

Bill No. CS for CS for CS for SB 998

Barcode 460616

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

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 25, line 27, through
page 26, line 23, delete those lines

and insert:

(2) A video service provider may not deny access to service to any group of potential residential subscribers because of the race, income, or ethnicity of the residents in the local area in which the group resides.

(3) For purposes of determining whether a certificateholder has violated subsection (2), the certificateholder shall have a reasonable time to deploy service to customers within the service area designated under this act. Within 3 years after the date a certificateholder begins providing video service in a service area, the certificateholder shall provide access to video services to at least 25 percent of the low-income households in that service area. Within 5 years after the date a certificateholder begins providing video service in a service area, the

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1 certificateholder shall provide access to its video services
2 to at least 50 percent of the low-income households in that
3 service area.

4 (4) Except for satellite service, a video service
5 provider may satisfy the requirements of this section through
6 the use of alternative technology that offers service,
7 functionality, and content, that is demonstrably similar to
8 that provided through the provider's video service system. and
9 that may include a technology that does not require the use of
10 any public right-of-way. The technology used to comply with
11 this section shall include carrying public, education, and
12 government channels and other provisions required under this
13 act.

14 (5) A video service provider may apply to the
15 department for a waiver or extension of time to comply with
16 this section if any of the following apply:

17 (a) Access to public and private rights-of-way cannot
18 be obtained under reasonable terms and conditions.

19 (b) Developments or buildings are not subject to
20 competition because of existing exclusive service agreements.

21 (c) Developments or buildings are inaccessible using
22 reasonable technical solutions under commercially reasonable
23 terms and conditions.

24 (d) Customers reside in an area having a density of
25 fewer than 25 homes per mile from the nearest activated
26 distribution plant of the provider.

27 (e) Natural disasters.

28 (f) Other factors beyond the control of the provider.

29 (6) The department may grant a waiver or extension
30 only if the provider has made substantial and continuous
31 effort to meet the requirements of this section. If an

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1 extension is granted, the department shall establish a new
2 compliance deadline. If a waiver is granted, the department
3 shall specify the requirements waived.

4 (7) As used in this section, the term "low-income
5 household" means a household having an average annual
6 household income of less than \$35,000 as determined by the
7 most recent decennial census.

8 (8) Notwithstanding any other provision of this act, a
9 video service provider is not required to comply with, and the
10 department may not impose or enforce, any mandatory build-out
11 or deployment provisions or schedules, except those required
12 to comply with this section.

13 (9) The department or a court of competent
14 jurisdiction may take any action necessary to enforce this
15 section. An affected resident or applicable local government
16 on behalf of its residents may seek any available legal remedy
17 to address an alleged violation of this section.

18 (10) The Department of Agriculture and Consumer
19 Services shall adopt rules pursuant to ss. 120.536(1) and
20 120.54 to administer this section.

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

24 And the title is amended as follows:

25 On page 3, lines 8-10, delete those lines

26
27

and insert:

28 providing for a period of time to cure certain
29 noncompliance; providing for the use of
30 alternative technology; authorizing waivers or
31 extensions of time to meet such requirements;

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1 providing a definition; prohibiting certain
2 mandatory build-out or deployment provisions;
3 providing for enforcement and the adoption of
4 rules; clarifying local
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