



1 activated under the incumbent cable or video service  
 2 provider's franchise agreement as of July 1, 2007. For the  
 3 purposes of this section, a public, educational, or  
 4 governmental channel is deemed activated if the channel is  
 5 being used for public, educational, or governmental  
 6 programming within the municipality or county. The  
 7 municipality or county may request additional channels or  
 8 their functional equivalent as permitted under the incumbent  
 9 cable or video service provider's franchise agreement as of  
 10 July 1, 2007.

11 (3) If a municipality or county does not have public,  
 12 educational, or governmental access channels activated under  
 13 the incumbent cable or video service provider's franchise  
 14 agreement as of July 1, 2007, after the expiration date of the  
 15 provider's franchise agreement and within 6 months after a  
 16 request by the municipality or county within whose  
 17 jurisdiction a certificateholder is providing cable or video  
 18 service, the certificateholder shall furnish up to two  
 19 educational or governmental channels or their functional  
 20 equivalent. Cable or video service subscribers must be  
 21 provided with clear, plain language informing them that public  
 22 access is unfiltered programming and contains adult content.

23 (4) If a municipality or county has not used the  
 24 number of access channels or their functional equivalent  
 25 permitted by subsection (3), access to the two additional  
 26 channels or their functional equivalent shall be provided upon  
 27 6 months' written notice.

28 (5) A public, educational, or governmental access  
 29 channel authorized by this section is deemed activated and  
 30 substantially used if the channel is being used for public,  
 31 educational, or governmental access programming within the

1 municipality or county for at least 10 hours per day. If the  
 2 applicable access channel does not meet this utilization  
 3 criterion, the video service provider shall notify the  
 4 applicable access provider in writing. If the access provider  
 5 fails to meet this utilization criterion in the subsequent  
 6 quarter, the cable or video service provider may reprogram the  
 7 channel at its discretion. The cable or video service provider  
 8 shall work in good faith with the access provider to provide  
 9 future carriage of the applicable access channel within the  
 10 limits of this section if the access provider can make  
 11 reasonable assurances that its future programming will meet  
 12 the utilization criteria set out in this subsection.

13       (6) A cable or video service provider may locate a  
 14 public access channel on its lowest digital tier of service  
 15 offered to the provider's subscribers. A cable or video  
 16 service provider must notify its customers and the applicable  
 17 municipality or county at least 120 days prior to relocating a  
 18 public access channel.

19       (7) The operation of any public, educational, or  
 20 governmental access channel or its functional equivalent as  
 21 provided under this section shall be the responsibility of the  
 22 municipality or county receiving the benefit of the channel or  
 23 its functional equivalent, and a certificateholder shall bear  
 24 only responsibility for the transmission of the channel  
 25 content. A certificateholder shall be responsible for the cost  
 26 of providing connectivity to one origination point for each  
 27 public, educational, or governmental access channel up to 200  
 28 feet from the certificateholder's activated video service  
 29 distribution plant.

30       (8) The municipality or county shall ensure that all  
 31 transmissions, content, or programming to be transmitted over

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1 a channel or facility by a certificateholder are provided or  
 2 submitted to the cable or video service provider in a manner  
 3 or form that is capable of being accepted and transmitted by a  
 4 provider without requiring any additional alteration or change  
 5 in the content by the provider over the particular network of  
 6 the cable or video service provider, which is compatible with  
 7 the technology or protocol used by the cable or video service  
 8 provider to deliver services. To the extent that a public,  
 9 educational, or governmental channel content provider has  
 10 authority, the delivery of public, educational, or  
 11 governmental content to a certificateholder constitutes  
 12 authorization for the provider to carry such content,  
 13 including, at the provider's option, authorization to carry  
 14 the content beyond the jurisdictional boundaries of the  
 15 municipality or county.

