

Tab 1 CS/SB 1800 by CM, Boyd (CO-INTRODUCERS) Bradley; (Similar to H 01543) Broadband Infrastructure							
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Tab 2 CS/SB 1802 by CM, Boyd; (Identical to H 01545) Broadband Pole Replacement Trust Fund							
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Gainer, Chair
Senator Hooper, Vice Chair

MEETING DATE: Tuesday, February 22, 2022
TIME: 10:00—11:30 a.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Gainer, Chair; Senator Hooper, Vice Chair; Senators Ausley, Boyd, Cruz, Garcia, Gibson, Mayfield, Perry, Taddeo, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1800 Commerce and Tourism / Boyd (Similar H 1543, Compare H 1545, Linked CS/S 1802)	Broadband Infrastructure; Revising the duties of the Florida Office of Broadband to include administering the Broadband Pole Replacement Program; establishing the Broadband Pole Replacement Program within the office; requiring the Secretary of Economic Opportunity to apply for certain federal funding for the program; requiring that the amount of state funds allocated to the program be reduced by the amount of certain federal funds provided to the program; requiring an audit of the Broadband Pole Replacement Trust Fund within a certain period of time, etc. CM 01/24/2022 Fav/CS ATD 02/22/2022 Fav/CS AP	Fav/CS Yeas 11 Nays 0
2	CS/SB 1802 Commerce and Tourism / Boyd (Identical H 1545, Compare H 1543, Linked CS/S 1800)	Broadband Pole Replacement Trust Fund; Creating the trust fund within the Department of Economic Opportunity; providing the purpose of the trust fund; providing that moneys credited to the trust fund shall consist of certain funds; requiring that funds in the trust fund be used in a manner consistent with federal law; providing that the balance in the trust fund at the end of a fiscal year remains in the trust fund and is available for carrying out the purposes of the trust fund; providing for future legislative review and termination or re-creation of the trust fund, etc. CM 01/24/2022 Fav/CS ATD 02/22/2022 Fav/CS AP	Fav/CS Yeas 11 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1800 (711618)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Commerce and Tourism Committee and Senators Boyd and Bradley

SUBJECT: Broadband Infrastructure

DATE: February 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1800 creates the Broadband Pole Replacement Program, to be administered by the Office of Broadband (Office) within the Department of Economic Opportunity (department). The program will reimburse eligible broadband Internet service providers for their costs incurred for the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service.

Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement cost or \$5,000, whichever is less, in addition to the provider's administrative costs related to the preparation and submission of the application for reimbursement.

The bill also requires the office to report annually on its activities and on the administration of the Broadband Pole Replacement Program and the Broadband Opportunity Program.

The bill does not appropriate any funding to the program or resources to the department to administer the program. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2022.

II. Present Situation:

Broadband Internet Deployment

Fixed and mobile broadband Internet services provide access to numerous employment, education, entertainment, and health care opportunities.¹ Access to a sufficient internet connection has only grown more important during the COVID-19 pandemic, which required many Americans to connect to their family and friends, schooling, work, and even medical appointments over the internet.²

Broadband internet is a high speed internet that is faster than dial-up access and is always on; in 2015, the Federal Communications Commission (FCC) defined broadband as 25/3 megabits per second (Mbps), i.e., 25 Mbps (download rate) and 3 Mbps (upload rate).³ Consumers can receive Broadband internet through several different technologies, including a digital subscriber line (DSL), a cable modem, fiber, wireless, satellite, and broadband over power lines.⁴

While Florida's urban areas are served at a fixed broadband coverage rate of 98 percent, its rural areas are served at a rate of 78.6 percent.⁵ This disparity is caused primarily by high per-unit construction costs required to build broadband infrastructure across larger swaths of rural geographic areas.⁶ One key factor in deploying broadband infrastructure is access to utility poles, upon which broadband providers affix their infrastructure.⁷ Often, broadband providers who seek to expand their infrastructure are met with denied or delayed utility pole access, or are asked to pay an excessive fee for the attachment or to replace the entire pole.⁸

¹ U.S. Federal Communications Commission (FCC), *2018 Broadband Deployment Report*, at 1 (Feb. 2, 2018), <https://docs.fcc.gov/public/attachments/FCC-18-10A1.pdf> (last visited Feb. 14, 2022).

² FCC, *Emergency Broadband Benefit Report and Order*, at 2-3 (Feb. 26, 2021), <https://docs.fcc.gov/public/attachments/FCC-21-29A1.pdf> (last visited Feb. 14, 2022).

³ Congressional Research Service (CRS), *State Broadband Initiatives: Selected State and Local Approaches as Potential Models for Federal Initiatives to Address the Digital Divide*, at 2-3 (Apr. 6, 2020), <https://crsreports.congress.gov/product/pdf/R/R46307> (last visited Feb. 14, 2022).

⁴ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, at 1 (Oct. 25, 2019), <https://fas.org/sgp/crs/misc/RL30719.pdf> (last visited Feb. 14, 2022).

⁵ FCC, *2021 Broadband Deployment Report*, at 58 (Jan. 19, 2021), <https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf> (last visited Feb. 14, 2022). For purposes of this data, "fixed broadband services" are measured at 25 megabits per second downstream and 3 megabits per second upstream.

⁶ National Telecommunications and Information Administration, American Broadband Initiative, *Milestones Report*, at 11 (Feb. 13, 2019), <https://www.ntia.doc.gov/report/2019/american-broadband-initiative-milestones-report> (last visited Feb. 14, 2022). See also CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, at 7.

⁷ Kristian Stout, Ben Sperry, International Center for Law and Economics, *Issue Brief: Pole Attachments and Broadband Build-out: The Case for Reform*, at 3 (Jul. 2021), <https://laweconcenter.org/wp-content/uploads/2021/07/Pole-Attachment-Issue-Brief.pdf> (last visited Feb. 14, 2022) (citing Petition of NCTA for Expedited Declaratory Ruling, In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84 (Jul. 16, 2020), at 5-9, https://www.ncta.com/sites/default/files/2020-07/071620_17-84_NCTA_Petition_for_Declaratory_Ruling.pdf).

⁸ R Street, *Pole Replacement Explainer*, (Apr. 2021) <https://www.rstreet.org/wp-content/uploads/2021/04/explainer23.pdf> (last visited Feb. 14, 2022). See also, Edward Lopez and Patricia Kravtin, Connect the Future, *Advancing Pole Attachment Policies to Accelerate National Broadband Buildout*, at 3, <https://connectthefuture.com/wp-content/uploads/2021/11/Advancing-Pole-Attachment-Policies-To-Accelerate-National-Broadband-Buildout-National-Report.pdf> (last visited Feb. 14, 2022).

Communities that lack broadband access can have difficulty attracting new capital investment.⁹ Additionally, data indicates that low-income households disproportionately lack access to broadband Internet service, which puts children in those households at risk of falling behind.¹⁰

Federal Broadband Initiatives

There are several existing and new programs at the federal level dedicated to expanding the availability and access to broadband Internet. For example, the U.S. Department of Agriculture (USDA) has several rural utilities programs to provide a variety of loans and grants to build and expand broadband networks;¹¹ the U.S. Department of Housing and Urban Development offers block grants that can support broadband infrastructure;¹² and the Department of the Interior launched a mapping tool to allow service providers to locate federal property available for infrastructure development.¹³

The FCC collects and monitors data on broadband deployment in order to identify underserved and unserved localities in the United States through its Digital Opportunity Data Collection Program.¹⁴ The FCC collects information from service providers according to specific reporting standards to create geographic service maps. The service providers must report their service coverage areas, including where their services were available to residences or businesses, and the speed and latency at which their services are delivered.¹⁵ The FCC also set up a website to allow for public input regarding consumers' experiences with broadband.¹⁶ The FCC is in the process of updating its broadband maps with more detailed and precise information.¹⁷ The National Telecommunications and Information Administration (NTIA) within the U.S. Department of Commerce is working to improve coordination between federal programs that fund broadband and statewide efforts.¹⁸

In January 2020, the FCC established the Rural Digital Opportunity Fund to fund the deployment of broadband networks in rural America. The first phase of the fund began in 2020 and made \$16 billion available to target census blocks that are wholly unserved by fixed broadband speeds of at

⁹ CRS, *Broadband Internet Access and the Digital Divide: Federal Assistance Programs*, at 8.

¹⁰ New American Economy Research Fund, *Back to School: A Look at the Internet Access Gap*, (Aug. 6, 2020) <https://research.newamericaneconomy.org/report/internet-access-covid-19/> (last visited Feb. 14, 2022).

¹¹ USDA, *Telecom Programs*, <https://www.rd.usda.gov/programs-services/all-programs/telecom-programs> (last visited Feb. 14, 2022).

¹² U.S. Department of Housing and Urban Development, *State CDBG Program Broadband Infrastructure FAQs*, (Jan. 7, 2016) <https://files.hudexchange.info/resources/documents/State-CDBG-Program-Broadband-Infrastructure-FAQs.pdf> (last visited Feb. 14, 2022).

¹³ U.S. Department of Interior, *Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed at Interior*, <https://www.doi.gov/broadband> (last visited Feb. 14, 2022).

¹⁴ FCC, *Establishing the Digital Opportunity Data Collection*, at 1-2 (Jan. 19, 2021), <https://www.fcc.gov/document/fcc-takes-next-step-collect-more-precise-broadband-mapping-data> (last visited Feb. 14, 2022).

¹⁵ FCC, *Establishing the Digital Opportunity Data Collection*, at 5, 8-16.

¹⁶ FCC, *Broadband Data Collection Consumer Information*, <https://www.fcc.gov/BroadbandData/consumers> (last visited Feb. 14, 2022).

