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LEGISLATIVE ACTION

Senate

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House

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The Committee on Governmental Oversight and Accountability  
(Bean) recommended the following:

1           **Senate Amendment (with title amendment)**

2           Delete everything after the enacting clause  
3 and insert:

4           Section 1. Section 364.10, Florida Statutes, is amended to  
5 read:

6           364.10 Lifeline service.—

7           (1) (a) An eligible telecommunications carrier shall provide  
8 a Lifeline Assistance Plan to qualified residential subscribers,  
9 as defined in the eligible telecommunications carrier's



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10 published schedules. For the purposes of this section, the term  
11 "eligible telecommunications carrier" means a telecommunications  
12 company, as defined by s. 364.02, which is designated as an  
13 eligible telecommunications carrier by the commission pursuant  
14 to 47 C.F.R. s. 54.201. Notwithstanding the provision of s.  
15 364.011 that exempts certain commercial mobile radio service  
16 providers from commission oversight, the term "eligible  
17 telecommunications carrier" includes any commercial mobile radio  
18 service provider designated by the commission pursuant to 47  
19 C.F.R. s. 54.201 and the commission is authorized to make such a  
20 designation, upon petition, for the limited purpose of providing  
21 Lifeline service.

22 (b) An eligible telecommunications carrier must ~~shall~~ offer  
23 a consumer who applies for or receives Lifeline service the  
24 option of blocking all toll calls or, if technically capable,  
25 placing a limit on the number of toll calls a consumer can make.  
26 The eligible telecommunications carrier may not charge the  
27 consumer an administrative charge or other additional fee for  
28 blocking the service.

29 (c) An eligible telecommunications carrier may not collect  
30 a service deposit in order to initiate Lifeline service if the  
31 qualifying low-income consumer voluntarily elects toll blocking  
32 or toll limitation. If the qualifying low-income consumer elects  
33 not to place toll blocking on the line, an eligible  
34 telecommunications carrier may charge a service deposit.

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

37 (e)1. An eligible telecommunications carrier must notify a  
38 Lifeline subscriber of impending termination of Lifeline service



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39 if the company has a reasonable basis for believing that the  
40 subscriber no longer qualifies for such service. Notification of  
41 pending termination must be in the form of a letter that is  
42 separate from the subscriber's bill.

43 ~~2. An eligible telecommunications carrier shall allow a~~  
44 ~~subscriber 60 days following the date of the pending termination~~  
45 ~~letter to demonstrate continued eligibility.~~ The subscriber must  
46 present proof of continued eligibility upon request of the  
47 eligible telecommunications carrier. An eligible  
48 telecommunications carrier may transfer a subscriber off of  
49 Lifeline service, pursuant to its tariff, if the subscriber  
50 fails to demonstrate continued eligibility.

51 3. The commission shall establish procedures for such  
52 notification and termination.

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

58 (2) (a) ~~An Each local exchange telecommunications company~~  
59 ~~that has more than 1 million access lines and that is designated~~  
60 ~~as an eligible telecommunications carrier, including shall, and~~  
61 any commercial mobile radio service provider designated as an  
62 eligible telecommunications carrier pursuant to 47 U.S.C. s.  
63 214(e) may, ~~upon filing a notice of election to do so with the~~  
64 ~~commission,~~ provide Lifeline service to any otherwise eligible  
65 customer or potential customer who meets an income eligibility  
66 test at 135 ~~150~~ percent or less of the federal poverty income  
67 guidelines for Lifeline customers. ~~Such a test for eligibility~~



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68 ~~must augment, rather than replace, the eligibility standards~~  
69 ~~established by federal law and based on participation in certain~~  
70 ~~low income assistance programs. Each intrastate interexchange~~  
71 ~~telecommunications company shall file or publish a schedule~~  
72 ~~providing at a minimum the intrastate interexchange~~  
73 ~~telecommunications company's current Lifeline benefits and~~  
74 ~~exemptions to Lifeline customers who meet the income eligibility~~  
75 ~~test set forth in this subsection.~~ The Office of Public Counsel  
76 shall certify and maintain claims submitted by a customer for  
77 eligibility under the income test authorized by this subsection.

78 (b) Each eligible telecommunications carrier subject to  
79 this subsection must ~~shall~~ provide to each state and federal  
80 agency providing benefits to persons eligible for Lifeline  
81 service applications, brochures, pamphlets, or other materials  
82 that inform the persons of their eligibility for Lifeline, and  
83 each state agency providing the benefits shall furnish the  
84 materials to affected persons at the time they apply for  
85 benefits.

86 (c) An eligible telecommunications carrier may not  
87 discontinue basic local telecommunications service to a  
88 subscriber who receives Lifeline service because of nonpayment  
89 by the subscriber of charges for nonbasic services billed by the  
90 telecommunications company, including, but not limited to, long-  
91 distance service. A subscriber who receives Lifeline service  
92 must ~~shall~~ pay all applicable basic local telecommunications  
93 service fees, including the subscriber line charge, E-911,  
94 telephone relay system charges, and applicable state and federal  
95 taxes.

