

By the Committee on Communications and Public Utilities; and
Senator Constantine

579-2248-06

1 A bill to be entitled

2 An act relating to cable services and video

3 programming; creating definitions relating to

4 cable services and video programming; requiring

5 that each county and municipal franchise

6 authority develop standards for providers of

7 cable services and video programming within

8 their political boundaries by a specified date;

9 requiring each county and municipality to adopt

10 an ordinance embracing the standards developed;

11 detailing the issues for which each county and

12 municipality must develop standards;

13 prohibiting the renewal of a franchise

14 agreement expiring before a specified date

15 unless the required ordinance is adopted;

16 providing that a franchise agreement expiring

17 after a specified date may be terminated upon

18 the adoption of the ordinance; repealing s.

19 166.046, F.S., relating to minimum standards

20 for cable television franchises imposed upon

21 counties and municipalities; providing an

22 effective date.

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

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

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

29 (a) "Cable service" means:

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

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

4 (b) "Cable system" means a facility consisting of a
5 set of closed transmission paths and associated signal
6 generation, reception, and control equipment that is designed
7 to provide cable service that includes video programming and
8 that is provided to multiple subscribers within a community,
9 but such term does not include:

10 1. A facility that serves only to retransmit the
11 television signals of one or more television broadcast
12 stations;

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

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

19 4. A facility of a common carrier that is subject, in
20 whole or in part, to the provisions of 47 U.S.C. ss. 201 et
21 seq., except that the specific bandwidths or wavelengths over
22 such facility shall be considered a cable system only to the
23 extent that such bandwidths or wavelengths are used in the
24 transmission of video programming directly to subscribers,
25 unless the extent of such use is solely to provide interactive
26 on-demand services, in which case it is not a cable system; or

27 5. Any facilities of any electric utility used solely
28 for operating its electric utility systems.

29 (c) "Franchise" means an initial authorization or
30 renewal of an authorization, regardless of whether the
31 authorization is designated as a franchise, permit, license,

1 resolution, contract, certificate, agreement, or otherwise, to
2 construct and operate a cable system in the public
3 right-of-way.

4 (d) "Franchise authority" means any governmental
5 entity empowered to grant a franchise by federal, state, or
6 local law.

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

9 (f) "Video programming" means programming provided by,
10 or generally considered comparable to programming provided by,
11 a television broadcast station as set forth in 47 U.S.C. s.
12 522(20).

13 (2) By January 1, 2011, each county and municipal
14 franchise authority shall conduct at least one noticed public
15 hearing to develop standards for providers of cable services
16 and systems and video programming within political boundaries
17 of the county or municipality and shall adopt an ordinance
18 embracing those standards. A municipality may cooperate with
19 the respective county government and adopt the countywide
20 standards.

21 (3) Municipalities and counties shall adopt standards
22 for the following provisions:

23 (a) The number of public, education, and government
24 access channels.

25 (b) In-kind requirements, including, but not limited
26 to, institutional networks and contributions for, or in
27 support of, the use or construction of public, educational, or
28 governmental access facilities to the extent permitted by
29 federal law.

30 (c) A process for promptly handling customer
31 complaints.

1 (d) Nondiscriminatory charges for pole attachments.
2 (e) Descriptions of service areas and criteria for
3 buildout, if any.
4 (f) Technology upgrades and schedules for the
5 upgrades.
6 (g) Placement and maintenance of facilities in the
7 public right-of-way which are generally applicable to
8 providers of communications services in accordance with s.
9 337.401, Florida Statutes.
10 (h) The quality of video and cable service.
11 (i) The duration of the franchise agreement.
12 (4) A franchise agreement that expires before January
13 1, 2011, may not be renewed before adoption of the ordinance
14 required under subsection (2).
15 (5) A franchise agreement that expires after January
16 1, 2011, may be terminated upon the adoption of the ordinance
17 required under subsection (2).
18 (6) Changes to the ordinance may be made only after a
19 noticed public hearing.
20 Section 2. Section 166.046, Florida Statutes, is
21 repealed.
22 Section 3. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 900
4 The committee substitute provides for definitions and
5 requires, by January 1, 2011, that each county and
6 municipality to conduct a public hearing and adopt by
7 ordinance, standards for a general video/cable franchise that
8 will apply to any video or cable service provider within its
9 boundaries.
10 It provides minimum provisions for which standards must be
11 adopted such as number of public, education and government
12 access channels, in-kind requirements, consumer complaint
13 process, description of service areas and build out criteria,
14 and placement and maintenance of right-of-way. The committee
15 substitute provides for treatment of existing franchise
16 agreements and changes to the ordinances on an ongoing basis.
17 Finally, the bill repeals section 166.046, F.S.
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