



Energy & Utilities Subcommittee

**Monday, January 29, 2018
3:00 PM – 6:00 PM
Webster Hall (212 Knott)**

MEETING PACKET



The Florida House of Representatives

Commerce Committee

Energy & Utilities Subcommittee

Richard Corcoran
Speaker

Jay Trumbull
Chair

AGENDA

Monday, January 29, 2018

Webster Hall (212 Knott)

3:00 PM – 6:00 PM

- I. Call to Order & Roll Call
- II. Welcoming Remarks
- III. Consideration of the following bill(s):
 - HB 971 by *Rep. Fine*
Interruption of Services
 - HB 1057 by *Rep. Dubose, Toledo*
E911 Systems
- IV. Workshop on the following:
 - Select Recommendations from the Final Report of the Select Committee on Hurricane Response & Preparedness
- V. Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Energy & Utilities Subcommittee

Start Date and Time: Monday, January 29, 2018 03:00 pm
End Date and Time: Monday, January 29, 2018 06:00 pm
Location: Webster Hall (212 Knott)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 971 Interruption of Services by Fine
HB 1057 E911 Systems by DuBose, Toledo

Workshop on the following:

Select Recommendations from the Final Report of the Select Committee on Hurricane Response & Preparedness



Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Friday, January 26, 2018.

By request of Chair Trumbull, all Energy & Utilities Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Friday, January 26, 2018.

NOTICE FINALIZED on 01/25/2018 4:23PM by Rigas.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 971 Interruption of Services
SPONSOR(S): Fine
TIED BILLS: IDEN./SIM. BILLS: SB 1368

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Energy & Utilities Subcommittee		Keating 	Keating 
2) Commerce Committee			

SUMMARY ANALYSIS

The bill prohibits certain service providers from charging customers for service that has been interrupted or not timely provided, as defined in the bill. Specifically, the bill:

- Prohibits a municipality or private company, as applicable, from charging a customer for garbage pick-up service that is not provided on the normally scheduled pick-up date, unless the missed service is provided within 3 business days after the originally scheduled pick-up date.
- Prohibits a telecommunications company or a cable or video service provider from charging a customer for service that has been interrupted for longer than 24 consecutive hours, unless the interruption was caused by a negligent or willful act of the customer or as a result of damage on the customer's side of the service demarcation point that prevents the customer from taking service that is otherwise available.

To effectuate these prohibitions, the bill requires these service providers to calculate a pro-rata adjustment to the customer's regular bill and apply that amount as a credit or refund to the customer. The bill provides timeframes for the provision of such credits or refunds and requires the imposition of fines for failure to provide such credits or refunds as required by the bill. For a municipality or private company that fails to provide a credit or refund as required by the bill for failure to provide timely garbage pick-up service, the bill imposes a fine, payable to the customer, equal to 10 times the charge billed for service that was not timely provided. For a telecommunications company or a cable or video service provider that fails to provide a credit or refund as required by the bill for interrupted service, the bill requires the Public Service Commission and the Department of Agriculture and Consumer Services, respectively, to impose a fine equal to 10 times the amount of the appropriate credit or refund.

The bill may have an indeterminate positive impact on state government revenues and will have an indeterminate negative impact on state government expenditures. The bill may have an indeterminate negative impact on local government revenues and does not appear to impact local government expenditures. See Fiscal Analysis, below.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Garbage Collection

Florida law authorizes municipalities and private companies to provide for the collection and disposal of garbage.¹ Counties also are authorized to provide solid waste collection service,² and have the option to contract with municipalities and special districts to provide such service.³ A local government may provide solid waste collection service in direct competition with a private company under certain conditions.⁴ Further, under certain conditions, a local government may choose to provide such service and effectively prohibit a private company from continuing to provide the same service.⁵ In any event, Florida law requires local governments to use the most cost-effective means to provide solid waste management services and encourages contracts with private persons to provide such services.⁶ Rates and terms of service for garbage collection vary by city and county.

Telephone Service

Florida's regulatory framework for local telephone service, or "local exchange service," historically has been codified in Chapter 364, F.S. This chapter established the Public Service Commission's ("PSC") jurisdiction to regulate telecommunication services.

In 1995, the Legislature found that competition for the provision of local exchange service would be in the public interest and opened local telephone markets to competition on January 1, 1996.⁷ The law sought to establish a competitive market by granting competitive local exchange companies access to the existing telecommunications network. This began a gradual transition to the deregulation of incumbent local exchange companies' rates and terms of service, which culminated in 2011 with the Legislature determining that competition had progressed sufficiently to justify eliminating most of the PSC's remaining regulatory authority over telecommunications services.⁸ Much of that competition has come from wireless services and Voice-over-Internet Protocol (VoIP) service rather than competitors offering traditional wireline service.⁹

Prior to 2011, local exchange telecommunications companies were required to adjust customer bills or provide refunds, on a pro-rata basis, if service was interrupted and remained out of order in excess of 24 hours after the customer notified the company of the interruption.¹⁰

¹ s. 180.06, F.S. For purposes of ch. 180, F.S., a "private company" is defined as "any company or corporation duly authorized under the laws of the state to construct or operate water works systems, sewerage systems, sewage treatment works, garbage collection and garbage disposal plants." s. 180.05, F.S.

² s. 125.01(1), F.S.

³ s. 125.0101, F.S.

⁴ s. 403.70605(1), F.S.

⁵ s. 403.70605(3), F.S.

⁶ s. 403.7063, F.S.

⁷ Ch. 95-403, Laws of Fla.

⁸ Ch. 2011-36, Laws of Fla. The PSC retains authority to oversee certain related areas, such as the Lifeline program (s. 364.10, F.S.) and carrier-to-carrier relationships (s. 364.16, F.S.).

⁹ See FLORIDA PUBLIC SERVICE COMMISSION, *Report on the Status of Competition in the Telecommunications Industry*, December 31, 2016, available at

<http://www.psc.state.fl.us/Files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2017.pdf> (last visited Jan. 26, 2018).

¹⁰ Rule 25-4.110(6), F.A.C. (repealed Oct. 13, 2011).

Since 2011, there has been no legal requirement for local exchange telecommunications companies to provide credits or refunds to reflect the duration of service interruptions.

As of December 2016, local exchange telecommunications companies served approximately 3 million wireline access lines in Florida.¹¹ AT&T, CenturyLink, and Frontier are the largest of these companies providing wireline service in the state.¹² AT&T's general terms for local exchange service in Florida allow it to make pro-rata billing adjustments for services or facilities rendered useless or inoperative by an interruption that continues in excess of 24 hours from the time it is reported to, or detected by, the company.¹³ Such adjustments are not made when the interruption is due to the negligence or willful act of the customer or the failure of customer-provided facilities.¹⁴ CenturyLink's terms of service for Florida include substantially the same provision.¹⁵ These provisions allow, but do not require, the company to provide a refund or credit. Both companies indicate that their systems are not capable of automatically detecting service outages for individual customers. Staff does not have information as to the practices of the numerous local exchange telecommunications companies in Florida. In any event, an individual company may modify its terms of service.