¹⁷ FCC, *Broadband Data Collection*, (Dec. 15, 2021) <https://www.fcc.gov/BroadbandData> (last visited Feb. 14, 2022).

¹⁸ Broadband USA, *State Broadband Leaders Network*, (Dec. 19, 2018) <https://broadbandusa.ntia.doc.gov/ntia-resources/state-broadband-leaders-network-sbln> (last visited Feb. 14, 2022).

least 25 Mbps downstream and 3 Mbps upstream (25/3 Mbps).¹⁹ Florida entities received over \$190 million (to be distributed over the next 10 years) in this first round of funding.²⁰ Phase II of the Fund will target underserved localities, as identified by the FCC's Digital Opportunity Data Collection Program. Using this more precise data, the second phase of FCC grants will make available at least \$4.4 billion to target geographic areas where some locations lack access to 25/3 Mbps broadband.²¹

Further, billions in Congressional appropriations have been made over the last year, including funding in the December 2020 COVID-19 relief bill for rural broadband (\$300 million) through the NTIA Broadband Infrastructure Development Grants program;²² the American Rescue Plan Act that included multiple appropriations that could be used for broadband infrastructure, such as \$10 billion for the Capital Projects Fund to provide grants to states for the costs of capital projects and \$130.2 billion for Community Development Block Grants that can be used for community development projects;²³ and at least \$64 billion in the Infrastructure Investment and Jobs Act, signed into law on November 15, 2021, for programs such as the Broadband Equity, Access, and Development Program to be administered by the NTIA to states through matching grants.²⁴

U.S. Department of the Treasury Coronavirus Capital Projects Fund

The American Rescue Plan Act allocated \$10 billion to eligible governments to carry out capital projects to meet critical needs, with an emphasis on broadband infrastructure.²⁵ Florida's share is \$366 million, and the state submitted its intent to use the funds in December 2021 to expand broadband Internet infrastructure in Florida, among other capital uses.²⁶

Presumptively eligible projects under the program include the construction and deployment of broadband infrastructure that is designed to deliver service that reliably meets or exceeds symmetrical speeds of 100 Mbps, or if impracticable, speeds of 100 Mbps downstream and 20 Mbps upstream; projects for digital connectivity that facilitate broadband access; and

¹⁹ FCC, *Auction 904: Rural Digital Opportunity Fund: Fact Sheet*, <https://www.fcc.gov/auction/904/factsheet>. FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, (Feb. 7, 2020) <https://www.fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0> (both last visited Feb. 14, 2022).

²⁰ Federal Communications Commission, *Auction 904 Winning Bidders: Attachment A*, <https://www.fcc.gov/document/auction-904-winning-bidders> (last visited Feb. 14, 2022).

²¹ FCC, *FCC Launches \$20 Billion Rural Digital Opportunity Fund*, at 3 and 4.

²² Consolidated Appropriations Act of 2021, H.R. 133, 116th Cong. (2021). See generally, NTIA, *Overview of Consolidated Appropriations Act, 2021: Broadband Infrastructure Deployment Grants*, <https://broadbandusa.ntia.doc.gov/ntia-common-content/overview-consolidated-appropriations-act-2021> (last visited Feb. 14, 2022). These grants will be available to support infrastructure for the deployment of fixed broadband service in a census block with at least one household or business that does not have access to internet at 25/3Mbps or higher.

²³ Pub. L. No. 112-2, ss. 603 and 604 (117th Congress) (H.R. 1319). U.S. Treasury, *FACT SHEET: The American Rescue Plan Will Deliver Immediate Economic Relief to Families*, <https://home.treasury.gov/news/press-releases/jy0069> (last visited Feb. 14, 2022).

²⁴ Pub. L. No. 117-58 (117th Congress) (H.R. 3684). See also, Congressional Research Service, *The Infrastructure Investment and Jobs Act (P.L. 117-58): Summary of the Broadband Provisions in Division F*, (Nov. 16, 2021) <https://crsreports.congress.gov/product/pdf/R/R46967> (last visited Feb. 14, 2022).

²⁵ U.S. Dep't. of Treasury, *Capital Projects Fund*, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund> (last visited Feb. 14, 2022).

²⁶ See Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Committee Meeting of January 12, 2022, meeting packet and video at <https://www.flsenate.gov/Committees/Show/ATD/> (last visited Feb. 17, 2022).

construction or improvement of certain community facilities.²⁷ Projects may also be eligible on a case-by-case review, such as investments in capital assets, such as buildings, towers, digital devices and equipment, fiber-optic lines, and broadband networks.²⁸ Each capital project must:

- Invest in capital assets designed to directly enable work, education, and health monitoring;
- Be designed to address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency; and
- Be designed to address a critical need of the community to be served by it.

The deadline to submit a grant plan to the U.S. Department of the Treasury is September 24, 2022.

NTIA Broadband Programs

The Infrastructure Investment and Jobs Act includes \$65 billion for broadband infrastructure and access. Through this funding, the NTIA will implement multiple programs, including the Broadband Equity, Access, and Deployment (BEAD) program and Enabling Middle Mile Broadband Infrastructure program.²⁹

The BEAD program, \$42.45 billion in total, is for states to use for broadband deployment, mapping, and adoption projects. Each state will receive an initial allocation of \$100 million to support planning efforts and the creation of a 5-year action plan for use of the funds. The remaining funding will be distributed on a formula that considers the number of unserved and high-cost locations in the state; the first priority for funding is for providing broadband to unserved areas (those below 25/3 Mbps), followed by underserved areas (those below 100/20 Mbps), and then serving community anchor institutions (1/1 Gbps).

The Enabling Middle Mile Broadband Infrastructure program, \$1 billion in total, is for the construction, improvement, or acquisition of middle mile infrastructure. The goal is to reduce the cost of connecting unserved and underserved areas to the internet backbone. States as well as local governments, technology companies, utilities, telecommunications companies, and others may apply for these funds.

Currently there is no guidance or allocation information publically available for these programs.

Florida's Office of Broadband

In 2020 the Legislature created the Florida Office of Broadband (Office) within the Department of Economic Opportunity.³⁰ The Office is tasked with developing, marketing, and promoting broadband Internet service in the state.³¹

²⁷U.S. Dep't. of Treasury, *Guidance for the Coronavirus Capital Projects Fund for States, Territories, and Freely Associated States*, at 3, <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf> (last visited Feb. 17, 2022).

²⁸ *Id.* at 7.

²⁹ U.S. Dep't. of Commerce, NTIA, *Grants*, <https://www.ntia.doc.gov/category/grants> (last visited Feb. 17, 2022).

³⁰ Chapter 2020-26, Laws of Fla.

³¹ Section 288.9961(4), F.S. *See also*, Florida Department of Economic Opportunity, Office of Broadband, *About Us*, <https://floridajobs.org/community-planning-and-development/broadband/office-of-broadband> (last visited Feb. 14, 2022).

Specifically, the Office must:³²

- Create a strategic plan for increasing the availability and use of broadband Internet service in Florida which must incorporate federal broadband initiatives and also include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout the state;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture in order to identify needs and resources to reduce barriers to the deployment of broadband Internet services;
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs;³³
- Monitor, participate in, and provide input in proceedings of the FCC and other federal agencies related to the geographic availability and deployment of broadband Internet service as necessary to ensure that Florida's rural, unserved, and underserved areas are best positioned to benefit from federal and state broadband deployment programs; and
- Administer Florida's Broadband Opportunity Program.

The department may apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any committee or workgroup to further the above goals. Additionally, the department has rulemaking authority to implement sections 288.9961-288.9963, F.S., relating to the Office.³⁴

Broadband Opportunity Program³⁵

The Office administers the Broadband Opportunity grant program to expand broadband Internet service to unserved areas of Florida. Grant funds may not be used to provide broadband Internet service to a geographic area where broadband Internet is already deployed by at least one provider.

No funds have been appropriated for the program, and no grants have been made available.

³² Section 288.9961(4), F.S.

³³ Section 288.9961(2)(f), F.S., defines the term "underserved" to mean a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 100 Mbps downstream and at least 10 Mbps upstream. Section 288.9961(2)(g), F.S., defines the term "unserved" as a geographic area in which there is no broadband Internet service provider.

³⁴ Section 288.9961(5), F.S.

³⁵ Section 288.9962, F.S.

Regulation of Pole Attachments

Utility poles may be installed and owned by different kinds of utilities,³⁶ such as electrical or telecommunications providers.³⁷ “Pole attachment” is the process by which communications companies allocate infrastructure on utility poles. Different vertical portions of utility poles are divided for specific uses, including electrical power, telephone, cable television, broadband Internet, and wireless service.³⁸ The owning entity can charge others to attach their services to its pole. This sharing of the pole resource benefits the public by minimizing “unnecessary and costly duplication of plant for all pole users.”³⁹ When a new attacher seeks access to a pole, it is necessary to evaluate the safety and ability to add the attachment. In many cases, existing attachments must be moved to make room for the new attachment. In some cases, a larger pole is necessary to accommodate a new attachment.⁴⁰

Federal law recognizes state and local government authority to manage the public right-of-way (ROW) on utility poles and to require fair and reasonable compensation from telecommunication providers, on a competitively neutral and nondiscriminatory basis, for the use of such ROW.⁴¹

Congress began regulating pole attachments in 1978.⁴² The Telecommunications Act (Act) of 1996⁴³ added provisions making access to utility poles mandatory for telecommunications services providers,⁴⁴ and providing for nondiscriminatory access, unless there is insufficient capacity and reasons of safety, reliability and generally applicable engineering purposes.⁴⁵ Municipalities and rural electric cooperative utilities are exempt from the federal provisions.⁴⁶

A state, however, can assume regulation of pole attachment through a process known as “reverse preemption.” This requires a state to expressly assert jurisdiction through state legislation, followed by certification to the FCC that “in so regulating such rates, terms, and conditions, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility

³⁶ 47 U.S.C. 224(a)(1) (1996), defines “utility” as “any person who is a local exchange carrier or an electric, gas, water, steam, or other public utility, and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.”

