

## **COMMUNICATIONS**

### **CS/CS/HB 529 — Cable TV/Video Service Franchises**

by Policy and Budget Council; Jobs and Entrepreneurship Council; and Rep. Traviesa and others (CS/CS/CS/SB 998 by General Government Appropriations Committee; Community Affairs Committee; Communications and Public Utilities Committee; and Senator Bennett)

The bill establishes the authority to issue statewide cable and video franchises within the Department of State (department or DOS) and designates the department as the state franchise authority. The bill removes local government authority to negotiate cable service franchises.

The bill creates a new chapter 610 of the Florida Statutes. The bill provides for definitions and establishes an application procedure for a state-issued certificate of franchise authority by the department. Incumbent cable or video services providers are eligible to immediately apply for a state-issued certificate and the applicable municipal or county franchise is terminated on the date the department issues the state-issued certificate of franchise authority. Certificateholders are required to update information every five years. The bill provides for application and processing fees, most of such fees will be transferred to the Department of Agriculture and Consumer Services. Franchise fees imposed by local governments, except those franchise fees already collected through the Communications Services Tax and permitting fees collected for the use of the right-of-way are prohibited under the bill. Buildout requirements are prohibited.

The bill requires that all cable or video service providers must comply with federal requirements as provided in the bill. Local governments that have an office or department dedicated to respond to cable or video service customer complaints may continue to respond to such complaints until July 1, 2009, at which time the Department of Agriculture will have sole customer complaint authority.

Guidelines for the number of public, educational, and government (PEG) channels to be provided are established. Certificate holders must provide the same number of public, educational, and governmental access channels, or their functional equivalent, that a municipality or county has activated under the incumbent cable or video service provider's franchise agreement as of July 1, 2007. The bill provides criteria for additional channels and for two channels if no franchise agreement exists or the local government has no requirements. The bill provides for operation, interconnection, and transmission of video programming.

The bill provides for free cable or video services for K-12 public schools, public libraries or local government administrative buildings under certain conditions. Municipalities or counties are prohibited from discriminating against certificateholders for items such as access to rights-of-way, buildings, or property or terms and conditions of utility pole attachments. Local authority is limited with regard to certain additional requirements on the certificateholder including financial,

operational, and administrative requirements. A local authority may not require the filing of certain documents.

The bill prohibits discrimination against subscribers based on race or income, and creates a new section in the Deceptive and Unfair Trade Practices Act, ch. 501, F.S., to enforce the provisions. This section provides for definitions and declares discrimination among residents by a provider of cable or video service unlawful and violation of the section. The bill provides for how a certificateholder may satisfy the section, how to determine whether a violation has occurred, and for enforcement.

If a certificateholder is found by a court of competent jurisdiction not in compliance with the requirements of the chapter, it has a reasonable period of time as specified by the court to cure such noncompliance. If an incumbent cable or video service provider is required to operate under its existing franchise, certain conditions also apply to certificateholders that provide service in that area.

The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) and the Department of Agriculture and Consumer Services are required to submit certain reports to the Legislature.

The bill repeals statutes related to a 2003 law increasing basic local telecommunications rates and reducing rates for intrastate switched network access that affects long distance rates and adds an automatic enrollment requirement for Lifeline services.

The bill makes conforming changes to the Communications Services Tax (CST) and the use of rights-of-way statute. The bill repeals the current cable franchising law in s. 166.046, F.S., and the process for the Public Service Commission to consider petitions for reductions in intrastate switched network access rates in s. 364.164, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 30-3; House 117-2*

### **CS/CS/HB 919 — Emergency Communications Systems**

by Policy and Budget Council; Jobs and Entrepreneurship Council; and Rep. Murzin (CS/CS/SB 1198 by General Government Appropriations Committee; Communications and Public Utilities Committee; and Senator Bennett)

The bill merges the wireline 911 plan for landline telecommunications companies and the Wireless Emergency Communications Act. The bill redesignates the emergency telephone 911 section as the “Florida Emergency Communications Number E911 State Plan Act.” Legislative intent is modified to declare that the communications number “911” is the emergency communications number and is to be used solely for that purpose by a public safety agency. Certain definitions are added, deleted, or clarified relating to this act. The bill modifies the requirements for a state plan and for regional or multi-jurisdictional systems to encourage enhanced 911 (E911) service availability throughout the state.

The bill broadens the statutes to include users of voice communication services which is a two-way voice service through the use of any technology (with certain exception). The bill provides for an E911 board to administer the fees in a manner that is competitively and technologically neutral and to ensure the fee is used as directed. Certain definitions are added, deleted, or clarified. It creates the E911 Board by modifying the make-up of the Wireless 911 Board and modifies or provides for certain duties, including the monitoring of the E911 fee. The wireless 911 fee is renamed the E911 fee and is collected from users of voice communications services. The bill provides for authorized expenditures of the E911 fee and provides for transfer of such fees under certain conditions. It provides for the liability of counties and indemnification and limitations of liability.