For monitoring purposes, wireline service providers must report certain outages to the Federal Communications Commission (FCC) within 120 minutes of becoming aware of the outages.¹⁶

Cable and Video Service

Prior to 2007, an entity that wished to provide cable service was required to enter into a franchise agreement with each municipality or county in which the service provider intended to operate. These local franchise agreements commonly addressed rates and customer service standards, among other matters.¹⁷

Since 2007, any entity that provides cable or video service¹⁸ in Florida must apply for and maintain a state-issued certificate of franchise authority through the Department of State that describes the areas within which the certification applies.¹⁹ Cable and video service providers are required to comply with the customer service requirements established by rule of the FCC,²⁰ and the Department of Agriculture

¹¹ *Supra* note 3, at p. 18. Competitive local exchange companies in Florida accounted for 38% of the business market and 1% of the residential market for local exchange service in Florida as of December 2016.

¹² *Supra* note 3, at p. 14. Six additional incumbent local exchange companies provide wireline service in rural areas or smaller service territories. See FLORIDA PUBLIC SERVICE COMMISSION, *Florida Local Exchange Telephone Companies Map* (2016), available at <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/Telecommunication/exchangemap.pdf> (last visited Jan. 26, 2018).

¹³ AT&T Florida, *General Exchange Guidebook*, Section A2.4.4, <http://cpr.att.com/pdf/fl/g002.pdf> (last visited Jan. 26, 2018).

¹⁴ *Id.*

¹⁵ EMBARQ Florida, Inc. d/b/a CenturyLink, *Local Terms of Service, Florida*, Section A2, Sheet 22 http://www.centurylink.com/tariffs/fl_eqfl_loc_terms.pdf (last visited Jan. 26, 2018).

¹⁶ See 47 C.F.R. Part 4 – Disruptions to Communications.

¹⁷ See House of Representatives Staff Analysis of CS/CS/HB 579 (2007), Policy & Budget Council (March 16, 2007) at 4.

¹⁸ These services generally involve the delivery of video programming service via wireline facilities and exclude video programming delivered via satellite or wireless provider. See s. 601.103, F.S.

¹⁹ s. 601.104, F.S.

²⁰ Specifically, the statute identifies 47 C.F.R. s. 76.309(c) as the applicable FCC rule. This provision reads:

(c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:

(1) Cable system office hours and telephone availability -

(i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

(A) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

and Consumer Service (DACS) has the sole authority to respond to customer complaints. DACS may not impose customer service standards inconsistent with the FCC's rule.²¹ DACS may assist in resolving customer complaints through informal mediation.²²

Under the applicable FCC rule, there is no legal requirement for cable or video service providers to provide credits or refunds to reflect the duration of service interruptions. The FCC rule specifies that it does not prohibit the state, as the franchising authority, from enacting any consumer protection law not specifically preempted by the rule.²³

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- (ii) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.
 - (iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
 - (iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.
 - (v) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.
- (2) Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:
- (i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
 - (ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
 - (iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
 - (iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
 - (v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.
- (3) Communications between cable operators and cable subscribers -
- (i) Refunds - Refund checks will be issued promptly, but no later than either -
 - (A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or
 - (B) The return of the equipment supplied by the cable operator if service is terminated.
 - (ii) Credits - Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.
- (4) Definitions -
- (i) Normal business hours - The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.
 - (ii) Normal operating conditions - The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.
 - (iii) Service interruption - The term "service interruption" means the loss of picture or sound on one or more cable channels.

²¹ s. 601.108, F.S.

²² *Id.* See, also, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, *A to Z Resource Guide*, <https://csapp.800helpfla.com/CSPublicApp/AZGuide/AZSearchResult.aspx#610731034> (last visited Jan. 27, 2018).

²³ 47 C.F.R. §76.309(b)(3).

There are 25 active certificates of franchise authority that the Department of State has issued to cable and video service providers in the state.²⁴ A review of the published customer agreements for several major cable and video service providers in Florida shows similar approaches to service interruptions with some slight differences between providers.²⁵ Though each agreement uses different language, all state that the provider is not required to provide a refund or credit for service interruptions caused by circumstances beyond the provider's control, including, among other things, power outages, natural disasters, and causes attributable to the customer.²⁶ Some agreements indicate that the customer may be entitled to a pro-rata credit or refund for some service interruptions that exceed 24 hours, though the circumstances under which these provisions would apply are not clear.²⁷

Though these service providers are not generally obligated under the terms of their service agreements to provide credits or refunds for service interruptions, many cable and video service providers provided credits to customers, upon request or on a case-by-case basis, whose service was interrupted as a result of Hurricane Irma.²⁸ Further, AT&T indicates that it provides a credit adjustment to customers for each day that service is partially or completely out, if notified of the service interruption. The Florida Internet and Television Association indicates that its members also work with customers on a case-by-case basis to provide credits for service interruptions, if notified of the interruption. Staff does not have information as to the practices of all cable and video service providers in Florida.

For monitoring purposes, cable service providers must report certain outages to the FCC within 120 minutes of becoming aware of the outages.²⁹

Effect of Proposed Changes

Garbage Collection

The bill provides that a municipality or private company, as applicable, that provides garbage pick-up service may not charge a customer for pick-up service that is not provided on the normally scheduled

²⁴ FLORIDA DEPARTMENT OF STATE, Division of Corporations, *Cable Franchise Name List*, <http://search.sunbiz.org/Inquiry/CableFranchiseSearch/SearchResults?inquiryType=CableFranchiseNameList¤tPage=1> (last visited Jan. 26, 2018).

