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* Permitted by Cable Communications Policy Act of 1984.

** Taken Substantially from Cable Communications Policy Act of 1984.

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8/12/85

ORDINANCE #85-22

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING ORDINANCE #78-5 AS CODIFIED IN CHAPTER 2-7 OF THE CODE OF LAWS OF MANATEE COUNTY, FLORIDA, ADDING A NEW CHAPTER 2-7, CODE OF LAWS, MANATEE COUNTY, FLORIDA, WHICH ESTABLISHES A NEW CABLE TELEVISION CODE; PROVIDING FOR A TITLE; PROVIDING FOR A GRANT OF AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE; PROVIDING FOR CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A NON-EXCLUSIVE FRANCHISE GRANT; PROVIDING FOR TERM OF FRANCHISE; PROVIDING FOR RESPONSIBILITY OF MANATEE COUNTY CABLE TELEVISION ADVISORY COMMITTEE AND THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REQUIREMENT OF A FRANCHISE; PROVIDING FOR APPLICATION FOR A FRANCHISE AND FOR A FRANCHISE FEE; PROVIDING FOR A PROCEDURE BEFORE THE COMMITTEE; PROVIDING FOR A PROCEDURE BEFORE THE BOARD; PROVIDING FOR A FRANCHISE AGREEMENT; PROVIDING FOR PERMITS AND LICENSES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR WORKER'S COMPENSATION INSURANCE; PROVIDING FOR LIABILITY INSURANCE; PROVIDING FOR INDEMNITY; PROVIDING FOR FURNISHING OF REPORTS; PROVIDING FOR BOOKS AND RECORDS; PROVIDING FOR FAIR EMPLOYMENT PRACTICES; PROVIDING FOR OFFICE HOURS AND TELEPHONES OF FRANCHISEE; PROVIDING FOR INFORMATION AVAILABLE TO POTENTIAL SUBSCRIBERS AND USERS; PROVIDING FOR RESOLUTION OF COMPLAINTS; PROVIDING FOR A UTILIZATION AND VIABILITY STUDY IN PREPARATION FOR DEVELOPING AN INSTITUTIONAL CABLE NETWORK; PROVIDING FOR SERVICE POLICIES; PROVIDING FOR SERVICE POLICIES OF RENTAL PROPERTIES; PROVIDING FOR SYSTEM DESIGN; PROVIDING FOR TECHNICAL AND OPERATIONAL STANDARDS; PROVIDING FOR INSTALLATION OF SYSTEM; PROVIDING FOR FRANCHISE FEES; PROVIDING FOR NON-REGULATION OF RATES; PROVIDING FOR MANATEE COUNTY CABLE TELEVISION WORKSHOP PROJECT FOR THE EDUCATION AND INSTRUCTION OF THE CITIZENRY ON CABLE TELEVISION TECHNIQUES; PROVIDING FOR MODIFICATION OF FRANCHISE OBLIGATIONS; PROVIDING FOR PERFORMANCE REVIEWS; PROVIDING FOR A RENEWAL OF FRANCHISES; PROVIDING FOR DEFAULT AND REVOCATION OF FRANCHISES; PROVIDING FOR CONDITIONS OF SALE; PROVIDING FOR ASSIGNMENT; PROVIDING FOR FRANCHISEE'S DUTY TO REMOVE FRANCHISE PROPERTIES UNDER CERTAIN CONDITIONS FROM THE PUBLIC STREETS; PROVIDING FOR FRANCHISEE TO HAVE NO RECOURSE; PROVIDING FOR PENALTIES; PROVIDING FOR CHANGES IN FEDERAL REGULATION; PROVIDING FOR EFFECT ON EXISTING FRANCHISEES; PROVIDING FOR ARBITRATION; PROVIDING FOR BOARD'S AUTHORITY OVER SERVICES DECLARED OBSCENE; PROVIDING FOR REQUIREMENT OF COPYRIGHT PERMISSION; PROVIDING FOR PROTECTION OF SUBSCRIBER PRIVACY; PROVIDING FOR ENFORCEABILITY OF CABLE TELEVISION CODE OR A CABLE TELEVISION FRANCHISE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners of Manatee County, Florida enacted Ordinance 78-5 (codified as Section 2-7) which established the granting of non-exclusive cable television franchises within the unincorporated areas of Manatee County, Florida, and, imposed standards and regulations for the operation of the cable television industry; and

WHEREAS, since the Board of County Commissioners of Manatee County, Florida, enacted Ordinance 78-5, the technology has expanded at such a rapid rate, and the concerns of the

governmental subdivisions have escalated at such a quick pace, that the standards and regulations addressed in Ordinance 78-5, are now in certain instances, inadequate to meet current technology and concerns; and

WHEREAS, the United States Congress has, through recently passed Senate Bill 66, altered, modified, clarified, and in some instances restricted the method in which governmental subdivisions may regulate cable television within the governmental subdivisions; and

WHEREAS, the Board of County Commissioners recognizes that in light of expanding technology and recent federal legislation there is an urgent need to substantially update and refine the standards and regulations for operation of a cable franchise within the unincorporated areas of Manatee County; and

WHEREAS, the updating and refining of the standards and regulations for operation of a cable franchise within the unincorporated areas of Manatee County will enhance the common interests, safety, and welfare of the citizens of Manatee County, Florida.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA that:

Section 1: Ordinance 78-5, as codified in Section 2-7-1, et seq. of the Code of Laws, Manatee County, Florida, is hereby repealed. This repeal shall not be construed to affect the existence of any franchise granted by the Board of County Commissioners pursuant to the former Ordinance. However, under certain conditions enumerated under Section 2-7-45, an existing franchisee must come into compliance with the provisions of this Ordinance. With respect to those Sections enumerated in Section 2-7-45, then it will be as if those sections had been incorporated into the existing franchise agreement, and as a result, those enumerated sections will supersede any inconsistent language in the existing Franchise Agreement. Moreover, at the time of renewal, an existing franchisee must come into compliance with the provisions of this Ordinance.

Section 2. The Code of Laws, Manatee County, Florida, is amended by adding a new Section 2-7-1, et seq. which reads as follows:

**CHAPTER 2-7
CABLE TELEVISION**

Section 2-7-1. Title. This Code may be known and cited as the Cable Television Code or the General Cable Television Ordinance of Manatee County.

Section 2-7-2. Grant of Authority.

- A. The Board herein sets forth the conditions for the grant of a non-exclusive right, privilege, and franchise to construct, operate and maintain a cable television system for the unincorporated area of Manatee County and for residents, with the system to be located in, upon, along, across, over, and under the streets and public ways of the County. Such grant shall give the franchisee the right and privilege to erect, install, construct, repair, replace, reconstruct, maintain and retain cable television equipment or property on such streets and public ways.
- B. Subject to pre-emption by the Federal Communications Commission, or other federal or state governmental entities or agencies, the Board retains authority to provide the regulation and control of the cable television system, as prescribed herein, subsequent to the award of the franchise, and to review the franchise periodically.
- C. Subject to pre-emption by the Federal Communications Commission, or other federal or state governmental entities or agencies, the County assumes jurisdiction to enforce all laws and regulations relating to cable television service within the unincorporated areas of Manatee County, Florida.
- D. The franchisee shall be selected as part of a public proceeding affording due process, after which an applicant selected as a franchisee by the Board will enter into a franchise agreement with the County pursuant to the provisions of this Code.

Section 2-7-3. Definitions. In this Code, unless the context otherwise requires:

1. "Access channel" or "non-broadcast channel" means a government, education, public, local origination, or leased channel carried on a cable television system.
2. "Activated channel" means a channel engineered at the headend of the cable television system for the provision of services generally available to residential subscribers of the cable television system, regardless of whether such services actually are provided, including any channel designated for governmental, educational, or public use.
3. "Affiliate" means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person.
4. "Annual gross revenues" replaces the definition of "gross annual basic subscriber revenues" that was originally defined in Manatee County Ordinance #78-5. "Annual gross revenues" means that percentage of any and all compensation which is attributable to the number of subscribers within the unincorporated areas of the County. Further, "annual gross revenues" means any and all compensation, in whatever form, exchange or otherwise derived from all cable services within the County (incorporated and unincorporated areas), including, but not limited to, revenues from subscriber rates, pay television, premium channels, pay-per-view events, leased access channels, advertising, installations, connection, and reinstatement charges. However, "annual gross revenue" does not include any taxes for incorporated areas, services, furnished by the franchisee or pass-through fees except Franchise Fees permitted by this Code, imposed directly on any subscriber or user by a local, state or federal governmental entity and collected by the franchisee for such an entity.

5. "Applicant" means a person submitting an application or proposal to the Board for a franchise to operate a cable television system under the terms and conditions set forth in this Code.
6. "Application" or "Proposal" are synonymous for the purposes of this Code. An "application" or "proposal" means the process by which the applicant submits a written request and indicates a desire to be granted a franchise for all, or a part of the unincorporated area of the County. An "application" or "proposal" includes all written documentation, in whatever form, made by the applicant to the Board concerning construction, rendition of services, maintenance, or any other matter pertaining to the proposed cable television system.
7. "Basic cable television service" means the simultaneous delivery by the franchisee to television receivers (or other suitable types of audio video communication receivers) of subscribers in the County of all signals of over-the-air television broadcasters required by the FCC to be carried by a cable television system. "Basic cable television service" also include public, educational, and governmental channels, and other channels that the franchisee provides or is required to provide as a basic service.
8. "Board" means Board of County Commissioners, Manatee County, Florida.
9. "Cablecasting" means television programs originating by a cable television system, and distributed over the cable system, rather than through the air as in broadcasting.
10. "Cable channel" or Cable television channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel.
11. "Cable operator" (for the purposes of this definition, a "cable operator" may, though not necessarily be a franchisee) means any person or group of persons who:

- A. Provides cable television service over a cable system and directly or through one or more affiliates owns a significant interest (at least ten [10] percent) in such cable system, or
 - B. Otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.
12. "Cable service" means:
- A. The one-way transmission to subscribers of video programming, or other programming service, and
 - B. Subscriber interaction, if any, which is required for the selection of such video programming or other programming service, or
 - C. Two-way addressable cable.
13. "Cable system" or "Cable television system" means a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming, and which is provided to multiple subscribers. However, such terms do not include the following:
- A. A facility that serves only to retransmit the television signals of one (1) or more broadcast stations;
 - B. A facility that serves only subscribers in one (1) or more multiple unit dwellings under common ownership, control, or management unless such facility or facilities uses any public right-of-way.
 - C. A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II, the Communications Act of 1934, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Cable Communications Policy Act of 1984) to the extent such facility is used in the transmission

- of video programming directly to the subscribers;
or
- D. Any facilities of any electric utility used solely for operating its electric utility systems.
14. "Clerk" means Clerk of the Court, Manatee County, Florida.
15. "Commercial use" means the provision of video programming, whether or not for profit.
16. "Commercially impracticable" means with respect to any requirement applicable to a franchisee, that it is commercially impracticable for the franchisee to comply with such requirement as a result of the change in conditions which is beyond the control of the franchisee, and the non-occurrence of which was a basic assumption on which the requirement was based.
17. "Committee" means the Manatee County, Florida Cable Television Advisory Committee.
18. "Converter" means any electronic device that is capable of converting or changing signals to a frequency not susceptible to interference within the television or video receiver of a subscriber, and by an appropriate channel selector also permits a subscriber to view signals delivered at designated dial locations.
19. "County" means Manatee County, Florida.
20. "County Administrator" means Administrator of the County, Manatee County, Florida, or designee.
21. "Downstream" means signals traveling from the headend to the subscriber receivers.
22. "Drop" means a small branch of cable which connects the antenna terminals on the back of the subscriber's television or video receiver to the feeder cable on the street or easement.
23. "FCC" or "Federal Communications Commission" means the federal administrative agency authorized to oversee cable television regulation on a national level, or its lawful successor.

24. "Franchise" means the initial authorization or subsequent renewal granted under this Code to construct, operate, and maintain a cable television system in all, or part of, the unincorporated areas of Manatee County, Florida.
25. "Franchise area" means the geographic and/or territorial boundaries of the franchise.
26. "Franchise expiration" means the date of expiration of the term of the franchise, as provided under the franchise agreement.
27. "Franchisee" means the person that is awarded a franchise by the County to construct, operate, and maintain a cable television system, in all, or part of, the unincorporated areas of the County, and in accordance with the provisions of all applicable law. A franchisee is by nature a cable operator.
28. "Governmental subdivision" means the County, state or federal governmental entity, or duly created agency of the County, state or federal governmental entity such as, but not limited to, state supported institutions of learning, and schools.
29. "Headend" or "Hub" means the electronic control center, located at the start of the cable system (usually near or at the antenna site), where incoming signals are amplified, filtered and converted. The "headend" or "hub" processes the cable system's return capability and provides interface between the subscriber and institutional networks.
30. "Informational service" means a communications service other than basic service provided directly by franchisee over its cable television system or a carrier for its subsidiaries, affiliates or any other person engaged in communications services including, but not limited to, burglar alarm, data or other electronic intelligence transmission, facsimile reproduction, meter reading and home shopping. For

purposes of this definition, it shall also mean non-entertainment services, and does not include pay television channels such as premium movie channels.

