

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 or refund on the next regular bill; requiring  
8           payment of a fine if a credit or refund is not issued  
9           within specified period; amending s. 364.04, F.S.;  
10          prohibiting a telecommunications company from charging  
11          for services that are interrupted for longer than a  
12          specified period unless certain criteria are met;  
13          requiring a telecommunications company to issue a  
14          credit or refund for specified interruptions;  
15          specifying the calculation of such credit or refund;  
16          requiring the Department of Agriculture and Consumer  
17          Services to impose a fine in a specified amount if the  
18          telecommunications company fails to provide a credit  
19          or refund within a specified period; requiring a  
20          telecommunications company to pro rate charges if a  
21          customer discontinues service before the end of a  
22          billing cycle; providing a calculation to determine  
23          the refund or credit amount; requiring the Department  
24          of Agriculture and Consumer Services to impose a fine  
25          in a specified amount if a provider fails to provide a

26 credit or refund within a specified period; providing  
27 exceptions; specifying where fines are to be remitted;  
28 authorizing the Department of Agriculture and Consumer  
29 Services to adopt specified rules; amending s.  
30 610.108, F.S.; prohibiting a cable or video service  
31 provider from charging for services that are  
32 interrupted for longer than a specified period unless  
33 certain criteria are met; requiring a cable or video  
34 service provider to issue a credit or refund for  
35 specified interruptions; specifying the calculation of  
36 such credit or refund; requiring the Department of  
37 Agriculture and Consumer Services to impose a fine in  
38 a specified amount if a provider fails to provide a  
39 credit or refund within a specified period; requiring  
40 a cable and video service provider to pro rate charges  
41 if a customer discontinues service before the end of a  
42 billing cycle; providing a calculation to determine  
43 the refund or credit amount; requiring the Department  
44 of Agriculture and Consumer Services to impose a fine  
45 in a specified amount if a provider fails to provide a  
46 credit or refund within a specified period; providing  
47 exceptions; specifying where fines are to be remitted;  
48 authorizing the Department of Agriculture and Consumer  
49 Services to adopt specified rules; providing an  
50 effective date.

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

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

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

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

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

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

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

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

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

(f)~~(6)~~ And incidental to such purposes and to enable the accomplishment of the same, to construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems,

76 purification works, collection systems, treatment and disposal  
 77 works;

78 (g)~~(7)~~ To construct airports, hospitals, jails and golf  
 79 courses, to maintain, operate and repair the same, and to  
 80 construct and operate in addition thereto all machinery and  
 81 equipment;

82 (h)~~(8)~~ To construct, operate and maintain gas plants and  
 83 distribution systems for domestic, municipal and industrial  
 84 uses; and

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

89  
 90 However, a private company or municipality shall not construct  
 91 any system, work, project or utility authorized to be  
 92 constructed hereunder in the event that a system, work, project  
 93 or utility of a similar character is being actually operated by  
 94 a municipality or private company in the municipality or  
 95 territory immediately adjacent thereto, unless such municipality  
 96 or private company consents to such construction.

97 (2) A municipality or private company, as applicable, may  
 98 not charge a customer for garbage pick-up service that was not  
 99 provided on a normally scheduled pick-up date if the garbage  
 100 pick-up service is not provided within 4 calendar days after the

101 originally scheduled pick-up date. The municipality or private  
102 company, as applicable, shall issue a credit or refund on the  
103 customer's next regular bill to adjust on a prorated basis the  
104 number of times the garbage was not picked up. A municipality or  
105 private company, as applicable, that fails to provide a credit  
106 or refund within 60 days from the next bill shall pay a fine to  
107 each customer whose garbage pick-up was not provided as set  
108 forth above, equal to 10 times the charge billed for the service  
109 that was not provided.

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

112 364.04 Schedules of rates, tolls, rentals, and charges;  
113 filing; service interruptions; public inspection.—

114 (1)(a) Every telecommunications company shall publish  
115 through electronic or physical media schedules showing the  
116 rates, tolls, rentals, and charges of that company for service  
117 to be offered within the state. The commission shall have no  
118 jurisdiction over the content or form or format of such  
119 published schedules. A telecommunications company may, as an  
120 option, file the published schedules with the commission or  
121 publish its schedules through other reasonably publicly  
122 accessible means, including on a website. A telecommunications  
123 company that does not file its schedules with the commission  
124 shall inform its customers where a customer may view the  
125 telecommunications company's schedules.

126 (b) A telecommunications company may not charge a customer  
127 for service that has been interrupted for longer than 24  
128 consecutive hours, unless:

129 1. The interruption is caused by a negligent or willful  
130 act by the customer;

131 2. The interruption is caused by damage or loss of  
132 electrical power on the customer's side of the service  
133 demarcation point that prevents the receipt or use of service  
134 that is otherwise available; or

135 3. The telecommunications company, by means of any other  
136 platform, provides the customer with access to service  
137 substantially similar to the interrupted service during the  
138 period of the interruption at no additional cost.