²⁵ Xfinity, *Comcast Agreement for Residential Services*, Section 11.f. Disruption of Service, <https://www.xfinity.com/corporate/customers/policies/subscriberagreement> (last visited Jan. 27, 2018); Spectrum, *Spectrum Residential Cable Services Agreement*, Section 3. Disruption of Cable Service, <https://www.spectrum.com/policies/residential-terms.html> (last visited Jan. 27, 2018); Cox, *Residential Customer Service Agreement*, Section 9. Power Supply, and Section 17.b. Force Majeure, <https://www.cox.com/aboutus/policies/customer-service-agreement.html#power> (last visited Jan. 27, 2018); Mediacom, *Mediacom Residential Customer and User Agreement*, Section 4. Service Interruptions, Section 12. Refunds, and Section 22. Miscellaneous, <https://mediacomcable.com/legal/residential-customer-and-user-agreement/> (last visited Jan. 27, 2018); AT&T, *AT&T U-verse and AT&T Phone Terms of Service*, Section 8. Interruptions, Limitations, and Modifications of Service, <https://www.att.com/legal/terms.iverseAttTermsOfService.html> (last visited Jan. 27, 2018); Frontier Communications, *Frontier TV Terms of Service*, Section 12. Warranties and Limitation of Liability, <https://frontier.com/~media/corporate/terms/tv-tos.ashx?la=en> (last visited Jan. 27, 2018); CenturyLink, *CenturyLink Prism TV Services Subscriber Agreement*, Section 5.E. Force Majeure Events, http://www.centurylink.com/legal/docs/Prism_TV_Services_Subscriber_Agreement_EN.pdf (last visited Jan. 27, 2018).

²⁶ See, e.g., Xfinity, *Comcast Agreement for Residential Services*, Section 11.f. Disruption of Service, <https://www.xfinity.com/corporate/customers/policies/subscriberagreement> (last visited Jan. 27, 2018); and Mediacom, *Mediacom Residential Customer and User Agreement*, Section 4. Service Interruptions, Section 12. Refunds, and Section 22. Miscellaneous, <https://mediacomcable.com/legal/residential-customer-and-user-agreement/> (last visited Jan. 27, 2018).

²⁷ *Id.*

²⁸ See, e.g., Danny Monteverde, *Cable, phone, internet companies waive fees, offer rebates for Irma victims*, WTSP (Sep. 15, 2017), <http://www.wtsp.com/weather/irma/cable-phone-internet-companies-waive-fees-offer-rebates-for-irma-victims/474910296>; Lawrence Mower, *Missed Comcast service from Irma? Here's how to get a credit*, PALM BEACH POST (Sep. 21, 2017), <http://www.palmbeachpost.com/news/missed-comcast-service-from-irma-here-how-get-credit/nN99YX7yfc39E1Fjb5vQ0L/>; Michael D. Bates, *Spectrum: Credits available — if you ask*, CITRUS COUNTY CHRONICLE (Sep. 20, 2017), http://www.chronicleonline.com/news/local/spectrum-credits-available-if-you-ask/article_43dcd766-9e2e-11e7-afc2-87b3ccc68e7f.html.

²⁹ *Supra* note 10.

pick-up date unless the missed service is provided within 3 business days after the originally scheduled pick-up date. If service is not provided within this time frame, the bill requires the municipality or private company to make a pro-rata adjustment to the customer's monthly bill to reflect the missed service date. A municipality or private company that fails to provide a credit or refund within 60 days must pay the customer a fine equal to 10 times the charge billed for service that was not timely provided.

Municipalities and private companies that provide service by contract with those municipalities may renegotiate the terms of their contracts to account for the requirements and potential fines imposed by the bill.

Telephone Service

The bill provides that a telecommunications company³⁰ may not charge a customer for service that has been interrupted for longer than 24 consecutive hours. If service is restored for less than one hour during the interruption, the interruption is deemed to have continued through that time. The bill provides an exception for an interruption caused by a negligent or willful act of the customers or as a result of damage on the customer's side of the service demarcation point that prevents the customer from taking service that is otherwise available.

The bill requires a telecommunications company to make a pro-rata adjustment to the customer's bill to reflect the number of days that service was interrupted as a percentage of the number of days in the customer's billing period. This adjustment must be provided as a credit or refund within 30 days after the date that service is restored or the date of the customer's next bill following restoration, whichever is later.

If the appropriate credit or refund is not provided as required by the bill, the PSC must impose a fine equal to 10 times the amount of the appropriate credit or refund.

The bill authorizes the PSC to adopt rules that implement these provisions.

Cable and Video Service

The bill provides that a cable or video service provider may not charge a customer for service that has been interrupted for longer than 24 consecutive hours. If service is restored for less than one hour during the interruption, the interruption is deemed to have continued through that time. The bill provides an exception for an interruption caused by a negligent or willful act of the customers or as a result of damage on the customer's side of the service demarcation point that prevents the customer from taking service that is otherwise available.

The bill requires a cable or video service provider to make a pro-rata adjustment to the customer's bill to reflect the number of days that service was interrupted as a percentage of the number of days in the customer's billing period. This adjustment must be provided as a credit or refund within 30 days after the date that service is restored or the date of the customer's next bill following restoration, whichever is later.

If the appropriate credit or refund is not provided as required by the bill, DACS must impose a fine equal to 10 times the amount of the appropriate credit or refund.

B. SECTION DIRECTORY:

Section 1. Amending s. 180.06, F.S., relating to garbage pick-up services provided by municipalities and private companies.

Section 2. Amending s. 364.04, F.S., relating to telecommunications company service interruptions.

³⁰ The term "telecommunications company" includes all wireline local exchange service providers. See s. 364.02(13), F.S.

Section 3. Amending s. 601.018, F.S., relating to customer service standards for cable and video service providers.

Section 4. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have an indeterminate positive impact on state government revenues. The PSC and DACS are authorized to impose fines under the bill. The potential extent of these fines is unknown.

2. Expenditures:

The bill will have an indeterminate negative impact on state government expenditures. The PSC and DACS will incur costs to implement and enforce specific provisions of the bill, as required by the bill. DACS estimates that it will need one FTE in FY 2018-19 to implement the bill and may require additional staff in FY 2019-20 depending on the level of complaints received.³¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill requires a refund or credit for municipal garbage pick-up service that is not timely provided to a customer (i.e., within 3 days of the originally scheduled pick-up date). Thus, the bill may have an indeterminate negative impact on the revenues of municipalities that provide garbage pick-up service but miss scheduled pick-up dates.

2. Expenditures:

The bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The systems operated by telecommunications companies and cable and video service providers may be incapable of automatically detecting certain service interruptions. Such systems may require modification to provide this functionality to ensure compliance with the bill and to avoid fines required by the bill.

The bill may encourage telecommunications companies and cable and video service providers to undertake additional measures to identify and minimize service interruptions. Similarly, the bill may encourage municipalities and private companies who provide garbage collection services to minimize missed pick-up services.

D. FISCAL COMMENTS:

None.

³¹ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 House Bill 971, pp. 1-2 (Jan. 26, 2018).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the PSC to adopt rules to implement provisions related to refunds or credits that are due to customers of telecommunications companies as a result of service interruptions, including the imposition of fines.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not specify whether fines imposed by the PSC or DACS must be imposed through administrative or civil processes and whether these agencies may impose fines in the absence of a consumer complaint. The bill also does not specify where these fines, once collected by the appropriate agency, must be remitted. The bill could be clarified with respect to these matters.