96 (d) An eligible telecommunications carrier may not refuse



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97 to connect, reconnect, or provide Lifeline service because of  
98 unpaid toll charges or nonbasic charges other than basic local  
99 telecommunications service.

100 (e) An eligible telecommunications carrier may require that  
101 payment arrangements be made for outstanding debt associated  
102 with basic local telecommunications service, subscriber line  
103 charges, E-911, telephone relay system charges, and applicable  
104 state and federal taxes.

105 (f) An eligible telecommunications carrier may block a  
106 Lifeline service subscriber's access to all long-distance  
107 service, except for toll-free numbers, and may block the ability  
108 to accept collect calls if ~~when~~ the subscriber owes an  
109 outstanding amount for long-distance service or amounts  
110 resulting from collect calls. However, the eligible  
111 telecommunications carrier may not impose a charge for blocking  
112 long-distance service. The eligible telecommunications carrier  
113 shall remove the block at the request of the subscriber without  
114 additional cost to the subscriber upon payment of the  
115 outstanding amount. An eligible telecommunications carrier may  
116 charge a service deposit before removing the block.

117 (g)1. ~~By December 31, 2010,~~ Each state agency that provides  
118 benefits to persons eligible for Lifeline service shall  
119 undertake, in cooperation with the Department of Children and  
120 Families, ~~the Department of Education,~~ the commission, the  
121 Office of Public Counsel, and telecommunications companies  
122 designated eligible telecommunications carriers providing  
123 Lifeline services, the development of procedures to promote  
124 Lifeline participation. The department ~~departments,~~ the  
125 commission, and the Office of Public Counsel may exchange



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126 sufficient information with the appropriate eligible  
127 telecommunications carriers or the Federal Communications  
128 Commission, or its designee and any commercial mobile radio  
129 service provider electing to provide Lifeline service under  
130 paragraph (a), such as a person's name, date of birth, service  
131 address, and telephone number, so that eligible customers ~~the~~  
132 ~~carriers can be enrolled~~ identify and enroll an eligible person  
133 in the Lifeline and Link-Up programs. The information remains  
134 confidential pursuant to s. 364.107 and may only be used for  
135 purposes of determining eligibility and enrollment in the  
136 Lifeline and Link-Up programs.

137 2. If any state agency determines that a person is eligible  
138 for Lifeline services, the agency shall immediately forward the  
139 information to the commission to ensure that the person is  
140 automatically enrolled in the program with the appropriate  
141 eligible telecommunications carrier. The state agency shall  
142 include an option for an eligible customer to choose not to  
143 subscribe to the Lifeline service. The Public Service Commission  
144 and the Department of Children and Families shall, ~~no later than~~  
145 ~~December 31, 2007,~~ adopt rules creating procedures to  
146 automatically enroll eligible customers in Lifeline service.

147 3. ~~By December 31, 2010,~~ The commission, the Department of  
148 Children and Families, the Office of Public Counsel, and each  
149 eligible telecommunications carrier offering Lifeline and Link-  
150 Up services shall convene a Lifeline Workgroup to discuss how  
151 the eligible subscriber information in subparagraph 1. will be  
152 shared, the obligations of each party with respect to the use of  
153 that information, and the procedures to be implemented to  
154 increase enrollment and verify eligibility in these programs.



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155 (h) The commission shall report to the Governor, the  
156 President of the Senate, and the Speaker of the House of  
157 Representatives by December 31 each year on the number of  
158 customers who are subscribing to Lifeline service and the  
159 effectiveness of any procedures to promote participation.

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

163 (j) The commission shall adopt rules to administer this  
164 section.

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

167 364.107 Public records exemption; Lifeline Assistance Plan  
168 participants.—

169 (2) Information made confidential and exempt under  
170 subsection (1) may be released to the applicable  
171 telecommunications carrier, the Federal Communications  
172 Commission, or the Federal Communications Commission designee  
173 for purposes directly connected with eligibility for,  
174 verification related to, or auditing of a Lifeline Assistance  
175 Plan.

176 Section 3. This act shall take effect upon becoming law.  
177

178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete everything before the enacting clause  
181 and insert:

182 A bill to be entitled

183 An act relating to designation of eligible



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184 telecommunications carriers; amending s. 364.10, F.S.;  
185 revising the term "eligible telecommunications  
186 carrier"; authorizing the Public Service Commission to  
187 designate any commercial mobile radio service provider  
188 as an eligible telecommunications carrier for the  
189 purpose of providing Lifeline service; deleting a  
190 provision requiring carriers to allow subscribers to  
191 demonstrate continued eligibility for Lifeline service  
192 under certain conditions; requiring subscribers to  
193 furnish proof of eligibility upon request from  
194 carrier; revising the carriers that may provide  
195 Lifeline service; revising Lifeline service  
196 eligibility; deleting obsolete provisions; revising  
197 the entities with which the commission may exchange  
198 certain information; amending s. 364.107, F.S.;  
199 revising the entities to which certain information  
200 relating to Lifeline service eligibility may be  
201 released; providing an effective date.