³⁷ See, Jim Saunders, NEWS SERVICE OF FLORIDA, *FPL, AT&T Battle Over Utility Bills*, (Aug. 1, 2019) <https://www.news-press.com/story/news/newswire/2019/08/01/florida-power-light-fpl-at-t-battle-over-utility-bills/1887655001/> (last visited Feb. 14, 2022).

³⁸ Florida Public Service Commission, *What’s on a Utility Pole?*, <http://www.psc.state.fl.us/ConsumerAssistance/UtilityPole> (last visited Feb. 14, 2022). 47 U.S.C. 224(a)(4), defines “pole attachment” as “any attachment by a cable television system or provider or telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.”

³⁹ S. REP. NO. 95-580, at 13 (1977), as reprinted in 1978 U.S.C.C.A.N. 109, 121.

⁴⁰ FCC, *Third Report and Order and Declaratory Ruling In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, FCC-CIRC 1808-03 (2018) at 4-5.

⁴¹ 47 U.S.C. 253(c).

⁴² The Pole Attachment Act of 1978 granted utility pole access to cable companies and was designed to promote utility competition and service to the public. Communications Act Amendments of 1978, Pub. L. No. 950234 (Feb. 21, 1978).

⁴³ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

⁴⁴ The term “telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received. 47 U.S.C. 153(50).

⁴⁵ Pub. L. No. 104-104, *codified* at 47 U.S.C. 224(f).

⁴⁶ 47 U.S.C. 224(a)(1).

services.”⁴⁷ As of March 19, 2020, 22 states and the District of Columbia have reverse preemption.⁴⁸ In 2021, this regulatory authority was transferred to the Florida Public Service Commission;⁴⁹ the PSC is still in the process of adopting rules to complete this transfer.⁵⁰

In September 2018, the FCC issued an order which preempted state and local laws and agreements, including those related to pole attachments, to remove regulatory barriers that would inhibit the deployment of “small cell” infrastructure necessary to support new wireless broadband services.⁵¹ The order provided that state or local fees charged to mobile service providers for deploying small cell sites violate federal law unless they:

- Are a reasonable approximation of the state or local government’s costs;
- Only factor in costs that are “objectively reasonable;” and
- Are no higher than fees charged to similarly situated competitors.⁵²

Florida Promotional Rates for Wireline Attachment

The Legislature has provided for the promotional rate of \$1 per wireline attachment per pole, per year for any new attachment necessary to make broadband service available to an unserved or underserved end user within a municipal electric utility service territory. This rate began July 1, 2021 and ends July 1, 2024.⁵³

If a municipal electric utility is required to replace a utility pole due to a broadband provider’s attachment, the municipal electric utility may require the broadband provider to reimburse all reasonable costs attributable to the new attachment, minus the salvage value of the pole. A utility cannot require pole replacement to accommodate the broadband provider’s pole attachment unless it is necessary to comply with applicable engineering and safety standards. Additionally, if the pole replacement is necessary to correct an existing violation, to bring the pole into compliance with changes in applicable standards, or because the pole is at the end of its useful life, the replacement cost may not be passed on to the broadband provider.⁵⁴

⁴⁷ 47 U.S.C. 224(c)(2).

⁴⁸ FCC, *Public Notice: States That Have Certified That They Regulate Pole Attachments*, (Mar. 19, 2020) <https://www.fcc.gov/document/states-have-certified-they-regulate-pole-attachments-2> (last visited Feb. 14, 2022).

⁴⁹ Chapter 2021-191, Laws of Fla.

⁵⁰ Cindy Miller, *What’s Up with Pole Attachments in Florida: Energy and Telecom Players Urge Different Approaches*, (Sep. 17, 2021) <https://energycentral.com/c/um/whats-pole-attachments-florida-energy-and-telecom-players-urge-different> (last visited Feb. 14, 2022).

⁵¹ FCC, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Report and Order*, 33 FCC Rcd 9088 (14), FCC-18-133. See also CRS, *Overview of Legal Challenges to the FCC’s 5G Order on Small Cell Siting* (Feb. 25, 2019). The order’s discussion of preemption begins by interpreting the Telecommunication Act’s two relevant preemption provisions: ss. 253 and 332(c)(7). Subject to certain exceptions, these sections preempt state and local requirements that “prohibit or have the effect of prohibiting the ability of any entity” to provide “telecommunications” or “personal wireless services.”

⁵² CRS, *Overview of Legal Challenges to the FCC’s 5G Order on Small Cell Siting*, at 2-3. The order also identifies specific fee limits that are presumptively allowed under federal law. For non-recurring fees, such as up-front applications for small cell site installations, localities may charge up to \$500, subject to certain exceptions. For recurring fees, such as access fees, localities may charge up to \$270 per year. Higher fees may be charged due to local cost variances.

⁵³ Section 288.9963(3), F.S.

⁵⁴ “Useful life” of a utility pole means not less than 30 years for wood utility poles, and not less than 50 years for concrete, steel, ductile iron, and all other utility poles. Section 288.9963(5), F.S.

III. Effect of Proposed Changes:

Broadband Pole Replacement Program (creating s. 288.9964, F.S.)

The bill creates the Broadband Pole Replacement Program within the Office of Broadband. The Office will accept applications for the reimbursement of eligible pole replacement costs and distribute payments until the funds are exhausted. Eligible pole replacement is the removal of an existing utility pole and its replacement with a new utility pole in order to accommodate the attachment to the new utility pole of facilities used by the provider.⁵⁵

Eligibility

Private businesses or nonprofit corporations that currently provide, or will provide, qualifying broadband service to Florida are eligible for reimbursements under the program. These entities must provide, or commit to providing qualifying broadband service that is capable of delivering Internet access at speeds of at least 100 Mbps downstream and 100 Mbps upstream with a latency at a level sufficient to allow real-time, interactive applications. Additionally, the applicants' pole replacements must occur in unserved areas for the purpose of attaching facilities to provide qualifying broadband service to residences or businesses in that area.⁵⁶

Reimbursements

The Office must reimburse an applicant within 60 days after it receives its completed application. Reimbursements are made on a first-come, first-served basis. The Office will reimburse under the program according to availability of funds. Any application that is pending when appropriated funding is exhausted is denied, but the applicant may reapply if funds are later made available. The Office is required to provide updated information on its website regarding the availability of funds and the date when applications may begin to be accepted.

An application for reimbursement must include the following:

- Information sufficient to establish the number and cost of eligible pole replacements;
- Documentation sufficient to establish that the eligible pole replacements are completed;
- The total reimbursement amount requested, and any state or federal grant funding or accounting information required to justify the amount requested;
- A notarized statement from an officer or agent of the applicant which certifies that the application's contents are true and accurate and that the applicant will comply with applicable law as a condition of receiving reimbursement under the program;
- Receipts to verify the amount of eligible pole replacement costs paid by the applicant; and
- Any other information or documentation required by the office to comply with the requirements or conditions, as applicable, of any federal funding used to pay reimbursements under the program.

⁵⁵ It does not include removal and replacement of an existing utility pole by the pole owner or an affiliate, unless the removal is performed as a accommodation to a provider of qualifying broadband service.

⁵⁶ The bill defines an "unserved area" as a location in which (1) fixed, terrestrial, retail wireline broadband Internet service is unavailable at the time that the broadband service provider requests to attach its facilities to a pole in that location, and no other person has committed to providing qualifying broadband service; or (2) the applicant is committed under the terms of a state or federal grant to provide qualifying broadband service, provided that the availability of the grant is limited to areas that lack access to fixed, terrestrial, retail wireline broadband Internet service.

An eligible pole replacement cost is the actual cost paid by the applicant to perform a pole replacement, excluding any amount that is otherwise reimbursed through another state or federal broadband grant program or other governmental entity. Specifically, the cost may include:

- The removal and disposal of the existing utility pole;
- The purchase and installation of a replacement utility pole; and
- The transfer of any existing facilities to the replacement utility pole.

An eligible applicant shall receive a reimbursement for each eligible utility pole replacement up to 50 percent of the total amount paid for eligible pole replacement costs, or \$5,000, whichever is less. Reimbursements from appropriated federal funds must also be made in compliance with any federal requirements or conditions for use of the funds.

If the applicant broadband Internet service provider cannot provide the information required by the application, it may request that the pole owner that performed the pole replacement submit the required information, including the pole replacement costs paid by the applicant.

Additionally, an applicant that is a pole owner that calculates a pole rental and other fees based on a federal or state-approved formula that includes consideration of the pole owner's expenses, must exclude any expenses reimbursed by this program, paid for by a retail provider of qualifying broadband service, or funded by another state or federal grant.

As a condition of receiving reimbursement, the applicant must certify its compliance with the program, including any federal requirements, and agree to refund with interest any reimbursements or portions thereof if the Office finds that the applicant materially violated any requirement of the program.

Administrative Duties

The Office must publish and update the following information on its website:

- Statistics on the number of applications received, processed, and denied by the program;
- Statistics on the value, number, and status of reimbursements provided under the program, including the names of pole owners and retail providers of qualifying broadband service which received reimbursements under the program; and
- The amount of funds remaining from any appropriation.

The bill specifically authorizes the department to adopt rules to establish the application and the conditions or requirements that must be met in order to use and receive any federal funding appropriated to the program.

Reporting by the Office of Broadband

The bill requires the Office to report annually, by January 31, on the activities of the office to meet the requirements of s. 288.9961, F.S., including on any applications made and use of federal funds for broadband infrastructure, deployment, or access. If funds are appropriated to the Broadband Opportunity Program or the Broadband Pole Replacement Program, then the office must report on the programs as well.