The bill does not grant DACS rulemaking authority to implement the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled

An act relating to interruption of services; amending s. 180.06, F.S.; prohibiting a municipality or private company from charging for garbage pick-up services that are not rendered within a specified period; requiring municipality or private company to issue credit or refund on monthly bill; requiring payment of fine if credit or refund is not issued within specified period; amending s. 364.04, F.S.; prohibiting a telecommunications company from charging for services that are interrupted for longer than a specified period; requiring a telecommunications company to issue a credit or refund; requiring the Public Service Commission to impose a fine in a specified amount if the telecommunications company fails to provide credit or refund within specified period; amending s. 610.108, F.S.; prohibiting a cable and video service provider from charging for services that are interrupted for longer than a specified period; requiring a cable or video service provider to issue a credit or refund; requiring the Department of Agriculture and Consumer Services to impose a fine in a specified amount if a provider fails to provide credit or refund within specified period; providing an

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 effective date.

27

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

29

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

32 180.06 Activities authorized by municipalities and private
33 companies; garbage pick-up services.-

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

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

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

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

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

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

48 (f)~~(6)~~ And incidental to such purposes and to enable the
49 accomplishment of the same, to construct reservoirs, sewerage
50 systems, trunk sewers, intercepting sewers, pumping stations,

51 wells, siphons, intakes, pipelines, distribution systems,
 52 purification works, collection systems, treatment and disposal
 53 works;

54 (g)~~(7)~~ To construct airports, hospitals, jails and golf
 55 courses, to maintain, operate and repair the same, and to
 56 construct and operate in addition thereto all machinery and
 57 equipment;

58 (h)~~(8)~~ To construct, operate and maintain gas plants and
 59 distribution systems for domestic, municipal and industrial
 60 uses; and

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

65
 66 However, a private company or municipality shall not construct
 67 any system, work, project or utility authorized to be
 68 constructed hereunder in the event that a system, work, project
 69 or utility of a similar character is being actually operated by
 70 a municipality or private company in the municipality or
 71 territory immediately adjacent thereto, unless such municipality
 72 or private company consents to such construction.

73 (2) A municipality or private company, as applicable, may
 74 not charge a customer for garbage pick-up service that was not
 75 provided on a normally scheduled pick-up date if the garbage

76 pick-up service is not provided within 3 business days after the
 77 originally scheduled pick-up date. The municipality or private
 78 company, as applicable, shall issue a credit or refund on the
 79 customer's monthly bill to adjust on a prorated basis the number
 80 of times the garbage was not picked up. A municipality or
 81 private company, as applicable, that fails to provide a credit
 82 or refund within 60 days shall pay a fine to each customer whose
 83 garbage pick-up was not provided as set forth above, equal to 10
 84 times the charge billed for the service that was not provided.

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

87 364.04 Schedules of rates, tolls, rentals, and charges;
 88 filing; service interruptions; public inspection.-

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

101 (b) A telecommunications company may not charge a customer
 102 for service that has been interrupted for longer than 24
 103 consecutive hours unless the service interruption is caused by a
 104 negligent or willful act by the customer or as a result of
 105 damage on the customer's side of the service demarcation point
 106 that prevents the receipt or use of service that is otherwise
 107 available. Restoration of service for less than one hour during
 108 the service interruption does not toll the time for purposes of
 109 calculating the period of the service interruption. The credit
 110 or refund shall be calculated by identifying the number of days
 111 beyond the first 24 hours that service was interrupted, dividing
 112 that number by the number of days in the billing period, and
 113 multiplying the resulting fraction by the normal billing amount.
 114 The credit or refund must be provided within 30 days after the
 115 service is restored or the date of the customer's next bill
 116 following service restoration, whichever is later.
 117 Notwithstanding any other provision of law to the contrary, the
 118 commission shall impose a fine equal to 10 times the credit or
 119 refund amount upon any telecommunications company that fails to
 120 provide a credit or refund as specified in this paragraph. The
 121 commission may adopt rules to implement this paragraph.

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

124 610.108 Customer service standards.—

125 (1) (a) All cable or video service providers shall comply

126 with customer service requirements in 47 C.F.R. s. 76.309(c).

127 (b) A cable or video service provider may not charge a
 128 customer for cable or video service that has been interrupted
 129 for longer than 24 consecutive hours unless the service
 130 interruption is caused by a negligent or willful act by the
 131 customer or as a result of damage on the customer's side of the
 132 service demarcation point that prevents the receipt or use of
 133 service that is otherwise available. Restoration of service for
 134 less than one hour during the service interruption does not toll
 135 the calculation of time for purposes of determining the length
 136 of the service interruption. The credit or refund shall be
 137 calculated by identifying the number of days beyond the first 24
 138 hours that service was interrupted, dividing that number by the
 139 number of days in the billing period, and multiplying the
 140 resulting fraction by the normal billing amount. The credit or
 141 refund must be provided within 30 days after the service is
 142 restored or the date of the customer's next bill following
 143 service restoration, whichever is later. Notwithstanding any
 144 other provision of law to the contrary, the Department of
 145 Agriculture and Consumer Services shall impose a fine equal to
 146 10 times the credit or refund amount upon any cable or video
 147 service provider that fails to provide a credit or refund as
 148 specified in this paragraph.

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

ENERGY & UTILITIES SUBCOMMITTEE

HB 971 by Rep. Fine INTERRUPTION OF SERVICES

AMENDMENT SUMMARY January 29, 2018

Amendment 1 by Rep. Fine (# 345293)

- Requires garbage pick-up within 4 calendar days of the originally scheduled pick-up date to avoid the requirement to provide a credit or refund.
- Clarifies that any applicable credit or refund must be applied to the customer's next regular bill and specifies that a fine must be paid if the applicable credit or refund is not provided within 60 days of the next bill.

Amendment 2 by Rep. Fine (# 323637)

- Provides that a credit or refund is not required if a service interruption is caused by a loss of electrical power to the customer or if the service provider makes substantially similar services available to the customer via another platform during the period of the interruption at no additional cost.
- Provides that if the interrupted service is provided as part of a bundled package that includes services not covered by the bill, the appropriate credit or refund will be calculated based only on the portion of the normal billing amount attributable to the interrupted services covered by the bill.

Amendment to Amendment 2 by Rep. Daniels (# 484033)

- Replaces the Public Service Commission with the Department of Agriculture and Consumer Services (DACS) as the agency responsible for imposing fines for failure to properly issue credit or refunds.

Amendment 3 by Rep. Fine (# 412071)

- Provides that a customer who receives month-to-month service from a telecommunications company and who requests that service be discontinued before the end of the normal billing period may be charged only for that portion of the billing period in which service was provided and must be credited for any overpayment.
- Provides that DACS must impose a fine equal to 10 times any credit or refund due to the customer but not timely provided.
- Authorizes DACS to adopt implementing rules, and provides that fines collected by DACS must be remitted to its General Inspection Trust Fund.

