

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

DECEMBER 5, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (MUSSELWHITE) *BTJ*  
DIVISION OF LEGAL SERVICES (KEATING) *wck mcb*

RE: DOCKET NO. 961429-TL - REQUEST FOR APPROVAL OF TARIFF  
FILING TO INCREASE RETURNED CHECK SERVICE CHARGE FOR  
DISHONORED CHECKS BY INDIANTOWN TELEPHONE SYSTEM, INC.  
(T-961027 FILED 11/26/96)

AGENDA: DECEMBER 17, 1996 - REGULAR AGENDA - TARIFF FILING -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 30-DAY SUSPENSION DATE: DECEMBER 26, 1996

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961429TL.RCM

---

DISCUSSION OF ISSUES

ISSUE 1: Should Indiantown Telephone System's request to increase its returned check service charge for dishonored checks be approved?

RECOMMENDATION: Yes, Indiantown's request should be approved.

STAFF ANALYSIS: On November 26, 1996 Indiantown Telephone System, Inc. filed a tariff, attached hereto as Attachment A, which increases the returned check service charge for dishonored checks. The tariff language was modified to match recent legislative changes to the statutes governing dishonored checks. Chapter 96-239, §1, 1996 Florida Laws 893. A copy of this chapter is attached as Attachment B. Staff recommends approval of Indiantown's tariff, because it is in accordance with the above referenced statute, and it is similar to the tariff filing by Northeast Florida Telephone Company that the Commission approved on November 26, 1996.

DOCUMENT NUMBER-DATE

13011 DEC-5

FPSC-RECORDS/REPORTING

DOCKET NO. 961429-TL  
DATE: DECEMBER 5, 1996

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If Issue 1 is approved, this tariff should become effective December 26, 1996. If a protest is filed within 21 days from the issuance date of the Order, the tariff should remain in effect pending resolution of the protest. If no timely protest is filed, this docket should be closed.

STAFF ANALYSIS: If the Commission approves Issue 1, this tariff should become effective December 26, 1996. If a protest is filed within 21 days from the issuance date of the Order, the tariff should remain in effect pending resolution of the protest. If no timely protest is filed, this docket should be closed.

GENERAL SUBSCRIBER SERVICES TARIFF

INDIANTOWN TELEPHONE SYSTEM, INC.

FPSC Tariff No. 2  
SECTION 4  
Second Revised Sheet 3  
Cancels First Revised Sheet 3

SERVICE CHARGES

4.2 SCHEDULE OF CHARGES

4.2.1 General

- a. Each category of work has a cost to the Company.
- b. The cost to the Company to perform work is recovered by applying charges designed to recover all or a portion of the cost of the work.

4.2.2 Type and Level of Charges (Non-recurring)

- a. Access Line Charge \$18.00
- b. Premise Visit Charge \$ 6.00
- c. Primary Service Order Charge \$15.00
- d. Rearrangement Charge \$10.00
- e. Restoration Charge \$10.00
- f. Returned Check Charge
  - face value of check under \$50 \$25.00
  - face value of \$50 to under \$300 \$30.00
  - face value \$300 or more \$40.00 or  
5% of the check,  
whichever is greater.
- g. Secondary Service Order Charge \$12.00
- h. Trouble Location Charge \$30.00

I  
|  
I

4.2.3 Type and Level of Charges (Recurring)

- A. Trouble Location Plan \$1.00/  
month

EFFECTIVE DATE:

ISSUED BY:

Robert M. Post  
President

sted to read:  
nds.—The department

vasive exotic plants on  
are detrimental to the

the development and  
the control of invasive

in the State University  
cerning biological con-  
l agents; and develop-  
asive exotic plants on

und as authorized by  
ction on public lands.

2) of section 403.813,

is.—

apter 61-691, Laws of  
lorida, 1949, shall be  
s of projects; however,  
any requirement to  
Board of Trustees of  
anagement district is  
lying with applicable  
chapter or other re-

oval of tussocks, the  
e associated removal  
material that exists  
y to accomplish such  
nts for aquatic plant  
sediment attached to  
l by the department  
ly to any mitigation  
der chapter 373.

ject, any mitigation  
negotiation between  
partment of Trans-  
reached, the project  
3), Florida Statutes.