Effective Date

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may ultimately help to provide more affordable broadband Internet service to Florida's communities by increasing related infrastructure. The bill will benefit eligible providers by assisting them to expand their services.

C. Government Sector Impact:

The bill does not appropriate any funds to the Broadband Pole Replacement Program.

It is unclear whether the department will require additional funds or positions to administer the program. SB 2500 provides an additional FTE to the department for the Office of Broadband.

For the bill as originally filed, the Department of Economic Opportunity provided a high estimate for resources necessary to implement the bill, including:

- \$880,219 (\$35,587 nonrecurring) and 10 FTE;

- \$1 million for staff augmentation (8-12 full time and 3-5 part-time staff); and
- \$2 million (\$1.5 million nonrecurring) for IT software licenses to track projects and awards.

With the changes to the bill, it is likely that this level of resources will not be needed; however any exact impact is unknown at this time. The department may also incur costs for reporting and posting information on its website, which can be done within existing resources.⁵⁷

VI. Technical Deficiencies:

Lines 177-179 should be removed from the bill, as the related provisions were removed from the bill (related to reimbursement of certain administrative expenses).

VII. Related Issues:

The Department of Economic Opportunity, in its agency analysis of the bill, states that the U.S. Treasury had advised the department “against the use of Capital Projects Fund for utility pole replacement or general construction projects.”⁵⁸

SB 1802 is a linked bill that creates the Broadband Pole Replacement Trust Fund.

VIII. Statutes Affected:

This bill substantially amends section 288.9961 of the Florida Statutes.

This bill creates section 288.9964 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 22, 2022:

The committee substitute:

- Requires the Office of Broadband to report annually on its activities, including on the Broadband Pole Replacement Program and the Broadband Opportunity Program;
- Removes references to the Broadband Pole Replacement Trust Fund and related provisions;
- Removes the appropriation to the Broadband Opportunity Program;
- Allows for reimbursement of pole replacement costs made after July 1, 2022;
- Provides for reimbursement on a first-come, first-served basis;

⁵⁷ Department of Economic Opportunity, *2022 Agency Legislative Bill Analysis SB 1800*, February 21, 2022 (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

⁵⁸ *Id.*

- Requires the Office of Broadband to publish an application form by September 1, 2022;
- Clarifies the documentation necessary for the application;
- Removes the authorization for reimbursement of administrative costs to submit the application;
- Requires any reimbursements made with funds appropriated from federal funds to also meet federal grant requirements;
- Clarifies the rulemaking authority; and
- Changes the effective date to July 1, 2022.

CS by Commerce and Tourism on January 24, 2022:

Inserts the bill number assigned to linked bill, CS/SB 1802, which creates the Broadband Pole Replacement Program, in the contingent effective date.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (g) is added to subsection (4) of
section 288.9961, Florida Statutes, and subsection (6) is added
to that section, to read:

288.9961 Promotion of broadband adoption; Florida Office of
Broadband.—



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(4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of Broadband is created within the Division of Community Development in the department for the purpose of developing, marketing, and promoting broadband Internet services in this state. The office, in the performance of its duties, shall do all of the following:

(g) Administer the Broadband Pole Replacement Program established in s. 288.9964.

(6) REPORT.—Annually by January 31, the office shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides information on activities of the office to meet the requirements of this section, including any applications made and use of federal funds for broadband Internet service infrastructure, deployment, or access. The report shall also include, if funds have been appropriated to the programs, updates and information on administration and applications processed under the Broadband Opportunity Program established in s. 288.9962 and the Broadband Pole Replacement Program established in s. 288.9964, including identifying and examining the deployment of broadband infrastructure and technology facilitated by reimbursements provided under the Broadband Pole Replacement Program.

Section 2. Section 288.9964, Florida Statutes, is created to read:

288.9964 Broadband Pole Replacement Program.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that a broadband pole replacement program administered by the Florida Office of Broadband is necessary to further the state's goal of expanding and accelerating access to broadband service in



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39 unserved areas throughout this state.

40 (2) DEFINITIONS.—As used in this section, the term:

41 (a) "Applicant" means a private business, including a
42 corporation, a limited liability company, a partnership, a
43 nonprofit corporation, or any other private business entity that
44 provides or will provide qualifying broadband service in this
45 state.

46 (b) "Application" means an application made under this
47 section for an eligible pole replacement reimbursement.

48 (c) "Broadband Internet service" means a service that
49 offers a connection to the Internet with a capacity for
50 transmission at a consistent speed of at least 25 megabits per
51 second downstream and 3 megabits per second upstream.

52 (e) "Eligible pole replacement" means the removal of an
53 existing utility pole and its replacement with a new utility
54 pole in an unserved area in order to accommodate the attachment
55 to such new utility pole of facilities used in whole or in part
56 by a retail provider of qualifying broadband service for the
57 purpose of providing qualifying broadband service access to
58 residences or businesses in that unserved area. The term does
59 not include the removal and replacement of an existing utility
60 pole by the pole owner or an affiliated company unless the
61 removal or replacement is performed as an accommodation to a
62 provider of qualifying broadband service.

63 (f) "Eligible pole replacement costs" means the actual
64 costs to perform an eligible pole replacement which are paid by
65 an applicant, excluding any amount separately reimbursed through
66 another state or federal broadband grant program or by some
67 other governmental entity. The term includes the costs to remove



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and dispose of the existing utility pole, to purchase and install a replacement utility pole, and to transfer any existing facilities to the replacement utility pole.

(g) "Office" means the Florida Office of Broadband.

(h) "Pole" means any pole used in whole or in part for wire communications or electric distribution.

(i) "Pole owner" means any electric utility as defined in s. 366.02(2), public utility as defined in s. 366.02(1), communications services provider as defined in s. 366.02(5), cable television operator, or local exchange carrier that owns or controls a pole.

(j) "Program" means the Broadband Pole Replacement Program established under this section.

(k) "Qualifying broadband service" means a fixed, terrestrial, retail wireline broadband Internet service capable of delivering Internet access at speeds of at least 100 megabits per second both downstream and upstream with latency at a level sufficient to allow real-time, interactive applications.

(l) "Reimbursed through another state or federal broadband grant program" means, with respect to eligible pole replacement costs, that an applicant paying such costs has received or is entitled to receive reimbursement for such costs under the terms of another state or federal broadband grant program for the deployment of broadband facilities, whether through a specific reimbursement for such costs or through support payments that equal or exceed the person's actual deployment costs, including eligible pole replacement costs. The term does not include the receipt of a state or federal grant that covers only a portion of the applicant's actual deployment costs, including eligible



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pole replacement costs, if the applicant pays the eligible pole replacement costs with its own funds.

(m) "Unserved area" means a location in which:

1. At the time of a request by a retail provider of qualifying broadband service to attach facilities to a pole in such location, fixed, terrestrial, retail wireline broadband Internet service is unavailable, according to the latest available broadband deployment data from the Federal Communications Commission, provided that no person other than the applicant has committed to providing qualifying broadband service in such area; or

2. An applicant is committed under the terms of a federal or state grant to provide qualifying broadband service, provided that the availability of such grant is limited to areas lacking access to fixed, terrestrial, retail wireline broadband Internet service.

(3) BROADBAND POLE REPLACEMENT PROGRAM.—

(a) The Broadband Pole Replacement Program is established within the Florida Office of Broadband. The office shall administer the program and is responsible for receiving and reviewing applications and distributing reimbursements under the program.

(b) Any applicant that pays eligible pole replacement costs after July 1, 2022, is eligible for reimbursement of such costs under the program and may submit an application for reimbursement in accordance with this section.

(c) Reimbursements provided under the program are subject to the availability of funds. The office shall accept applications for reimbursement until all funds appropriated to



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the program are exhausted. Reimbursements shall be made on a first come, first served basis. The office shall publish on its website information regarding the availability of funds and the date when applications may begin to be submitted.

(d) An application pending when all funds are exhausted is deemed denied; however, the applicant may reapply if sufficient funds are later made available.

(e) By September 1, 2022, the office shall publish an application form for reimbursement of eligible pole replacement costs under the program. The application must require the following:

1. Information sufficient to establish the number and cost of eligible pole replacements that qualify for reimbursement under the program.

2. Documentation sufficient to establish that the claimed eligible pole replacements have been completed.

3. The total reimbursement amount requested and any state or federal grant funding or accounting information required to justify the amount requested.

4. A notarized statement from an officer or agent of the applicant certifying that the contents of the application are true and accurate and that such applicant will comply with the requirements of this section as a condition of receiving reimbursement under the program.

5. Receipts verifying the amount of eligible pole replacement costs paid by the applicant.

6. Documentation sufficient to established the actual and reasonable administrative expenses paid by such applicant in preparing and submitting the application.



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7. Any other information or documentation required by the department to comply with the requirements or conditions, as applicable, of any federal funding used to pay reimbursements under the program.

(f) Within 60 days after receipt of a complete application that establishes an applicant's eligible pole replacement costs, the office shall reimburse the applicant in an amount equal to up to 50 percent of the total amount paid or \$5,000, whichever is less, by such applicant for eligible pole replacement costs.

(g) Reimbursements made under this program from funds appropriated from any federal funding received by this state must also be made in compliance with any requirements or conditions for use of such federal funds.

(h) If the information required for application is not otherwise reasonably available to an applicant, an applicant may request that a pole owner performing an eligible pole replacement provide the number and costs of the pole replacements and receipts verifying the amount of eligible pole replacement costs paid by the applicant.