Amendment 4 by Rep. Fine (# 885941)

- Provides that a customer who receives month-to-month service from a cable or video service provider and who requests that service be discontinued before the end of the normal billing period may be charged only for that portion of the billing period in which service was provided prior to discontinuance and must be credited for any overpayment.
- Provides that DACS must impose a fine equal to 10 times any credit or refund due to the customer but not timely provided.
- Authorizes DACS to adopt implementing rules, and provides that fines collected by DACS must be remitted to its General Inspection Trust Fund.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities

2 Subcommittee

3 Representative Fine offered the following:

4
5 **Amendment**

6 Remove lines 76-82 and insert:

7 pick-up service is not provided within 4 calendar days after the
8 originally scheduled pick-up date. The municipality or private
9 company, as applicable, shall issue a credit or refund on the
10 customer's next regular bill to adjust on a prorated basis the
11 number of times the garbage was not picked up. A municipality or
12 private company, as applicable, that fails to provide a credit
13 or refund within 60 days of the next bill shall pay a fine to
14 each customer whose



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities

2 Subcommittee

3 Representative Fine offered the following:

4
5 **Amendment**

6 Remove lines 103-140 and insert:

7 consecutive hours, unless:

8 1. The interruption is caused by a negligent or willful
9 act by the customer;

10 2. The interruption is caused by damage or loss of
11 electrical power on the customer's side of the service
12 demarcation point that prevents the receipt or use of service
13 that is otherwise available; or

14 3. The telecommunications company, by means of any other
15 platform, provides the customer with access to service



Amendment No. 2

16 substantially similar to the interrupted service during the
17 period of the interruption at no additional cost.

18 (c) Restoration of service for less than one hour during a
19 service interruption does not toll the time for purposes of
20 calculating the period of the service interruption. The credit
21 or refund shall be calculated by identifying the number of days
22 beyond the first 24 hours that service was interrupted, dividing
23 that number by the number of days in the billing period, and
24 multiplying the resulting fraction by the normal billing amount.

25 If the interrupted service is provided as part of a bundled
26 package that includes services not covered by this section, the
27 credit or refund shall be calculated based only on the portion
28 of the normal billing amount attributable to the interrupted
29 services covered by this section. The credit or refund must be
30 provided within 30 days after the service is restored or the
31 date of the customer's next bill following service restoration,
32 whichever is later. Notwithstanding any other provision of law
33 to the contrary, the commission shall impose a fine equal to 10
34 times the credit or refund amount upon any telecommunications
35 company that fails to provide a credit or refund as specified in
36 this paragraph. The commission may adopt rules to implement this
37 paragraph.

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

40 610.108 Customer service standards.—

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Amendment No. 2

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

43 (b) A cable or video service provider may not charge a
44 customer for cable or video service that has been interrupted
45 for longer than 24 consecutive hours unless:

46 1. The interruption is caused by a negligent or willful
47 act by the customer;

48 2. The interruption is caused by damage or loss of
49 electrical power on the customer's side of the service
50 demarcation point that prevents the receipt or use of service
51 that is otherwise available; or

52 3. The cable or video service provider, by means of any
53 other platform, provides the customer with access to programming
54 or service substantially similar to the interrupted service
55 during the period of the interruption at no additional cost.

56 (c) Restoration of service for less than one hour during
57 the service interruption does not toll the calculation of time
58 for purposes of determining the length of the service
59 interruption. The credit or refund shall be calculated by
60 identifying the number of days beyond the first 24 hours that
61 service was interrupted, dividing that number by the number of
62 days in the billing period, and multiplying the resulting
63 fraction by the normal billing amount. If the interrupted
64 service is provided as part of a bundled package that includes
65 services not covered by this section, the credit or refund shall



Amendment No. 2

66 be calculated based only on the portion of the normal billing
67 amount attributable to the interrupted services covered by this
68 section. The credit or



Amendment No. a2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities

2 Subcommittee

3 Representative Daniels offered the following:

4
5 **Amendment to Amendment (323637) by Representative Fine**

6 Remove lines 33-37 of the amendment and insert:

7 to the contrary, the Department of Agriculture and Consumer
8 Services shall impose an administrative fine equal to 10 times
9 the credit or refund amount upon any telecommunications company
10 that fails to provide a credit or refund as specified in this
11 paragraph.



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities
2 Subcommittee
3 Representative Fine offered the following:

Amendment

Between lines 121 and 122, insert:

7 (c) If a customer of a telecommunications company requests
8 that service be discontinued on a date before the end of the
9 customer's normal billing period, the customer charge for that
10 period shall be calculated by identifying the number of days
11 that service is provided in the billing period, up to and
12 including the date that service is discontinued, dividing that
13 number by the number of days in the billing period, and
14 multiplying the resulting fraction by the normal charge for the
15 billing period. The telecommunications company shall credit the
16 customer's account or issue a refund for any overpayment to



Amendment No. 3

17 reflect the amount due as calculated pursuant to this paragraph.
18 The credit or refund must be provided within 30 days after the
19 service is discontinued or the date of the customer's next
20 regular bill following discontinuance, whichever is later.
21 Notwithstanding any other provision of law to the contrary, the
22 Department of Agriculture and Consumer Services shall impose an
23 administrative fine equal to 10 times the credit or refund
24 amount upon any telecommunications company that fails to provide
25 a credit or refund as specified in this paragraph. This
26 provision does not reduce any applicable contractual penalty or
27 fee that applies when a customer discontinues service during the
28 term of a contract if such customer has agreed to take service
29 from the telecommunications company at a specified rate for the
30 full term of the contract and the term of the contract includes
31 more than one billing period.

32 (d) Fines collected by the department under this section
33 shall be remitted to its General Inspection Trust Fund.

34 (e) The department may adopt rules to implement paragraphs
35 (b) and (c) of this subsection.
36



Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities
2 Subcommittee

3 Representative Fine offered the following:

4
5 **Amendment**

6 Between lines 148 and 149, insert:

7 (c) If a customer of a cable or video service provider
8 requests that service be discontinued on a date before the end
9 of the customer's normal billing period, the customer charge for
10 that period shall be calculated by identifying the number of
11 days that service is provided in the billing period, up to and
12 including the date that service is discontinued, dividing that
13 number by the number of days in the billing period, and
14 multiplying the resulting fraction by the normal charge for the
15 billing period. The cable or video service provider shall credit
16 the customer's account or issue a refund for any overpayment to



Amendment No. 4

17 reflect the amount due as calculated pursuant to this paragraph.
18 The credit or refund must be provided within 30 days after the
19 service is discontinued or the date of the customer's next
20 regular bill following discontinuance, whichever is later.
21 Notwithstanding any other provision of law to the contrary, the
22 Department of Agriculture and Consumer Services shall impose an
23 administrative fine equal to 10 times the credit or refund
24 amount upon any cable or video service provider that fails to
25 provide a credit or refund as specified in this paragraph. This
26 provision does not reduce any applicable contractual penalty or
27 fee that applies when a customer discontinues service during the
28 term of a contract if such customer has agreed to take service
29 from the cable or video service company at a specified rate for
30 the full term of the contract and the term of the contract
31 includes more than one billing period.

