

Bill No. PCS (814916) for SB 998

Barcode 845342

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Comm: RCS  
03/23/2007 12:26 PM

.  
. .  
. .  
. .  
. .  
. .

---

The Committee on Communications and Public Utilities (Fasano) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 31, line 2, through  
page 32, line 11, 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

Bill No. PCS (814916) for SB 998

Barcode 845342

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

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

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

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

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

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

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

28 (e) Natural disasters.

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

30 (6) The department may grant a waiver or extension  
31 only if the provider has made substantial and continuous

Bill No. PCS (814916) for SB 998

Barcode 845342

1 effort to meet the requirements of this section. If an  
2 extension is granted, the department shall establish a new  
3 compliance deadline. If a waiver is granted, the department  
4 shall specify the requirements waived.

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

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

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

19 (10) The Department of Agriculture and Consumer  
20 Services shall adopt rules pursuant to ss. 120.536(1) and  
21 120.54 to administer this section.

22  
23

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

25 And the title is amended as follows:

26 On page 3, lines 20-26, delete those lines

27

28 and insert:

29 request for enforcement; providing for a period  
30 of time to cure certain noncompliance;  
31 providing for the use of alternative

Bill No. PCS (814916) for SB 998

Barcode 845342

1           technology; authorizing waivers or extensions  
2           of time to meet such requirements; providing a  
3           definition; prohibiting certain mandatory  
4           build-out or deployment provisions; providing  
5           for enforcement and the adoption of rules;  
6           clarifying local

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31