(h) As a condition of receiving reimbursement under the program, an applicant must:

1. Certify its compliance with the requirements of this section and with any federal conditions or requirements for use of federal funds as applicable; and

2. Agree to refund with interest at the applicable Federal Funds rate as specified by s. 670.506 any reimbursements or portions thereof received under the program to the department, at the direction of the office, if the office finds, upon substantial evidence and after providing such applicant with



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notice and an opportunity to respond, that such applicant
materially violated a requirement of this section with respect
to such reimbursements or portions thereof. Any funds received
by the office under this subparagraph shall be deposited into
the fund from which the appropriation was made.

(i) If applicable, an applicant that is a pole owner that
calculates its pole rental and other fees on the basis of a
formula required or approved by federal or state law or
regulation which includes consideration of the pole owner's
expenses, must, as a condition of receiving reimbursement under
the program, exclude from such expenses any eligible pole
replacement costs that were reimbursed by the program, paid for
by a retail provider of qualifying broadband service, or funded
by another state or federal grant.

(4) TRANSPARENCY.—The office shall publish and continually
update the following information on its website:

(a) Statistics on the number of applications received,
processed, and denied under the program.

(b) Statistics on the value, number, and status of
reimbursements provided under the program, including the names
of pole owners and retail providers of qualifying broadband
service which received reimbursements under the program.

(c) The amount of funds remaining from any appropriation.

(5) RULEMAKING.—The department is authorized to adopt rules
to establish the application and the conditions or requirements
that must be met in order to use and receive any federal funding
appropriated to the program.

Section 3. This act shall take effect July 1, 2022.



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

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled
An act relating to broadband infrastructure; amending
s. 288.9961, F.S.; revising the duties of the Florida
Office of Broadband to include administering the
Broadband Pole Replacement Program; requiring the
office to submit an annual report to the Governor and
the Legislature; creating s. 288.9964, F.S.; providing
legislative findings; defining terms; establishing the
Broadband Pole Replacement Program within the office;
providing responsibilities of the office; providing
eligibility requirements for reimbursement under the
program; providing that reimbursements are subject to
the availability of certain funds; providing that
certain denied applicants may reapply in certain
circumstances; providing requirements for the program
application; requiring the office to provide certain
reimbursements within a certain period of time;
authorizing an applicant to request certain
information from a pole owner under certain
circumstances; requiring an applicant to meet certain
conditions; requiring the office to publish and
continually update certain information on its public
website; authorizing rulemaking; providing an
effective date.

By the Committee on Commerce and Tourism; and Senator Boyd

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1 A bill to be entitled
 2 An act relating to broadband infrastructure; amending
 3 s. 288.9961, F.S.; revising the duties of the Florida
 4 Office of Broadband to include administering the
 5 Broadband Pole Replacement Program; creating s.
 6 288.9964, F.S.; providing legislative findings;
 7 defining terms; establishing the Broadband Pole
 8 Replacement Program within the office; providing
 9 responsibilities of the office; providing eligibility
 10 requirements for reimbursement under the program;
 11 providing that reimbursements are subject to the
 12 availability of certain funds; providing that certain
 13 denied applicants may reapply in certain
 14 circumstances; providing requirements for the program
 15 application; requiring the office to provide certain
 16 reimbursements within a certain period of time;
 17 authorizing an applicant to request certain
 18 information from a pole owner under certain
 19 circumstances; requiring an applicant to meet certain
 20 conditions; requiring the Secretary of Economic
 21 Opportunity to apply for certain federal funding for
 22 the program; requiring that the amount of state funds
 23 allocated to the program be reduced by the amount of
 24 certain federal funds provided to the program;
 25 requiring the office to publish and continually update
 26 certain information on its public website; requiring
 27 an audit of the Broadband Pole Replacement Trust Fund
 28 within a certain period of time; requiring the office
 29 to provide a report containing specified information

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30 to the Governor and the Legislature within a specified
 31 timeframe; providing that certain provisions do not
 32 require or authorize rulemaking; providing an
 33 appropriation; providing a contingent effective date.
 34
 35 Be It Enacted by the Legislature of the State of Florida:
 36
 37 Section 1. Paragraph (g) is added to subsection (4) of
 38 section 288.9961, Florida Statutes, to read:
 39 288.9961 Promotion of broadband adoption; Florida Office of
 40 Broadband.—
 41 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
 42 Broadband is created within the Division of Community
 43 Development in the department for the purpose of developing,
 44 marketing, and promoting broadband Internet services in this
 45 state. The office, in the performance of its duties, shall do
 46 all of the following:
 47 (g) Administer the Broadband Pole Replacement Program
 48 established in s. 288.9964.
 49 Section 2. Section 288.9964, Florida Statutes, is created
 50 to read:
 51 288.9964 Broadband Pole Replacement Program.—
 52 (1) LEGISLATIVE FINDINGS.—The Legislature finds that a
 53 broadband pole replacement program administered by the Florida
 54 Office of Broadband is necessary to further the state's goal of
 55 expanding and accelerating access to broadband service in
 56 unserved areas throughout this state.
 57 (2) DEFINITIONS.—As used in this section, the term:
 58 (a) "Applicant" means a private business, including a

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corporation, a limited liability company, a partnership, a nonprofit corporation, or any other private business entity that provides or will provide qualifying broadband service in this state.

(b) "Application" means an application made under this section for an eligible pole replacement reimbursement.

(c) "Broadband Internet service" means a service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second downstream and 3 megabits per second upstream.

(d) "Broadband Pole Replacement Trust Fund" means the trust fund established pursuant to s. 288.9965.

(e) "Eligible pole replacement" means the removal of an existing utility pole and its replacement with a new utility pole in an unserved area in order to accommodate the attachment to such new utility pole of facilities used in whole or in part by a retail provider of qualifying broadband service for the purpose of providing qualifying broadband service access to residences or businesses in that unserved area. The term does not include the removal and replacement of an existing utility pole by the owner or an affiliated company unless the removal or replacement is performed as an accommodation to a provider of qualifying broadband services.

(f) "Eligible pole replacement costs" means the actual costs to perform an eligible pole replacement which are paid by an applicant, excluding any amount separately reimbursed through another state or federal broadband grant program or by some other governmental entity. The term includes the costs to remove and dispose of the existing utility pole, to purchase and

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install a replacement utility pole, and to transfer any existing facilities to the replacement utility pole.

(g) "Office" means the Florida Office of Broadband.

(h) "Pole" means any pole used in whole or in part for wire communications or electric distribution.

(i) "Pole owner" means any electric utility as defined in s. 366.02(2), public utility as defined in s. 366.02(1), communications services provider as defined in s. 366.02(5), cable television operator, or local exchange carrier that owns or controls a pole.

(j) "Program" means the Broadband Pole Replacement Program established under this section.

(k) "Qualifying broadband service" means a fixed, terrestrial, retail wireline broadband Internet service capable of delivering Internet access at speeds of at least 100 megabits per second both downstream and upstream with latency at a level sufficient to allow real-time, interactive applications.

(l) "Reimbursed through another state or federal broadband grant program" means, with respect to eligible pole replacement costs, that an applicant paying such costs has received or is entitled to receive reimbursement for such costs under the terms of another state or federal broadband grant program for the deployment of broadband facilities, whether through a specific reimbursement for such costs or through support payments that equal or exceed the person's actual deployment costs, including eligible pole replacement costs. The term does not include the receipt of a state or federal grant that covers only a portion of the applicant's actual deployment costs, including eligible pole replacement costs, if the applicant pays the eligible pole

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replacement costs with its own funds.

(m) "Unserved area" means a location in which:

1. At the time of a request by a retail provider of qualifying broadband service to attach facilities to a pole in such location, fixed, terrestrial, retail wireline broadband Internet service is unavailable, according to the latest available broadband deployment data from the Federal Communications Commission, provided that no person other than the applicant has committed to providing qualifying broadband service in such area; or

2. An applicant is committed under the terms of a federal or state grant to provide qualifying broadband service, provided that the availability of such grant is limited to areas lacking access to fixed, terrestrial, retail wireline broadband Internet service.

(3) BROADBAND POLE REPLACEMENT PROGRAM.—

(a) The Broadband Pole Replacement Program is established within the Florida Office of Broadband. The office shall administer the program and is responsible for receiving and reviewing applications and distributing reimbursements under the program.

(b) Any applicant that pays eligible pole replacement costs is eligible for reimbursement of such costs under the program and may submit an application for reimbursement in accordance with this section.

(c) Reimbursements provided under the program are subject to the availability of funds in the Broadband Pole Replacement Trust Fund. The office shall accept applications for reimbursement until all funds in the Broadband Pole Replacement

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Trust Fund are exhausted.

(d) An application pending when all funds in the Broadband Pole Replacement Trust Fund are exhausted is deemed denied; however, the applicant may reapply if sufficient funds are later made available in the trust fund.

(e) Within 60 days after the first deposit of funds into the Broadband Pole Replacement Trust Fund, the office shall publish an application form for reimbursement of eligible pole replacement costs under the program. The application must require the following:

1. Information sufficient to establish the number and cost of eligible pole replacements that qualify for reimbursement under the program.

2. Documentation sufficient to establish that the claimed eligible pole replacements have been completed.

3. The total reimbursement amount requested and any state or federal grant funding or accounting information required to justify the amount requested.

4. A notarized statement from an officer or agent of the applicant certifying that the contents of the application are true and accurate and that such applicant will comply with the requirements of this section as a condition of receiving reimbursement under the program.