31. "Institutional network" or "Institutional Cable Network" means a communication network such as constructed or operated by the franchisee, and which is generally available only to subscribers who are not residential subscribers. Such a network will interconnect with public institutions, governmental subdivisions, and other informational resource centers within the County. Said network shall be two-way with reverse signals activated with initial construction of the system and maintained during the franchise. Although this network is generally available only to subscribers who are not residential subscribers, said network shall be interconnected with the residential subscriber service.
32. "Interconnection" means use of microwave coaxial cable, optical fiber, or other apparatus or equipment for the transmission and distribution of signals between two or more cable systems for mutual distribution of programming.
33. "Monitoring" means the observation or testing of a signal or signals, or the absence thereof, at the longest cascade of amplifiers, whether the signal is observed by visual or electronic means, where the observer is not the subscriber, or the initiator of the signal, or the franchisee.
34. "Original cablecasting" and "local origination cablecasting" means programming exclusive of broadcast signals, carried on cable television system over one or more channels and subject to the exclusive control of the cable operator. However, such original cablecasting shall not include public, educational or governmental access channel.

35. "Pay television" or "Pay-Per-View" or "Payvision" or "Premium channel" or "Subscription television" means the delivery over the cable television system of audio video signals in intelligible form to subscribers for a fee or charge (over and above the charge for basic service on a per-program or per-channel basis).
36. "Person" means any individual, corporation, business trust, estate, trust, partnership, association of two or more persons having a joint common interest, governmental agency, or any other legal entity.
37. "Public, educational or governmental access facilities" means:
- A. Channel capacity designated exclusively for public, educational or governmental use; and
 - B. Facilities and equipment for the use of such channel capacity.
38. "Public way" means any public street, public way or public place, now laid out or dedicated, and all extensions thereof and additions thereto in the franchise area.
39. "Service tier" means a category of cable service or other services provided by the franchisee and for which a separate rate is charged by the franchisee.
40. "Street" means the surface of and the space above and below a public street, road, highway, freeway, land, path, public way of place, alley, court, boulevard, parkway, drive or other easement now or hereafter held by the County for the purpose of public travel and shall include other easements or rights-of-way now or hereafter held by the County which shall, with their proper use and meaning, entitle the County and a franchisee to use thereof for the purpose of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, viaducts, manholes, amplifiers, appliances, attachments and other property as may ordinarily be necessary and pertinent to a cable television system.

41. "Subscriber" means a person receiving service delivered over the cable television system.
42. "Superimpose" means the technique of using two separate picture sources simultaneously, each at approximately half strength.
43. "Trunk cable" means that cable which transmits signals from the headend to the feeder cable.
44. "Two way cable" means a cable television system providing services in which information can flow from the subscriber as well as to the subscriber.
45. "Upstream" means signals traveling from a remote location back to the headend or studio utilizing the reverse function of the cable system.
46. "User" means a person or organization utilizing a cable television system channel or cable television system equipment for purposes of production and/or transmission of material, as contrasted with receipt thereof in a subscriber capacity.
47. "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television station.
48. "Work day" means a day in which the Board is regularly open for business.

Section 2-7-4. Scope. This Code shall be effective in the unincorporated areas of Manatee County, Florida.

Section 2-7-5. Construction. This Code shall be liberally construed to accomplish its purpose of regulation cable television systems' construction operation, and maintenance.

Section 2-7-6. Severability. If any part, section, subsection, or other portion of this Code or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Code, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and

effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Code, and that it would have enacted this Code regardless of the invalid or prescribed provision or application.

Section 2-7-7. Non-exclusive Franchise Grant. The authorization granted under Section 2-7-2 to use and occupy said streets and other public ways for the purpose of constructing, operating, and maintaining a cable television system shall not be exclusive, and the County reserves the right to grant a similar use in said streets and public ways to any other person.

Section 2-7-8. Term of Franchise. The term of an initial franchise shall be ten (10) years from the date that the franchise is approved by the Board. The term of a renewal franchise may be for a period not less than eight (8) nor more than ten (10) years from the date that the franchise renewal proposal is approved by the Board.

Section 2-7-9. Responsibility. Pursuant to the authority granted to the Committee by County Resolution 84-5, as amended, the Committee shall advise and make recommendations to the Board on matters relating to the cable television industry. These matters include, but are not limited to, applications for a cable television system franchise; applications for a modification of an existing franchise; applications for a renewal of an existing franchise; resolution of complaints and periodic review of a franchisee's performance. However, unless specified, the Committee shall have no final decision-making authority on such matters, with those matters specifically designated for final review by the Board. The Board may make rules with respect to cable television only to the extent that they are necessary to carry out the provisions designated in this Code.

Section 2-7-10. Franchise Required. No person or cable operator shall be permitted to construct, operate, or maintain a cable television system without having first obtained a franchise, and then entering into a franchise agreement with the County.

Section 2-7-11. Application for Franchise; Application Fee.

- A. Any person desiring a franchise in order to construct, operate, and maintain a cable television system shall first make an application on forms provided by the County through the Committee, which shall contain at least the following information and be accompanied by the following documents:
1. If the applicant is:
 - i. An individual, name and address;
 - ii. A partnership, the full name of the partnership and the names of all the partners, whether general or limited, accompanied by the partnership instrument or a certified copy thereof;
 - iii. A corporation, the exact corporate name and state-of-incorporation and the name of all the officers, directors and principal stockholders, accompanied by the articles of incorporation and all amendments thereto, and the certificate of incorporation, or certified copies thereof;
 - iv. Other, name of entity and address, and name of all members of entity.
 2. If the business is to be conducted under a name other than that of the applicant, the business name and the county of registration under Section 865.09, Florida Statutes.
 3. Whether any of the individuals listed pursuant to paragraph one (1) has, within the five (5) year period immediately preceding the date of the application, been convicted of a felony, and if so, the particular criminal act involved, and the place of the conviction.
 4. Whether applicant wishes a franchise for all, or only a part of the unincorporated County.
 5. if only for a part of the unincorporated County, then specify that part for which a franchise is desired.

6. How long, the applicant has been in the cable television business.
7. The names of other jurisdictions, if any, where the applicant has applied for a franchise, contract, or agreement to provide cable television service to all or part of that jurisdiction.
8. The names of other jurisdictions, if any, where the applicant provides cable television service to all or part of that jurisdiction.
9. Whether the applicant has ever had a franchise, contract, or agreement revoked or canceled by a jurisdiction to provide cable television service to all or part of that jurisdiction.
10. If a revocation or cancellation has occurred, then the date(s) and circumstances surrounding the revocation or cancellation.
11. Whether the applicant has ever voluntarily left a jurisdiction in which it was providing cable television service to all or part of that jurisdiction.
12. If a voluntary removal has occurred, then the date(s) and circumstances surrounding the voluntary removal.
13. A financial resources form that is supplied by the Committee.
14. A current and up-to-date financial statement.
15. A detailed pro forma statement outlining the time in which the applicant expects to recoup the total initial investment. Further, the pro forma shall include projected subscriber levels for services proposed at proposed initial rates, capital investments, amortizations and depreciation schedules, and operating expense schedules.

16. A verifiable credit reference report, or in lieu thereof, letters of credit references and recommendation from at least two lending agencies, either a bank or savings and loan association.
17. True and exact copies, if filed, of the last and most current Federal Communications Commission Cable TV Information Report, F.C.C. Form 325, 326, and 326(a) as submitted to the F.C.C.
18. Certificates of liability insurance coverage in the minimum amounts specified by this Code, naming the County as co-insured, or statement that such insurance will be acquired and maintained before franchise agreement is executed in the event a franchise is awarded.
19. Performance bond as required by this Code, payable to the County, or statement that such bond will be acquired and maintained before franchise agreement is executed, in the event a franchise is awarded.
20. A detailed statement of the type of system that is proposed, including whether the system will be two way addressable, and provide an institutional network.
21. The proposed date on which cable operations will commence.
22. The proposed area in which the cable operations will initially commence.
23. The proposed date on which construction shall be commenced, and if applicable, a statement that microwave radio facilities are to be used to relay one or more signals.
24. Locations of antenna and transmitter headend facilities.

25. A statement that details the technical qualifications and experience of the applicant, its employees, or agents.
 26. Copy of the contract or service agreement to be utilized for individual customers which shall include all fees, charges, rentals, late payment charges, cancellation fees, maintenance charges, and company rules pertaining to relations between applicant and subscribers, and users.
 27. The service tiers and rates of cable service that will be offered.
 28. A pledge by applicant, that applicant will abide by all the terms and conditions of the Code.
 29. Schedule of rates for users of cable equipment and studio facilities.
 30. Other such information required by the Committee or the Board.
- B. The original and ten (10) copies of the application shall be accompanied by a non-refundable fee of one thousand dollars (\$1,000) and shall be submitted with the completed application to the Chairman of the Committee.

Section 2-7-12. Procedure Before the Committee.

- A. Within ten (10) days after the applicant submits a completed application to the Chairman of the Committee, the Chairman shall notify the applicant of the time, and place of the Committee's advisory hearing on the application.
- B. The advisory hearing before the Committee shall take place, no later than thirty (30) days (unless an extension is granted) after the notice is mailed.
- C. The notice shall state clearly that the Committee's role is advisory only, and that regardless of the Committee's recommendation(s) the Board will make the final determination after conducting a public hearing during a full or special session of the Board.

- D. The notice shall outline the areas that the Committee will specifically want the applicant to address. These areas include, but are not limited to the following:
1. overview of proposal
 2. ownership and management of system
 3. financial commitments
 4. system design and construction
 5. signal carriage and channel allocations
 6. local origination and access
 7. initial rates
 8. institutional and information services
 9. what costs, if any, does the applicant expect the County to shoulder with respect to construction, operation, or maintenance of a cable television system.
- E. At the advisory hearing, the applicant may be accompanied or represented by technical staff and legal counsel. The applicant shall make a presentation along the lines described in subsection (D), and may add any information that the applicant feels is necessary to complete the presentation. During the course of the presentation, members of the Committee may address specific questions to the applicant.
- F. On or before the date of the advisory hearing, the applicant may make a request for an extension or continuance of the hearing date. Such requests shall be freely granted. However, under such circumstances, a new date for the advisory hearing need not be set within thirty (30) days from the date requesting extension or continuance.
- G. Within ten (10) working days after the advisory hearing, the Committee shall consider the application and make a written recommendation to the Board. The recommendation shall be forwarded to the applicant.
- H. The recommendation shall give specific reasons which form the basis of the recommendation. If the

recommendation is against awarding a franchise to the applicant, then the reason for such a recommendation cannot be based in whole, or in part, on the proposed rate structure.

Section 2-7-13. Procedure Before the Board.

- A. Within thirty (30) days after the recommendation of the Committee is received by the Board, the Board shall set a public hearing, in the manner prescribed by law, to consider the application and recommendation.
- B. At the public hearing, applicant may be accompanied or represented by technical staff or legal counsel.
- C. At the public hearing the Board shall review the recommendation of the Committee, and may ask for additional information from either members of the Committee or the applicant and its staff.
- D. The Board shall act on the applicant's application. If the decision is against awarding a franchise to the applicant, then the reason for such a decision cannot be in whole, or in part, based on the proposed rate structure.

Section 2-7-14. Franchise Agreement. If the Board awards the applicant a franchise to construct, operate, or maintain a cable television system in all or a part of the County, or approves a proposal for a renewal of a franchise, then within one hundred eighty (180) days, the applicant or franchisee and the County shall enter into a franchise agreement which details the rights, duties, responsibilities, and liabilities of both parties. However, a new franchisee may not lay any cable until the franchise agreement is executed by both the new franchisee and the County. Moreover, this section shall not be construed in any manner as an extension of the franchise term.

Section 2-7-15. Permits and Licenses. The franchisee shall obtain, at its own expense, all permits and licenses required by law or ordinance, and maintain the same in full force and effect.

Section 2-7-16. Performance Bond. The franchisee shall furnish to the County a performance bond executed by a surety

company licensed to do business in the State of Florida and/or an irrevocable letter of credit issued by a local bank for the faithful performance of the franchisee with the County and all obligations arising thereunder in the amount of thirty-five thousand dollars (\$35,000). This bond or irrevocable letter of credit shall be in force for the duration of the franchise. The irrevocable letter of credit or bond may be substituted for the other upon approval by the Board.

