

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

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BILL: SB 120

INTRODUCER: Senator Sobel

SUBJECT: Public Broadcasting

DATE: October 31, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	<b>Favorable</b>
2.	_____	_____	CU	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

The bill expands the number of educational television stations that the Department of Education (DOE) supports as a part of the state’s public broadcasting program system. Non-denominational full-power educational television stations licensed by the Federal Communications Commission (FCC) as of July 1, 2012, would be eligible for state funding.

This bill substantially amends section 1001.26 of the Florida Statutes.

**II. Present Situation:**

**Regulation of Public Broadcast Stations**

The FCC licenses and regulates U.S. television broadcast stations.<sup>1</sup> Television stations are licensed as either commercial or noncommercial educational television, generally known as “public television”, and are either full power or low power stations.<sup>2</sup> As of October 28, 2011, there are 18 full-power educational TV stations in Florida that are FCC licensees.<sup>3</sup> Of these, 13 are public broadcasting stations.<sup>4</sup>

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<sup>1</sup> See <http://www.fcc.gov/what-we-do>.

<sup>2</sup> 47 U.S.C. ss. 154, 303, 334, 336, and 339 and 47 C.F.R. s. 73.621(a). Municipalities and other subdivisions are subject to other criteria. The FCC only licenses nonprofit educational broadcast systems upon a showing that the proposed stations will be used primarily to serve the educational needs of the community, for the advancement of educational programs, and to furnish a nonprofit and non commercial television broadcast service.

<sup>3</sup> E-mail correspondence, FCC staff, October 28, 2011. On file with the Committee on Pre-K – 12 Education. The stations are: WFSG, WBCC, WTGL, WMFE-TV, WDSC-TV, WPBT, WSRE, WEDU, WTCE-TV, WJEB-TV, WBEC-TV, WXEL-TV, WGPU, WLRN-TV, WUSF-TV, WUFT, and WJCT. See [http://www.floridaknowledgenetwork.org/PB/TV\\_Stations\\_text.asp](http://www.floridaknowledgenetwork.org/PB/TV_Stations_text.asp) and

### **State Public Broadcasting Program System**

The DOE administers the state's public broadcasting program system.<sup>5</sup> State funding is administered by the DOE in the form of grants to eligible educational television and radio stations<sup>6</sup> that are qualified by the Corporation for Public Broadcasting (CPB).<sup>7</sup> New stations eligible for funding must provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. According to the DOE, eligible stations provide educational coverage to 99 percent of the state.<sup>8</sup>

The 2011-2012 General Appropriations Act provided \$307, 447 in General Revenue to each public television station. PECO funds may also be used for specific uses associated with providing educational radio or television.<sup>9</sup>

### **III. Effect of Proposed Changes:**

The DOE currently supports existing CPB qualified program educational radio and TV stations and new stations that meet CPB qualifications.<sup>10</sup> The bill expands the number of educational television stations that the DOE supports as a part of the state's public broadcasting program. Nondenominational full-power educational television stations licensed by the FCC as of July 1, 2012, would be eligible for state funding. The bill does not define the term "nondenominational." The absence of a definition may result in the inability of the DOE to provide the support required in the bill.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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[http://www.floridaknowledgenetwork.org/PB/TV\\_Map1.pdf](http://www.floridaknowledgenetwork.org/PB/TV_Map1.pdf). According to the DOE, WFSG and WFSU-TV are the same station. E-mail correspondence with DOE staff, October 31, 2011. On file with the Committee on Pre-K – 12 Education.

<sup>4</sup> *Id.*

<sup>5</sup> s. 1001.26, F.S.

<sup>6</sup> Pursuant to s. 1002.26, F.S., these are existing and proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities.

<sup>7</sup> The CPB is a nonprofit corporation that receives an appropriation from Congress and supports local television and radio stations, programming, and improvements to the public broadcasting system as a whole. Other support is derived from sources such as memberships, businesses, colleges, and universities, and state and local governments. The CPB awards grants to stations and independent producers to create programs and services and requires station grant recipients to certify their initial and continued compliance with specific FCC requirements. *See* 47 U.S.C. s. 396 and <http://www.cpb.org/stations/certification/>.

<sup>8</sup> DOE bill analysis, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

<sup>9</sup> Pursuant s. 1013.18, F.S., funds may be requested by a district school board, a Florida College System institution board of trustees, a university board of trustees, and the board of trustees for the Florida School for the Deaf and the Blind.

<sup>10</sup> s. 1001.26(2)(c), F.S.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Current law permits the DOE to provide funds, equipment, and services for existing and proposed educational TV and radio systems of tax-supported and nonprofit, corporate-owned facilities that are qualified by the CPB.<sup>11</sup>

Appropriations for public television and radio stations were vetoed for 2011-2012, including \$307,447 for each public television station.<sup>12</sup> The DOE notes that should funding be restored in future years, the bill could significantly increase the amount necessary to fund public broadcasting or significantly decrease funding available to each television station.<sup>13</sup> The number of stations that would qualify for funding under the bill cannot be determined at this time. According to the FCC, there are currently five licensees that are not identified as public television stations.<sup>14</sup>

According to the DOE, the costs to the department would be those associated with administrative activities, such as reviewing additional grant applications, determining eligibility, and providing ongoing technical assistance.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>11</sup> s. 1001.26(2)(c), F.S.

<sup>12</sup> SB 2000, General Revenue funds in Specific Appropriation 93. Correspondence to the Secretary of State, May 26, 2011. See [http://www.flgov.com/wp-content/uploads/budget/sb\\_2000\\_vetomessage.pdf](http://www.flgov.com/wp-content/uploads/budget/sb_2000_vetomessage.pdf).

<sup>13</sup> DOE bill analysis, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

<sup>14</sup> ETV Network: WTGL (Good Life Broadcasting, Inc.), WFSU-TV (Florida State University), and WBEC-TV (The School Board of Broward County, Florida) and the Trinity Broadcasting Network: WTCE-TV and WJEB-TV (Jacksonville Educators Broadcasting, Inc.). The respective designated market areas are: Orlando-Daytona Beach- Melbourne; Tallahassee-Thomasville; Miami-Ft. Lauderdale; West Palm Beach-Ft. Pierce; and Jacksonville. E-mail correspondence, FCC staff, October 28, 2011. On file with the Committee on Pre-K – 12 Education.

<sup>15</sup> *Id.*

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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