Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(47)
04-24-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-468-07

RESOLUTION URGING THE FLORIDA LEGISLATURE TO DEFEAT BILLS THAT WOULD PREEMPT LOCAL REGULATION AND FRANCHISING OF CABLE PROVIDERS AND ESTABLISH STATEWIDE CABLE REGULATION

**WHEREAS**, bills have been filed for the 2007 state legislative session that would preempt local regulation of cable franchises and establish statewide regulation of cable franchises by the Florida Department of State, including HB 529, "the Consumer Choice Act of 2007," and SB 1772 and HB 855, "the Consumer Broadband Choice Act of 2007"; and

**WHEREAS**, since 1996, Miami-Dade County has fielded over 230,000 cable-related calls, 10,000 cable complaints and assisted Miami-Dade consumers in getting back over $250,000 in refunds; and

**WHEREAS**, despite this strong track record of requiring customer service in Miami-Dade County, SB 1772, HB 529 and HB 855 would eliminate local regulation of cable customer service standards and turn customer service over to the Florida Department of Agriculture and Consumer Services; and

**WHEREAS**, were SB 1772, HB 529 and HB 855 or similar legislation to pass, local governments could no longer require cable service providers to provide free cable service to public schools, libraries and government buildings; and

**WHEREAS**, funding now available for existing public, educational and government access channels and the ability to activate previously negotiated channels for future use would be eliminated if the proposed legislation becomes law; and

**WHEREAS**, Miami-Dade County's current cable franchising ordinance promotes widespread availability of cable service to county residents, establishes minimum standards for the regulation and performance of cable systems in the County, and provides for other valuable consideration by the cable franchise for the use of public rights of way; and

**WHEREAS**, by preempting local regulation of cable systems, SB 1772, HB 529, HB 855 or similar legislation would reduce or eliminate the benefits that Miami-Dade County's current cable franchising ordinance provides to county residents,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Urges the Florida Legislature to defeat legislation that would preempt local regulation and franchising of cable providers and establish statewide cable regulation, including SB 1772, HB 529, HB 855 or similar legislation.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate against the passage of SB 1772, HB 529, HB 855 or similar legislation as set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa, Commissioner Carlos A. Gimenez, Commissioner Katy Sorenson and Senator Javier D. Souto and offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

| | | | |
|---|---|---|---|
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson | absent |
| Carlos A. Gimenez | aye | Sally A. Heyman | absent |
| Joe A. Martinez | aye | Dennis C. Moss | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | absent |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

5

# MEMORANDUM

Agenda Item No. 11(A)(47)

**TO:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg County Attorney

**SUBJECT:** Resolution urging the Legislature to defeat bills that would preempt local regulation of cable providers

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa, Commissioner Carlos A. Gimenez, Commissioner Katy Sorenson and Senator Javier D. Souto.

Murray A. Greenberg
County Attorney

MAG/dcp

# MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(47)

**Please note any items checked.**

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**