5. Receipts verifying the amount of eligible pole replacement costs paid by the applicant.

(f) Within 60 days after receipt of a complete application that establishes an applicant's eligible pole replacement costs, the office shall reimburse the applicant in an amount equal to:

1. Up to 50 percent of the total amount paid or \$5,000,

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175 whichever is less, by such applicant for eligible pole
 176 replacement costs; and

177 2. Up to 100 percent of the documented actual and
 178 reasonable administrative expenses paid by such applicant in
 179 preparing and submitting the application, including any
 180 administrative expenses charged by a pole owner pursuant to
 181 paragraph (g). The amount reimbursed under this subparagraph may
 182 not exceed 5 percent of eligible pole replacement costs set
 183 forth in the application.

184 (g) If such information is not otherwise reasonably
 185 available, an applicant may request that a pole owner performing
 186 an eligible pole replacement provide the number and costs of the
 187 pole replacements and receipts verifying the amount of eligible
 188 pole replacement costs paid by the applicant. A pole owner
 189 providing such information and documentation may require
 190 reimbursement from the applicant of its administrative expenses,
 191 which may not exceed 5 percent of the eligible pole replacement
 192 costs.

193 (h) As a condition of receiving reimbursement under the
 194 program, an applicant must:

195 1. Certify its compliance with the requirements of this
 196 section; and

197 2. Agree to refund with interest at the applicable Federal
 198 Funds rate as specified by s. 670.506 any reimbursements or
 199 portions thereof received under the program to the Broadband
 200 Pole Replacement Trust Fund or the General Revenue Fund, at the
 201 direction of the office, if the office finds, upon substantial
 202 evidence and after providing such applicant with notice and an
 203 opportunity to respond, that such applicant materially violated

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204 a requirement of this section with respect to such
 205 reimbursements or portions thereof.

206 (i) If applicable, an applicant that is a pole owner that
 207 calculates its pole rental and other fees on the basis of a
 208 formula required or approved by federal or state law or
 209 regulation which includes consideration of the pole owner's
 210 expenses, must, as a condition of receiving reimbursement under
 211 the program, exclude from such expenses any eligible pole
 212 replacement costs that were reimbursed by the program, paid for
 213 by a retail provider of qualifying broadband service, or funded
 214 by another state or federal grant.

215 (4) PROGRAM FUNDING.-

216 (a) The Secretary of Economic Opportunity shall apply for
 217 \$100 million in federal funding for the program, including funds
 218 available under the Coronavirus Capital Projects Fund, pursuant
 219 to the authorization set forth in s. 9901 of the American Rescue
 220 Plan Act of 2021 and codified at s. 604, Title VI of the Social
 221 Security Act, 42 U.S.C. s. 801, et seq. Any such funds received
 222 must be deposited into the Broadband Pole Replacement Trust
 223 Fund.

224 (b) The amount of state funds allocated to the program must
 225 be reduced by the amount of federal funds provided to the
 226 program from the Coronavirus Capital Projects Fund.

227 (5) TRANSPARENCY.-Within 60 days after the initial deposit
 228 of funds into the Broadband Pole Replacement Trust Fund, the
 229 office shall publish, and thereafter continually update, the
 230 following information on its public website:

231 (a) Statistics on the number of applications received,
 232 processed, and rejected under the program.

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233 (b) Statistics on the value, number, and status of
 234 reimbursements provided under the program, including the names
 235 of pole owners and retail providers of qualifying broadband
 236 service which received reimbursements under the program.
 237 (c) The amount of funds remaining in the Broadband Pole
 238 Replacement Trust Fund.
 239 (6) AUDIT.—Within 1 year after the initial deposit of funds
 240 into the Broadband Pole Replacement Trust Fund, the Auditor
 241 General shall audit the fund and its administration for
 242 compliance with the requirements of this section and s.
 243 288.9965.
 244 (7) REPORT.—Within 1 year after all funds in the Broadband
 245 Pole Replacement Trust Fund are exhausted, the office shall
 246 provide a report to the Governor, the President of the Senate,
 247 and the Speaker of the House of Representatives which identifies
 248 and examines the deployment of broadband infrastructure and
 249 technology facilitated by reimbursements provided under the
 250 program.
 251 (8) RULEMAKING.—Rulemaking by the department, the office,
 252 or any other agency is not required to administer and is not
 253 authorized by this section.
 254 Section 3. For the 2022-2023 fiscal year, the sum of \$400
 255 million in nonrecurring funds is appropriated from the General
 256 Revenue Fund, from payments received by the state pursuant to
 257 the Federal Coronavirus State Fiscal Recovery Fund established
 258 in 42 U.S.C. s. 802, to the Florida Office of Broadband within
 259 the Department of Economic Opportunity for the purpose of
 260 administering the Broadband Opportunity Program established in
 261 s. 288.9962, Florida Statutes.

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262 Section 4. This act shall take effect upon becoming a law,
 263 if SB 1802 or similar legislation is adopted in the same
 264 legislative session or an extension thereof and becomes a law.

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2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: DEPARTMENT OF ECONOMIC OPPORTUNITY

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1800
BILL TITLE:	Broadband Infrastructure
BILL SPONSOR:	Senator Boyd
EFFECTIVE DATE:	Upon Becoming Law

<u>COMMITTEES OF REFERENCE</u>
1) Commerce and Tourism
2) Appropriations Subcommittee on Transportation, Tourism, and Economic Development
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 1543
SPONSOR:	Rep. Tomkow

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	SB 1560
SPONSOR:	Senator Ausley
YEAR:	2021
LAST ACTION:	Died on Calendar, companion bill(s) passed, see CS/CS/HB 1239 (Ch. 2021-24)

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	N/A
SPONSOR:	N/A

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	February 21, 2022
LEAD AGENCY ANALYST:	Kiwanis L. Curry, Broadband Program Manager, Office of Broadband
ADDITIONAL ANALYST(S):	Andrew Schwarz
LEGAL ANALYST:	Valerie Wright, OGC
FISCAL ANALYST:	Allyce Moriak

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SB 1800 creates section 288.9964, Florida Statutes (F.S.), establishing the Broadband Pole Replacement Program and amends section 288.9961, F.S., to authorize the Florida Office of Broadband to administer the program.

The bill also appropriates \$400 million in nonrecurring funds, for the 2022-2023 fiscal year, from the General Revenue Fund, from payments received by the state pursuant to the Federal Coronavirus State Fiscal Recovery Fund established in 42 U.S.C. s. 802, to the Office of Broadband to administer the Broadband Opportunity Program.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

Duties of Florida Office of Broadband

Section 288.9961(4), Florida Statutes (F.S.), identifies the duties that the Florida Office of Broadband shall perform. These duties include:

1. Create a strategic plan.
2. Build and facilitate local technology planning teams.
3. Provide technical and planning assistance to rural communities.
4. Encourage the use of broadband Internet service, especially in rural, unserved, or underserved communities within the state through grant programs.
5. Monitor, participate in, and provide input in proceeding of the Federal Communications Commission and other federal agencies related to the geographic availability and deployment of Internet service in the state as necessary to ensure that the information is accurately presented and that rural, unserved, and underserved areas of the state are in the best position to benefit from federal and state broadband deployment programs.
6. Administer the Broadband Opportunity Program.

Attachment of Broadband Facilities to Municipal Electric Utility Poles

The term pole attachment refers to the process by which communications companies can collocate communications infrastructure on existing electric utility poles. Utility poles often accommodate equipment used to provide a variety of services, including electric power, telephone, cable, wireline broadband, and wireless broadband, which benefits the public by minimizing unnecessary and costly duplication of plans for all pole users. Except for small cell wireless facilities, attachments of cable and telecommunications carrier facilities to utility poles owned by a municipal electric utility are not currently regulated at the state or federal level.

Section 288.9963, F.S., requires municipal electric utilities to offer broadband service providers a discounted rate of \$1 per attachment per year for any new pole attachment necessary to make broadband service available to an unserved or underserved consumer within the utility's service territory. The promotional pole attachment rate must be made available July 1, 2021, through July 1, 2024.

A broadband service provider who wishes to make wireline attachments subject to the promotional rate must submit an application, including a route map, to the municipal electric utility specifying which wireline attachments on which utility poles are necessary to extend broadband service to unserved and underserved end users, along with information necessary to identify which unserved or underserved end users will gain access to broadband service as a result.

A broadband provider who applies for wireline attachments under the promotional rate must make all reasonable efforts to make broadband service available to the unserved or underserved municipal electric utility customers identified in the application. If a broadband provider fails to make broadband service available to those customers within 12 months, it may be required to pay the prevailing rate for those attachments that failed to make broadband service available to the intended customers.

Except where provided otherwise in the statute, wireline attachments subject to the promotional rate must conform to all other terms and conditions of existing pole attachment agreements between the broadband provider and the municipal electric utility. If no agreement exists, the parties shall have 90 days to enter into a pole attachment agreement for all other terms and conditions of attachment.

2. **EFFECT OF THE BILL:**

The bill creates section 288.9964, F.S., establishing the Broadband Pole Replacement Program., and amends section 288.9961(4), F.S., authorizing the Florida Office of Broadband to administer the program.

Broadband Pole Replacement Program

The purpose of the Broadband Pole Replacement Program is to further the state's goal of expanding and accelerating access to broadband service in unserved areas throughout the state by distributing reimbursements to applicants for eligible pole replacement costs. Any applicant that pays eligible pole replacement costs is eligible for reimbursement of their costs, subject to the availability of funds in the Broadband Pole Replacement Trust Fund.

The bill defines an applicant as a private business, including a corporation, a limited liability company, a partnership, a nonprofit corporation, or any other private business entity that provides or will provide qualifying broadband service in the state. Eligible pole replacement costs are defined as the actual costs to perform an eligible pole replacement paid by the applicant, excluding any amount separately reimbursed through another state or federal broadband grant program or by some other government entity.

The bill defines qualifying broadband service as a fixed, terrestrial, retail wireline broadband Internet service capable of delivering Internet access at speeds of at least 100 megabits per second both downstream and upstream with latency at a level sufficient to allow real-time, interactive applications.