32 (d) Fines collected by the department under this section
33 shall be remitted to its General Inspection Trust Fund.

34 (e) The department may adopt rules to implement paragraphs
35 (b) and (c) of this subsection.
36

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1057 E911 Systems
SPONSOR(S): DuBose and others
TIED BILLS: IDEN./SIM. BILLS: SB 190

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Energy & Utilities Subcommittee		Keating <i>CK</i>	Keating <i>CK</i>
2) Government Operations & Technology Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Within the E911 system, public safety answering points (PSAPs) are the public safety agencies that receive incoming 911 requests for assistance and dispatch appropriate public safety agencies to respond to the requests in accordance with the state E911 plan. According to the Department of Management Services, some counties are currently able to implement call routing between PSAPs within their county jurisdiction, but most, if not all, cannot route calls outside of their county.

The bill creates s. 365.176, F.S., to require the office to develop and implement a plan by January 1, 2019, to require that all 911 public safety telecommunicators, when prudent and requested by a caller or when necessary, be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues in implementing the plan.
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in the state.
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in the state must be able to transfer emergency calls as described above.

The bill does not appear to impact state or local government revenues. The bill appears to have an indeterminate negative impact on state government expenditures and may have an indeterminate impact on local government expenditures.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Technology Program (office) within the Department of Management Services (DMS) oversees the E911 system in Florida.¹ The office is required by law to develop, maintain, and implement the statewide emergency communications E911 system plan. The plan must provide for:

- The public agency emergency communications requirements for each entity of local government² in the state.
- A system to meet specific local government requirements, which must include law enforcement, firefighting, and emergency medical services, and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective E911 system.
- A funding provision that identifies the cost to implement the E911 system.

The office is responsible for implementing and coordinating the plan, and must adopt any necessary rules and schedules related to public agencies³ implementing and coordinating the plan. The secretary of DMS, or his or her designee, is the director of the statewide emergency communications number E911 system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.

Florida law permits the formation of multijurisdictional or regional E911 systems. Any system established pursuant to this law may include the jurisdiction, or any portion thereof, of more than one public agency.⁴

Within the E911 system, public safety answering points (PSAPs) are the public safety agencies⁵ that receive incoming 911 requests for assistance and dispatch appropriate public safety agencies to respond to the requests in accordance with the state E911 plan.⁶ There are 256 primary, secondary, and backup PSAPs in Florida.⁷ According to DMS, some counties are currently able to implement call routing between PSAPs within their county jurisdiction, but most, if not all, cannot route calls outside of their county without using an Emergency Service Internet Protocol Network (ESInet).⁸ Currently, there is not a statewide ESInet established.⁹

¹ s. 365.171, F.S.

² "Local government" is defined as any city, county, or political subdivision of the state and its agencies. s. 365.171(3)(b), F.S.

³ "Public agency" is defined as the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. s. 365.171(3)(c), F.S.

⁴ s. 365.175(6), F.S.

⁵ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. s. 365.172(3)(x), F.S.

⁶ s. 365.172(3)(y), F.S.

⁷ Florida Department of Management Services, Agency Analysis of 2018 HB 1057, p. 2 (Jan. 23, 2018).

⁸ *Id.*

⁹ *Id.*

Effect of Proposed Changes

The bill creates s. 365.176, F.S., to require the office to develop and implement a plan by January 1, 2019, to require that all 911 public safety telecommunicators,¹⁰ when prudent and requested by a caller or when necessary, be able to transfer an emergency call from one local, multijurisdictional, or regional E911 system to another local, multijurisdictional, or regional E911 system in the state. In developing and implementing this plan, the office is required to:

- Coordinate with public agencies to identify and resolve any technological or logistical issues in implementing the plan.
- Identify or establish a system or clearinghouse for maintaining contact information for all E911 systems in the state.
- Establish a date, considering any technological, logistical, financial, or other identified issues, by which all E911 systems in the state must be able to transfer emergency calls as described above.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

Section 1. Amends s. 365.172, F.S., providing a definition.

Section 2. Creates s. 365.176, F.S., relating to the transfer of E911 calls between systems.

Section 3. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appears to have an indeterminate negative impact on state government expenditures. The bill requires DMS to develop and implement a plan that allows for the transfer of calls between E911 systems within Florida. DMS indicates that the costs to implement these requirements are unknown but are expected to be significant.¹¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹⁰ “911 public safety telecommunicator” is defined as a public safety dispatcher or 911 operator whose duties and responsibilities include the answering, receiving, transferring, and dispatching functions related to 911 calls; dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency; providing real-time information from federal, state, and local crime databases; or supervising or serving as the command officer to a person or persons having such duties and responsibilities. However, the term does not include administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel. s. 401.465(1)(a), F.S.

¹¹ *Supra* note 7, at p. 4.

2. Expenditures:

The bill may have an indeterminate impact on local government expenditures. DMS indicates that many of the 911 call centers in Florida are not equipped to implement the transfer service required by the bill and will require equipment upgrades.¹² However, some or all of the costs may be eligible under s. 365.172(10), F.S., for funding through the state's E911 Fund.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide any new rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to E911 systems; amending s. 365.172,
 3 F.S.; revising applicability of definitions; providing
 4 a definition; creating s. 365.176, F.S.; requiring the
 5 Technology Program within the Department of Management
 6 Services to develop and implement a plan to require
 7 that emergency dispatchers be able to transfer an
 8 emergency call from one E911 system to another E911
 9 system in the state; providing duties relating to the
 10 development and implementation of such plan; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (3) of section 365.172, Florida
 16 Statutes, is amended to read:

17 365.172 Emergency communications number "E911."—

18 (3) DEFINITIONS.—Only as used in this section and ss.
 19 365.171, 365.173, ~~and~~ 365.174, and 365.176, the term:

20 (a) "911 public safety telecommunicator" has the same
 21 meaning as provided in s. 401.465(1).

22 (b)~~(a)~~ "Authorized expenditures" means expenditures of the
 23 fee, as specified in subsection (10).