Section 2-7-17. Worker's Compensation Insurance. The franchisee shall provide and maintain during the life of the franchise, Worker's Compensation Insurance in accordance with the laws of the State of Florida, for all employees. A certificate shall be filed with the County by the insurance carrier showing such insurance to be in force at all times.

Section 2-7-18. Liability Insurance. The franchisee shall provide and maintain during the life of the franchise with the County, Public Liability and Property Damage Insurance and Umbrella Coverage in the following amounts:

Public Liability	\$1,000,000 per person/ \$2,000,000 per occurrence.
Property Damage	\$2,000,000 per any one claim.
Umbrella Liability	\$2,000,000 with up to a \$25,000 deductible and/or base insurance.

Before the franchise agreement is executed by both parties, the policies or certificates representing said insurance shall be delivered by the franchisee to the County and each policy or certificate delivered shall bear the enforcement of, or be accompanied by, evidence of payment of the premium thereon, and further, an endorsement obligating the insurance company to furnish the Board and the Committee thirty (30) days written notice in advance of the cancellation of the insurance evidenced by said policy or certificate. Renewal policies or certificates shall be delivered to the Board at least ten (10) days before the expiration of the insurance which such policies are to renew. It is expressly understood, that any such policy or policies shall name the County, the Board, and the Committee as additional insureds.

Section 2-7-19. Indemnity. The franchisee shall at all times defend, indemnify, protect, save harmless, and exempt the County, its officers, agents, servants, and employees from any and all penalty, damage, or charges arising out of claims, suits, demands, causes of action, or award of damages whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might be claimed now or in the future, including any payments required by the Worker's Compensation law, which may arise out of or be caused by the construction, erection, location, products performance, operation, maintenance, repair, installation, replacement or removal of the cable television system within the County by a negligent act or omission of the franchisee, its agents or employees, contractors, or subcontractors. Attorney's fees are specifically included in the provision above. However, the County reserves the right to retain counsel of its choice at its own expense. If, in the alternative, the franchisee obtains counsel for the County, then the County shall have the right to approve counsel. However, the County shall not unreasonably withhold its approval of counsel. With respect to the franchisee's own defense of such actions, it is understood, that franchisee reserves the right to select and retain, without County approval, counsel of franchisee's choice at franchisee's expense.

Section 2-7-20. Furnishing of Reports. At any time the FCC or other federal or state agency requires or requests the submission of reports, data, or other information by the franchisee, then the franchisee shall, at the same time, submit those reports, data, or other information to the County and the Committee.

Section 2-7-21. Books and Records.

- A. The franchisee shall keep complete and accurate books of accounts and records of the business and operations under and in connection with the cable television system.
- B. The Board shall have the right to review all records (pertaining to franchisee's operations within the

unincorporated area of the County) maintained by the franchisee on five (5) working days written notice unless specifically exempted by the Board. If necessary in the furtherance of its duties, the Committee may request the Board to allow the Committee to review the records of the Franchisee.

C. In addition to the above, the franchisee shall file no later than one hundred twenty (120) days after the end of the franchisee's fiscal year, a copy of the local report to stockholders (individual dispersement not necessary if one is regularly prepared) and income statement applicable to the cable operations during the preceding twelve (12) month period, a balance sheet, and a statement of the properties devoted to cable television operations, by categories, giving the franchisee's investment in such properties on the basis of original cost, less applicable depreciation. These reports shall be certified as correct by an independent certified public accounting firm, and there shall be submitted along with them such other reasonable information as the Board may request with respect to the franchisee's properties and expenses relating to the cable television system operations within the County.

D. A false entry in the records of the franchisee pertaining to a material and substantial fact that has been knowingly made by a franchisee shall constitute a violation of a material provision of this Code.

Section 2-7-22. Fair Employment Practices. The franchisee will not refuse to hire or employ nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, race, creed, color, national origin, sex, handicap, religious, political affiliation or belief. The franchisee shall comply with Section 634 of the Cable Communications Policy Act of 1984 as it relates to equal employment opportunity in the cable television system industry.

Section 2-7-23. Office Hours and Telephones of Franchisee.

Each franchisee shall maintain an office in the County, and shall keep the office open and the office telephones answered at least between the hours of 9:00 a.m. and 4:00 p.m. on weekdays (exclusive of holidays) for normal business inquiries. Moreover, the franchisee shall be required to maintain a twenty-four hour number to facilitate calls concerning repair and extended interruption of service. This means that there shall be adequate personnel (except during special marketing promotion periods, peak billing cycles, and power outages) and/or extension lines to meet an average of at least one hundred fifty (150) calls per hour, or one (1) percent of the franchisee's subscribers, whichever sum is lesser.

Section 2-7-24. Information Available to Potential Subscribers and Subscribers and Users. The franchisee at its principal place of business in the County shall make available to a potential subscriber, or subscriber, or user, information regarding the service rendered. Such information shall include types of services provided, number and description of activated channels, rate schedules, billing periods, maintenance and repair fees, if any. Further, the franchisee shall have on file for inspection, upon request the following:

1. A copy of the form of the franchise agreement.
2. A copy of the applicable County ordinances and resolutions relating to the cable television system industry.
3. A map showing the franchise area of the franchisee.
4. A map showing the area being served by franchisee in the franchise area.
5. A legible notice placed in a conspicuous place in the office to the effect that a copy of the foregoing is kept there for inspection by potential subscribers, or subscribers, or users.
6. A copy of the complaint procedure for subscribers of users.

If a potential subscriber, or subscriber, or user requests a copy of any item in this Section, then the franchisee may recover the cost of reproduction from the potential subscriber, or subscriber, or user.

Section 2-7-25. Resolution of Complaints.

- A. If the franchisee receives any complaints about the level or interruption of service, the quality of the signal, the use of the franchisee's facilities, the billing complaints charged by the franchisee, or other matters, then the franchisee should respond to the matter as soon as possible and make every attempt to respond to the matter within twenty-four (24) hours of receipt, and resolve the matter within seventy-two (72) hours of receipt.
- B. If the complaint cannot be resolved within seventy-two (72) hours, then the franchisee shall submit a written report to the Committee, indicating the nature of the complaint, the manner in which the complaint will be resolved, and the time frame in which the complaint should be resolved.
- C. Any subscriber or user or other interested person whose complaint against a franchisee remains unresolved thirty (30) days after it has been brought to the franchisee's attention, may then file a written complaint with the Committee. Upon the filing of such a written complaint, the Committee shall notify the franchisee and make an investigation to determine whether or not there is probable cause to credit the allegations. If the Committee determines after such an investigation that there is probable cause to credit the allegations of the complaint, the Committee shall attempt to have the franchisee and complainant resolve the matter by conciliation. If conciliation fails, then the matter shall be promptly set for a resolution hearing. At such a hearing, all parties may give evidence and the merits of the dispute will be

reviewed. No later than Ten (10) working days after the hearing, the Committee shall issue a written, proposed resolution statement indicating how the matter should be settled. In the case of level or interruption of service or quality of signal or service, then one of the proposed resolution statements may specifically request that a prorata credit be given to the subscriber. Unless either party makes a formal written appeal to the Board, within ten (10) working days of the proposed resolution statement, then the statement becomes binding. If a party makes a timely appeal to the Board, then a public hearing shall be set to dispose of the matter. At the time of the appeal, the party shall set forth in a detailed manner, the specific reasons the appeal is being made. At the appeal hearing, the Board will listen to the parties, and then affirm, reject or modify the proposed resolution statement of the Committee.

Section 2-7-26. Utilization and Viability Study in Preparation for Developing an Institutional Cable Network.

- A. After the second, but before the fifth, anniversary date of the adoption of this Code, a study shall commence to examine the projected utilization and viability of requiring franchisees to develop an institutional cable network within the franchisee's service area. Such a study shall be conducted by an independent consulting firm which has an expertise in both cable television and institutional cable. The funds necessary to conduct the study shall be generated wholly or in part from the franchise fees. The consultant conducting the study shall elicit comments from the Committee, from each existing franchisee, and from a representative and statistical sampling of the residents of the County, as to the consequences of developing an institutional cable network.

- B. Specifically, the consultant shall take into account the following items when it conducts its study:
1. The estimated cost to the franchisee for providing such an institutional cable network;
 2. The estimated cost to the subscriber for such a network;
 3. The number of channels that would be required under maximum conditions;
 4. The experience of surrounding counties and municipalities and other statistically comparable government entities wherein institutional cable network is available, including, but not limited to consideration of regulations, costs, usage and commercial capability.
 5. The long-term and short-term goals the County hopes to achieve if an institutional cable network is developed;
 6. Whether there are comparable alternatives to the development of an institutional cable network;
 7. The estimated use of the institutional cable network by subscribers;
 8. The estimated time needed by franchisee to develop and install an institutional cable network; and
 9. Any other matters deemed by the Committee or the Board to have a significant impact on the development of an institutional cable network.
- C. Within three (3) months after the consultant's completed written utilization and viability study is submitted to the Committee, the Committee shall then examine the contents and conclusions documented in the report. After conducting one or more hearings, at which each franchisee may submit any additional information deemed relevant, the Committee shall make a recommendation to the Board on whether a franchisee should be required to develop and install an institutional cable network within its service area.

- D. The Board shall consider both the consultant's study and the Committee's recommendation. After conducting a public hearing, the Board shall then either approve, amend, or deny the Committee's recommendation. Then the Board shall specify in writing the reasons for its decision.
- E. If a franchisee is required to develop and install an institutional cable network within its service area, then such network shall be developed and installed no later than three years from the date such a requirement was approved.
- F. It is expressly noted that if the Board requires that all franchisees be required to install such a network, the Board may still grant an administrative waiver to any franchisee with less than fifteen-hundred (1,500) subscribers who documents that such a network will cause undue financial hardship on the franchisee.
- G. If the Committee requests, and the Board approves, a utilization and viability study on an institutional cable network may be conducted once every four years in the same manner prescribed by this Section. .

Section 2-7-27. Service Policies.

- A. System expansion, isolated subscribers:
1. The franchisee shall extend cable television services to any isolated resident at the standard rate if:
 - i. The resident requests the service extension; and
 - ii. The service connection to the isolated residence would require no more than a standard one-hundred (100) foot aerial drop line from existing cable to the residence.
 2. The company shall extend cable television service to any isolated residence requiring more than a standard one hundred (100) foot aerial drop line from the existing cable to the residence at a

premium installation rate if such service has been requested by the resident. The premium installation rate charged shall be the actual cost plus fifteen percent (15%) for the distance exceeding one hundred (100) feet. The company may require advance payment for such installation.

B. System expansion, new or existing developments, overhead cable construction:

1. The company shall extend cable television services to any existing development or group of residences at the standard rate, if:
 - i. The existing development or group of residences has a density of at least forty (40) residences per strand mile of contiguous trunk line cable installed from the existing plant.
2. Any development or group of residences not meeting the above requirement may be served at franchisee's discretion.

C. System expansion, new or existing developments, underground cable construction: The franchisee may, at the franchisee's option and upon agreement with the developer, extend energized or unenergized cable, or conduit, to all new residential developments as they are constructed. Costs of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefor required to bring service to the development may be borne or shared by the developer and/or landowner. All installations and construction by the developer and/or landowner shall be to the specifications prescribed by this Code. The franchisee need not provide cable television services to such a development until twenty-five (25) percent of the residential dwelling units to be served have agreed to subscribe to receive cable services.

D. System expansion limitation:

1. No provision of this Code shall require the franchisee to extend in any twelve (12) month period, trunk, and/or distribution lines to more than twenty (20) percent of the residences in the franchise area. Should the franchisee elect to extend the system in excess of this limitation, credit for such extension shall be made against extension requirements in the next twelve (12) month period.
2. In situations where the franchisee can demonstrate and document that it is commercially impracticable to extend service into a given area, then the franchisee may request by written petition that it be relieved from the requirements of this Section. The Committee shall meet with the franchisee, and thereafter, shall make a recommendation to the Board on whether the Board should grant the request. In doing so, the Committee shall specifically state in writing its reasons for either recommending approval or denial of the franchisee's request.

E. Undergrounding of system:

For any system expansion in existing developments, the franchisee shall place the cable television system underground in localities where both telephone and power lines are underground. For existing facilities, the franchisee shall replace with underground facilities concurrently and in cooperation with similar programs of the telephone and power utilities. At no time shall the cable television system be the only aerial facility. Where undergrounding is required, the company shall have the option of sharing or not sharing utility trenches.

- F. The franchisee shall not deny access to any group of potential residential cable television system subscribers solely because of the income of the

residents of the local area in which such group resides.

Section 2-7-28. Service Policies of Rental Properties.

