

By Senator Braynon

35-00780-19

2019742\_\_

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

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

26  
27       Section 1. Section 364.10, Florida Statutes, is amended to  
28       read:  
29       364.10 Lifeline service.—

35-00780-19

2019742\_\_

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

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

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

58 (d) An eligible telecommunications carrier may not charge

35-00780-19

2019742\_\_

59 Lifeline subscribers a monthly number-portability charge.

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

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

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

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

82 (2) (a) ~~Each local exchange telecommunications company that~~  
83 ~~has more than 1 million access lines and that is designated as~~  
84 An eligible telecommunications carrier, including shall, and any  
85 commercial mobile radio service provider designated as an  
86 eligible telecommunications carrier pursuant to 47 U.S.C. s.  
87 214(e), ~~may, upon filing a notice of election to do so with the~~

35-00780-19

2019742\_\_

88 ~~commission,~~ provide Lifeline service to any otherwise eligible  
89 customer or potential customer who meets an income eligibility  
90 test at 135 ~~150~~ percent or less of the federal poverty income  
91 guidelines for Lifeline customers. ~~Such a test for eligibility~~  
92 ~~must augment, rather than replace, the eligibility standards~~  
93 ~~established by federal law and based on participation in certain~~  
94 ~~low-income assistance programs. Each intrastate interexchange~~  
95 ~~telecommunications company shall file or publish a schedule~~  
96 ~~providing at a minimum the intrastate interexchange~~  
97 ~~telecommunications company's current Lifeline benefits and~~  
98 ~~exemptions to Lifeline customers who meet the income eligibility~~  
99 ~~test set forth in this subsection.~~ The Office of Public Counsel  
100 shall certify and maintain claims submitted by a customer for  
101 eligibility under the income test authorized by this subsection.

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

110 (c) An eligible telecommunications carrier may not  
111 discontinue basic local telecommunications service to a  
112 subscriber who receives Lifeline service because of nonpayment  
113 by the subscriber of charges for nonbasic services billed by the  
114 telecommunications company, including, but not limited to, long-  
115 distance service. A subscriber who receives Lifeline service  
116 must ~~shall~~ pay all applicable basic local telecommunications

35-00780-19

2019742\_\_

117 service fees, including the subscriber line charge, E-911,  
118 telephone relay system charges, and applicable state and federal  
119 taxes.

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

124 (e) An eligible telecommunications carrier may require that  
125 payment arrangements be made for outstanding debt associated  
126 with basic local telecommunications service, subscriber line  
127 charges, E-911, telephone relay system charges, and applicable  
128 state and federal taxes.

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

141 (g)1. ~~By December 31, 2010,~~ Each state agency that provides  
142 benefits to persons eligible for Lifeline service shall  
143 undertake, in cooperation with the Department of Children and  
144 Families, ~~the Department of Education,~~ the commission, the  
145 Office of Public Counsel, and telecommunications companies

35-00780-19

2019742\_\_

146 designated eligible telecommunications carriers providing  
147 Lifeline services, the development of procedures to promote  
148 Lifeline participation. The department ~~departments~~, the  
149 commission, and the Office of Public Counsel may exchange  
150 sufficient information with the appropriate eligible  
151 telecommunications carriers or the Federal Communications  
152 Commission or its designee and any commercial mobile radio  
153 service provider electing to provide Lifeline service under  
154 paragraph (a), such as a person's name, date of birth, service  
155 address, and telephone number, so that eligible customers ~~the~~  
156 ~~carriers~~ can be enrolled ~~identify and enroll an eligible person~~  
157 in the Lifeline and Link-Up programs. The information remains  
158 confidential and exempt pursuant to s. 364.107 and may only be  
159 used for purposes of determining eligibility and enrollment in  
160 the Lifeline and Link-Up programs.

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

35-00780-19

2019742\_\_

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 or to the Federal Communications  
196 Commission or its designee for purposes directly connected with  
197 eligibility for, verification related to, or auditing of a  
198 Lifeline Assistance Plan.

199 Section 3. This act shall take effect upon becoming a law.