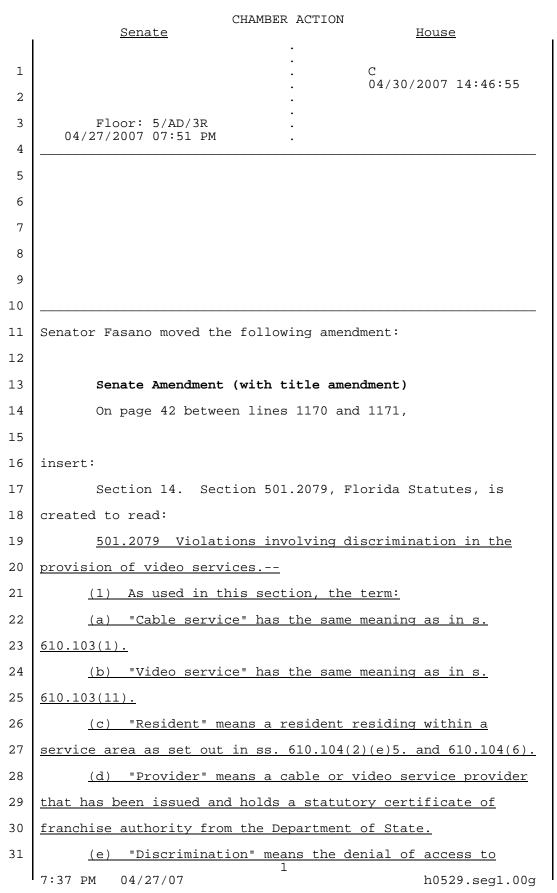
Bill No. <u>CS/CS/HB 529 (c2)</u>

Barcode 373992



Florida Senate - 2007

SENATOR AMENDMENT

Bill No. <u>CS/CS/HB 529 (c2)</u>

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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
б	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	<u>not impose a buildout requirement.</u>
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
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1 service because a provider is prohibited from placing its own facilities in a building or property or due to natural 2 disasters is not a violation of subsection (2). 3 4 (5) Enforcement of this section shall be as provided in ss. 501.206, 501.207 and 501.211. 5 б (6) Upon a finding by a court of competent 7 jurisdiction that a provider has engaged in unlawful discrimination, the provider shall have a reasonable period of 8 time as specified by the court to cure such noncompliance. If 9 10 the provider fails to cure within a specified time, any 11 provider who is found to have violated subsection (2) is liable for a civil penalty of not more than \$15,000 for each 12 13 such violation. For purposes of this section, discrimination against each individual member of a group constitutes a 14 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 22 And the title is amended as follows: On page 4, line 112, after the semicolon, 23 24 25 insert: creating s. 501.2079, F.S.; providing for 2.6 violations involving discrimination in delivery 27 of video service; providing definitions; 28 29 prohibiting discrimination; providing a time to cure; providing criteria; providing for 30 31 enforcement; providing remedies; 3 7:37 PM 04/27/07 h0529.seg1.00g