- A. To the extent that the provisions of this Section are consistent with and not in conflict with any state or federal law, and meet the criteria specified in Section 2-7-27, the following rules apply to rental properties:
1. No landlord shall unreasonably interfere with the installation of cable television facilities upon his or her property or premises requested by a lawful tenant(s) or tenant except that either a landlord or franchisee may require:
 - i. That the installation of the cable television facilities conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well-being of the other tenants;
 - ii. That the franchisee or the tenant(s) or a combination thereof bear the entire cost of the installation and operation of such facilities;
 - iii. That the franchisee or the tenant(s) or a combination thereof pay just compensation for the use of landlord's property;
 - iv. That the removal of cable television system facilities be in exact accordance with Section 2-7-41 of this Code.
 - v. That the franchisee and the tenant(s) agree to indemnify the landlord for any and all damage caused by negligent installation, operation, maintenance, or removal of such cable television system facilities. The cost of any damage shall be borne by either the franchisee or tenant(s), to the extent that either caused such damage.

Section 2-7-29. System Design.

- A. The cable system shall consist of one master headend and as many area hubs as are necessary to serve the franchisee's initial service area. Special exceptions may be granted by the Board to account for substantial geographical barriers such as the Manatee River and Lake Manatee. The transportation system may consist of either microwave or cable for downstream transmission. Return capability shall be provided from each area hub. The distribution system shall consist of:
1. Single trunk cable (with shadow trunk if required and needed, to provide for interconnection of various governmental and institutional users).
 2. Single feeder cable.
 3. Subscriber set converter.
- B. Each franchisee is free to develop a plan that best accomplishes a modern broadband communications system which meets the requirements outlined in this Code, and which is readily adaptable to new and expanding technology. For each cable television system with a minimum of one thousand (1,000) subscribers, the franchisee shall provide one centrally located origination studio which shall include state of the art equipment and facilities, and an experienced professional staff, and mobile production facilities. The specifics of the equipment will be detailed in the franchise agreement.
- C. The system shall be designed to permit the transmission of at least fifty-four (54) channels for delivery to subscribers upon commencement of operation. The franchisee, shall continuously carry the signals of all local broadcast television stations now or hereafter required or permitted by the FCC to serve the County (except low power television stations as defined by FCC rules, which may be carried at the franchisee's option) and additional full-power local television broadcast

stations which hereafter commence operation pursuant to FCC authorization during the franchise term as part of its basic service at no charge to the stations; provided that nothing herein contained shall be construed to require the franchisee to carry at no charge a signal for which the television station received remuneration from or on behalf of the recipient of the signal, including signal programs now known as Teletext or Extravision or other signal programs for which a charge is made by the television station.

D. At the time of the initial application or proposal, and within the franchise agreement or subsequent renewal franchise agreement, the franchisee shall pledge to include the following guarantees:

1. The franchisee shall provide at its own expense one (1) public access and/or local origination channel that is available in part for users with prior reservations on a non-discriminatory basis for any person residing within the County.
2. The franchisee shall provide at its own expense, at least two (2) educational access channels that are available to educational institutions located within the County. One of the channels shall be for the exclusive use of Manatee Community College. One of the channels shall be for the exclusive use of Manatee County Public School System.
3. The franchisee shall provide at its own expense one (1) local government access channel that is available to local government agencies of the County.
4. The franchisee shall provide the public access, educational access, governmental access, and local origination access channels on the basic tier or basic cable television service. These channels

- are exclusive of those channels that may be required on the institutional network.
5. In the event of conflicts for public access programming, and such conflicts are not resolvable by franchisee, then the Committee shall mediate such conflicts. If a conflict still exists, then such conflict shall be finally resolved by the Board. The parties shall use the procedure outlined in Section 2-7-25 of this Code for resolution of such conflicts.
 6. The franchisee shall provide at cost, a special close-captioned converter for the hearing impaired.
 7. At the option of the subscriber, the franchisee shall provide by sale or lease a device by which the subscriber can prohibit viewing a particular cable service during periods selected by that subscriber.
 8. The franchisee shall provide without charge one drop and/or outlet, and one converter to each governmental subdivision office building (including fire station, police station, public library, public and private school building, public and private vocational school, public and private junior college, college and university) that is passed by the franchisee's cable. If more than one outlet is required at any of the said locations, the franchisee shall install additional outlets at the cost of time and material only, and in no event will there be a monthly service charge at said locations. The distribution of the cable television system inside such buildings and the extent thereof shall be the responsibility of the building owner.
- E. Each franchisee or cable operator shall designate channel capacity for commercial use by persons

unaffiliated with the franchisee and/or operator in accordance with the following requirements:

1. A franchisee or cable operator of any cable system in operation at the time this Code becomes effective shall not be required to remove any service actually being provided on July 1, 1984, in order to comply with this subsection, but shall make channel capacity available for commercial use as such capacity becomes available until such time as the franchisee or cable operator is in full compliance with this Section.
2. A franchisee or cable operator of any cable system with fewer than thirty-six (36) activated channels shall not be required to designate channel capacity for commercial use by persons unaffiliated with the franchisee or cable operator, unless the cable system is required to provide such channel capacity under the terms of the franchise in effect at the time this Code becomes effective.
3. A franchisee or cable operator of any cable system with thirty-six (36) or more (but not more than fifty-four (54) activated channels shall designate ten (10) percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.
4. A franchisee or cable operator of any cable system with fifty-five (55) or more (but not more than one hundred (100) activated channels shall designate fifteen (15) percent of such channels which are not otherwise required for use (or the use of which is not prohibited) by Federal law or regulation.
5. A franchisee or cable operator of any cable system with more than one hundred (100) activated channels shall designate fifteen (15) percent of all such channels.

6. A franchisee or cable operator may use any unused channel capacity designated pursuant to this subsection until the use of such channel capacity is obtained, pursuant to a written agreement, by a person unaffiliated with the franchisee or operator.
 7. Any channel capacity which has been designated for public, educational, or governmental use may not be considered as designated under this subsection for commercial use for purposes of this subsection.
 8. If a person unaffiliated with the franchisee or cable operator seeks to use channel capacity designated pursuant to this subsection for commercial use, the franchisee or cable operator shall establish, consistent with purpose of this subsection, the price, terms, and conditions of such use which are at least sufficient to assure that such use will not adversely affect the operation, financial condition, or market development of the cable system.
 9. A franchisee or cable operator shall not exercise any editorial control over any video programming provided, or in any other way consider the content of such programming, except that a franchisee or cable operator may consider such content to the minimum extent necessary to establish a reasonable price for the commercial use of designated channel capacity by an unaffiliated person.
 10. Any person aggrieved under this Section may follow the procedure outlined in Section 612(d) of the Cable Communications Policy Act of 1984.
- F. The franchisee shall provide both mobile, portable, and stationary equipment, including designated equipment to be used for public, educational, and governmental access with the aid of some technical and production

assistance to be provided by the franchisee, including equipment that can store programs for delayed cablecasting. The franchisee shall provide an access studio, located so as to encourage its use, and provide access time to meet community needs, which is available to public, educational, and governmental access users on a non-discriminatory basis. The franchisee shall provide another production studio at such time when the Board (upon recommendation of the Committee) determines that it is in the best interests of the citizens of the County and there is a demonstrated need that the additional studio would be utilized regularly.

- G. The franchisee shall install and maintain a cable television system that is two-way capable. Upon the recommendation of the Committee, after Committee consultation with the Franchisee, the Board may direct the cable television system to activate in whole, or in part, to two-way communications.
- H. No monitoring of a terminal connected to the system shall take place without the ~~written~~ written authorization of the person monitored; provided, that this subsection shall not prohibit maintenance and testing procedures designed to assure compliance with technical standards.
- I. The franchisee shall be required to interconnect, to the extent that it does not conflict with FCC regulations, directly or by use of microwave, its system with any or all other cable television systems providing service within the County. The franchisee shall install equipment for accepting signals from other sources and of processing them into the cable television system. The franchisee, further, shall be required to interconnect to all adjacent cable systems for public access programming/communications, education, government, and disaster emergency programming.

- J. The cable television system shall include an emergency alert which will permit the Chairman of the Board, the County's Emergency Management Director, or other authorized official, to override, by touch-tone, the video and audio of all channels simultaneously. The franchisee shall designate a channel which will be used for emergency broadcasts.
- K. Standby power shall be provided by the franchisee for services other than entertainment programming to assure continuity of such services. These services shall include, but are not limited to, data transmission, security systems, medical alert, emergency alert, police and fire service, and other essential services which may require such power backup. The franchisee shall maintain equipment capable of providing standby power for a minimum of four (4) hours.
- L. The franchisee shall do its utmost to assure, under any circumstances, the continued maintenance and operation of ancillary (non-entertainment) services affecting the health and safety of its subscribers, such as fire and smoke alarms, intrusion alarms, medical alert services, and the emergency alert referenced in subsection (J), upon activation of such services.
- M. The franchisee shall be required to provide access to the same level of service (both in terms of the number of activated channels, and types of services or channels provided) to all subscribers within the franchisee's franchise area.
- N. The franchisee's signal must be maintained at a minimal level, so that the subscriber receives a constant, clear picture that is free from distortion. If the franchisee's signal is not maintained at a minimal level, or the subscriber does not receive a constant, clear picture that is free from distortion, then the subscriber may seek resolution of the problem through the Complaint Resolution procedure outlined in Section 2-7-25 of this Code.

Section 2-7-30. Technical and Operational Standards. The policy of the County with respect to technical and operational standards is to require that the cable television system be safely constructed and operated and that the system's components be durable and reliable.

A. Construction standards and specifications. Methods of construction, installation and maintenance of any cable television system shall comply with the most current edition of the National Electrical Safety Code, National Bureau of Standards Handbook, National Bureau of Standards, United States Department of Commerce, to the extent that the Code is consistent with local law affecting the construction, installation and maintenance of electric supply and communication lines. To the extent that the Code is inconsistent with other provisions of this franchise or with local law, the latter shall govern.

1. Tower.

- i. A tower constructed for use in a cable television system shall comply with the standards contained in Structured Standards for Steel Antenna Supporting Structures, EIA Standards RS-222-A, as published by the Engineering Department of the Electronics Industries Association.
- ii. Installation and physical dimensions of a tower constructed for use in a cable television system shall comply with all appropriate Federal Aviation Agency regulations, including Objectives Affecting Navigable Airspace, 14 C.F.R. Section 77.1 et seq.
- iii. An antenna structure used in a cable television system shall comply with Construction, Marketing and Lighting of Antenna Structure, 47 C.F.R. Section 17.1 et seq.

2. Antenna. Antenna arrays on the system's headend and hub headend towers shall be constructed so as to provide rugged and long-term reliability.
 - i. The antenna shall be constructed so as to be able to withstand one-hundred-twenty (120) mile-per-hour wind gusts. Exposed metallic parts of the antenna shall be protected against corrosion. The feedpoints of the antenna shall be weatherproofed.
3. Strand.
 - i. The strand cable used throughout the cable television system shall be one-quarter (1/4) inch in diameter or larger, high strength, seven (7) wire performed with galvanized zinc coating A.
 - ii. All electronics equipment shall be protected by a housing which is corrosion resistant and weatherproofed.
 - iii. All exposed splices, connectors and terminators shall be weatherproofed. Exposed connectors shall be corrosion resistant. All equipment connectors shall contain "O-rings" on the cable side of the connectors.
Connectors shall be heat sealed.
4. Lashing. Stainless steel lashing wire, 9.945 inch in diameter, shall be used in securing the cable to the supporting strand. Tension on this lashing wire shall be appropriate to the size of the cable being secured. Cables extending over long spans shall be doubly-lashed. The lashing wire shall terminate at each side of the pole with a lashing wire clamp. The cables shall be fastened to the strand at each side of the pole with a lashed cable support. The support shall be a maximum of ten (10) inches from the suspension clamp bolt connectors except as otherwise necessary.

5. Trenching standards. Before trenching begins in an area containing existing underground facilities it shall be the franchisee's responsibility to have the facilities located by the owner of the facilities at the franchisee's expense. Trenches in which direct burial cables are placed shall have a minimum depth of eighteen (18) inches below grade and shall generally be in straight lines between cable connections except as otherwise necessary. Bends in trenches shall have a radius of not less than thirty-six (36) inches. Rock, where encountered, shall be removed to a depth of not less than three (3) inches below the cable depth and the space filled with sand or clean earth, free from particles that would be retained on a one-quarter (1/4) inch sieve. With respect to cable:

- i. Trunk and feeder cables shall have a protective jacket covering the outer conductor.
- ii. No trunk or distribution cable shall be directly buried unless it contains a protective steel outer covering (spiral wrap or corrugated), a secure polyethylene jacket protecting the steel from corrosion and a moisture barrier flooding compound inside both the inner and outer jacket, except that, where the cable is not installed under a major highway or thoroughfare, cable containing copper-clad aluminum (or, if desired, solid copper) center conductor, inert gas expanded polyethylene dielectric with active continuous bonding of the center conductor to the dielectric, and solid aluminum sheath covered with 0.05-inch outer jacket constructed of black, high molecular

weigh polyethylene and Migra Heal-type flooding compound between the jacket and aluminum sheath shall be used. Should any cable of this latter alternative type fail due to moisture immigration, all cable as may require replacement will be of the former type.

iii. All connections of trunk, feeder, or distribution cable shall be underground in moisture-resistant, animal resistant, root-resistant, and temperature-resistant vaults.