24 (c)~~(b)~~ "Automatic location identification" means the
 25 capability of the E911 service which enables the automatic

26 display of information that defines the approximate geographic
27 location of the wireless telephone, or the location of the
28 address of the wireline telephone, used to place a 911 call.

29 (d)~~(e)~~ "Automatic number identification" means the
30 capability of the E911 service which enables the automatic
31 display of the service number used to place a 911 call.

32 (e)~~(d)~~ "Board" or "E911 Board" means the board of
33 directors of the E911 Board established in subsection (5).

34 (f)~~(e)~~ "Building permit review" means a review for
35 compliance with building construction standards adopted by the
36 local government under chapter 553 and does not include a review
37 for compliance with land development regulations.

38 (g)~~(f)~~ "Collocation" means the situation when a second or
39 subsequent wireless provider uses an existing structure to
40 locate a second or subsequent antennae. The term includes the
41 ground, platform, or roof installation of equipment enclosures,
42 cabinets, or buildings, and cables, brackets, and other
43 equipment associated with the location and operation of the
44 antennae.

45 (h)~~(g)~~ "Designed service" means the configuration and
46 manner of deployment of service the wireless provider has
47 designed for an area as part of its network.

48 (i)~~(h)~~ "Enhanced 911" or "E911" means an enhanced 911
49 system or enhanced 911 service that is an emergency telephone
50 system or service that provides a subscriber with 911 service

51 and, in addition, directs 911 calls to appropriate public safety
 52 answering points by selective routing based on the geographical
 53 location from which the call originated, or as otherwise
 54 provided in the state plan under s. 365.171, and that provides
 55 for automatic number identification and automatic location-
 56 identification features. E911 service provided by a wireless
 57 provider means E911 as defined in the order.

58 (j)~~(i)~~ "Existing structure" means a structure that exists
 59 at the time an application for permission to place antennae on a
 60 structure is filed with a local government. The term includes
 61 any structure that can structurally support the attachment of
 62 antennae in compliance with applicable codes.

63 (k)~~(j)~~ "Fee" means the E911 fee authorized and imposed
 64 under subsections (8) and (9).

65 (l)~~(k)~~ "Fund" means the Emergency Communications Number
 66 E911 System Fund established in s. 365.173 and maintained under
 67 this section for the purpose of recovering the costs associated
 68 with providing 911 service or E911 service, including the costs
 69 of implementing the order. The fund shall be segregated into
 70 wireless, prepaid wireless, and nonwireless categories.

71 (m)~~(l)~~ "Historic building, structure, site, object, or
 72 district" means any building, structure, site, object, or
 73 district that has been officially designated as a historic
 74 building, historic structure, historic site, historic object, or
 75 historic district through a federal, state, or local designation

76 program.

77 (n)~~(m)~~ "Land development regulations" means any ordinance
 78 enacted by a local government for the regulation of any aspect
 79 of development, including an ordinance governing zoning,
 80 subdivisions, landscaping, tree protection, or signs, the local
 81 government's comprehensive plan, or any other ordinance
 82 concerning any aspect of the development of land. The term does
 83 not include any building construction standard adopted under and
 84 in compliance with chapter 553.

85 (o)~~(n)~~ "Local exchange carrier" means a "competitive local
 86 exchange telecommunications company" or a "local exchange
 87 telecommunications company" as defined in s. 364.02.

88 (p)~~(e)~~ "Local government" means any municipality, county,
 89 or political subdivision or agency of a municipality, county, or
 90 political subdivision.

91 (q)~~(p)~~ "Medium county" means any county that has a
 92 population of 75,000 or more but less than 750,000.

93 (r)~~(q)~~ "Mobile telephone number" or "MTN" means the
 94 telephone number assigned to a wireless telephone at the time of
 95 initial activation.

96 (s)~~(r)~~ "Nonwireless category" means the revenues to the
 97 fund received from voice communications services providers other
 98 than wireless providers.

99 (t)~~(s)~~ "Office" means the Technology Program within the
 100 Department of Management Services, as designated by the

101 secretary of the department.

102 (u)~~(t)~~ "Order" means:

103 1. The following orders and rules of the Federal
104 Communications Commission issued in FCC Docket No. 94-102:

105 a. Order adopted on June 12, 1996, with an effective date
106 of October 1, 1996, the amendments to s. 20.03 and the creation
107 of s. 20.18 of Title 47 of the Code of Federal Regulations
108 adopted by the Federal Communications Commission pursuant to
109 such order.

110 b. Memorandum and Order No. FCC 97-402 adopted on December
111 23, 1997.

112 c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

113 d. Order No. FCC 98-345 adopted December 31, 1998.

114 2. Orders and rules subsequently adopted by the Federal
115 Communications Commission relating to the provision of 911
116 services, including Order Number FCC-05-116, adopted May 19,
117 2005.

118 (v)~~(u)~~ "Prepaid wireless category" means all revenues in
119 the fund received through the Department of Revenue from the fee
120 authorized and imposed under subsection (9).

121 (w)~~(v)~~ "Prepaid wireless service" means a right to access
122 wireless service that allows a caller to contact and interact
123 with 911 to access the 911 system, which service must be paid
124 for in advance and is sold in predetermined units or dollars,
125 which units or dollars expire on a predetermined schedule or are

126 decremented on a predetermined basis in exchange for the right
 127 to access wireless service.

128 (x)~~(w)~~ "Public agency" means the state and any
 129 municipality, county, municipal corporation, or other
 130 governmental entity, public district, or public authority
 131 located in whole or in part within this state which provides, or
 132 has authority to provide, firefighting, law enforcement,
 133 ambulance, medical, or other emergency services.

134 (y)~~(x)~~ "Public safety agency" means a functional division
 135 of a public agency which provides firefighting, law enforcement,
 136 medical, or other emergency services.

137 (z)~~(y)~~ "Public safety answering point," "PSAP," or
 138 "answering point" means the public safety agency that receives
 139 incoming 911 requests for assistance and dispatches appropriate
 140 public safety agencies to respond to the requests in accordance
 141 with the state E911 plan.

142 (aa)~~(z)~~ "Rural county" means any county that has a
 143 population of fewer than 75,000.

144 (bb)~~(aa)~~ "Service identifier" means the service number,
 145 access line, or other unique identifier assigned to a subscriber
 146 and established by the Federal Communications Commission for
 147 purposes of routing calls whereby the subscriber has access to
 148 the E911 system.

149 (cc)~~(bb)~~ "Tower" means any structure designed primarily to
 150 support a wireless provider's antennae.

