

By the Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Senators Hays, Lynn, and Sachs

606-04277-12

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1 A bill to be entitled
2 An act relating to broadband Internet service;
3 amending s. 364.0135, F.S.; revising provisions that
4 promote adoption of broadband Internet service;
5 providing for the Department of Economic Opportunity
6 to receive and manage certain federal funds; directing
7 the department to establish a public-private
8 partnership to perform certain functions; authorizing
9 the department to accept certain funds, enter into
10 contracts, and establish committees and workgroups for
11 certain purposes; authorizing the department to adopt
12 rules; removing authority of the Department of
13 Management Services to perform certain functions;
14 providing for a type two transfer of the Broadband
15 Initiative Program from the Department of Management
16 Services to the Department of Economic Opportunity;
17 requiring the Department of Management Services to
18 submit to the United States Department of Commerce a
19 request to transfer its federal broadband grant to the
20 Department of Economic Opportunity; requiring the
21 Department of Management Services to notify the
22 Governor and Legislature of the decision of the United
23 States Department of Commerce; requiring the
24 Department of Management Services, if the request is
25 approved, to submit a budget amendment for approval by
26 the Legislative Budget Commission to transfer from the
27 department to the Department of Economic Opportunity
28 the funds necessary to implement this act; providing
29 effective dates, one of which is contingent.

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Be It Enacted by the Legislature of the State of Florida:

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

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

(a) Monitor the adoption of broadband Internet service in collaboration with communications service providers, including, but not limited to, wireless and wireline Internet service providers, to develop geographical information system maps ~~at~~

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59 ~~the census tract level~~ that will, at a minimum:

60 1. Identify geographic gaps in broadband services,
61 including areas unserved by any broadband provider and areas
62 served by a single broadband provider at the census block level
63 of detail;

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

69 3. Provide a baseline assessment of statewide broadband
70 deployment in terms of percentage of households with broadband
71 availability.

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

76 (c) Build and facilitate local technology planning teams or
77 partnerships with members representing cross-sections of the
78 community, which may include, but are not limited to,
79 representatives from the following organizations and industries:
80 libraries, K-12 education, colleges and universities, local
81 health care providers, private businesses, community
82 organizations, economic development organizations, local
83 governments, tourism, parks and recreation, and agriculture.

84 (d) Encourage the use of broadband Internet service,
85 especially in the rural, unserved, and underserved communities
86 of the state through grant programs having effective strategies
87 to facilitate the statewide deployment of broadband Internet

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88 service. For any grants ~~to be~~ awarded, priority must be given to
89 projects that:

90 1. Provide access to broadband education, awareness,
91 training, access, equipment, and support to libraries, schools,
92 colleges and universities, health care providers, and community
93 support organizations.

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

96 3. Work toward encouraging investments in establishing
97 affordable and sustainable broadband Internet service in
98 unserved areas of the state.

99 4. Facilitate the development of applications, programs,
100 and services, including, but not limited to, telework,
101 telemedicine, and e-learning to increase the usage of, and
102 demand for, broadband Internet service in the state.

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

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

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

110 (6) The department may adopt rules necessary to carry out
111 the purposes of this section. Any rule, contract, grant, or
112 other activity undertaken by the department shall ensure that
113 all entities are in compliance with any applicable federal or
114 state laws, rules, and regulations, including, but not limited
115 to, those applicable to private entities providing
116 communications services for hire and the requirements of s.

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117 350.81.

118 Section 2. All powers, duties, functions, records, offices,
119 property, pending issues, existing contracts, administrative
120 authority, administrative rules, and unexpended balance of
121 appropriations, allocations, and other funds relating to the
122 Broadband Initiative Program in the Department of Management
123 Services are transferred by a type two transfer, as defined in
124 s. 20.06(2), Florida Statutes, to the Department of Economic
125 Opportunity.

126 Section 3. (1) The Department of Management Services, in
127 consultation with the Department of Economic Opportunity, shall
128 develop and submit to the United States Department of Commerce a
129 request to transfer the federal broadband grant from the
130 Department of Management Services to the Department of Economic
131 Opportunity. Upon receipt from the United States Department of
132 Commerce of its approval or denial of the request for a transfer
133 of the broadband grant, the Department of Management Services
134 shall, in writing, immediately notify the Governor, the
135 President of the Senate, and the Speaker of the House of
136 Representatives of that decision.

137 (2) If the request for a transfer of the federal broadband
138 grant is approved pursuant to subsection (1), the Department of
139 Management Services shall submit a budget amendment for approval
140 by the Legislative Budget Commission pursuant to s.
141 216.292(4)(d), Florida Statutes, to transfer from the department
142 to the Department of Economic Opportunity the funds necessary to
143 implement this act.

144 (3) This section shall take effect upon this act becoming a
145 law.

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