B. Signal reception standards. The objective of the County in this area is to ensure that the system will deliver good quality pictures to subscriber terminals. Poor signals carried on the cable caused by antennas badly situated, poorly designed or badly installed are prohibited. The following standards are prescribed to enable the FCC or the County to pinpoint responsibility for poor performance:

1. FCC standards. The system shall meet FCC standards for reception of broadcast signals, as prescribed in 47 C.F.R., Section 76.601-76.613, FCC Rules, or elsewhere. The signal reception standards as now existing or hereafter issued by the FCC are incorporated into and made a part of this Code and shall be promulgated by the Board in the rules. Grading of the quality of each locally receivable signal against the performance of the system in delivering that signal to subscribers shall be measured by test upon request by the Board. Factors to be measured by a signal survey are noise, hum modulation, beat interference, reflections, signal level and color quality.
2. Signal distortions. The sources of signal distortions shall be isolated to determine whether they originate from the transmitted signal, the

propagation to the antenna site or the antenna array.

3. On-site signal survey. The franchisee shall conduct an on-site signal survey to determine optimum selection of tower and antenna locations and shall provide the results and information therefrom to the Board.
4. System integrity. The franchisee shall be required to maintain system integrity, so that any ingress or egress of radio frequency (RF) that could affect aviation frequencies, maritime frequencies, ham radio operator frequencies, cellular radio frequencies, and the like, shall be remedied immediately if found to be the responsibility of the franchisee's cable television system.

C. Subscriber viewing standards.

1. The franchisee shall comply fully with the subscriber viewing rules and standards for cable television operations as adopted by the FCC in 47 C.F.R. Section 76.601-76.613, FCC Rules, or elsewhere. The standards as now existing or hereafter promulgated by the FCC are incorporated into and made a part of the Code and shall be promulgated by the Board in the rules.
2. The system shall be capable of delivering all signals of the FCC to Electronic Industries Association approved stereophonic or monaural FM receivers.
3. The cable system shall meet all performance criteria herein contained and specified under the ambient temperature range prevailing in the franchise area from the normal daily maximum temperature in August, to the normal daily minimum temperature in February.

D. Proof-of-performance testing. The franchisee shall conduct, at its own expense, tests of the ability of the cable system to meet technical standards prescribed by the FCC. The test results shall be recorded in writing with copies of those records furnished to the Board and the Committee within ten (10) days. All testing shall be done under the supervision and direction of a professional engineer specializing in cable television. Records of tests shall be signed by the engineer with a statement of higher qualifications, together with a report interpreting the results of the tests and action needed for correction where the system is not meeting current FCC standards or the standards set out in the Code. With respect to testing:

1. Initial proof-of-performance demonstration of the system's technical performance shall be done within sixty (60) days of provision of service in the first portion of the system completed and at the opening of additional sections of the cable system. The initial test shall measure the cable system's compliance with the previously specified requirements and standards for construction, off-air reception and subscriber viewing as specified by FCC standards. But in any event the initial proof-of-performance shall be accomplished before the billing of any subscriber takes place.
2. Annual proof-of-performance testing shall be done as required by the FCC.
3. Special tests may be required by the Board whenever it has what it deems to be responsible evidence that something is wrong with the system. Requests for special tests may be limited to the suspected fault in question rather than an overall proof of performance. The tests shall be made, and the reports of the tests shall be delivered to the Board and Committee no later than fourteen

- (14) days after the County normally notifies the franchisee.
4. All measurements shall be made using instruments which are each appropriate for making the particular test. The instruments, where accuracy can be ultimately referenced to those standards developed by the National Bureau of Standards for test equipment, shall each have an accuracy sufficiently sensitive to measure each parameter. The test equipment and instruments shall have a known correction factor for band width and scale position where applicable.
 5. Those tests and measurements required by the FCC to ensure compliance with technical standards shall be performed in a manner that is consistent with the provisions of 47 C.F.R. Section 76.609 et seq.
 6. Until the time as the Board designates other procedures, the testing procedures contained in this Code shall be utilized for measurements of off-air video signal to RMS noise, off-air signal to hum modulation, off-air signal to interfering signals, off-air signal to echo, off-air luminance vs. chrominance amplitude.
 7. In the event that the franchisee should utilize a testing procedure that differs in any respect from the testing procedure specified in this Code, designated by the Board or specified in 47 C.F.R. Section 76-601, the procedure shall not be acceptable unless the report of the test is accompanied by the statement of an engineer or equivalent professional acceptable to the Board that provides assurances and warranties that the test procedure utilized was as accurate as the test procedure specified in this Code, as designated by the Board and 47 C.F.R. Section 76-601 et seq.

8. The number of test locations for proof-of-performance testing shall be a minimum of three (3) trunks and eight (8) multitap locations where there is less than twenty-five (25) miles of active cable plant. For every additional twenty (20) miles of cable plant there shall be additional three (3) trunk and additional eight (8) multitap test locations.
9. The locations of the test points for initial proof-of-performance testing shall be at the last trunk amplifier in each of three (3) widely separated points and shall be at the longest cascade of amplifiers in the twenty (20) mile segment of the system under test and eight (8) multitap locations randomly selected by the franchisee in the twenty (20) mile segment under test.
10. Should performance at any of the trunk locations prove defective, the system shall be appropriately corrected and another proof-of-performance test shall be scheduled. Should performance at any line extender prove defective, additional feeders shall be selected at random and tested until such time as five (5) consecutive feeders can be tested and found acceptable. Should signal levels at more than ten (10) percent of the multitap locations not meet specifications, the system shall be appropriately corrected and another proof-of-performance test shall be scheduled for a later date.
11. Upon completion of each six-hundred (600) mile portion of the system, all required tests will be repeated at the trunk amplifiers located at each extremity of the six-hundred (600) mile portion and at twenty-five (25) randomly selected multitap locations.

E. Proof-of-performance records. The County requires the cable television operator and/or franchisee to keep system performance records to provide a basis to judge the capabilities of the equipment used, the efficiency of the overall design, how well the system operates at various ambient temperatures, whether installations were properly made and whether customers are satisfied with their service. These records shall include a detailed technical description of the system, customer satisfaction reports, system equipment change reports, initial proof-of-performance test report, annual proof-of-performance test report and reports of special tests. The Board is authorized to prescribe forms to be used for recording proof-of-performance tests.

1. Initial testing records.

i. All tests and measurements required to be taken by the franchisee and engineer in subsection (D) shall be recorded and submitted to the Board within twenty (20) calendar days following the completion of initial proof-of-performance testing.

ii. The franchisee shall prepare a technical report that described details of the cable system as defined in this Section. Two (2) copies of the technical report shall be submitted to the Board within twenty (20) calendar days following completion of the initial testing required in subsection (D). The technical report shall include the following details:

a. Justification of the site selected, including listing of television and FM radio stations carried on the system, location of microwave terminals, location of local origination centers, location of antenna site(s), distance

- from antenna site to farthest area served by the system, height of tower, height of antenna site in relation to average terrain, accessibility of antenna site all year round, local construction restriction on tower, power availability for antenna site, location of antenna arrays on the tower, direction of desired signal sources and analysis of potential sources of interference in the nearby environment and potential sources of interference from the cable system to other services, i.e. aviation, and maritime frequencies.
- b. System information, including a statement of adherence to construction standards, as-built drawings of the system, description of local origination equipment, signal level readings for all active channels at all amplifier locations, trunk input and output and bridger output, identification of trunk and feeder cables and calculations of system temperature capabilities.
- c. The following information for each signal to be received:
- I. Signal level and quality of off-air channels.
 - II. Analysis of interfering signals.
 - III. Analysis of echoes on any locally receivable channels that are less than 34dB down.
- d. Description of each antenna array, including mechanical, configuration, type of mounting, method of stacking, method of weatherproofing, method of

preventing corrosion, wind capabilities, electrical performance, gain and return loss in dB.

iii. The engineer who supervises the conduct of initial proof-of-performance tests as prescribed in subsection (D) shall prepare a report which will include, but not be limited to, the following:

- a. A description of test equipment and procedures used.
- b. Measurements of locally receivable signals and imported distant signals as prescribed in subsection (D) and FCC rules.
- c. An assessment of the picture quality available from the local origination equipment.
- d. Measurements of system performance as prescribed in subsection (D) and FCC rules.
- e. Measurements of system performance with respect to FCC technical standards and specified under subsections (B) and (C) and FCC rules.
- f. Calculated performance of the system under different weather conditions:
 - I. Calculated signal-to-noise ratio of the normal daily maximum temperature in August.
 - II. Calculated intermodulation at normal daily minimum temperature in February.
- g. Statement of the cable system's adherence to construction and performance standards and, if these are not satisfactory, a statement as to what items need to be corrected.

2. Annual testing records. The engineer who supervises the conduct of annual proof of performance tests as prescribed in subsection (D) shall prepare a report which will include the following:
 - i. A description of test equipment and procedures used.
 - ii. Measurements of locally receivable signals and imported distant signals as prescribed in (B) and (C) and the FCC rules.
 - iii. An assessment of the picture quality available from the local origination equipment.
 - iv. Measurement of system performance as prescribed in subsection (D) and by the FCC rules.
 - v. Measurements of system performance with respect to FCC technical standards specified under subsection (B) and (C) and the FCC rules.
 - vi. Calculated performance of the system under different weather conditions:
 - a. Calculated signal-to-noise ratio of the normal daily maximum temperature in August.
 - b. Calculated intermodulation at normal daily minimum temperature in February.
 - vii. Statement of the cable system's adherence to construction and performance standards and if these are not satisfactory, a statement as to what items need to be corrected.
3. Special test records.
 - i. Special tests or measurements required by the Board to be taken pursuant to subsection (D) shall be reported to the County within fourteen (14) days after the tests or

measurements are performed. The report shall include the following information:

- a. The nature of the complaints which precipitated the special tests.
 - b. What system component was tested.
 - c. The equipment used and procedures employed in the testing.
 - d. The results of the tests.
 - e. The method in which the complaints were resolved.
 - f. Any other information pertinent to the special test shall be recorded.
- ii. Should any of the following occur, the company shall notify the County with particulars:
- a. Addition to, deletion of, or change in received channel.
 - b. Addition to, deletion of, or change in distributed channel or in channel conversion.
 - c. Change in location of headend or antenna sites.
 - d. Addition to or changes in location of centers for origination of programs.
 - e. The installation of bi-directional facilities or additional lines to make connection to the headend.
 - f. Interconnection with other cable systems.

Section 2-7-31. Installation of System.

- A. The franchisee shall have and maintain accurate maps and drawings of their facilities available for review by the Director of the County's Department of Public Transportation, or his designee. The franchisee shall obtain all necessary permits and give written notice to the Board of proposed construction at least ten (10)

working days prior to the construction so as to coordinate all work between the County and the franchisee. The Director of the County's Department of Public Transportation, or his designee, shall have the right to inspect all construction or installation work performed by the franchisee in the streets or public ways, and to make such periodic inspections as the County deems necessary to ensure compliance with the terms of the franchise and other pertinent provisions of law.

- B. A franchisee, at either its own expense or that of a private contractor, shall protect, support, temporarily disconnect or relocate in the same street or other public place, any property of the franchisee when required, by reason of traffic conditions, public safety, street closing, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, storm drains, lift stations, force mains, power or signal lines owned by County, or any other type of improvement necessitated by the County.
- C. All wires, conduits, cable and other property and facilities of the franchisee shall be so located, constructed, installed, and maintained as not to endanger or unnecessarily interfere with the usual and customary traffic and travel upon the streets and public places of the County. The franchisee shall keep and maintain all its property in good condition, order, and repair. The franchisee shall keep accurate maps and records of all its facilities and furnish copies of the maps as requested within five (5) working days from the date of the request by the County. The franchisee shall not place equipment where it will interfere with the rights of property owners, with gas, electric or telephone fixtures, or with water hydrants or mains.
- D. Nothing contained in this Section shall relieve any person from liability arising out of the failure to

exercise reasonable care to avoid injuring the franchisee's facilities while performing work connected with grading, regrading, or damaging the line in a street or public way with the construction or reconstruction of a water or sewer system.

