

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Communications and Public Utilities Committee

BILL: SB 184

INTRODUCER: Senator Garcia

SUBJECT: Telecommunications Service Contracts/Written Consent

DATE: March 11, 2008

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Wiehle | Caldwell | CU | Pre-meeting |
| 2. | | | CM | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill prohibits extending the length of a written telecommunications service contract beyond the initial contract period solely because the customer elects to add or remove any service from the telecommunications services contract, allowing the extension of a contract only upon the express written consent of the customer. The bill applies to any telecommunications company or commercial mobile radio services provider which requires as a condition of receiving services that the customer enter into a written telecommunications service contract.

This bill creates section 364.193 of the Florida Statutes.

II. Present Situation:

There is no such law.

III. Effect of Proposed Changes:

The bill creates s. 364.193, F.S. It prohibits extending the length of a written telecommunications service contract beyond the initial contract period solely because the customer elects to add or remove any service from the telecommunications services contract. The bill allows extension of the length of a contract only upon the express written consent of the customer. The bill applies to any telecommunications company or commercial mobile radio services provider which provides telecommunications services and requires as a condition of receiving such services that the customer enter into a written telecommunications service contract.

The bill defines “telecommunications company” by reference to s. 364.02, F.S., which includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. Section 364.02, F.S., expressly excludes from inclusion in the term the following:

- An entity which provides a telecommunications facility exclusively to a certificated telecommunications company;
- An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;
- A commercial mobile radio service provider;
- A facsimile transmission service;
- A private computer data network company not offering service to the public for hire;
- A cable television company providing cable service as defined in 47 U.S.C. s. 522; or
- An intrastate interexchange telecommunications company.

“Commercial mobile radio services provider” is defined by reference to 47 C.F.R. s. 20.3, which provides a mobile service that is:

- provided for profit, i.e., with the intent of receiving compensation or monetary gain;
- an interconnected service; and
- available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or
- the functional equivalent of such a mobile service.

The bill takes effect July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminable. Although telecommunications service providers will no longer be able to extend the length of service contracts solely because of changes to the services to be provided under the contract, this may encourage customers who would otherwise not renew contracts to do so.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.