

By Senator Mayfield

17-00970B-18

20181368__

1 A bill to be entitled
2 An act relating to interruption of services; amending
3 s. 180.06, F.S.; prohibiting a municipality or private
4 company from charging for garbage pick-up services
5 that are not rendered within a specified period;
6 requiring a municipality or private company to issue a
7 credit on a monthly bill or a refund within a
8 specified timeframe; providing for the calculation of
9 the credit or refund; requiring the payment to the
10 customer of a specified penalty if a credit or refund
11 is not issued within a specified timeframe; amending
12 s. 364.04, F.S.; prohibiting a telecommunications
13 company from charging for services that are
14 interrupted for longer than a specified period;
15 requiring a telecommunications company to issue a
16 credit on a customer's monthly bill or a refund within
17 a specified timeframe; providing for the calculation
18 of the credit or refund; requiring payment to the
19 customer of a specified penalty if a credit or refund
20 is not issued within a specified timeframe;
21 authorizing the Public Service Commission to adopt
22 rules for a certain purpose; amending s. 610.108,
23 F.S.; prohibiting a cable and video service provider
24 from charging for services that are interrupted for
25 longer than a specified period; requiring a cable or
26 video service provider to issue a credit on a monthly
27 bill or a refund within a specified timeframe;
28 providing for the calculation of the credit or refund;
29 requiring payment to the customer of a specified

17-00970B-18

20181368__

30 penalty if a credit or refund is not issued within a
31 specified timeframe; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 180.06, Florida Statutes, is amended to
36 read:

37 180.06 Activities authorized by municipalities and private
38 companies; garbage pick-up services.-

39 (1) Any municipality or private company organized for the
40 purposes contained in this chapter, is authorized:

41 (a)~~(1)~~ To clean and improve street channels or other bodies
42 of water for sanitary purposes;

43 (b)~~(2)~~ To provide means for the regulation of the flow of
44 streams for sanitary purposes;

45 (c)~~(3)~~ To provide water and alternative water supplies,
46 including, but not limited to, reclaimed water, and water from
47 aquifer storage and recovery and desalination systems for
48 domestic, municipal or industrial uses;

49 (d)~~(4)~~ To provide for the collection and disposal of
50 sewage, including wastewater reuse, and other liquid wastes;

51 (e)~~(5)~~ To provide for the collection and disposal of
52 garbage;

53 (f)~~(6)~~ And incidental to such purposes and to enable the
54 accomplishment of the same, to construct reservoirs, sewerage
55 systems, trunk sewers, intercepting sewers, pumping stations,
56 wells, siphons, intakes, pipelines, distribution systems,
57 purification works, collection systems, treatment and disposal
58 works;

17-00970B-18

20181368__

59 (g)~~(7)~~ To construct airports, hospitals, jails and golf
60 courses, to maintain, operate and repair the same, and to
61 construct and operate in addition thereto all machinery and
62 equipment;

63 (h)~~(8)~~ To construct, operate and maintain gas plants and
64 distribution systems for domestic, municipal and industrial
65 uses; and

66 (i)~~(9)~~ To construct such other buildings and facilities as
67 may be required to properly and economically operate and
68 maintain said works necessary for the fulfillment of the
69 purposes of this chapter.

70

71 However, a private company or municipality shall not construct
72 any system, work, project or utility authorized to be
73 constructed hereunder in the event that a system, work, project
74 or utility of a similar character is being actually operated by
75 a municipality or private company in the municipality or
76 territory immediately adjacent thereto, unless such municipality
77 or private company consents to such construction.

78 (2) A municipality or private company, as applicable, may
79 not charge a customer for garbage pick-up service that was not
80 provided on a normally scheduled pick-up date if the garbage
81 pick-up service is not provided within 3 business days after the
82 originally scheduled pick-up date. The municipality or private
83 company, as applicable, shall issue a credit or refund on the
84 customer's monthly bill to adjust on a prorated basis the number
85 of times the garbage was not picked up within 60 days. A
86 municipality or private company, as applicable, that fails to
87 provide such credit or refund within this period shall pay to

17-00970B-18

20181368__

88 each customer whose garbage pick-up was not timely provided as
89 specified in this section a penalty equal to 10 times the amount
90 of the credit or refund that the company failed to timely remit
91 as specified in this subsection.

92 Section 2. Subsection (1) of section 364.04, Florida
93 Statutes, is amended to read:

94 364.04 Schedules of rates, tolls, rentals, and charges;
95 filing; service interruptions; public inspection.—

96 (1) (a) Every telecommunications company shall publish
97 through electronic or physical media schedules showing the
98 rates, tolls, rentals, and charges of that company for service
99 to be offered within the state. The commission shall have no
100 jurisdiction over the content or form or format of such
101 published schedules. A telecommunications company may, as an
102 option, file the published schedules with the commission or
103 publish its schedules through other reasonably publicly
104 accessible means, including on a website. A telecommunications
105 company that does not file its schedules with the commission
106 shall inform its customers where a customer may view the
107 telecommunications company's schedules.

108 (b) A telecommunications company may not charge a customer
109 for service that has been interrupted for longer than 24
110 consecutive hours unless the service interruption is caused by a
111 negligent or willful act by the customer or as a result of
112 damage on the customer's side of the service demarcation point
113 that prevents the receipt or use of service that is otherwise
114 available. Restoration of service for less than 1 hour during
115 the service interruption does not toll the time for purposes of
116 calculating the period of the service interruption. A credit or

17-00970B-18

20181368__

117 refund shall be calculated by identifying the number of days
118 beyond the first 24 hours that service was interrupted, dividing
119 that number by the number of days in the billing period, and
120 multiplying the resulting number by the normal billing amount.
121 The credit or refund must be provided within 30 days after the
122 service is restored or the date of the customer's next bill
123 following service restoration, whichever is later.
124 Notwithstanding any other provision of law, a telecommunications
125 company that fails to provide such credit or refund within this
126 period must pay to each customer whose service was interrupted
127 as specified in this paragraph a penalty equal to 10 times the
128 amount of the credit or refund that the company failed to timely
129 remit as specified in this paragraph. The commission may adopt
130 rules to implement this paragraph.

131 Section 3. Subsection (1) of section 610.108, Florida
132 Statutes, is amended to read:

133 610.108 Customer service standards.—

134 (1) (a) All cable or video service providers shall comply
135 with customer service requirements in 47 C.F.R. s. 76.309(c).

136 (b) A cable or video service provider may not charge a
137 customer for cable or video service that has been interrupted
138 for longer than 24 consecutive hours unless the service
139 interruption is caused by a negligent or willful act by the
140 customer or as a result of damage on the customer's side of the
141 service demarcation point that prevents the receipt or use of
142 service that is otherwise available. Restoration of service for
143 less than 1 hour during the service interruption does not toll
144 the calculation of time for purposes of determining the length
145 of the service interruption. A credit or refund shall be

17-00970B-18

20181368__

146 calculated by identifying the number of days beyond the first 24
147 hours that service was interrupted, dividing that number by the
148 number of days in the billing period, and multiplying the
149 resulting number by the normal billing amount. The credit or
150 refund must be provided within 30 days after the service is
151 restored or the date of the customer's next bill following
152 service restoration, whichever is later. Notwithstanding any
153 other provision of law, a cable or video service provider that
154 fails to provide such credit or refund within this period must
155 pay to each customer whose service was interrupted as specified
156 in this paragraph a penalty equal to 10 times the amount of the
157 credit or refund that the provider failed to timely remit as
158 specified in this paragraph.

159 Section 4. This act shall take effect July 1, 2018.