- E. The County shall give the franchisee at least ten (10) working days notice except in emergencies of plans for street improvements where paving or resurfacing of a permanent nature is involved, or where installation of sewers, drains, water pipes, storm drains, lift stations, force mains, power or signal lines are involved. The notice shall describe the nature and character of the improvements, the streets upon which the improvements are to be made, the extent of the improvements, and the work schedule for the project. The notice shall give the franchisee sufficient time to make any additions, alterations or repairs to its facilities, so as to permit the franchisee to maintain continuity of service. If the franchisee shall fail, refuse, or neglect to comply promptly, upon sufficient notice, then the County may make the changes in the franchisee's facilities at the franchisee's cost and the County shall not be liable to the franchisee for damages resulting from the removal, alterations or relocation. All costs in connection therewith shall be paid by the franchisee within thirty (30) days from receipt of the invoice therefor.
- F. The franchisee shall, on the request of any person holding a building moving permit, temporarily remove, raise or lower the cable wires to allow the moving of the building. The expense of temporary removal or raising or lowering of wires shall be paid by the person requesting it, and the franchisee may require payment in advance. The franchisee shall be given not less than five (5) working days notice of a contemplated move to arrange for temporary wire changes.

- G. The franchisee shall have the authority to trim trees upon and overhanging the streets, alleys, sidewalks, and other public ways of the County so as to prevent the branches of the trees from coming in contact with the franchisee's wires and cables. Before the franchisee trims trees, it shall either erect and maintain precautionary signs or use flagmen to direct oncoming vehicles and pedestrians around the work site. All trimming is to be done at the expense of the franchisee.

Section 2-7-32. Franchise Fees.

- A. Any franchisee awarded a franchise or renewal after the date this Code becomes effective, and any existing franchisee shall pay to the County for the use of the streets and other facilities of the County in the operation of the cable television, and for the County supervision thereof during the term of the franchise, a sum equal to five (5) percent of the annual gross revenues of the franchisee. Said franchise fee, however, shall not include the portion of the costs incurred by the franchisee for programming services including premium channel costs, and copyright costs, and pay-per-view costs. With respect to pay-per-view costs, the Committee shall within twenty-four (24) months of the adoption of this Code, review such costs to determine whether it is in the best interests of the County to include such pay-per-view programming costs in the computation of annual gross revenues. If the FCC, Congress or other governmental entity with authority over cable television ever allows a governmental entity or franchising authority (including the County), to increase the franchise fee beyond five percent (5%), then the County shall have the authority to increase the franchise fee to the maximum rate allowable.

- B. It is intended that the franchise fees will promote the health, safety, and welfare of the citizens in the County by providing the necessary funding for community-oriented cable programs, projects, and services. The five (5) percent annual franchise fee shall be divided accordingly:
1. Three-eighths ($3/8$) of one (1) percent shall be used for subsidizing the cablecasting of library programs/services which benefit the public.
 2. Three-eighths ($3/8$) of one (1) percent shall be used for subsidizing cablecasting of local government affairs.
 3. One-half ($1/2$) of one (1) percent shall be used for upgrading and maintaining the County's cablecasting of disaster emergency, and emergency preparedness programming.
 4. Three-fourths ($3/4$) of one (1) percent shall be used for subsidizing cablecasting of the local origination programs and the public access programs.
 5. One (1) percent shall be used for subsidizing the cablecasting of the local educational programs.
 6. Two (2) percent shall be used to help defray local costs in the regulation of cable television in the County.
- C. An annual report will be furnished in January from each department, division, agency, or governmental subdivision that is receiving a portion of the franchise fees for the administration of cable television within the County. The reports will indicate the relative costs for administering the various programs and projects associated with cable television. When a monetary imbalance is noted in the reports, that is, that an insufficient portion of the franchise fees is being directed to one or more of the designated areas, then the Committee may review as

- needed, the increased or decreased costs for administration, and make recommendations to the Board for adjustments to the percentage allocations.
- D. According to the Cable Communications Policy Act, the franchisee may pass through, to subscribers, the amount of any increase in a Franchise Fee.
- E. If the Board ever decreases the franchise fee, then the franchisee shall pass through to subscribers the amount of any decrease in a franchise fee.
- F. A franchisee may designate that portion of a subscriber's bill attributable to the franchise fee as a separate item on the subscriber's bill.
- G. The franchisee shall file with the Board within ninety (90) days after the expiration of each of the franchisee's fiscal quarters a financial statement clearly showing the gross revenues received by the franchisee during the preceding quarter. Payment of the quarterly portion of the franchise fee shall be rendered to the Board at the time such statement is filed.
- H. In the event that payment is not made within ninety (90) days after the due date specified in this Section, then the franchisee may be declared in default of the franchise, and the franchise may be revoked in accordance with Section 2-7-38 of this Code.
- I. The Board reserve(s) the right to audit the franchisee's books, at the County's expense, if the Board deem(s) it necessary. All annual reports due the Board, for and as regarding to payment of franchise fees, will be certified by an officer of the franchisee and the franchisee shall maintain records used in the preparation of said report. The right of audit and recomputation of any and all amounts paid under this franchise shall always be accorded to the Board.
- J. No acceptance of any payment by the Board shall be construed as a release of or an accord or satisfaction

of any claim the Board might have for further or additional sums payable under terms of this Code or for any other performance or obligation of franchisee hereunder.

- K. Payments of compensation made by the franchisee to the Board pursuant to the provisions of this Code shall be considered in addition to and exclusive of any and all taxes, business license fees, or other levies or assessments which are now or which may hereafter be authorized by the laws of any governmental entity.

Section 2-7-33. Rates. Rates charged for the service tiers and/or programming options within the cable television system as offered by the franchisee shall not be regulated by the Board. However, when rates are adjusted by a franchisee, such franchisee shall notify the Board and Committee, within five (5) working days, of the adjustment in rates.

Section 2-7-34. Manatee County Cable Television Workshop Project For the Education and Instruction of the Citizenry On Cable Television Techniques.

- A. In furtherance of the public, educational, and government access requirements of this Code, a workshop project shall be created so that the residents of the County may be educated and instructed in the capabilities and use of cable television system techniques at a local studio of the franchisee. The details of such education and instruction shall be developed by each franchisee to the extent not directed by this Code.
- B. Whenever the franchisee's rate for basic cable television service exceeds fifteen dollars (\$15.00) per month, or the rate for subscription to one-half (1/2) of the succeeding tiers or premium channels available exceeds thirty dollars (\$30.00), then the franchisee shall conduct no less than six (6) free workshops within a calendar year which shall include instructions on the capabilities and use of such cable television

system. However, any person who damages a cable operator's or franchisee's equipment shall be liable for such damage.

- C. Whenever the franchisee's rate for basic cable television service exceeds twenty dollars (\$20.00) per month, or the rate for subscription to one-half (1/2) of the succeeding tiers or premium channels available exceeds forty dollars (\$40.00), then the franchisee shall conduct no less than ten (10) free workshops within a calendar year which shall include instructions on the capabilities and use of such a cable television system, and provide a manual for participants which graphically explains the uses of cable television systems, i.e. emergency and public access situations. However, any person who damages a cable operator's or franchisee's equipment shall be liable for such damage.

Section 2-7-35. Modification of Franchise Obligations.

- A. During the period a franchise is in effect the franchisee may obtain from the Board modifications of the requirements in such franchise in the following situations:
1. In the case of any such requirement for facilities or equipment, including public, education, or governmental access facilities or equipment, if the cable operator or franchisee demonstrates that:
 - i. It is commercially impracticable for the franchisee to comply with such requirement, and
 - ii. The proposal by the franchisee for modification of such requirement is appropriate because of commercial impracticability.
 2. In the case of any such requirement for services, if the cable operator or franchisee demonstrates that the mix, quality, and level of services

required by the franchise at the time it was granted will be maintained after such modification.

- B. Notwithstanding subsection (A), a franchisee may upon thirty (30) days advance notice to the Board, rearrange, replace, or remove a particular cable service required by the franchise agreement if:
1. Such service is no longer available to the franchisee; or
 2. Such service is available to the operator only upon the payment of a royalty required under Section 801(b)(2) of Title 17, United States Code, which the franchisee can document:
 - i. Is substantially in excess of the amount of such payment required on the date of the franchisee's offer to provide such service, and
 - ii. Has not been specifically compensated for through a rate increase or other adjustment.
- C. Notwithstanding subsection (A), a franchisee may take such actions to rearrange a particular service from one service tier to another, or otherwise offer the service, if the rates for all of the service tiers involved in such actions are not subject to regulation under Section 623 of the Cable Communications Policy Act of 1984.
- D. A franchisee may not obtain modification under this Section of any requirement for services relating to public, educational, or governmental access.

Section 2-7-36. Performance Reviews.

- A. On the third (3rd), sixth (6th), and eighth (8th) anniversary dates of when the franchise was approved or renewed by the Board, the franchisee shall present to the Committee a written report on the current status of the cable television system. Following the presentation of the written report, and within thirty

(30) days after such reports are furnished, the franchisee shall appear before the Committee to interpret and defend sections of the report should the Committee request. The written status report shall include, but not be limited to the following:

1. A summary of the financial status of the cable television system, including a depreciation schedule.
 2. The cable television system's technological state-of-the-art posture in relation to current developments within the medium for the preceding two (2) years.
 3. A review of changes in federal and state laws and regulations, County ordinances and regulations, and whether an existing franchisee should be required to submit to all or part of the Cable Television Code then existing.
 4. A review of programming to include the amount of use and suggestions for improvement of the following:
 - i. Local origination channels,
 - ii. Local public access channels,
 - iii. Educational channels,
 - iv. Government channels.
 5. When and if an institutional network is required by this Code, then a review of the interconnected institutional network.
- B. In addition to the items listed in subsection (A), the Committee shall review a cable television survey of subscriber's attitudes towards a subscriber's franchisee. Initially, the cable television survey shall be prepared by the Committee. In preparing such a survey, the Committee may seek assistance from any or all franchisee(s). Periodically, the survey should be revised to take into account changes in laws, regulations, subscriber preferences, and business

practices. The survey shall be designed in such a manner so that (in accord with Section 631 of the Cable Communications Policy Act of 1984), no personally identifiable subscriber information is requested or revealed. At least six (6) months before a franchisee's performance review is scheduled, the Committee shall disseminate a copy of the current cable television survey to that franchisee. Thereafter, at least four (4) months before a franchisee's performance review is scheduled, a franchisee shall mail or otherwise deliver a copy of the survey to each of its subscribers. The survey shall include a notice that it should be completed and returned to the Committee at least four (4) months before the franchisee's performance review is scheduled.

- C. The Committee shall review the performance of the franchisee. Afterwards, the Committee shall issue a written advisory evaluation to both the Board and the franchisee. In the advisory evaluation, there shall be mentioned ways in which the franchisee's performance is positive, and ways in which the franchisee's performance needs improvement. The Board then issues its evaluation which may concur with the Committee's evaluation. For any areas rated in need of improvement, then the franchisee shall be given forty-five (45) days to correct those areas needing improvement. If the franchisee cannot remedy those areas needing improvement within forty-five (45) days, then the franchisee shall submit a written statement detailing the reasons therefor, and a timetable in which the areas in need of improvement shall be remedied. The franchisee shall report to both the Committee and Board on the Progress in correcting the specified deficiencies. Failure to correct areas in need of improvement may subject the franchisee to default and/or revocation under Section 2-7-38 of this

Code. However, for franchisees in existence as of December 28, 1984, they may not be subject to revocation solely for failure to correct areas in need of improvement during their existing franchise term only.

- D. The evaluations shall be used in connection with the potential renewal of a franchise.

Section 2-7-37. Renewal of Franchise.

- A. During the six (6) month period which begins with the thirty-sixth (36th) month before the franchise expiration, the Board may on its own initiative, and shall at the request of the franchisee, commence proceedings which afford public notice and participation for the purpose of:
1. Identifying the future cable-related community needs and interests; and
 2. Reviewing the performance of the franchisee under the franchise during the then current franchise term.
- B. Upon completion of a proceeding under subsection (A), a franchisee seeking renewal of a franchise may, on the franchisee's initiative or at the request of the Board, submit a proposal for renewal.
- C. Subject to Section 624 of the Cable Communications Policy Act of 1984, such proposal shall contain the material required in Section 2-7-11 of the Code, and shall be submitted within forty-five (45) days after the public proceeding.
- D. Upon submittal by a franchisee of a proposal to the Board for renewal of a franchise, the Board shall provide prompt public notice of such proposal and during the four (4) month period which begins on the completion of any proceedings under subsection (A), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the franchisee or on the Board's initiative,

commence an administrative hearing before the Board, after providing prompt public notice of such proceeding, in accordance with subsection (C) to consider whether:

1. The franchisee has substantially complied with the material terms of the existing franchise and with applicable law.
 2. The quality of the franchisee's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality or level of cable services or other services provided over the system, has been reasonable in light of community needs.
 3. The franchisee has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the franchisee's proposal; and
 4. The franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
- E. In any proceeding under subsection (D), the franchisee shall be afforded adequate notice, and the parties shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (A)), to require the production of evidence, and to question witnesses. A transcript shall be made at the franchisee's expense of any such proceeding.
- F. At the completion of a proceeding under subsection (D), the Board shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the franchisee. Such decision shall state the reasons for granting or denying the proposal for renewal.

