

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA PROVIDING FOR THE REPEAL OF SECTION III(8)(B)(5) OF ST. JOHNS COUNTY ORDINANCE 95-63 (THE ST. JOHNS COUNTY CABLE TELEVISION ORDINANCE); PROVIDING FOR FINDINGS; PROVIDING FOR THE CONTINUING VIABILITY AND APPLICABILITY OF ALL OTHER PROVISIONS OF ST. JOHNS COUNTY ORDINANCE 95-63; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, on December 12, 1995, the Board of County Commissioners of St. Johns County, Florida passed and enacted St. Johns County, Florida Ordinance 95-63 (County Ordinance 95-63), which established uniform rules and regulations for franchised cable television operators providing cable television service within St. Johns County, Florida; and

WHEREAS, Section III(8)(B)(5) of County Ordinance 95-63 states that: "Grantor [note this is a typographical error and should be 'Grantee'] shall not sell any interest to, or acquire any competing Video Service Provider or other Cable TV System operating in the Territorial Limits, during the term of the Franchise issued pursuant to this Ordinance or any extension thereof"; and

WHEREAS, both Litestream Technologies, and Time Warner Cable have requested that Section III(8)(B)(5) of County Ordinance 95-63 be repealed, so that under certain conditions franchised cable operators might be able to acquire competing cable systems without the necessity of securing prior approval of the County; and

WHEREAS, both Litestream Technologies and Time Warner Cable believe that prior approval from the County is not required, in light of the fact that the County already has regulatory authority over such franchised cable systems; and

WHEREAS, acquisition of a competing cable television system by an existing franchised cable operator might improve and increase cable and/or telecommunications choices for residents living within the County; and

WHEREAS, the repeal of Section III(8)(B)(5) of County Ordinance 95-63 will not negatively impact the material cable and telecommunications interests of the County or its residents, in light of the fact that multiple cable and telecommunications interests remain for residents living within the County.

NOW THEREFORE IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Findings. The above Recitals are incorporated herein as Findings of Fact.

Section 2. Repeal of Section III(8)(B)(5) of County Ordinance 95-63. For the reasons noted above, Section III(8)(B)(5) of St. Johns County, Florida Ordinance 95-63 is hereby repealed.

Section 3. Continued Viability, Applicability, and Enforceability of All Other Provisions of County Ordinance 95-63. It is expressly noted that all other provisions of St. Johns County, Florida Ordinance 95-63 remain viable, applicable, and enforceable.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, provision, or portion shall be deemed a separate, distinct, and independent provision of such holding, and shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, provisions, or portions herein.

Section 5. Effective Date. This Ordinance shall be effective upon its proper filing with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 14th day of June, 2005.

BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS
COUNTY, FLORIDA

By: Bruce A. Maguire
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Yvonne King
Deputy Clerk

REVISION DATE 06/16/05

Effective Date: 06/20/05

COPY OF A

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, June 14, 2005 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT

who on oath says that he is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being NOTICE OF HEARING

in the matter CABLE TV

was published in said newspaper in the issues of

MAY 27, 2005.

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

Sworn to and subscribed before me this 27TH day of MAY, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Patricia A. Bergquist] (Signature of Notary Public)

[Seal]

PATRICIA A. BERGQUIST

consider adoption of the following ordinance: AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA PROVIDING FOR THE REPEAL OF SECTION III(B)(5) OF ST. JOHNS COUNTY ORDINANCE 95-63 (THE ST. JOHNS COUNTY CABLE TELEVISION ORDINANCE); PROVIDING FOR FINDINGS; PROVIDING FOR THE CONTINUING VIABILITY AND APPLICABILITY OF ALL OTHER PROVISIONS OF ST. JOHNS COUNTY ORDINANCE 95-63; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, dr (904) 823-2235 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L1255-5 May 27, 2005