

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 located at least in part in the public rights-of-way without
 2 regard to delivery technology, including Internet protocol
 3 technology. This definition does not include any video
 4 programming provided by a commercial mobile service provider
 5 as defined in 47 U.S.C. s. 332(d), video programming provided
 6 as part of, and via a service that enables end users to access
 7 content, information, electronic mail, or other services
 8 offered over the public Internet.

9 (12) "Video service provider" means an entity
 10 providing video service.

11 610.104 State authorization to provide cable or video
 12 service.--

13 (1) An entity or person seeking to provide cable or
 14 video service in this state after July 1, 2007, shall file an
 15 application for a state-issued certificate of franchise
 16 authority with the department as required by this section.

17 (2) An applicant for a state-issued certificate of
 18 franchise authority to provide cable or video service shall
 19 submit to the Department of State an application that
 20 contains:

21 (a) The official name of the cable or video service
 22 provider.

23 (b) The street address of the principal place of
 24 business of the cable or video service provider.

25 (c) The federal employer identification number or the
 26 Department of State's document number.

27 (d) The name, address, and telephone number of an
 28 officer, partner, owner, member, or manager as a contact
 29 person for the cable or video service provider to whom
 30 questions or concerns may be addressed.

31 (e) A duly executed affidavit signed by an officer,

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 partner, owner, or managing member affirming and containing:

2 1. That the applicant is fully qualified under the
3 provisions of this chapter to file an application and
4 affidavit for a certificate of franchise authority.

5 2. That the applicant has filed or will timely file
6 with the Federal Communications Commission all forms required
7 by that agency in advance of offering cable or video service
8 in this state.

9 3. That the applicant agrees to comply with all
10 applicable federal and state laws and regulations, to the
11 extent such state laws and rules are not in conflict with or
12 superseded by the provisions of this chapter or other
13 applicable state law.

14 4. That the applicant agrees to comply with all state
15 laws and rules and municipal and county ordinances and
16 regulations regarding the placement and maintenance of
17 communications facilities in the public rights-of-way that are
18 generally applicable to providers of communications services
19 in accordance with s. 337.401.

20 5. A description of the service area for which the
21 applicant seeks a certificate of franchise authority provided
22 on a municipal or countywide basis. The description may be
23 provided in a manner that does not disclose competitively
24 sensitive information. Notwithstanding the foregoing:

25 a. For incumbent cable or video service providers that
26 have existing local franchise agreements, the service area
27 shall be coextensive with the provider's service area
28 description in the existing local franchise.

29 b. For applicants using telecommunications facilities
30 to provide video services, the service area shall be described
31 in terms of entire wire centers that may or may not be

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 consistent with municipal or county boundaries except any
2 portion of a specific wire center which will remain subject to
3 an existing cable or video franchise agreement until the
4 earlier of the agreement's expiration or termination.

5 6. The location of the applicant's principal place of
6 business, the names of the applicant's principal executive
7 officers, and a physical address sufficient for the purposes
8 of chapter 48.

9 7. That the applicant will file with the department a
10 notice of commencement of service within 5 business days after
11 first providing service in each area described in subparagraph
12 5.

13 8. A statement affirming that the applicant will
14 notify the department of any change of address or contact
15 person.

16 9. The applicant's system shall comply with the
17 Federal Communications Commission's rules and regulations of
18 the Emergency Alert System.

19 (3) Before the 10th business day after the department
20 receives the application, the department shall notify the
21 applicant whether the application and affidavit described in
22 subsection (3) are complete. If the department rejects the
23 application and affidavit, the department shall specify with
24 particularity the reasons for the rejection and permit the
25 applicant to amend the application or affidavit to cure any
26 deficiency. The department shall act upon the amended
27 application or affidavit within 10 business days after the
28 department's receipt of the amended application or affidavit.

29 (4) The department shall issue a certificate of
30 franchise authority to the applicant before the 15th business
31 day after receipt of an accepted application. The certificate

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 of franchise authority issued by the department shall contain:

2 (a) The name of the certificateholder and its
3 identification number.

4 (b) A grant of authority to provide cable or video
5 service as requested in the application.

6 (c) A grant of authority to construct, maintain, and
7 operate facilities through, upon, over, and under any public
8 right-of-way or waters, subject to the applicable governmental
9 permitting or authorization from the Board of Trustees of the
10 Internal Improvement Trust Fund.

11 (d) A statement that the grant of authority is subject
12 to lawful operation of the cable or video service by the
13 applicant or its successor in interest.

14 (e) A statement that describes the service area for
15 which this certificate of authority applies.

16 (f) A statement that includes the issuance date that
17 shall be the effective date of the commencement of this
18 authority.

19 (5) If the department fails to act on the accepted
20 application within 30 business days after receiving the
21 accepted application, the application shall be deemed approved
22 by the department without further action.

23 (6) A certificateholder that seeks to include
24 additional service areas in its current certificate shall file
25 an amendment to the certificate with the department. Such
26 amendment shall specify the name and address of the
27 certificateholder, the new service area or areas to be served,
28 consistent with subparagraph (2)(e)5., but need not be
29 coextensive with municipal or county boundaries, and the
30 effective date of commencement of operations in the new
31 service area or areas. Such amendment shall be filed with the

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 department within 5 business days after first providing
2 service in each such additional area.

3 (7) The certificate of franchise authority issued by
4 the department is fully transferable to any successor in
5 interest to the applicant to which the certificate is
6 initially granted. A notice of transfer shall be filed with
7 the department and the relevant municipality or county within
8 14 business days following the completion of such transfer.

9 (8) The certificate of franchise authority issued by
10 the department may be terminated by the cable or video service
11 provider by submitting notice to the department.