151 (dd)~~(ee)~~ "Voice communications services" means two-way
152 voice service, through the use of any technology, which actually
153 provides access to E911 services, and includes communications
154 services, as defined in s. 202.11, which actually provide access
155 to E911 services and which are required to be included in the
156 provision of E911 services pursuant to orders and rules adopted
157 by the Federal Communications Commission. The term includes
158 voice-over-Internet-protocol service. For the purposes of this
159 section, the term "voice-over-Internet-protocol service" or
160 "VoIP service" means interconnected VoIP services having the
161 following characteristics:

- 162 1. The service enables real-time, two-way voice
163 communications;
- 164 2. The service requires a broadband connection from the
165 user's locations;
- 166 3. The service requires IP-compatible customer premises
167 equipment; and
- 168 4. The service offering allows users generally to receive
169 calls that originate on the public switched telephone network
170 and to terminate calls on the public switched telephone network.

171 (ee)~~(dd)~~ "Voice communications services provider" or
172 "provider" means any person or entity providing voice
173 communications services, except that the term does not include
174 any person or entity that resells voice communications services
175 and was assessed the fee authorized and imposed under subsection

176 (8) by its resale supplier.

177 (ff)~~(ee)~~ "Wireless 911 system" or "wireless 911 service"
 178 means an emergency telephone system or service that provides a
 179 subscriber with the ability to reach an answering point by
 180 accessing the digits 911.

181 (gg)~~(ff)~~ "Wireless category" means the revenues to the
 182 fund received from a wireless provider from the fee authorized
 183 and imposed under subsection (8).

184 (hh)~~(gg)~~ "Wireless communications facility" means any
 185 equipment or facility used to provide service and may include,
 186 but is not limited to, antennae, towers, equipment enclosures,
 187 cabling, antenna brackets, and other such equipment. Placing a
 188 wireless communications facility on an existing structure does
 189 not cause the existing structure to become a wireless
 190 communications facility.

191 (ii)~~(hh)~~ "Wireless provider" means a person who provides
 192 wireless service and:

- 193 1. Is subject to the requirements of the order; or
- 194 2. Elects to provide wireless 911 service or E911 service
- 195 in this state.

196 (jj)~~(ii)~~ "Wireless service" means "commercial mobile radio
 197 service" as provided under ss. 3(27) and 332(d) of the Federal
 198 Telecommunications Act of 1996, 47 U.S.C. ss. 151 et seq., and
 199 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
 200 66, August 10, 1993, 107 Stat. 312. The term includes service

201 provided by any wireless real-time two-way wire communication
 202 device, including radio-telephone communications used in
 203 cellular telephone service; personal communications service; or
 204 the functional or competitive equivalent of a radio-telephone
 205 communications line used in cellular telephone service, a
 206 personal communications service, or a network radio access line.
 207 The term does not include wireless providers that offer mainly
 208 dispatch service in a more localized, noncellular configuration;
 209 providers offering only data, one-way, or stored-voice services
 210 on an interconnected basis; providers of air-to-ground services;
 211 or public coast stations.

212 Section 2. Section 365.176, Florida Statutes, is created
 213 to read:

214 365.176 Transfer of E911 calls between systems.—

215 (1) The office shall develop and implement a plan by
 216 January 1, 2019, to require that a 911 public safety
 217 telecommunicator, when deemed prudent and requested by a caller
 218 or when necessary, be able to transfer an emergency call from
 219 one local, multijurisdictional, or regional E911 system to
 220 another local, multijurisdictional, or regional E911 system in
 221 the state.

222 (2) In developing and implementing this plan, the office
 223 shall:

224 (a) Coordinate with public agencies to identify and
 225 resolve any technological or logistical issues in implementing

226 | this section.

227 | (b) Identify or establish a system or clearinghouse for
 228 | maintaining contact information for all E911 systems in the
 229 | state.

230 | (c) Establish a date, considering any technological,
 231 | logistical, financial, or other identified issues, by when all
 232 | E911 systems in the state must be able to transfer emergency
 233 | calls pursuant to subsection (1).

234 | Section 3. This act shall take effect July 1, 2018.

Workshop- Select Committee
Recommendations

ENERGY & UTILITIES SUBCOMMITTEE

WORKSHOP

Select Recommendations from the Final Report of the Select Committee on Hurricane Response and Preparedness

January 29, 2018

Hardening and Restoring Florida's Electric Grid

Recommendations for Workshop:

- Consider repealing the statutory exception to statewide standards for vegetation management within power line rights-of-way. (s. 163.3209, F.S.)
- Improve communication and cooperation between electric utilities and local emergency management officials, and during power restoration, emphasize restoration of facilities identified by the local emergency management officials as critical to the public health, safety, welfare, and security. Such facilities may include: emergency management and law enforcement facilities; health care facilities; shelters; critical utility, transportation, communications, government, and military infrastructure; and providers of essential goods and services.

163.3209 Electric transmission and distribution line right-of-way maintenance.—After a right-of-way for any electric transmission or distribution line has been established and constructed, no local government shall require or apply any permits or other approvals or code provisions for or related to vegetation maintenance and tree pruning or trimming within the established right-of-way. The term “vegetation maintenance and tree pruning or trimming” means the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way. The provisions of this section do not include the removal of trees outside the right-of-way, which may be allowed in compliance with applicable local ordinances. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within an established right-of-way, the utility shall provide the official designated by the local government with a minimum of 5 business days’ advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage or when performed at the request of the property owner adjacent to the right-of-way, provided that the owner has approval of the local government, if needed. Upon the request of the local government, the electric utility shall meet with the local government to discuss and submit the utility’s vegetation maintenance plan, including the utility’s trimming specifications and maintenance practices. Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to ANSI A300 (Part I)—2001 pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements. Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or licensed contractors trained to conduct vegetation maintenance and tree trimming or pruning consistent with this section or by Certified Arborists certified by the Certification Program of the International Society of Arboriculture. A local government shall not adopt an ordinance or land development regulation that requires the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric utility right-of-way or intrude from the side closer than the clearance distance specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2. This section does not supersede or nullify the terms of specific franchise agreements between an electric utility and a local government and shall not be construed to limit a local government’s franchising authority. This section does not supersede local government ordinances or regulations governing planting, pruning, trimming, or removal of specimen trees or historical trees, as defined in a local government’s ordinances or regulations, or trees within designated canopied protection areas. This section shall not apply if a local government develops, with input from the utility, and the local government adopts, a written plan specifically for vegetation maintenance, tree pruning, tree removal, and tree trimming by the utility within the local government’s established rights-of-way and the plan is not inconsistent with the minimum requirements of the National Electrical Safety Code as adopted by the Public Service Commission; provided, however, such a plan shall not require the planting of a tree or other vegetation that will achieve a height greater than 14 feet in an established electric right-of-way. Vegetation maintenance costs shall be considered recoverable costs.

History.—s. 2, ch. 2006-268.