An eligible pole replacement is defined as the removal of an existing utility pole and its replacement with a new utility pole in an unserved area in order to accommodate the attachment of facilities used, in whole or in part, by a retail provider of qualifying broadband service for the purpose of providing qualifying broadband service access to residences or businesses in that unserved area to the new utility pole.

Application and Reimbursement Process

The bill authorizes the Office of Broadband to receive and review applications for reimbursement and to distribute reimbursement under the Broadband Pole Replacement Program (Program). Applications shall be accepted until all funds in the Program are exhausted.

Within 60 days after the first deposit of funds into the Broadband Pole Replacement Trust Fund, the Office of Broadband must publish an application form for reimbursement of eligible pole replacement costs. The application must include the following:

- Information sufficient to establish the number and cost of eligible pole replacements that qualify for reimbursement under the program.
- Documentation sufficient to establish that the claimed eligible pole replacements have been completed.
- The total reimbursement amount requested and any state or federal grant funding or accounting information required to justify the amount requested.
- A notarized statement from an officer or agent of the applicant certifying that the contents of the application are true and accurate and that such applicant will comply with the requirements of this section as a condition of receiving reimbursement under the program.
- Receipts verifying the amount of eligible pole replacement costs paid by the applicant.

Within 60 days after receipt of a complete application that establishes an applicant's eligible pole replacement costs, the Office of Broadband shall:

- Reimburse the applicant in an amount equal to up to 50 percent of the total amount paid by the applicant for eligible pole replacement costs or \$5,000, whichever is less; and
- Reimburse the applicant up to 100 percent of the applicant's documented actual and reasonable administrative expenses paid in preparing and submitting the application, including any administrative expenses charged by a pole owner pursuant to certain circumstances. Reimbursements for administrative expenses charged by pole owners may not exceed five (5) percent of eligible costs.

As a condition of receiving reimbursement under the Broadband Pole Replacement Program, the applicant must:

- Certify its compliance with the statutory requirements; and
- Agree to refund with interest any reimbursements, or portions thereof, received under the program to the Broadband Pole Replacement Trust Fund or the General Revenue Fund, at the direction of the Office of Broadband, if the Office finds, that the applicant materially violated the requirements for reimbursement of costs.

Program Funding

The bill requires the Secretary of the DEO to apply for \$100 million in federal funding for the Broadband Pole Replacement Program, including funds available under the Coronavirus Capital Projects Fund and to deposit any funds received into the Broadband Pole Replacement Trust Fund. Further, the bill requires that any state funds

allocated to the Program be reduced by the amount of federal funds provided to the Program from the Coronavirus Capital Projects Fund.

Transparency and Audit Requirements

Within 60 days after the initial deposit of funds into the Broadband Pole Replacement Program Trust Fund, the Office of Broadband shall publish, and continually update the following information on its public website regarding the Broadband Pole Replacement Program:

- Statistics on the number of applications received, processed, and rejected under the program.
- Statistics on the value, number, and status of reimbursements provided under the program, including the names of pole owners and retail providers of qualifying broadband service which received reimbursements under the program.
- The amount of funds remaining in the Broadband Pole Replacement Trust Fund.

The bill requires the Auditor General to audit the Broadband Pole Replacement Trust Fund and its administration for compliance with the requirements of section 288.9965, F.S., within one (1) year after the initial deposit of funds into the trust fund.

Reporting Requirements

The bill requires the Office of Broadband to provide a report that identifies and examines the deployment of broadband infrastructure and technology facilitated by reimbursements provided under the Broadband Pole Replacement Program to the Governor, the President of the Senate, and the Speaker of the House of Representatives within one (1) year after all funds in the Broadband Pole Replacement Trust Fund are exhausted.

Broadband Opportunity Program

For the 2022-2023 fiscal year, the bill appropriates \$400 million in nonrecurring funds from the General Revenue Fund, from payments received by the state pursuant to the Federal Coronavirus State Fiscal Recovery Fund established in 42 U.S.C. s. 802, to the Office of Broadband to administer the Broadband Opportunity Program.

The bill does not require or authorize rulemaking.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Click or tap here to enter text.
Opponents and summary of position:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☒ N ☐

If yes, provide a description:	The bill requires the Office of Broadband to provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that identifies and examines the deployment of broadband infrastructure and technology facilitated by reimbursements provided under the Broadband Pole Replacement Program.
Date Due:	The report is due within one (1) year after all of the funds in the Broadband Pole Replacement Trust Fund are exhausted.

Bill Section Number(s):	Section 2
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6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	Click or tap here to enter text.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Click or tap here to enter text.

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	N/A
Expenditures:	<p>There will be increased costs associated with the Department administering the program, receiving and reviewing applications, distributing reimbursements, and providing program transparency by publishing on the Department's public website ongoing statistics regarding the applications received, approved, and rejected under the program, and statistics on the value, number, and status of reimbursements provided under the program.</p> <p>The department will need an additional 10 FTE positions to administer the program as required in the bill. Total funding needed for the positions is \$880,219 of which \$35,587 could be nonrecurring.</p>

		Classification	Job Duties	Salary Rate	Benefits	Expense Pkg	HR	Total
	1	Senior Management Analyst II	Supervises the Pole Replacement Program/Project Manager	65,000	26,000	10,862	306	102,168
	2	Government Operations Consultant III	Research/Policy/Legislative Analyst/Contract Manager	55,000	22,000	10,862	306	88,168
	3	Government Analyst II	Mapping specialist/Technical assistance/Contract manager	55,000	22,000	10,862	306	88,168
	4	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	5	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	6	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	7	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	8	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	9	Government Analyst II	Program monitoring/Compliance/Contract manager	55,000	22,000	10,862	306	88,168
	10	Administrative Assistant II	HR, Purchasing, administrative duties	45,000	18,000	9,401	306	72,707
				550,000	220,000	107,159	3,060	880,219
	<p>In addition to the FTE positions, the department will need staff augmentation to supplement the work of the office. The staff augmentation costs are estimated to be \$1 million which will fund 8-12 full-time and 3-5 part-time staff to support the FTE administration of the office.</p> <p>In addition to staffing costs the office will incur a cost for IT software licenses to implement an online data repository solution necessary to track broadband projects and awards. The department estimates the cost for this system to be \$2 million of which \$500,000 would be recurring.</p>							
Does the legislation contain a State Government appropriation?	The bill appropriates \$400 million in nonrecurring General Revenue from the Federal Coronavirus State Fiscal Recovery Fund for the purpose of administering the Broadband Opportunity Program. The bill also directs the Department to apply for \$100 million in federal funding for the program. Any state funds allocated to the program must be reduced by the amount of federal funds received.							
If yes, was this appropriated last year?	No							

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

Click or tap here to enter text.

FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.

The bill requires the Secretary of DEO to apply for \$100 million in federal funding for the for the Broadband Pole Replacement Program. If the funding is received, the agency will be required to comply with the federal funding requirements.

ADDITIONAL COMMENTS

The U.S. Treasury has advised against the use of Capital Projects Fund for utility pole replacement or general construction projects.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

The bill provides a definition for "unserved area" that is separate from the definition in section 288.9961(2)(g), F.S., which is also administered by the Office of Broadband. It may be helpful for Program if the bill were to refer to the existing definitions for "unserved" or "underserved." There is also a distinction between the term "qualifying broadband service" and the existing definition for "broadband internet service" under section 288.9961(2)(a), F.S.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JIM BOYD

21st District

January 25, 2022

Senator George Gainer
404 South Monroe Street
201 The Capitol
Tallahassee, FL 32399

Dear Chairman Gainer:

I respectfully request CS/SB 1800: Broadband Infrastructure and CS/SB 1802: Broadband Pole Replacement Trust Fund, be scheduled for a hearing in the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Jennifer Hrdlicka
Brooke Conlan

REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

1800

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.☐ I am a registered lobbyist, representing:☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLPTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](https://www.flsenate.gov/2020-2022/JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-22-22

Meeting Date

SENATE

Committee

1800

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

414 1018 B Thomasville Rd 102B

Email

cdoolin@doolinandassn.com

Street

Talla, Fla

State

32303

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Small County Coalition

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/22/22

Meeting Date

1800

Bill Number or Topic

TED Approps

Committee

Amendment Barcode (if applicable)

Name

Albert Kaminsky

Phone

407-310-9134

Address

Street

Email

Albert.Kaminsky@charter.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/22/22

Meeting Date

CS/56 1800

Bill Number or Topic

App Sub Trans Tourism & Econ Dev

Committee

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Amendment Barcode (if applicable)

Name

ANTONIO CARVAJAL

Phone

850 222 5052

Address

106 N Broadway ST

Street

Email

TCARVAJAL@FLORIDA
TaxWatch.org

Tallahassee

City

State

FL 32301

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

2/22/22

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1800

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

TED Approps

Committee

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (727) 637-4081

Address 100 S Monroe St

Street

Email jscala@fl-counties.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Association of Counties

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf | flsenate.gov](#)

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S-001 (08/10/2021)

2.22.22

Meeting Date

TED Approps

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1800

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **224-7173**

Address **516 N Adams St**

Email **abasford@aif.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Industries of FL

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/22/22

Meeting Date

1800

Bill Number or Topic

Approp T&D

Committee

Amendment Barcode (if applicable)

Name Allison Carter

Phone 850-567 0059

Address 2916 Apalachee Pkwy

Street

Email allison@fcca.com

TLH

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Electric
Coop Assoc.

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1802 (224394)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Commerce and Tourism Committee and Senator Boyd

SUBJECT: Broadband Pole Replacement Trust Fund

DATE: February 24, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Fav/CS
2.	Hrdlicka	Hrdlicka	ATD	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1802 creates the Broadband Pole Replacement Trust Fund within the Department of Economic Opportunity to provide reimbursements to qualified applicants from the Broadband Pole Replacement Program, created by linked bill, SB 1800, and for use by the Office of Broadband to administer the program.