139 (c) Restoration of service for less than 1 hour during a  
140 service interruption does not toll the calculation of time for  
141 purposes of determining the length of the service interruption.  
142 The credit or refund shall be equal to the number of days beyond  
143 the first 24 hours that service was interrupted, divided by the  
144 number of days in the billing period, and multiplied by the  
145 normal billing amount. If the interrupted service is provided as  
146 part of a bundled package that includes services not covered by  
147 this section, the credit or refund shall be calculated based  
148 only on the portion of the normal billing amount attributable to  
149 the interrupted services covered by this section. The credit or  
150 refund must be provided within 30 days from the date the service

151 is restored or the date of the customer's next bill following  
152 service restoration, whichever is later. Notwithstanding any  
153 other provision of law to the contrary, the Department of  
154 Agriculture and Consumer Services shall impose an administrative  
155 fine equal to 10 times the credit or refund amount upon any  
156 telecommunications company that fails to provide a credit or  
157 refund as specified in this paragraph.

158 (d) If a customer of a telecommunications company requests  
159 that service be discontinued on a date before the end of the  
160 customer's normal billing period, the customer charge for that  
161 period shall be equal to the number of days that service is  
162 provided in the billing period, including the date that service  
163 is discontinued, divided by the number of days in the billing  
164 period, and multiplied by the normal charge for the billing  
165 period. The telecommunications company shall credit the  
166 customer's account or issue a refund for any overpayment to  
167 reflect the amount due as calculated pursuant to this paragraph.  
168 The credit or refund must be provided within 30 days from the  
169 date the service is discontinued or the date of the customer's  
170 next regular bill following discontinuance, whichever is later.  
171 Notwithstanding any other provision of law to the contrary, the  
172 Department of Agriculture and Consumer Services shall impose an  
173 administrative fine equal to 10 times the credit or refund  
174 amount upon any telecommunications company that fails to provide  
175 a credit or refund as specified in this paragraph. This

176 provision does not reduce any applicable contractual penalty or  
 177 fee that applies when a customer discontinues service during the  
 178 term of a contract if such customer has agreed to take service  
 179 from the telecommunications company at a specified rate for the  
 180 full term of the contract and the term of the contract includes  
 181 more than one billing period.

182 (e) Fines collected by the department under this section  
 183 shall be remitted to its General Inspection Trust Fund.

184 (f) The department may adopt rules to implement paragraphs  
 185 (b), (c), and (d) of this subsection.

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

188 610.108 Customer service standards.—

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

191 (b) A cable or video service provider may not charge a  
 192 customer for cable or video service that has been interrupted  
 193 for longer than 24 consecutive hours, unless:

194 1. The interruption is caused by a negligent or willful  
 195 act by the customer;

196 2. The interruption is caused by damage or loss of  
 197 electrical power on the customer's side of the service  
 198 demarcation point that prevents the receipt or use of service  
 199 that is otherwise available; or

200 3. The cable or video service provider, by means of any



201 other platform, provides the customer with access to programming  
202 or service substantially similar to the interrupted service  
203 during the period of the interruption at no additional cost.

204 (c) Restoration of service for less than 1 hour during a  
205 service interruption does not toll the calculation of time for  
206 purposes of determining the length of the service interruption.  
207 The credit or refund shall be equal to the number of days beyond  
208 the first 24 hours that service was interrupted, divided by the  
209 number of days in the billing period, and multiplied by the  
210 normal billing amount. If the interrupted service is provided as  
211 part of a bundled package that includes services not covered by  
212 this section, the credit or refund shall be calculated based  
213 only on the portion of the normal billing amount attributable to  
214 the interrupted services covered by this section. The credit or  
215 refund must be provided within 30 days from the date the service  
216 is restored or the date of the customer's next bill following  
217 service restoration, whichever is later. Notwithstanding any  
218 other provision of law to the contrary, the Department of  
219 Agriculture and Consumer Services shall impose a fine equal to  
220 10 times the credit or refund amount upon any cable or video  
221 service provider that fails to provide a credit or refund as  
222 specified in this paragraph.

223 (d) If a customer of a cable or video service provider  
224 requests that service be discontinued on a date before the end  
225 of the customer's normal billing period, the customer charge for

226 that period shall be equal to the number of days that service is  
227 provided in the billing period, including the date that service  
228 is discontinued, divided by the number of days in the billing  
229 period, and multiplied by the normal charge for the billing  
230 period. The cable or video service provider shall credit the  
231 customer's account or issue a refund for any overpayment to  
232 reflect the amount due as calculated pursuant to this paragraph.  
233 The credit or refund must be provided within 30 days from the  
234 date the service is discontinued or the date of the customer's  
235 next regular bill following discontinuance, whichever is later.  
236 Notwithstanding any other provision of law to the contrary, the  
237 Department of Agriculture and Consumer Services shall impose an  
238 administrative fine equal to 10 times the credit or refund  
239 amount upon any cable or video service provider that fails to  
240 provide a credit or refund as specified in this paragraph. This  
241 provision does not reduce any applicable contractual penalty or  
242 fee that applies when a customer discontinues service during the  
243 term of a contract if such customer has agreed to take service  
244 from the cable or video service company at a specified rate for  
245 the full term of the contract and the term of the contract  
246 includes more than one billing period.

247 (e) Fines collected by the department under this section  
248 shall be remitted to its General Inspection Trust Fund.

249 (f) The department may adopt rules to implement paragraphs  
250 (b), (c), and (d) of this subsection.

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