Section 6. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 25, 1996.

Filed in Office Secretary of State May 24, 1996.

## CHAPTER 96-239

### Senate Bill No. 2296

An act relating to dishonored checks; amending ss. 68.065, 125.0105, 832.07, F.S.; increasing the service charge that the payee of a dishonored check, draft, or order may impose on the payor; amending s. 832.06, F.S.; increasing the amount of the fee that a state attorney may charge the payor of a dishonored check to fund the bad check diversion program; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 68.065, Florida Statutes, are amended to read:

68.065 Actions to collect worthless checks, drafts, or orders of payment; attorney's fees and collection costs.—

(2) The payee may also charge the maker or drawer of the check, draft, or order of payment a service charge not to exceed the service fees authorized under s. 832.06(5) \$20 or 5 percent of the face amount of the instrument, whichever is greater, when making written demand for payment. In the event that a judgment or decree is rendered, interest at the rate and in the manner described in s. 55.03 may be added toward the total amount due. Any bank fees incurred by the payee may be charged to the maker or drawer of the check, draft, or order of payment.

(3) Before recovery under subsection (1) or subsection (2) may be claimed, a written demand shall be delivered by certified or registered mail, evidenced by return receipt, to the maker or drawer of the check, draft, or order of payment. The form of such notice shall be substantially as follows:

"You are hereby notified that a check numbered \_\_\_\_\_ in the face amount of \$\_\_\_\_\_ issued by you on ...(date)..., drawn upon ...(name of bank)..., and payable to \_\_\_\_\_, has been dishonored. Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25. if the face value does not exceed \$50, \$30. if the face value exceeds \$50 but does not exceed \$300, \$40. if the face value exceeds \$300, \$20 or 5 percent of the face amount of the check, whichever is greater, the total amount due being \$\_\_\_\_\_ and \_\_\_\_\_ cents. Unless this amount is paid in full within the 30-day period, the holder of the check or instrument may file a civil action against you for three times the amount of the check, but in no case less than \$50, in addition to the payment of the check plus any court costs,

reasonable attorney fees, and any bank fees incurred by the payee in taking the action."

Section 2. Section 125.0105, Florida Statutes, is amended to read:

125.0105 Service fee for dishonored check.—The governing body of county may adopt a service fee not to exceed the service fees authorized under s. 832.08(5) of \$20 or 5 percent of the face amount of the check, draft, or order whichever is greater, for the collection of a dishonored check, draft, or order for the payment of money to a county official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from the fee, if imposed, shall be retained by the collector of the fee.

Section 3. Paragraph (a) of subsection (1) of section 832.07, Florida Statutes, is amended to read:

832.07 Prima facie evidence of intent; identity.—

(1) INTENT.—

(a) In any prosecution or action under this chapter, the making, drawing, uttering, or delivery of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit, shall be prima facie evidence of intent to defraud or knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, unless such maker or drawer, or someone for him, shall have paid the holder thereof the amount due thereon, together with a service charge not to exceed the service fees authorized under s. 832.08(5) \$20 or an amount of up to 5 percent of the face amount of the check, whichever is greater, within 7 days after receiving written notice that such check, draft, or order has not been paid to the holder thereof, and bank fees incurred by the holder. In the event of legal action for recovery, the maker or drawer may be additionally liable for court costs and reasonable attorney's fees. Notice mailed by certified or registered mail, evidenced by return receipt, to the address printed on the check or given at the time of issuance shall be deemed sufficient and equivalent to notice having been received by the maker or drawer, whether such notice shall be returned undelivered or not. The form of such notice shall be substantially as follows:

"You are hereby notified that a check, numbered \_\_\_\_\_, in the face amount of \$\_\_\_\_\_ issued by you on (date)\_\_\_\_, drawn upon (name of bank)\_\_\_\_, and payable to \_\_\_\_\_, has been dishonored. Pursuant to Florida law, you have 7 days from receipt of this notice to tender payment of the full amount of such check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, \$50 or an amount of up to 5 percent of the face amount of the check, whichever is greater, the total amount due being \$\_\_\_\_\_ and \_\_\_\_\_ cents. Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the state attorney for criminal prosecution. You may be additionally liable in a civil action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in s. 68.065."