

Bill No. CS/CS/HB 529 (c2)

Barcode 373992

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.  
.  
.  
.  
.  
.

C  
04/30/2007 14:46:55

.  
.  
.  
.

Floor: 5/AD/3R  
04/27/2007 07:51 PM

Senator Fasano moved the following amendment:

**Senate Amendment (with title amendment)**

On page 42 between lines 1170 and 1171,

insert:

Section 14. Section 501.2079, Florida Statutes, is created to read:

501.2079 Violations involving discrimination in the provision of video services.--

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

(a) "Cable service" has the same meaning as in s. 610.103(1).

(b) "Video service" has the same meaning as in s. 610.103(11).

(c) "Resident" means a resident residing within a service area as set out in ss. 610.104(2)(e)5. and 610.104(6).

(d) "Provider" means a cable or video service provider that has been issued and holds a statutory certificate of franchise authority from the Department of State.

(e) "Discrimination" means the denial of access to

1 cable or video service to any individual or group of residents  
 2 because of the race or income of the residents in the local  
 3 area in which such individual or group resides. Such  
 4 discrimination shall be prohibited as to residents throughout  
 5 the service area of the municipality or county within which  
 6 service is provided.

7       (2) Discrimination among residents by a provider of  
 8 cable or video services is declared unlawful and constitutes a  
 9 violation of this section.

10       (3) For purposes of determining whether a provider has  
 11 violated subsection (2), a cable or video service provider may  
 12 satisfy the nondiscrimination requirements of this section  
 13 through the use of alternative technology that offers service,  
 14 functionality, and content that is demonstrably similar to  
 15 that provided through the provider's system and may include a  
 16 technology that does not require the use of any public  
 17 right-of-way. The technology used to comply with the  
 18 requirements of this section is subject to all the  
 19 requirements of chapter 610. If a provider makes cable or  
 20 video service available within a reasonable period of time  
 21 from the initiation of service to residents in its service  
 22 area, the provider shall be presumed to be in compliance with  
 23 subsection (2). A provider is not required to offer or provide  
 24 service to end users residing in an area having a density of  
 25 fewer than 30 homes per linear cable mile from the provider's  
 26 nearest activated video distribution plant. This section does  
 27 not impose a buildout requirement.

28       (4) For purposes of determining whether a provider has  
 29 violated subsection (2), cost, density, distance, and  
 30 technological or commercial limitations shall be taken into  
 31 account. The inability to provide access to cable or video

Bill No. CS/CS/HB 529 (c2)

Barcode 373992

1 service because a provider is prohibited from placing its own  
2 facilities in a building or property or due to natural  
3 disasters is not a violation of subsection (2).

4 (5) Enforcement of this section shall be as provided  
5 in ss. 501.206, 501.207 and 501.211.

6 (6) Upon a finding by a court of competent  
7 jurisdiction that a provider has engaged in unlawful  
8 discrimination, the provider shall have a reasonable period of  
9 time as specified by the court to cure such noncompliance. If  
10 the provider fails to cure within a specified time, any  
11 provider who is found to have violated subsection (2) is  
12 liable for a civil penalty of not more than \$15,000 for each  
13 such violation. For purposes of this section, discrimination  
14 against each individual member of a group constitutes a  
15 separate violation and is subject to a separate penalty as set  
16 forth in this section.

17  
18 (Redesignate subsequent sections.)

19  
20  
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 4, line 112, after the semicolon,  
24  
25 insert:  
26 creating s. 501.2079, F.S.; providing for  
27 violations involving discrimination in delivery  
28 of video service; providing definitions;  
29 prohibiting discrimination; providing a time to  
30 cure; providing criteria; providing for  
31 enforcement; providing remedies;