- G. Any denial of a proposal for renewal shall be based on one (1) or more adverse findings made with respect to the factors described in subparagraphs one (1) through four (4) of subsection (D), pursuant to the record of the proceeding under subsection (D). The Board may not base a denial or renewal on a failure to substantially comply with the material terms of the franchise under subsection (D)(1) or on events considered under subsection (D)(2) in any case in which a violation of the franchise or the events considered under subsection (D)(1) occur after the effective date of the Cable Communications Policy Act of 1984, unless the Board has provided the franchisee with notice and the opportunity to cure, or in any case in which it has been documented that the Board has waived its right to object, or has effectively acquiesced.
- H. Any franchisee whose proposal for renewal has been denied by a final decision of the Board made pursuant to this Section, or has been adversely affected by a failure of the Board to act in accordance with the procedural requirements of this Section, may appeal such final decision or failure pursuant to the provisions of Section 635 of the Cable Communications Policy Act of 1984.
- I. Notwithstanding the provisions of subsections (A) through (H) of this Section, a franchisee may submit a proposal for the renewal of a franchise pursuant to this subsection at any time. In such a case, the provisions of subsections (A) through (H) shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (A) through (H).
- J. When the franchisee submits a proposal for renewal pursuant to subsection (I), sixteen (16) copies of such

proposal shall be submitted to the Committee. The Committee shall make an advisory recommendation based on the evaluative criteria listed in Section 2-7-36 of this Code. Such advisory decision shall be mailed to both the Board and the franchisee. In it, the recommendation shall outline the reasons for the proposed denial or renewal of the franchise. Within forty-five (45) days, the Board shall notify the franchisee of the date of a hearing to formally consider the proposal for renewal. The Board may use the Committee's recommendation as background, but must afford the franchisee a reasonable opportunity to rebut any negative assertions noted in the Committee's recommendation. After the hearing, the Board shall render its decision on whether to grant or deny franchisee's proposal for renewal of the franchise.

Section 2-7-38. Default of Franchise; Revocation of Franchise.

- A. When any one of the following events occur:
1. Franchisee shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy or a petition or answer seeking an arrangement or its reorganization or the readjustment of its indebtedness under the Federal bankruptcy laws or under any other law or statute of the United States or any state thereof, or consent to the appointment of a receiver, trustee or liquidator of all or substantially all of its property; or
 2. By order or decree of a Court, franchisee shall be adjudged bankrupt or an order shall be made approving a petition filed by any of its creditors or by any of the stockholders of franchisee, seeking its reorganization or the readjustment of its indebtedness under the Federal bankruptcy laws

- or under any law or statute of the United States or of any state thereof, provided that if any such judgment or order is stayed or vacated within sixty (60) days after the entry thereof, any notice of cancellation shall be and become null, void and of no effect; or
3. By, or pursuant to, or under authority of, any legislative act, resolution or rule or any order of decree of any court or governmental board, agency or officer having jurisdiction, a receiver, trustee or liquidator shall take possession or control of all, or substantially all, of the property of franchisee, and such possession or control shall continue in effect for a period of sixty (60) days; or
 4. Franchisee shall voluntarily abandon, desert or discontinue its operation hereunder granted; or
 5. Any lien, other than a security interest granted to a lender, is filed against the premises and is not removed, or the County adequately secured by bond or otherwise, within ninety (90) days after franchisee has received written notice thereof; or
 6. Franchisee knew or should have known that it provided false information or false books and records; or
 7. Franchisee shall fail duly and punctually to pay the franchise fee or to make any other payment required hereunder when due to the County and shall continue in its failure to pay fees or to make any other payments required hereunder for a period of ninety (90) days after the due date, unless there is a good faith dispute, in which case the anticipated payments will be put in escrow until the dispute is settled; or
 8. The franchisee has abandoned, failed or refused to perform or observe its promises in the ordinance, franchise agreement, and the franchisee's

- proposal, or failed or refused to comply with the instructions of the Board relative thereof; or
9. Any attempt by franchisee to assign the franchise without prior approval of the Board pursuant to the procedure outlined in Section 2-7-40; or
 10. The franchisee fails to take appropriate corrective action prescribed under Section 2-7-36 of this Code,

then such shall be considered a material breach of the franchise, and the Board shall notify the franchisee in writing of the specific breach and direct the franchisee to comply with all the provisions of the franchise agreement or the Code. Where the franchisee satisfactorily corrects any of the enumerated conditions (subsections 1 through 10 inclusive), within the forty-five (45) day period, then in no event shall the enumerated condition be weighed against the franchisee in any subsequent review of the franchisee's performance.

- B. A copy of such written notice shall be mailed to the surety on the performance bond.
- C. Within thirty (30) days, after such written notice is mailed to the franchisee, the Board shall conduct a public hearing on the matter.
- D. The Board shall provide written notice to the franchisee and the surety on the performance bond where applicable, of the time and place of said public hearing as follows:
 1. To the franchisee -- by affixing, in a conspicuous place, said notice to the physical structure of the local office at least fourteen (14) days prior to the scheduled hearing. A certificate signed by the County Attorney or his designee, certifying that the notice required herein was delivered as provided herein on a certain date and a copy of the required notice, shall constitute constructive

notice to the franchisee or his designated agent. If such notice was properly accomplished as evidenced by such certificate, the failure of the franchisee or his designated agent to receive such notice shall not constitute grounds to cancel or continue the scheduled hearing; or

2. To the franchisee and the surety on the performance bond where applicable -- by depositing said notice in the United States Mail, Certified - Return Receipt Requested, addressed to the franchisee or his designated agent and the surety on the performance bond where applicable, at least fourteen (14) days prior to the scheduled hearing. A certificate signed by the County Attorney or his designee, certifying that the notice required herein was mailed on a specified date and a copy of the required notice, shall constitute proof that such mailing was properly accomplished as indicated above. If such mailing was properly accomplished as evidenced by such certificate, the failure of the franchisee, his designated agent or the surety on the performance bond where applicable, to receive such mail notice shall not constitute grounds to cancel or continue the scheduled hearing.
- E. At the time of the hearing, the franchisee shall present information on the current status of the alleged breach of the franchise agreement. If the situation has been resolved, or steps are being taken by the franchisee to resolve the situation, then the franchisee should present the information at the hearing.
- F. If the franchisee or representative fails to attend the hearing, and has not requested a continuance of the hearing, then the franchisee shall have waived its right to a further continuation of the matter and may be declared in default of the franchise agreement.

- G. The Board may, after the public hearing, direct the franchisee to take corrective action within a specified period of time, or may declare the franchisee in default of the franchise agreement and thereafter revoke franchisee's franchise.
- H. If the Board directs corrective action to take place within a prescribed time or declares the franchisee in default of the franchise agreement, then that declaration shall be reduced to writing, and the notice of such default shall be mailed to the franchisee and surety within ten (10) days of the Board's action.
- I. Upon a declaration of default and revocation, the franchisee or surety shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. In the event of a change of franchisee, then the current franchisee shall cooperate with the County to operate the system for a temporary period in maintaining continuity of service to all subscribers.
- J. If the franchisee or surety does not take significant action to rectify the problem, or submit a plan to eliminate the problem immediately, then the Board shall revoke the franchisee's franchise and notify the franchisee and surety forthwith.
- K. The franchisee shall be excused from performance in cases of war, insurrection, riots, natural disasters, or other causes beyond the franchisee's direct control.

Section 2-7-39. Conditions of Sale.

- A. If a renewal of a franchise held by a franchisee is denied, and the Board acquires ownership of the cable television system, or the Board effects a transfer of ownership of the cable television system to another person, any such acquisition or transfer shall be:
 - 1. At fair market value, determined on the basis of the cable television system as a growing concern but with no value allocated to the franchise itself, or

2. In the case of any franchise existing on the effective date of the Cable Communications Policy Act of 1984, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.
- B. If a franchise held by a franchisee is revoked for cause and the Board acquires ownership of the cable television system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be:
1. At an equitable price, or
 2. In the case of any franchise existing on the effective date of the Cable Communications Policy Act of 1984, at a price determined in accordance with the franchise if such franchise contains provisions applicable to such an acquisition or transfer.

Section 2-7-40. Assignment.

- A. The franchise may not be assigned in whole or in part by the franchisee without the prior express written approval by the Board. Any attempted assignment without such prior written consent shall constitute a default of the franchise.
- B. In the event of any approved assignment, the assignee shall assume all obligations and liabilities of the franchisee. However, such assignment shall not relieve franchisee of its liabilities under the franchise agreement until it effects a transfer of the franchise to a new assignee or unless specifically relieved by the Cable Communications Policy Act of 1984, or by the Board at the time assignment is approved.
- C. For the purposes of this Section, transfer of voting control of a corporate franchisee, or transfer of voting control of a corporate franchisee general partner, or a change in the general partners of a franchisee shall be deemed an assignment hereunder.

- D. The Board will not unreasonably withhold its consent to assignment. However, in making such a determination, the Board may consider the following:
1. Experience of proposed assignee;
 2. Qualifications of proposed assignee;
 3. Financial ability and stability of the proposed assignee; and
 4. The corporate connection, if any, between franchisee, and proposed assignee.

Section 2-7-41. Franchisee's Duty to Remove Franchise Properties from the Public Streets.

- A. Whenever the following occurs:
1. The franchisee ceases to operate all or part of the cable television system for a continuous period of six (6) months;
 2. The franchisee ceases and fails to construct the cable television system outlined in the application, or proposal for renewal;
 3. The Board elects not to renew the franchise pursuant to the provisions outlined, in Section 2-7-37 of this Code;
 4. The franchise is revoked pursuant to the provisions outlined in Section 2-7-38 of this Code;

then the franchisee shall promptly remove its cable television system property from the streets and public ways of the County.

- B. If not done voluntarily, the Board may notify the franchisee that if removal of the property is not accommodated within ninety (90) days, or substantial progress towards removal is made within ninety (90) days, then the Board may order officials of the County to remove the franchisee's cable television system property at the franchisee's expense.
- C. If officials of the County remove the franchisee's cable television system property, and the franchisee

does not claim the property within ninety (90) days of its removal, then the Board may take whatever steps are available under state law to declare the property surplus, and sell it.

Section 2-7-42. Franchisee to Have No Recourse.

Except as expressly provided in the franchise agreement, the franchisee shall have no recourse whatsoever against the Board, County, and Committee for loss, cost, expenses or damage arising out of the provisions or requirements of the franchise agreement or because of the enforcement thereof by the Board, nor the failure of the Board to have the authority to grant all or any part of the franchise.

Section 2-7-43. Penalties. Any person violating or failing to comply with any of the provisions of this Code shall be guilty and punished as provided by general law. Each act in violation shall constitute a separate offense.

Section 2-7-44. Changes in Federal Regulation. Any lawful modification resulting from amendment of Section 76.31 or its successor ("Franchise Standards") of the Rules and Regulations of the Federal Communications Commission shall be incorporated into this franchise as of the date such modifications become obligatory under F.C.C. regulations, or in the event no obligatory date is established, within one (1) year of adoption or at the time of franchise renewal, whichever occurs first.

Section 2-7-45. Effect on Existing Franchisees.

A. To the extent that this Code is inconsistent with the provisions contained in an existing franchise agreement, then except for this Section and Sections 2-7-21, 2-7-22, 2-7-25, 2-7-29(D)(6), 2-7-29(D)(7), 2-7-29(L), 2-7-32, 2-7-35, 2-7-36, 2-7-37, 2-7-38, 2-7-39, 2-7-40, 2-7-49 and 2-7-51, this Code shall have no effect on franchisees existing on that date that this Code becomes effective, unless and until the following situations occur:

1. The franchisee's franchise is sold, transferred, or assigned.
2. The franchisee agrees in writing to be bound by all or part of this Code.
3. The franchisee's franchise is renewed pursuant to the provisions outlined in Section 2-7-37.

However, under no circumstances, unless agreed to by an existing franchisee, shall an existing franchisee during its current franchise term, be required to submit to any provisions which relate to the designation, use, or support for the use of channel capacity for public, educational or governmental use.

- B. If the franchisee agrees in writing to be bound by all or part of this Code, then the franchisee and County shall execute a modification in the franchise agreement indicating specifically what provisions of the Code that the Franchisee will agree to be bound by.
- C. With respect to Section 2-7-32 only, franchisees existing as of December 28, 1984, shall pay the increased franchise fee of five (5) percent effective July 1, 1986.