The bill makes technical and conforming changes and removes outdated provisions.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 36-0; House 116-0*

### **CS/CS/HB 921 — Wireless Communications Fund**

by Policy and Budget Council; Jobs and Entrepreneurship Council; and Rep. Murzin (CS/CS/SB 1200 by General Government Appropriations Committee; Communications and Public Utilities Committee; and Senator Bennett)

The Wireless Emergency Telephone System Fund is renamed the Emergency Communications Number E911 System Fund. This fund is used to administer the Florida Emergency Communications Number E911 State Plan as provided in s. 365.171, F.S. The bill specifies that all fees assessed and collected by the telecommunications industry from subscribers be remitted directly to the E911 Board for direct deposit into the State Treasury. The bill provides for the separation of said revenues into wireless and nonwireless categories. It revises the distribution of revenues and reduces the carry-forward provision for counties, from 30 percent to 20 percent. However, counties will be exempt from the carry-forward provision as it relates to funding received from grants. The bill requires wireless providers to submit all invoices for the previous year by no later than March 31. By September 1, 2007, up to \$15 million is made available from the fund for the E911 Board to distribute to counties. This distribution of funds will help offset the current collection of nonwireless revenues at the local level to the future remittance at the state level.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 36-0; House 115-0*

**SB 1510 — Public Records/Sunshine State One-Call**

by Senator Aronberg

This bill creates an exemption for protection of proprietary and confidential business information disclosed during the filing of a ticket and for information submitted to Sunshine State One-Call, Inc., describing the extent of damages during an excavation of underground facilities.

Confidential business information is defined as “maps, plans, facility location diagrams, internal damage investigation reports or analyses, dispatch methodologies, or trade secrets as defined in s. 688.002, F.S., or which describes the exact location of an underground facility or protection, repair, or restoration of a facility by a member operator.”

Exemptions are subject to Open Government Sunset Review Act in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 38-0; House 117-0*

**CS/CS/SB 1818 — Telecommunications Industry/Reports**

by Governmental Operations Committee; Communications and Public Utilities Committee; and Senator Haridopolos

The bill amends s. 364.386, F.S., relating to the annual Report on the Status of Competition in the Telecommunications Industry. The bill changes the dates for the Public Service Commission (commission) to request data, for certain companies to provide data, and the due date for the report to be provided to the Legislature. The bill also changes certain reporting criteria to allow the same information that is provided to the Federal Communications Commission (FCC) to be provided to the commission so long as it identifies Florida-specific access line data. The commission may still request and receive qualitative data from the industry that is usually provided in a question and answer format.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 38-0; House 118-0*

## ENERGY

### **HB 549 — Power Plants/Integrated Gasification**

by Rep. Traviesa and others (SB 1202 by Senators Bennett, Aronberg, Dockery, Lynn, Fasano, Joyner, Constantine, Jones, Gaetz, Alexander, and Baker)

The bill contains two types of provisions, those relating to siting an integrated gasification combined cycle power plant and those relating to consideration of adequate utilization of renewable energy resources and conservations measures.

The bill provides for advanced cost recovery for the costs of constructing an integrated gasification combined cycle power plant. It requires that, when the Public Service Commission is making a determination of the need for a proposed integrated gasification combined cycle power plant, it must consider specified information as to reliability, fuel diversity, and the need for base-load generation.

The bill also provides that it is the policy of this state and the intent of the Legislature that in siting power plants, courses of action be taken that balance the increasing demands for electrical power plant location and operation with the broad interests of the public, based on premises that, under the bill, include assuring the citizens of Florida that renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available. Additionally, the bill requires that, when the Public Service Commission is making a determination of the need for any proposed power plant, it must consider whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 115-2*

### **CS/HB 7123 — Energy**

by Policy and Budget Council; Environment and Natural Resources Council; and Reps. Mayfield, Allen, and others (CS/CS/CS/SB 996 by Transportation and Economic Development Appropriations Committee; Environmental Preservation and Conservation Committee; Communications and Public Utilities Committee; and Senators Bennett, Constantine, Lynn, Fasano, Atwater, and Crist)

The bill creates the Energy Policy Governance Task Force to recommend a unified approach to state energy policy including energy conservation and research, development, and the deployment of alternative and renewable energy technology. The task force is to consist of: two members appointed by the President of the Senate; two members appointed by the Speaker of the House of Representatives; two members appointed by the Governor; the Commissioner of Agriculture or a designee; the Secretary of the Department of Environmental Protection or a designee; a vice-president for research designated by the Council of Vice-Presidents for State University Research; the Chair of the Florida Energy Commission or a designee; the Chair of the Florida Public Service Commission or a designee; and the Public Counsel. Task force members

must be appointed no later than August 1, 2007. The task force must submit its report to the Governor, President of the Senate, and Speaker of the House of Representatives no later than February 1, 2008.

