

1 Section 1. Communications services offered by local
2 governments.--

3 (1) The Legislature finds that it is the policy of
4 this state to prohibit local governments from offering
5 communications services in competition with private providers
6 of communications services.

7 (2) As used in this section, the term:

8 (a) "Local government" means any political subdivision
9 as defined in section 101.01, Florida Statutes, and any
10 utility authority or other authority, board, branch,
11 department, or unit thereof.

12 (b) "Advanced service" means high-speed Internet
13 access service capability in excess of 144 kilobits per second
14 in the upstream or the downstream direction, including any
15 service application provided over the high-speed-access
16 service or any information service as defined in 47 U.S.C. s.
17 153(20).

18 (c) "Communications services" includes the offering of
19 any "advanced service," "cable service," or
20 "telecommunications service" and shall be construed in the
21 broadest sense.

22 (d) "Cable service" has the same meaning as in 47
23 U.S.C. s. 522(6).

24 (e) "Providing," with respect to a named service,
25 means offering or supplying a service for a fee or other
26 consideration to a person, including any portion of the public
27 or a local government or private provider.

28 (f) "Subscriber" means a person who receives a
29 communications service.

30 (g) "Telecommunications services" means the
31 transmission of signs, signals, writing, images, sounds,

1 messages, data, or other information of the user's choosing,
2 by wire, radio, light waves, or other electromagnetic means,
3 without change in the form or content of the information as
4 sent and received by the user and regardless of the facilities
5 used.

6 (3) Any local government that is providing a
7 communications service on the effective date of this act may
8 continue offering service to those existing subscribers on
9 that date. However, such local government may not extend its
10 service offerings or service areas.

11 (4) If a local government determines that it cannot
12 obtain a communications service, the local government shall
13 provide notice to all dealers of communications services
14 registered with the Department of Revenue under chapter 202,
15 Florida Statutes, and allow such dealers 180 days during which
16 to provide the requested service before providing a
17 competitive communications service. If such a circumstance
18 occurs:

19 (a) Any local government that provides a cable service
20 shall comply with the Cable Communications Policy Act of 1984,
21 47 U.S.C. 521, et seq.; the regulations issued by the Federal
22 Communications Commission under the Cable Communications
23 Policy Act of 1984, 47 U.S.C. 521, et seq.; and all applicable
24 state and federal rules and regulations, including, but not
25 limited to, section 166.046, Florida Statutes, and those
26 provisions of chapter 202, 212, and 337, Florida Statutes,
27 which apply to a provider of such services.

28 (b) A local government that provides a
29 telecommunications service or advanced service shall comply,
30 if applicable, with chapter 364, Florida Statutes, and rules
31 adopted by the Florida Public Service Commission; chapter 166,

1 Florida Statutes; and all applicable state and federal rules
2 and regulations, including, but not limited to, those
3 provisions of chapters 202, 212, and 337, Florida Statutes,
4 which apply to a provider of such services.

5 (c) A local government may not exercise its power or
6 authority in any area, including zoning or land use, to
7 require any person, including residents of a particular
8 development, to use the local government's communications
9 services.

10 (d) A local government shall apply its ordinances,
11 rules, and policies and exercise any authority under state or
12 federal laws, including those relating to the following
13 subjects, without discrimination as to itself and any private
14 provider of communications services:

15 1. Access to public rights-of-way; and

16 2. Permitting, access to, use of, and payment for use
17 of local government-owned poles. The local government is
18 subject to the same terms, conditions, and fees, if any, for
19 access to government-owned poles which the local government
20 applies to a private provider for such access.

21 (e) A local government may not pledge any revenues in
22 support of the issuance of any bonds to be used to finance a
23 business venture outside the local government's geographical
24 boundaries in competition with providers for the provision of
25 communications services.

26 (5) Notwithstanding section 542.235, Florida Statutes,
27 or any other provision of law, a local government that
28 provides communications services is subject to the same
29 prohibitions applicable to private providers under sections
30 542.18 and 542.19, Florida Statutes.

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