

**By** the Committees on Governmental Oversight and Accountability; and Communications, Energy, and Public Utilities; and Senators Bean and Stargel

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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 any 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 to which certain information  
20          relating to Lifeline service eligibility may be  
21          released; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Section 364.10, Florida Statutes, is amended to  
26 read:

27           364.10 Lifeline service.—

28           (1) (a) An eligible telecommunications carrier shall provide  
29 a Lifeline Assistance Plan to qualified residential subscribers,

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

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

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

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

58 (e)1. An eligible telecommunications carrier must notify a

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59 Lifeline subscriber of impending termination of Lifeline service  
60 if the company has a reasonable basis for believing that the  
61 subscriber no longer qualifies for such service. Notification of  
62 pending termination must be in the form of a letter that is  
63 separate from the subscriber's bill.

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

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

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

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

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

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

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

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117 taxes.

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

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

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

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

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

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

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

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175 that information, and the procedures to be implemented to  
176 increase enrollment and verify eligibility in these programs.

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

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

185 (j) The commission shall adopt rules to administer this  
186 section.

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

189 364.107 Public records exemption; Lifeline Assistance Plan  
190 participants.—

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

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