The bill is linked to SB 1800, which creates the Broadband Pole Replacement Program within the department's Office of Broadband.

This bill takes effect on the same date that SB 1800 takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 1800 takes effect upon becoming a law. SB 1800 takes effect July 1, 2022.

II. Present Situation:

Article III, s. 19(f), of the Florida Constitution requires that state trust funds may only be created by the Legislature if passed by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. Each trust fund must be created by general law that specifies at a minimum all of the following:

- The name of the trust fund;
- The agency or branch of state government responsible for administering the trust fund;

- The requirements or purposes the trust fund is established to meet;
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.¹

State trust funds terminate no more than four years after the effective date of the act authorizing the initial creation of the trust fund.² The Legislature is required to review all state trust funds at least once every four years.³ If the Legislature does not re-create a trust fund, it will be abolished four years after its initial creation pursuant to the Florida Constitution.⁴

U.S. Department of the Treasury Coronavirus Capital Projects Fund

The American Rescue Plan Act allocated \$10 billion to eligible governments to carry out capital projects to meet critical needs, with an emphasis on broadband infrastructure.⁵ Florida's share is \$366 million, and, in December 2021, the state submitted its intent to use the funds to expand broadband Internet infrastructure in Florida, among other capital uses.⁶

Presumptively eligible projects under the program include the construction and deployment of broadband infrastructure that is designed to deliver service that reliably meets or exceeds symmetrical speeds of 100 Mbps, or if impracticable, speeds of 100 Mbps downstream and 20 Mbps upstream; projects for digital connectivity that facilitate broadband access; and construction or improvement of certain community facilities.⁷ Projects may also be eligible on a case-by-case review, such as investments in capital assets, such as buildings, towers, digital devices and equipment, fiber-optic lines, and broadband networks.⁸ Each capital project must:

- Invest in capital assets designed to directly enable work, education, and health monitoring;
- Be designed to address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency; and
- Be designed to address a critical need of the community to be served by it.

The deadline to submit a grant plan to the U.S. Department of the Treasury is September 24, 2022.

SB 1800

CS/SB 1800 creates the Broadband Pole Replacement Program, to be administered by the Office of Broadband (Office) within the Department of Economic Opportunity (department). The program will reimburse eligible broadband Internet service providers for their costs incurred for

¹ Section 215.3207, F.S.

² FLA. CONST. art III, s. 19.

³ Section 215.3208, F.S.

⁴ FLA. CONST. art III, s. 19.

⁵ U.S. Dep't. of Treasury, *Capital Projects Fund*, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/capital-projects-fund> (last visited Feb. 14, 2022).

⁶ See Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, Committee Meeting of January 12, 2022, meeting packet and video at <https://www.flsenate.gov/Committees/Show/ATD/> (last visited Feb. 17, 2022).

⁷ U.S. Dep't. of Treasury, *Guidance for the Coronavirus Capital Projects Fund for States, Territories, and Freely Associated States*, at 3, <https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf> (last visited Feb. 17, 2022).

⁸ *Id.* at 7.

the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service.

Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement cost or \$5,000, whichever is less, in addition to the provider's administrative costs related to the preparation and submission of the application for reimbursement.

The bill directs the Secretary of the department to apply for \$100 million in federal funding from the Coronavirus Capital Projects Fund and directs any such funds received to be placed into the Broadband Pole Replacement Trust Fund. The bill does not appropriate funds for the program.

III. Effect of Proposed Changes:

Section 1 creates s. 288.9965, F.S., the Broadband Pole Replacement Trust Fund within the Department of Economic Opportunity to provide reimbursements to qualified applicants from the Broadband Pole Replacement Program, created by linked bill, SB 1800, and for use by the Office of Broadband to administer the program.

The trust fund consists of funds appropriated by the Legislature; funds transferred by the department; interest earnings; and grants, gifts, and other contributions made directly to the trust fund. Funds appropriated from federal grant funds must be used consistent with federal law and with any federal grant agreement between the Department of Economic Opportunity and the federal agency for use of the funds.

The bill further provides that any balance that is in the trust fund at the end of any fiscal year shall be carried forward in the trust fund for the purposes of continued administration of the Broadband Pole Replacement Program.

Pursuant to the requirements of the Florida Constitution, the trust fund will terminate 4 years after its effective date, but must first be reviewed as provided in s. 215.3206(1) and (2), F.S.

Section 2 directs the Division of Law Revision to replace the phrase "4 years after the effective date of this act" with the date that the trust fund will terminate.

Section 3 states that the act takes effect on the same date that SB 1800, relating to the Broadband Pole Replacement Program, takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 1800 takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f), of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. State trust funds terminate no more than 4 years after the initial creation, unless they are re-created. The Broadband Pole Replacement Trust Fund terminates 4 years after the date it becomes effective.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 288.9965 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 22, 2022:

The committee substitute removes the reference to the deposit of federal Capital Project

Fund funds. The CS also clarifies that funds appropriated from federal grant funds must be used consistent with federal law and with any federal grant agreement between the Department of Economic Opportunity and the federal agency for use of the funds.

CS by Commerce and Tourism on January 24, 2022:

Inserts the bill number assigned to linked bill, CS/SB 1800, which creates the Broadband Pole Replacement Trust Fund, in the contingent effective date.

B. Amendments:

None.



859810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 33
and insert:
of funds appropriated by the Legislature; funds transferred by
the department; interest earnings; and grants, gifts, and other
contributions made directly to the trust fund. Any funds in the
trust fund appropriated from federal funds must be used in a
manner consistent with federal conditions or regulations, as
applicable, and with any grant agreement entered into by the



859810

department with the federal agency for use of the funds.

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

And the title is amended as follows:

 Delete lines 7 - 9

and insert:

 consist of certain funds; requiring that certain funds
 in the trust fund be used in a manner consistent with
 federal law or grant agreement for use of the funds;
 providing that the balance in the trust fund at



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Judiciary
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JIM BOYD

21st District

January 25, 2022

Senator George Gainer
404 South Monroe Street
201 The Capitol
Tallahassee, FL 32399

Dear Chairman Gainer:

I respectfully request CS/SB 1800: Broadband Infrastructure and CS/SB 1802: Broadband Pole Replacement Trust Fund, be scheduled for a hearing in the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Jennifer Hrdlicka
Brooke Conlan

REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

02-22-2022

Meeting Date

1802

Bill Number or Topic

Appropriations/Transportation

Committee

Economic Development

Name

Kathleen Murphy

Phone

407-855-7604

Address

1747 Central Florida Parkway

Email

legislative@floridapta.org

Street

Orlando

City

State

FL

Zip

32809

Speaking:

☐ For☐ Against☐ Information

OR

Waive Speaking:

☒ In Support☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2.22.22

Meeting Date

TED Approps

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1802

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **224-7173**

Address **516 N Adams St**

Street

Email **abasford@aif.com**

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Industries of FL

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) ([flsenate.gov](#))

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/22/22

Meeting Date

1802

Bill Number or Topic

TED Approp

Committee

Amendment Barcode (if applicable)

Name

Albert Kaminsky

Phone

407-310-9834

Address

Street

Email

Albert.Kaminsky@Charter.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 2/22/2022 10:00:49 AM

Ends: 2/22/2022 10:37:21 AM

Length: 00:36:33

10:00:55 AM	Sen. Gainer (Chair)
10:02:10 AM	S 1800
10:02:15 AM	Sen. Boyd
10:04:30 AM	Sen. Ausley
10:04:53 AM	Am. 696708
10:05:00 AM	Sen. Boyd
10:06:00 AM	S 1800 (con't)
10:06:28 AM	Sen. Ausley
10:07:14 AM	Sen. Boyd
10:08:22 AM	Sen. Ausley
10:09:26 AM	Sen. Boyd
10:10:10 AM	Jennifer Hrdlicka, Staff Director, Senate Approp. Subcommittee on Transportation, Tourism, & Economic Development
10:10:56 AM	Sen. Ausley
10:11:44 AM	Sen. Boyd
10:11:47 AM	J. Hrdlicka
10:12:40 AM	Sen. Ausley
10:13:20 AM	J. Hrdlicka
10:13:33 AM	Sen. Ausley
10:14:13 AM	J. Hrdlicka
10:14:35 AM	Sen. Gibson
10:15:39 AM	Sen. Gibson
10:16:15 AM	Allison Carter, Florida Electric Coop Association (waives in support)
10:16:31 AM	Adam Basford, Associated Industries of Florida (waives in support)
10:16:41 AM	Jeff Scala, Florida Association of Counties
10:18:53 AM	Antonio Carvajal, Executive Vice President, Florida Tax Watch
10:20:53 AM	Albert Kaminsky, Charter Communications (waives in support)
10:21:03 AM	Chris Doolin, Small County Coalition
10:27:24 AM	Kathleen Murphy, Florida Parent-Teacher Association (waives in support)
10:27:43 AM	Sen. Ausley
10:30:14 AM	Sen. Boyd
10:32:24 AM	S 1802
10:32:30 AM	Sen. Boyd
10:32:46 AM	Am. 859810
10:32:54 AM	Sen. Boyd
10:34:15 AM	S 1802 (con't)
10:34:42 AM	Albert Kaminsky, Charter Communications (waives in support)
10:34:56 AM	Adam Basford, Associated Industries of Florida (waives in support)
10:35:03 AM	Kathleen Murphy, Florida Parent-Teacher Association (waives in support)
10:36:06 AM	Sen. Hooper
10:36:40 AM	Sen. Gainer