16 (9) Where technically feasible, a certificateholder  
 17 and an incumbent cable service provider shall use reasonable  
 18 efforts to interconnect their networks for the purpose of  
 19 providing public, educational, and governmental programming.  
 20 Interconnection may be accomplished by direct cable, microwave  
 21 link, satellite, or other reasonable method of connection.  
 22 Certificateholders and incumbent cable service providers shall  
 23 negotiate in good faith and incumbent cable service providers  
 24 may not withhold interconnection of public, educational, and  
 25 governmental channels. The requesting party shall bear the  
 26 cost of such interconnection.

27 (10) A certificateholder is not required to  
 28 interconnect for, or otherwise to transmit, public,  
 29 educational, and governmental content that is branded with the  
 30 logo, name, or other identifying marks of another cable or  
 31 video service provider, and a municipality or county may

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1 require a cable or video service provider to remove its logo,  
 2 name, or other identifying marks from public, educational, and  
 3 governmental content that is to be made available to another  
 4 provider. This subsection does not apply to the logo, name, or  
 5 other identifying marks of the public, educational, or  
 6 governmental programmer or producer.

7       (11) A municipality or county that has activated at  
 8 least one public, educational, or governmental access channel  
 9 pursuant to this section may require cable or video service  
 10 providers to remit PEG and I-Net support contributions in an  
 11 amount equal to a lump-sum or recurring per-subscriber funding  
 12 obligation to support public, educational, and governmental  
 13 access channels, institutional networks, or other related  
 14 costs as provided for in the incumbent's franchise that exists  
 15 prior to July 1, 2007. If a municipality or county has not  
 16 required cable or video service providers to remit PEG and  
 17 I-Net support contributions prior to July 1, 2007, a  
 18 municipality or county may require cable or video service  
 19 providers to remit PEG and I-Net support contributions that do  
 20 not exceed that of an adjacent local government for a period  
 21 that does not exceed the expiration of the franchise agreement  
 22 of the adjacent local government. If an adjacent local  
 23 government has not required PEG and I-Net support  
 24 contributions, the municipality or county may require cable or  
 25 video service providers to remit PEG and I-Net support  
 26 contributions consistent with a municipality or county having  
 27 a comparable population.

28       (12) A court of competent jurisdiction shall have  
 29 exclusive jurisdiction to enforce any requirement under this  
 30 section.

31       610.112 Cable or video services for public

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1 facilities.--A certificateholder shall provide within 90 days  
 2 after receipt of a request from a municipality or county one  
 3 active basic cable or video service outlet to K-12 public  
 4 schools, public libraries, or local government administrative  
 5 buildings/0o the extent such buildings are located within 200  
 6 feet of the certificateholder's activated video distribution  
 7 plant. At the request of the municipality or county, the  
 8 certificateholder shall extend its activated video  
 9 distribution plant to serve such buildings located more than  
 10 200 feet from the certificateholder's plant. The governmental  
 11 entity owning or occupying the building shall be responsible  
 12 for the time and material costs incurred in extending the  
 13 certificateholder's activated video distribution plant to  
 14 within 200 feet adjacent to the building.

15 610.113 Nondiscrimination by municipality or county.--

16 (1) A municipality or county shall allow a  
 17 certificateholder to install, construct, and maintain a  
 18 network within a public right-of-way and shall provide a  
 19 certificateholder with comparable, nondiscriminatory, and  
 20 competitively neutral access to the public right-of-way in  
 21 accordance with the provisions of s. 337.401. All use of a  
 22 public right-of-way by a certificateholder is nonexclusive.

23 (2) A municipality or county may not discriminate  
 24 against a certificateholder regarding:

25 (a) The authorization or placement of a network in a  
 26 public right-of-way;

27 (b) Access to a building or other property; or

28 (c) Utility pole attachment terms and conditions.