The bill provides a renewable energy source exemption on real property in which solar energy devices are installed and operated. Such exemption shall only apply on devices installed after July 1, 2007.

The bill creates a new Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services (DACS). In reviewing grant applications, DACS is required to: consult with and solicit input from the Department of Environmental Protection; consult with persons having expertise in renewable energy technologies, and for the economic feasibility, consult with the Office of Tourism, Trade and Economic Development. Subject to appropriation, the bill creates new incentives for the production and retail sale of biofuels beginning after January 1, 2008, the Biofuel Retail Sales Incentive Program and the Florida Biofuel Production Incentive Program.

The bill establishes a Green Schools Pilot Project to meet specified energy ratings; requires that all newly constructed county, municipal, and public community college buildings meet a specified energy-efficiency rating; establishes minimum standards (subject to availability) for total diesel fuel purchases for use by state-owned diesel vehicles and equipment and (subject to availability) for use by school districts. The bill creates, subject to specific appropriation, the Florida Energy, Aerospace, and Technology Fund to identify business and investment opportunities in the area of alternative energy development and aerospace industry expansion.

The bill amends statutes on energy efficiency and conservation in state-owned buildings. It revises criteria for energy conservation and sustainability of state-owned buildings; requires buildings constructed and financed by the state to meet an approved rating system; requires state agencies to identify state-owned buildings that are suitable for a guaranteed energy performance savings contract; requires the Department of Management Services (DMS) to evaluate identified facilities and develop an energy efficiency project schedule; and revises provisions relating to guaranteed energy performance savings contracts to allow DMS and the Chief Financial Officer greater authority to review and approve contracts for state agencies that produce an energy related cost savings.

The bill provides for transfer of the corporate income tax credit based upon investment in renewable energy technology. The bill provides for a renewable energy production credit for the producer of electricity when such use of the electricity decreases the amount of electricity that would otherwise be purchased by the producer. It provides that the taxpayer's use of the renewable energy production credit shall not reduce the amount of alternative minimum tax credit pursuant to s. 220.186, F.S.

The bill provides for reservation of solar rebates and revises the rebate eligibility and application requirements for solar photovoltaic systems.

The bill requires the Department of Environmental Protection to develop greenhouse gas inventories that account for annual greenhouse gases emitted to and removed from the

atmosphere, and forecast gases emitted and removed. The inventory must also include emissions which are considered carbon neutral.

The bill provides for the construction of a research and demonstration cellulosic ethanol plant to be operated as a satellite facility by the Institute of Food and Agricultural Services (IFAS) at the University of Florida.

The bill directs the Florida Building Commission to convene a workgroup to: develop a model residential energy efficiency ordinance; review the cost-effectiveness of energy-efficiency measures in the construction of residential, commercial, and government buildings; and, by January 1, 2008, develop and implement a public awareness campaign that promotes energy efficiency and the benefits of building green.

The bill requires several studies and reports: 1) the Public Service Commission, in conjunction with the Florida Energy Commission, the Department of Environmental Protection, and the Department of Agriculture and Consumer Services, is required to recommend a Renewable Portfolio Standard; 2) the Public Service Commission, in conjunction with the Florida Energy Commission, the Department of Environmental Protection, and the Department of Agriculture and Consumer Services, is required to recommend an energy efficiency and solar energy incentive, including a public benefits fund and net metering; 3) the Public Service Commission is required to report the methods it uses to evaluate utilities' conservation programs; 4) the Department of Agriculture and Consumer Services in conjunction with the Department of Environmental Protection is required to recommend an appropriate Florida Loan Guarantee Program for cellulosic ethanol facilities; 5) the Department of Community Affairs is required to convene a work group to identify, review, and report on new or updated energy conservation standards for certain products that consume electricity.

Finally, the bill revises provisions under the Power Plant Siting Act and the Transmission Line Siting Act that are considered technical corrections for administrative purposes.

If approved by the Governor, these provisions take effect July 1, 2007.

*Vote: Senate 39-0; House 119-0*

## **OPEN GOVERNMENT SUNSET REVIEW**

### **SB 1452 — OGSR/Public Service Tax**

by Communications and Public Utilities Committee

The bill repeals s. 36, ch. 2001-140, Laws of Florida, which grants the authority to audit telecommunication service providers' records to ensure compliance with the Public Service Tax, and repeals s. 166.236, F.S., which provides an exemption for proprietary and confidential business information collected during Public Service Tax audits.

If approved by the Governor, these provisions take effect October 1, 2007.  
*Vote: Senate 38-0; House 115-0*