12 (9) An applicant may challenge a rejection of an
13 application by the department in a court of competent
14 jurisdiction through a petition for mandamus.

15 (10) In executing the provisions of this section, the
16 department shall function in a ministerial capacity accepting
17 information contained in the application and affidavit at face
18 value. The applicant shall ensure continued compliance with
19 all applicable business formation, registration, and taxation
20 provisions of law.

21 (11) The application shall be accompanied by a
22 one-time fee of \$10,000. A parent company may file a single
23 application covering itself and all of its subsidiaries and
24 affiliates intending to provide cable or video service in the
25 service areas throughout the state as described in paragraph
26 (3)(d), but the entity actually providing such service in a
27 given area shall otherwise be considered the certificateholder
28 under this act.

29 (12) Beginning 5 years after approval of the
30 certificateholder's initial certificate of franchise issued by
31 the department, and every 5 years thereafter, the

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 certificateholder shall update the information contained in
2 the original application for a certificate of franchise. At
3 the time of filing the information update, the
4 certificateholder shall pay a processing fee of \$1,000. Any
5 certificateholder that fails to file the updated information
6 and pay the processing fee on the 5-year anniversary dates
7 shall be subject to cancellation of its state-issued
8 certificate of franchise authority if, upon notice given to
9 the certificateholder at its last address on file with the
10 department, the certificateholder fails to file the updated
11 information and pay the processing fee within 30 days after
12 the date notice was mailed. The application and processing
13 fees imposed in this section shall be paid to the Department
14 of State for deposit into the Operating Trust Fund for
15 immediate transfer by the Chief Financial Officer to the
16 General Inspection Trust Fund of the Department of Agriculture
17 and Consumer Services. The Department of Agriculture and
18 Consumer Services shall maintain a separate account within the
19 General Inspection Trust Fund to distinguish cable franchise
20 revenues from all other funds. The application, any amendments
21 to the certificate, or information updates must be accompanied
22 by a fee to the Department of State equal to that for filing
23 articles of incorporation pursuant to s. 607.0122(1).

24 610.105 Eligibility for state-issued franchise.--

25 (1) After July 1, 2007, an incumbent cable or video
26 service provider is immediately eligible at its option to
27 apply for a state-issued certificate of franchise authority
28 under this chapter and shall file a written notice with the
29 applicable municipality or county in which the provider
30 provides cable or video service simultaneously with any filing
31 with the department under this chapter. The applicable

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 municipal or county franchise is terminated under this section
2 on the date the department issues the state-issued certificate
3 of franchise authority.

4 (2) If an incumbent cable or video service provider
5 has been granted a state-issued certificate of franchise
6 authority that covers all or a portion of a municipality or
7 county, any obligation under any existing municipal or county
8 franchise that exceeds the obligations imposed on the
9 certificateholder in the area covered by the certificate shall
10 be against public policy and void.

11 610.106 Franchise fees prohibited.--Except as
12 otherwise provided in this chapter, the department may not
13 impose any taxes, fees, charges, or other impositions on a
14 cable or video service provider as a condition for the
15 issuance of a state-issued certificate of franchise authority.
16 No municipality or county may impose any taxes, fees, charges,
17 or other exactions on certificateholders in connection with
18 use of public right-of-way as a condition of a
19 certificateholder doing business in the municipality or
20 county, or otherwise, except such taxes, fees, charges, or
21 other exactions permitted by chapter 202, s. 337.401(6), or s.
22 610.117.

23 610.107 Buildout.--No franchising authority, state
24 agency, or political subdivision may impose any buildout,
25 system construction, or service deployment requirements on a
26 certificateholder.

27 610.108 Customer service standards.--

28 (1) All cable or video service providers shall comply
29 with customer service requirements in 47 C.F.R. s. 76.309(c).

30 (2) Any municipality or county that, as of January 1,
31 2007, has an office or department dedicated to responding to

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 cable or video service customer complaints may continue to
 2 respond to such complaints until July 1, 2009. Beginning July
 3 1, 2009, the Department of Agriculture and Consumer Services
 4 shall have the sole authority to respond to all cable or video
 5 service customer complaints. This provision does not permit
 6 the municipality, county, or department to impose customer
 7 service standards inconsistent with the requirements in 47
 8 C.F.R. s. 76.309(c).

9 (3) The Department of Agriculture and Consumer
 10 Services shall receive service quality complaints from
 11 customers of a cable or video service provider and shall
 12 address such complaints in an expeditious manner by assisting
 13 in the resolution of such complaint between the complainant
 14 and the cable or video service provider. The Department of
 15 Agriculture and Consumer Services may adopt any procedural
 16 rules pursuant to ss. 120.536(1) and 120.54 necessary to
 17 administer this section, but shall not have any authority to
 18 impose any customer service requirements inconsistent with
 19 those contained in 47 C.F.R. s. 76.309(c).

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

23 And the title is amended as follows:

24 On page 2, lines 18 through 25, delete those lines

26 and insert:

27 activities; providing for incumbent cable
 28 service provider eligibility for state-issued
 29 franchises; providing for certain notice to
 30 municipal or county franchise authority;
 31 providing for termination of a municipal or

Bill No. CS for CS for CS for SB 998

Barcode 760970

1 county franchise; declaring certain additional
2 obligations on a franchisee against public
3 policy and void; prohibiting the department
4 from imposing additional taxes, fees, or
5 charges on a cable or video service provider to
6 issue a certificate; prohibiting imposing
7 buildout, construction, and deployment
8 requirements on a certificateholder; imposing
9 certain customer service requirements on cable
10 service providers; allowing a municipality or
11 county to respond to complaints for a time
12 certain; requiring the Department of
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