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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 364.0135, Florida Statutes, is amended  
to read:

364.0135 Promotion of broadband adoption.-

(1) The Legislature finds that the sustainable adoption of  
broadband Internet service is critical to the economic, ~~and~~  
business, and community development of the state and is  
beneficial for libraries, schools, colleges and universities,



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12 health care providers, and community organizations. The term  
13 "sustainable adoption" means the ability for communications  
14 service providers to offer broadband services in all areas of  
15 the state by encouraging adoption and utilization levels that  
16 allow for these services to be offered in the free market absent  
17 the need for governmental subsidy.

18 (2) The Department of Economic Opportunity shall be the  
19 state's single designated entity to receive and manage all  
20 federal Department of Commerce State Broadband Initiative funds  
21 and shall establish a public-private partnership that will  
22 ~~Management Services is authorized to~~ work collaboratively with,  
23 and ~~to~~ receive staffing support and other resources from,  
24 Enterprise Florida, Inc., state agencies, local governments,  
25 private businesses, nonprofit corporations, and community  
26 organizations to:

27 (a) Monitor the adoption of broadband Internet service in  
28 collaboration with communications service providers, including,  
29 but not limited to, wireless and wireline Internet service  
30 providers, to develop geographical information system maps ~~at~~  
31 ~~the census tract level~~ that will, at a minimum:

32 1. Identify geographic gaps in broadband services,  
33 including areas unserved by any broadband provider and areas  
34 served by a single broadband provider at the census block level  
35 of detail;

36 2. Identify the download and upload transmission speeds  
37 made available to businesses and individuals in the state, at  
38 the census block ~~tract~~ level of detail, using data rate  
39 benchmarks for broadband service used by the Federal  
40 Communications Commission to reflect different speed tiers; and



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41           3. Provide a baseline assessment of statewide broadband  
42 deployment in terms of percentage of households with broadband  
43 availability.

44           (b) Create a strategic plan, developed with the use of  
45 consumer research into residential and business technology  
46 utilization data, which ~~that~~ has goals and strategies for  
47 increasing the use of broadband Internet service in the state.

48           (c) Build and facilitate local technology planning teams or  
49 partnerships with members representing cross-sections of the  
50 community, which may include, but are not limited to,  
51 representatives from the following organizations and industries:  
52 libraries, K-12 education, colleges and universities, local  
53 health care providers, private businesses, community  
54 organizations, economic development organizations, local  
55 governments, tourism, parks and recreation, and agriculture.

56           (d) Encourage the use of broadband Internet service,  
57 especially in the rural, unserved, and underserved communities  
58 of the state through grant programs having effective strategies  
59 to facilitate the statewide deployment of broadband Internet  
60 service. For any grants ~~to be~~ awarded, priority must be given to  
61 projects that:

62           1. Provide access to broadband education, awareness,  
63 training, access, equipment, and support to libraries, schools,  
64 colleges and universities, health care providers, and community  
65 support organizations.

66           2. Encourage the sustainable adoption of broadband in  
67 primarily unserved areas by removing barriers to entry.

68           3. Work toward encouraging investments in establishing  
69 affordable and sustainable broadband Internet service in



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70 unserved areas of the state.

71 4. Facilitate the development of applications, programs,  
72 and services, including, but not limited to, telework,  
73 telemedicine, and e-learning to increase the usage of, and  
74 demand for, broadband Internet service in the state.

75 (3) The department may apply for and accept federal funds  
76 for purposes of this section, as well as gifts and donations  
77 from individuals, foundations, and private organizations.

78 (4) The department may enter into contracts necessary or  
79 useful to carry out the purposes of this section.

80 (5) The department may establish any committee or workgroup  
81 to administer and carry out the purposes of this section.

82 (6) The department may adopt rules necessary to carry out  
83 the purposes of this section. Any rule, contract, grant, or  
84 other activity undertaken by the department shall ensure that  
85 all entities are in compliance with any applicable federal or  
86 state laws, rules, and regulations, including, but not limited  
87 to, those applicable to private entities providing  
88 communications services for hire and the requirements of s.  
89 350.81.

90 Section 2. All powers, duties, functions, records, offices,  
91 property, pending issues, existing contracts, administrative  
92 authority, administrative rules, and unexpended balance of  
93 appropriations, allocations, and other funds relating to the  
94 Broadband Initiative Program in the Department of Management  
95 Services are transferred by a type two transfer, as defined in  
96 s. 20.06(2), Florida Statutes, to the Department of Economic  
97 Opportunity.

98 Section 3. (1) The Department of Management Services, in



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99 consultation with the Department of Economic Opportunity, shall  
100 develop and submit to the United States Department of Commerce a  
101 request to transfer the federal broadband grant from the  
102 Department of Management Services to the Department of Economic  
103 Opportunity. Upon receipt from the United States Department of  
104 Commerce of its approval or denial of the request for a transfer  
105 of the broadband grant, the Department of Management Services  
106 shall, in writing, immediately notify the Governor, the  
107 President of the Senate, and the Speaker of the House of  
108 Representatives of that decision.

109 (2) If the request for a transfer of the federal broadband  
110 grant is approved pursuant to subsection (1), the Department of  
111 Management Services shall submit a budget amendment for approval  
112 by the Legislative Budget Commission pursuant to s.  
113 216.292(4)(d), Florida Statutes, to transfer from the department  
114 to the Department of Economic Opportunity the funds necessary to  
115 implement this act.

116 (3) This section shall take effect upon this act becoming a  
117 law.

118 Section 4. Except as otherwise expressly provided in this  
119 act and except for this section, which shall take effect upon  
120 this act becoming a law, this act shall take effect upon  
121 approval of the budget amendment required under section 3.

122  
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete everything before the enacting clause  
126 and insert:

127 A bill to be entitled



128 An act relating to broadband Internet service;  
129 amending s. 364.0135, F.S.; revising provisions that  
130 promote adoption of broadband Internet service;  
131 providing for the Department of Economic Opportunity  
132 to receive and manage certain federal funds; directing  
133 the department to establish a public-private  
134 partnership to perform certain functions; authorizing  
135 the department to accept certain funds, enter into  
136 contracts, and establish committees and workgroups for  
137 certain purposes; authorizing the department to adopt  
138 rules; removing authority of the Department of  
139 Management Services to perform certain functions;  
140 providing for a type two transfer of the Broadband  
141 Initiative Program from the Department of Management  
142 Services to the Department of Economic Opportunity;  
143 requiring the Department of Management Services to  
144 submit to the United States Department of Commerce a  
145 request to transfer its federal broadband grant to the  
146 Department of Economic Opportunity; requiring the  
147 Department of Management Services to notify the  
148 Governor and Legislature of the decision of the United  
149 States Department of Commerce; requiring the  
150 Department of Management Services, if the request is  
151 approved, to submit a budget amendment for approval by  
152 the Legislative Budget Commission to transfer from the  
153 department to the Department of Economic Opportunity  
154 the funds necessary to implement this act; providing a  
155 contingent effective date.