29 610.114 Limitation on local authority.--

30 (1) A municipality or county may not impose additional  
 31 requirements on a certificateholder, including, but not

1 limited to, financial, operational, and administrative  
2 requirements except as expressly permitted by this chapter. A  
3 municipality or county may not impose on the activities of a  
4 certificateholder a requirement:

5 (a) That particular business offices be located in the  
6 municipality or county;

7 (b) Regarding the filing of reports and documents with  
8 the municipality or county that are not required by state or  
9 federal law and that are not related to the use of the public  
10 right-of-way. Reports and documents other than schematics  
11 indicating the location of facilities for a specific site that  
12 are provided in the normal course of the municipality's or  
13 county's permitting process, that are authorized by s. 337.401  
14 for communications services providers, or that are otherwise  
15 required in the normal course of such permitting process are  
16 not considered related to the use of the public right-of-way  
17 for communications service providers. A municipality or county  
18 may not request information concerning the capacity or  
19 technical configuration of a certificateholder's facilities;

20 (c) For the inspection of a certificateholder's  
21 business records; or

22 (d) For the approval of transfers of ownership or  
23 control of a certificateholder's business, except that a  
24 municipality or county may require a certificateholder to  
25 provide notice of a transfer within a reasonable time.

26 (2) Notwithstanding any other provision of law, a  
27 municipality or county may require the issuance of a permit in  
28 accordance with and subject to s. 337.401 to a  
29 certificateholder that is placing and maintaining facilities  
30 in or on a public right-of-way in the municipality or county.  
31 In accordance with s. 337.402, the permit may require the

1 permitholder to be responsible, at the permitholder's expense,  
 2 for any damage resulting from the issuance of such permit and  
 3 for restoring the public right-of-way to its original  
 4 condition before installation of the facilities. The terms of  
 5 the permit shall be consistent with construction permits  
 6 issued to other providers of communications services placing  
 7 or maintaining communications facilities in a public  
 8 right-of-way.

9 610.115 Discrimination prohibited.--

10 (1) The purpose of this section is to prevent  
 11 discrimination among potential residential subscribers.

12 (2) A cable or video service provider may not deny  
 13 access to service to any individual or group of potential  
 14 residential subscribers because of the race or income of the  
 15 residents in the local area in which the individual or group  
 16 resides. Enforcement of this section shall be in accordance  
 17 with s. 501.2079.

18 610.116 Compliance.--If a certificateholder is found  
 19 by a court of competent jurisdiction not to be in compliance  
 20 with the requirements of this chapter, the certificateholder  
 21 shall have a reasonable period of time, as specified by the  
 22 court, to cure such noncompliance.

23 610.117 Limitation.--This chapter may not be construed  
 24 to give any local government or the department any authority  
 25 over any communications service other than cable or video  
 26 services whether offered on a common carrier or private  
 27 contract basis.

28 610.118 Impairment; court-ordered operations.--

29 (1) If an incumbent cable or video service provider is  
 30 required to operate under its existing franchise and is  
 31 prevented by a lawfully issued court order from exercising its



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1 right to terminate its existing franchise pursuant to the  
 2 terms of s. 610.105, any certificateholder providing cable  
 3 service or video service in whole or in part within the  
 4 service area that is the subject of the incumbent cable or  
 5 video service provider's franchise shall, for as long as the  
 6 court order remains in effect, comply with the following  
 7 franchise terms and conditions as applicable to the incumbent  
 8 cable or video service provider in the service area:

9       (a) The certificateholder shall pay to the  
 10 municipality or county:

11           1. Any prospective lump-sum or recurring  
 12 per-subscriber funding obligations to support public,  
 13 educational, and governmental access channels or other  
 14 prospective franchise-required monetary grants related to  
 15 public, educational, or governmental access facilities  
 16 equipment and capital costs. Prospective lump-sum payments  
 17 must be made on an equivalent per-subscriber basis calculated  
 18 as follows: the amount of the prospective funding obligations  
 19 divided by the number of subscribers being served by the  
 20 incumbent cable service provider at the time of payment,  
 21 divided by the number of months remaining in the incumbent  
 22 cable or video service provider's franchise equals the monthly  
 23 per subscriber amount to be paid by the certificateholder  
 24 until the expiration or termination of the incumbent cable or  
 25 video service provider's franchise; and

26           2. If the incumbent cable or video service provider is  
 27 required to make payments for the funding of an institutional  
 28 network, the certificateholder shall pay an amount equal to  
 29 the incumbent's funding obligations but not to exceed 1  
 30 percent of the sales price, as defined in s. 202.11(13), for  
 31 the taxable monthly retail sales of cable or video programming

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1 services the certificateholder received from subscribers in  
2 the affected municipality or county. All definitions and  
3 exemptions under chapter 202 apply in the determination of  
4 taxable monthly retail sales of cable or video programming  
5 services.

