible telecommunications carriers providing
146 Lifeline services, the development of procedures to promote
147 Lifeline participation. The department ~~departments,~~ the
148 commission, and the Office of Public Counsel may exchange
149 sufficient information with the appropriate eligible
150 telecommunications carriers or the Federal Communications

151 Commission or its designee and any commercial mobile radio
152 service provider electing to provide Lifeline service under
153 paragraph (a), such as a person's name, date of birth, service
154 address, and telephone number, so that eligible customers ~~the~~
155 ~~carriers can be enrolled~~ identify and enroll an eligible person
156 in the Lifeline and Link-Up programs. The information remains
157 confidential and exempt pursuant to s. 364.107 and may only be
158 used for purposes of determining eligibility and enrollment in
159 the Lifeline and Link-Up programs.

160 2. If any state agency determines that a person is
161 eligible for Lifeline services, the agency shall immediately
162 forward the information to the commission to ensure that the
163 person is automatically enrolled in the program with the
164 appropriate eligible telecommunications carrier. The state
165 agency shall include an option for an eligible customer to
166 choose not to subscribe to the Lifeline service. The Public
167 Service Commission and the Department of Children and Families
168 shall, ~~no later than December 31, 2007,~~ adopt rules creating
169 procedures to automatically enroll eligible customers in
170 Lifeline service.

171 3. ~~By December 31, 2010,~~ The commission, the Department of
172 Children and Families, the Office of Public Counsel, and each
173 eligible telecommunications carrier offering Lifeline and Link-
174 Up services shall convene a Lifeline Workgroup to discuss how
175 the eligible subscriber information in subparagraph 1. will be

176 shared, the obligations of each party with respect to the use of
 177 that information, and the procedures to be implemented to
 178 increase enrollment and verify eligibility in these programs.

179 (h) The commission shall report to the Governor, the
 180 President of the Senate, and the Speaker of the House of
 181 Representatives by December 31 each year on the number of
 182 customers who are subscribing to Lifeline service and the
 183 effectiveness of any procedures to promote participation.

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

187 (j) The commission shall adopt rules to administer this
 188 section.

189 Section 2. Subsection (2) of section 364.107, Florida
 190 Statutes, is amended to read:

191 364.107 Public records exemption; Lifeline Assistance Plan
 192 participants.—

193 (2) Information made confidential and exempt under
 194 subsection (1) may be released to the applicable
 195 telecommunications carrier, the Federal Communications
 196 Commission, or the Federal Communications Commission designee
 197 for purposes directly connected with eligibility for,
 198 verification related to, or auditing of a Lifeline Assistance
 199 Plan.

200 Section 3. This act shall take effect upon becoming law.