

Bill No. SB 900

Barcode 114370

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities
(Constantine) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Standard for cable services and video
programming.--

(1) As used in this section, the term:

(a) "Cable service" means:

1. The one-way transmission to subscribers of video
programming or any other programming service; and

2. Subscriber interaction, if any, which is required
for the selection of such video programming or other
programming service.

(b) "Cable system" means a facility consisting of a
set of closed transmission paths and associated signal
generation, reception, and control equipment that is designed
to provide cable service that includes video programming and
that is provided to multiple subscribers within a community,

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1 but such term does not include:

2 1. A facility that serves only to retransmit the
3 television signals of one or more television broadcast
4 stations;

5 2. A facility that serves only subscribers in one or
6 more multiple-unit dwellings under common ownership, control,
7 or management, unless such facility or facilities use any
8 public right-of-way;

9 3. A facility that serves subscribers without using
10 any public right-of-way;

11 4. A facility of a common carrier that is subject, in
12 whole or in part, to the provisions of 47 U.S.C. ss. 201 et
13 seq., except that the specific bandwidths or wavelengths over
14 such facility shall be considered a cable system only to the
15 extent that such bandwidths or wavelengths are used in the
16 transmission of video programming directly to subscribers,
17 unless the extent of such use is solely to provide interactive
18 on-demand services, in which case it is not a cable system; or

19 5. Any facilities of any electric utility used solely
20 for operating its electric utility systems.

21 (c) "Franchise" means an initial authorization or
22 renewal of an authorization, regardless of whether the
23 authorization is designated as a franchise, permit, license,
24 resolution, contract, certificate, agreement, or otherwise, to
25 construct and operate a cable system in the public
26 right-of-way.

27 (d) "Franchise authority" means any governmental
28 entity empowered to grant a franchise by federal, state, or
29 local law.

30 (e) "Provider of cable services" means a entity that
31 provides cable service over a cable system.

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1 (f) "Video programming" means programming provided by,
2 or generally considered comparable to programming provided by,
3 a television broadcast station as set forth in 47 U.S.C. s.
4 522(20).

5 (2) By January 1, 2011, each county and municipal
6 franchise authority shall conduct at least one noticed public
7 hearing to develop standards for providers of cable services
8 and systems and video programming within political boundaries
9 of the county or municipality and shall adopt an ordinance
10 embracing those standards. A municipality may cooperate with
11 the respective county government and adopt the countywide
12 standards.

13 (3) Municipalities and counties shall adopt standards
14 for the following provisions:

15 (a) The number of public, education, and government
16 access channels.

17 (b) In-kind requirements, including, but not limited
18 to, institutional networks and contributions for, or in
19 support of, the use or construction of public, educational, or
20 governmental access facilities to the extent permitted by
21 federal law.

22 (c) A process for promptly handling customer
23 complaints.

24 (d) Nondiscriminatory charges for pole attachments.

25 (e) Descriptions of service areas and criteria for
26 buildout.

27 (f) Technology upgrades and schedules for the
28 upgrades.

29 (g) Placement and maintenance of facilities in the
30 public right-of-way which are generally applicable to
31 providers of communications services in accordance with s.

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1 337.401, Florida Statutes.

2 (h) The quality of video and cable service.

3 (i) The duration of the franchise agreement.

4 (4) A franchise agreement that expires before January
5 1, 2011, may not be renewed before adoption of the ordinance
6 required under subsection (2).

7 (5) A franchise agreement that expires after January
8 1, 2011, may be terminated upon the adoption of the ordinance
9 required under subsection (2).

10 (6) Changes to the ordinance may be made only after a
11 noticed public hearing.

12 Section 2. Section 166.046, Florida Statutes, is
13 repealed.

14 Section 3. This act shall take effect July 1, 2006.

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17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause

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21 and insert:

22 A bill to be entitled
23 An act relating to cable services and video
24 programming; creating definitions relating to
25 cable services and video programming; requiring
26 that each county and municipal franchise
27 authority develop standards for providers of
28 cable services and video programming within
29 their political boundaries by a specified date;
30 requiring each county and municipality to adopt
31 an ordinance embracing the standards developed;

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1 detailing the issues for which each county and
2 municipality must develop standards;
3 prohibiting the renewal of a franchise
4 agreement expiring before a specified date
5 unless the required ordinance is adopted;
6 providing that a franchise agreement expiring
7 after a specified date may be terminated upon
8 the adoption of the ordinance; repealing s.
9 166.046, F.S., relating to minimum standards
10 for cable television franchises imposed upon
11 counties and municipalities; providing an
12 effective date.

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