

ORDINANCE NO.: 2004- 06

AN ORDINANCE AMENDING SECTION 9-6, HERNANDO COUNTY CODE OF ORDINANCES, RELATING TO FEES FOR CERTAIN APPLICATIONS FROM RENEWAL OR TRANSFER OF CABLE TELEVISION FRANCHISES; PROVIDING FOR BOARD OF COUNTY COMMISSIONERS AUTHORITY TO REDUCE SPECIFIED APPLICATION FEES FOR EXISTING FRANCHISEES WITH A LIMITED SUBSCRIBER BASE; PROVIDING FOR TEMPORARY FRANCHISE EXTENSIONS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE AND RETROACTIVITY IN A SPECIFIED CIRCUMSTANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. Hernando County Code of Ordinances, Chapter 9, Cable Television, section 9-6, Application for grant, renewal, and transfer of franchise, is hereby amended by addition of new subsections (c) and (d), such that section 9-6 shall read as follows:

Sec. 9-6. Application for grant, renewal, and transfer of franchise.

(a) There shall be certain standards and requirements for the grant, renewal, modification, or transfer of franchises. This will include the payment of fees in these amounts:

(1) For new or initial franchise . . . \$5,000.00

(2) For renewal of a franchise . . . 3,000.00

(3) For the transfer of a franchise

(other than a pro forma transfer) . . . 2,000.00

(4) For a pro forma transfer of a franchise . . . 1,000.00

(5) For modification of a franchise agreement

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CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Pursuant to 47 U.S.C. section 545 . . . 3,000.00

(6) For any other modification . . . 2,000.00

(7) For any other relief not mentioned herein . . . 1,500.00

(b) The franchisee shall reimburse the county for all reasonable expenses and costs incurred by the county in considering and processing the application, including, but not limited to, consulting and legal costs. Within thirty (30) days from the date of any resolution approving or denying the franchise agreement renewal, modification, or transfer, the county shall bill the franchisee for the amount of the processing fee showing its calculation. If the processing fee is not paid to the county within sixty (60) days from the date of any resolution approving the franchise, then the approval will be null and void. This processing fee is intended to be a charge incidental to the awarding or enforcing of a franchise within the meaning of 47 U.S.C. section 542(g)(2)(D) and may not be deducted from the franchise fee imposed in a franchise agreement and shall not be passed through to subscribers.

(c) In the case of any existing cable television franchise with less than 1,000 subscribers, unless provided otherwise by applicable law, the board of county commissioners shall have the authority to reduce the fees payable by a franchisee pursuant to this section to the extent deemed appropriate and necessary by the board, in consideration of the subscriber base of such franchisee at the time of application.

(d) The board of county commissioners may grant temporary extensions of franchise terms, not to exceed six months, upon a determination that any such extension is in the public interest in assisting in the successful negotiation of terms for a renewal or modification of an existing franchise.

SECTION 2. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance

shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

SECTION 4. Effective date and retroactivity.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office. The provisions hereof shall be deemed to be retroactive with respect to any franchise that provides for an expiration date during 2004.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 18th day of May, 2004.

**BOARD OF COUNTY
COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:

Sherry L. Crum
KAREN NICOLAI
Clerk

Deputy Clerk

By:

Hannah M. Robinson
HANNAH M. ROBINSON
Chair