6 (b) Payments are not due until 45 days after the  
7 municipality or county notifies the respective providers.

8 (c) Any certificateholder may designate that portion  
9 of that subscriber's bill attributable to any fee imposed  
10 pursuant to this section as a separate item on the bill and  
11 recover such amount from the subscriber.

12 (2) The provisions of subsection (1) do not alter the  
13 rights of a cable service or video service provider with  
14 respect to service areas designated pursuant to s.  
15 610.104(2)(e)5. Any certificateholder providing cable service  
16 or video service in a service area covered by the terms of an  
17 existing cable or video service provider's franchise that is  
18 subject to a court or other proceeding challenging the ability  
19 of an incumbent cable or video service provider to exercise  
20 its legal right to terminate its existing cable franchise  
21 pursuant to s. 610.105 has the right to intervene in such  
22 proceeding.

23 610.119 Reports to the Legislature.--

24 (1) The Office of Program Policy Analysis and  
25 Government Accountability shall submit to the President of the  
26 Senate, the Speaker of the House of Representatives, and the  
27 majority and minority leaders of the Senate and House of  
28 Representatives, by December 1, 2009, and December 1, 2014, a  
29 report on the status of competition in the cable and video  
30 service industry, including, by each municipality and county,  
31 the number of cable and video service providers, the number of

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1 cable and video subscribers served, the number of areas served  
 2 by fewer than two cable or video service providers, the trend  
 3 in cable and video service prices, and the identification of  
 4 any patterns of service as they impact demographic and income  
 5 groups.

6 (2) By January 15, 2008, the Department of Agriculture  
 7 and Consumer Services shall make recommendations to the  
 8 President of the Senate, the Speaker of the House of  
 9 Representatives, and the majority and minority leaders of the  
 10 Senate and House of Representatives regarding the workload and  
 11 staffing requirements associated with consumer complaints  
 12 related to video and cable certificateholders. The Department  
 13 of State shall provide to the Department of Agriculture and  
 14 Consumer Services, for inclusion in the report, the workload  
 15 requirements for processing the certificates of franchise  
 16 authority. In addition, the Department of State shall provide  
 17 the number of applications filed for cable and video  
 18 certificates of franchise authority and the number of  
 19 amendments received to original applications for franchise  
 20 certificate authority.

21 610.120 Severability.--If any provision of ss.  
 22 610.102-610.118 or the application thereof to any person or  
 23 circumstance is held invalid, such invalidity shall not affect  
 24 other provisions or application of ss. 610.102-610.118 which  
 25 can be given effect without the invalid provision or  
 26 application, and to this end the provisions of ss.  
 27 610.102-610.118 are severable.

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

31 And the title is amended as follows:

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1 On page 2, line 52, through  
2 page 3, line 81, delete those lines

3  
4 and insert:

5 their functional equivalent; providing  
6 criteria, requirements, and procedures;  
7 providing exceptions; providing  
8 responsibilities of municipalities and counties  
9 relating to such channels; providing for cable  
10 or video services for certain public  
11 facilities; providing requirements for and  
12 limitations on counties and municipalities  
13 relating to access to public right-of-way;  
14 prohibiting counties and municipalities from  
15 imposing additional requirements on  
16 certificateholders; authorizing counties and  
17 municipalities to require permits of  
18 certificateholders relating to public  
19 right-of-way; providing permit criteria and  
20 requirements; prohibiting discrimination among  
21 cable and video service subscribers; providing  
22 for enforcement; clarifying local government  
23 and department authority over communications  
24 services; providing for enforcement of  
25 compliance by certificateholders; providing for  
26 court-ordered operation under existing  
27 franchise agreements; providing requirements  
28 for cable service providers under certain court  
29 orders;

30  
31