

1                   A bill to be entitled  
2     An act relating to broadband Internet service;  
3     amending s. 364.0135, F.S.; revising provisions to  
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 a  
 29 | contingent effective date.

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

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

35 | 364.0135 Promotion of broadband adoption.—

36 | (1) The Legislature finds that the sustainable adoption of  
 37 | broadband Internet service is critical to the economic, ~~and~~  
 38 | business, and community development of the state and is  
 39 | beneficial for libraries, schools, colleges and universities,  
 40 | health care providers, and community organizations. The term  
 41 | "sustainable adoption" means the ability for communications  
 42 | service providers to offer broadband services in all areas of  
 43 | the state by encouraging adoption and utilization levels that  
 44 | allow for these services to be offered in the free market absent  
 45 | the need for governmental subsidy.

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

55 | (a) Monitor the adoption of broadband Internet service in

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56 | collaboration with communications service providers, including,  
57 | but not limited to, wireless and wireline Internet service  
58 | providers, to develop geographical information system maps ~~at~~  
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  
77 | or 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  
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  
109 workgroup to administer and carry out the purposes of this  
110 section.

111 (6) The department may adopt rules necessary to carry out

112 the purposes of this section. Any rule, contract, grant, or  
113 other activity undertaken by the department shall ensure that  
114 all entities are in compliance with any applicable federal or  
115 state laws, rules, and regulations, including, but not limited  
116 to, those applicable to private entities providing  
117 communications services for hire and the requirements of s.  
118 350.81.

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

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

138 (2) If the request for a transfer of the federal broadband  
139 grant is approved pursuant to subsection (1), the Department of

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140 Management Services shall submit a budget amendment for approval  
141 by the Legislative Budget Commission pursuant to s.  
142 216.292(4)(d), Florida Statutes, to transfer from the department  
143 to the Department of Economic Opportunity the funds necessary to  
144 implement this act.

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

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