Section 2-7-46. Arbitration. Matters which are expressly made arbitrable under provisions of a franchise agreement or this Code shall be determined by a panel of three (3) arbitrators, one (1) to be appointed by the Board, one (1) to be appointed by the franchisee, and one (1) to be selected by the other two (2) arbitrators within five (5) days of their selection. If, on the expiration of the period allowed therefor, the two arbitrators are unable to agree upon the selection of a third (3rd) arbitrator, then the arbitrator shall be chosen by the Chief Judge of the Twelfth (12th) Judicial Circuit. The third (3rd) arbitrator shall serve as chairman. The fees of the arbitrators shall be fixed by the Chief Judge. The expense of the arbitration, including the fees of the arbitrators, shall be borne by the parties in such manner as the arbitrators provide in

their award. The arbitrators shall render their decision within sixty (60) days of the arbitration panel being formed.

Section 2-7-47. Board's Authority Over Services Declared Obscene.

- A. No cable television service or carrier shall be provided if the Board declares, after a public hearing, that such cable television service or carrier is obscene, or that such service is in conflict with community standards in that it is lewd, lascivious, filthy, or indecent or is otherwise unprotected by the Constitution of the United States. A service shall be declared obscene in the following situations:
1. Where the average person, applying contemporary community standards would find that the material or work, taken as a whole, appeals to the prurient interest;
 2. Where such work or material depicts or describes such activities in a patently offensive way, and
 3. Where such work or material taken as a whole, lacks serious literary, artistic, political, or scientific values.
- B. For the purposes of this Section, "material" shall mean any visual material shown on a cable television system whether or not accompanied by a sound track.

Section 2-7-48. Copyright, Permission Required. Each Franchisee shall comply with all laws and regulations concerning copyright and cable television.

Section 2-7-49. Protection of Subscriber Privacy.

- A. At the time of entering into an agreement to provide any cable service or other service to a subscriber and at least once a year thereafter, a cable operator or franchisee shall provide notice in the form of a separate, written statement to such subscriber which clearly and conspicuously informs the subscriber of:
1. The nature of personally identifiable information collected or to be collected with respect to the

- subscriber, and the nature and use of such information;
2. The nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;
 3. The period during which such information will be maintained by the cable operator;
 4. The times and place at which the subscriber may have access to such information in accordance with subsection (G); and
 5. The limitations provided by this Section with respect to the collection and disclosure of information by a cable operator and the right of the subscriber under Section 631 of the Cable Communications Policy Act of 1984 to enforce such limitations.
- B. For purposes of this Section, the term "personally identifiable information" does not include any record of aggregate data which does not identify particular persons.
- C. Except as provided in subsection (D), and Section 2-7-39(H), a cable operator or franchisee shall not use the cable system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.
- D. A cable operator or franchisee may use the cable system to collect such information in order to:
1. Obtain information necessary to render a cable service or other service provided by the cable operator to the subscriber; or
 2. Detect unauthorized reception of cable communications.
- E. Except as provided in subsection (F), and Section 2-7-39(H), a cable operator or franchisee shall not

disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

F. A cable operator or franchisee may disclose such information if the disclosure is:

1. Necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator or franchisee to the subscriber.
2. Subject to subsection (J), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or
3. A disclosure of the names and addresses of subscribers to any cable service or other service, if:
 - i. The cable operator or franchisee has provided the subscriber the opportunity to prohibit or limit such disclosure; and
 - ii. The disclosure does not reveal, directly or indirectly:
 - a. The extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator or franchisee, or
 - b. The nature of the transaction made by the subscriber over the cable system of the cable operator.

G. A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator or franchisee. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator or franchisee. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber concerned.

F. A cable operator or franchisee may disclose such information if the disclosure is:

1. Necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator or franchisee to the subscriber.
2. Subject to subsection (J), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or
3. A disclosure of the names and addresses of subscribers to any cable service or other service, if:
 - i. The cable operator or franchisee has provided the subscriber the opportunity to prohibit or limit such disclosure; and
 - ii. The disclosure does not reveal, directly or indirectly:
 - a. The extent of any viewing or other use by the subscriber of a cable service or other service provided by the cable operator or franchisee, or
 - b. The nature of the transaction made by the subscriber over the cable system of the cable operator.

G. A cable subscriber shall be provided access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator or franchisee. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator or franchisee. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.

- H. A cable operator or franchisee shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (J) or pursuant to a court order.
- I. Any person aggrieved by an act of a cable operator or franchisee in violation of this Section may bring a civil action in a United States District Court pursuant to Section 631 of the Cable Communications Policy Act of 1984.
- J. A governmental entity may obtain personally identifiable information concerning a cable subscriber pursuant to a court order only if, in the court proceeding relevant to such court order:
1. Such entity offers clear and convincing evidence that the subject of the information is reasonable suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and
 2. The subject of the information is afforded the opportunity to appear and contest such entity's claim.

Section 2-7-50. Failure of the County to Enforce this Code or a Franchise Agreement. The franchisee shall not be excused from complying with any of the terms or conditions of this Code or of a franchise agreement by any failure of the County upon any one (1) or more occasions to insist upon or to seek compliance with such terms or conditions.

Section 2-7-51. Board's Authority to Reinstate Rules and Standards if the Federal Communications Commission or Federal Government Abrogates Such Rules and Standards.

If the FCC, Congress, or other governmental agency with authority over cable, ever abrogates, deletes, removes, or otherwise disposes of rules or standards that are referenced in this Code, and relied on by the franchisees for performance, then

the Board may, to the extent that it is not inconsistent with prevailing law, reinstate such rules and standards. In such a case, the reinstated rules will have the same weight and effect as they had prior to their initial abrogation.

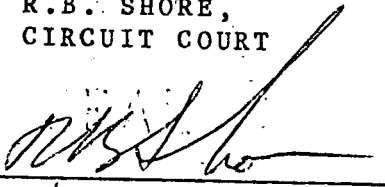
Section 3. Effective Date. This Ordinance shall become effective immediately upon receipt of the official acknowledgment from the Office of the Secretary of State in Tallahassee, Florida, that this Ordinance has been filed with that Office.

PASSED AND DULY ADOPTED this 20th day of August, 1985.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance
CHAIRMAN

ATTEST: R.B. SHORE,
CLERK OF CIRCUIT COURT



STATE OF FLORIDA

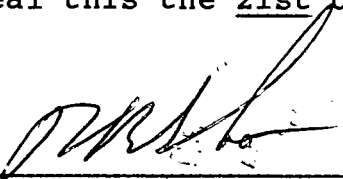
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 20th day of August, 1985.

SUBJECT: ORDINANCE 85-22

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING ORDINANCE 78-5 AS CODIFIED IN CHAPTER 2-7 OF THE CODE OF LAWS OF MANATEE COUNTY, FLORIDA, ADDING A NEW CHAPTER 2-7, CODE OF LAWS, MANATEE COUNTY, FLORIDA, WHICH ESTABLISHES A NEW CABLE TELEVISION CODE; PROVIDING FOR A TITLE; PROVIDING FOR A GRANT OF AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE; PROVIDING FOR CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A NON-EXCLUSIVE FRANCHISE GRANT; PROVIDING FOR TERM OF FRANCHISE; . . . PROVIDING FOR AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 21st day of August, 1985, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 33506
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA COUNTY OF MANATEE:

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of

hearing #85-22

_____ in the _____ Court,

was published in said newspaper in the issues of _____
7/5, '85

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, Manatee County, Florida, each day and has been entered as second class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

Sworn to and subscribed before me this

9th day of July

A.D. 19 85 *Jorise Tucker*

(SEAL) Notary Public

Notary Public, State of Florida at Large
My Commission Expires May 30, 1987

946

100- Legal Notices

NOTICE OF INTENT TO CONSIDER ORDINANCE #85-22, AN ORDINANCE OF MANATEE COUNTY, FLORIDA WHICH ESTABLISHES A NEW CABLE TELEVISION CODE. NOTICE IS HEREBY GIVEN, pursuant to F.S. 125.66, that the Board of County Commissioners of Manatee County, Florida will conduct a public hearing at the Commission Chambers, Manatee County Courthouse, Bradenton, Florida, on the 6th day of August, 1985 at 9:00 a.m. or soon thereafter, to consider act upon, adopt or reject the following Ordinance:

"AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING ORDINANCE #78-5 AS CODIFIED IN CHAPTER 2-7 OF THE CODE OF LAWS OF MANATEE COUNTY, FLORIDA, ADDING A NEW CHAPTER 2-7, CODE OF LAWS, MANATEE COUNTY, FLORIDA, WHICH ESTABLISHES--A NEW CABLE TELEVISION CODE; PROVIDING FOR A TITLE; PROVIDING FOR A GRANT OF AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE; PROVIDING FOR CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A NON-EXCLUSIVE FRANCHISE GRANT; PROVIDING FOR TERM OF FRANCHISE; PROVIDING FOR RESPONSIBILITY OF MANATEE COUNTY CABLE TELEVISION ADVISORY COMMITTEE AND THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REQUIREMENT OF FRANCHISE; PROVIDING FOR APPLICATION FOR A FRANCHISE AND FOR A FRANCHISE FEE; PROVIDING FOR A PROCEDURE BEFORE THE COMMITTEE; PROVIDING FOR A PROCEDURE BEFORE THE BOARD; PROVIDING FOR A FRANCHISE AGREEMENT; PROVIDING FOR PERMITS AND LICENSES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR WORKER'S COMPENSATION INSURANCE; PROVIDING FOR LIABILITY INSURANCE; PROVIDING FOR INDEMNITY; PROVIDING FOR FURNISHING OF REPORTS; PROVIDING FOR BOOKS AND RECORDS; PROVIDING FOR FAIR EMPLOYMENT PRACTICES; PROVIDING FOR OFFICE HOUSE AND TELEPHONES OF FRANCHISEE; PROVIDING FOR INFORMATION AVAILABLE TO POTENTIAL SUBSCRIBERS AND USERS; PROVIDING FOR RESOLUTION OF COMPLAINTS; PROVIDING FOR A UTILIZATION AND VIABILITY STUDY IN PREPARATION FOR DEVELOPING AN INSTITUTIONAL CABLE NETWORK; PROVIDING FOR SERVICE POLICIES; PROVIDING FOR SERVICE POLICIES OF RENTAL PROPERTIES; PROVIDING FOR SYSTEM DESIGN; PROVIDING FOR TECHNICAL AND OPERATIONAL STANDARDS; PROVIDING FOR INSTALLATION OF SYSTEM; PROVIDING FOR FRANCHISE FEES; PROVIDING FOR NON-REGULATION OF RATES; PROVIDING FOR MANATEE COUNTY CABLE TELEVISION WORKSHOP PROJECT FOR THE EDUCATION AND INSTRUCTION OF THE CITIZENRY ON CABLE TELEVISION TECHNIQUES; PROVIDING FOR MODIFICATION

OF FRANCHISE OBLIGATIONS; PROVIDING FOR PERFORMANCE REVIEWS; PROVIDING FOR A RENEWAL OF FRANCHISES; PROVIDING FOR DEFAULT AND REVOCATION OF FRANCHISES; PROVIDING FOR CONDITIONS OF SALE; PROVIDING FOR ASSIGNMENT; PROVIDING FOR FRANCHISEE'S DUTY TO REMOVE FRANCHISE PROPERTIES UNDER CERTAIN CONDITIONS FROM THE PUBLIC STREETS; PROVIDING FOR FRANCHISEE TO HAVE NO RECOURSE; PROVIDING FOR PENALTIES; PROVIDING FOR CHANGES IN FEDERAL REGULATION; PROVIDING FOR ARBITRATION; PROVIDING FOR BOARD'S AUTHORITY OVER SERVICES DECLARED OBSCENE; PROVIDING FOR REQUIREMENT OF COPYRIGHT PERMISSION; PROVIDING FOR PROTECTION OF SUBSCRIBER PRIVACY; PROVIDING FOR ENFORCEABILITY OF CABLE TELEVISION CODE OR A CABLE TELEVISION FRANCHISE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE."

If any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to insure that a verbatim record of the proceeding is made, which record would include any testimony or evidence upon which the appeal is to be based.

This notice is kept upon the Books of the Clerk of the Board of County Commissioners and is open to public inspection during regular business hours of his office.

Anyone wishing to review the proposed Ordinance can do so at the Manatee County Public Utilities Department, Office of the Public Utilities Attorney, during normal business hours.
R.B. SHORE, III
Clerk of Board of Commissioners of Manatee County
Michael D. Hunt
Public Utilities Attorney
7/5, '85

JIII
WIN

I N D E X

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* Permitted by Cable Communications Policy Act of 1984.

** Taken Substantially from Cable Communications Policy Act of 1984.



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

CLERK OF THE COURT
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
85 AUG 29 4:19 33

August 26, 1985

Honorable Richard B. "Chips" Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of August 21, 1985
and certified copy/ies of Manatee County
Ordinance No. 85-22, Estab. a new Cable Television Code
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ Ordinance(s) in this office
on August 26, _____ 1985.
one
4. The ~~original~~/duplicate copy/ies showing the filing date
is/~~are~~ being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/ mb

Enclosure (1)