

1                                   A bill to be entitled  
2           An act relating to broadband Internet infrastructure;  
3           providing a short title; creating pt. XV of ch. 288,  
4           F.S.; relating to the Florida Office of Broadband;  
5           transferring, renumbering, and amending s. 364.0135,  
6           F.S.; revising and providing definitions relating to  
7           broadband Internet service; revising duties of the  
8           Florida Office of Broadband; revising the office's  
9           strategic plan related to goals and strategies;  
10          providing requirements for the development of the  
11          plan; requiring the updated plan to be submitted to  
12          the Governor and the Legislature by a specified date;  
13          requiring the plan to be updated biennially; requiring  
14          local technology planning teams or partnerships to  
15          work with rural communities for specified purposes;  
16          requiring the office to provide technical and planning  
17          assistance to rural communities; requiring the office  
18          to develop geographic information system maps in  
19          collaboration with specified entities and consistent  
20          with certain federal reporting standards by a  
21          specified date; specifying required contents of the  
22          maps; requiring the department to annually update such  
23          maps and establish a mechanism to receive and verify  
24          governmental and public input related to broadband  
25          Internet service; authorizing the department to work

26 | with specified entities in developing the mechanism;  
27 | requiring the office to develop a broadband  
28 | infrastructure asset map by a specified date;  
29 | specifying required contents of the map; providing for  
30 | rulemaking; authority; creating s. 288.9962, F.S.;  
31 | creating a grant program within the Florida Office of  
32 | Broadband; providing for administration of the  
33 | program; providing requirements for grant awards;  
34 | providing eligibility requirements; providing  
35 | application requirements; requiring the publication of  
36 | certain information related to grant applications and  
37 | grant awards on a website; authorizing grant  
38 | applications to be challenged under certain  
39 | circumstances; specifying contents of a challenge;  
40 | providing procedures to be used by the office in  
41 | evaluating challenges; providing direction for  
42 | prioritizing grant funding; specifying conditions for  
43 | the award of grants; requiring that office to enter  
44 | into an agreement containing specified information  
45 | with each grant recipient; requiring the office to  
46 | publish specified information annually on its website;  
47 | requiring specified information to be delivered to the  
48 | Governor and Legislature; creating s. 288.9963, F.S.;  
49 | providing legislative findings; providing definitions;  
50 | establishing a promotional rate and related terms for

51 wireline attachments of broadband facilities to  
 52 municipal electric utility poles; providing procedures  
 53 and requirements for receiving the promotional rates;  
 54 establishing cost responsibility for replacement  
 55 utility poles in certain circumstances; prohibiting  
 56 municipal electric utilities from increasing certain  
 57 fees for pole attachments for a specified period;  
 58 providing an effective date.

59  
 60 Be It Enacted by the Legislature of the State of Florida:

61  
 62 Section 1. This act may be cited as the "Florida Broadband  
 63 Deployment Act of 2021."

64 Section 2. Part XV of chapter 288, Florida Statutes,  
 65 consisting of sections 288.9961, 288.9962, and 288.9963 is  
 66 created and entitled "Florida Office of Broadband."

67 Section 3. Section 364.0135, Florida Statutes, is  
 68 transferred, renumbered as section 288.9961, Florida Statutes,  
 69 and amended to read:

70 288.9961 ~~364.0135~~ Promotion of broadband adoption; Florida  
 71 Office of Broadband.—

72 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the  
 73 sustainable adoption of broadband Internet service is critical  
 74 to the economic and business development of this ~~the~~ state and  
 75 is essential ~~beneficial~~ for all residents of this state,

76 libraries, schools, colleges and universities, health care  
77 providers, and community organizations.

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

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

83 (b)-(a) "Department" means the Department of Economic  
84 Opportunity.

85 (c) "Deployed" means that a broadband service provider  
86 meets either of the following:

87 1. Currently provides broadband Internet service in a  
88 specific geographic area; or

89 2. Is able to provide broadband Internet service in a  
90 specific geographic area to a customer that requests that  
91 service not later than 30 days after the customer requests  
92 installation of that service and without an extraordinary  
93 commitment of resources or construction charges or fees  
94 exceeding an ordinary service activation fee. The 30-day time  
95 period shall be extended to 60 days if permits are needed before  
96 the broadband Internet service is installed and activated.

97 (d)-(b) "Office" means the Florida Office of Broadband.

98 (e)-(e) "Sustainable adoption" means the ability for  
99 communications service providers to offer broadband services in  
100 all areas of this ~~the~~ state by encouraging adoption and use

101 ~~utilization~~ levels that allow for these services to be offered  
102 in the free market absent the need for governmental subsidy.

103 (f)~~(d)~~ "Underserved" means a geographic area of this ~~the~~  
104 state in which there is no provider of broadband Internet  
105 service that offers a connection to the Internet with a capacity  
106 for transmission at a consistent speed of at least 100 ~~10~~  
107 megabits per second downstream and at least 10 megabits ~~1~~  
108 ~~megabit~~ per second upstream.

109 (g) "Unserved" means a geographic area of this state in  
110 which there is no provider of broadband Internet service.

111 (3) STATE AGENCY.—The department is designated as the lead  
112 state agency to facilitate the expansion of broadband Internet  
113 service in this ~~the~~ state. The department shall work  
114 collaboratively with private businesses and receive staffing  
115 support and other resources from Enterprise Florida, Inc., state  
116 agencies, local governments, and community organizations.

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

123 (a) Create a strategic plan that has goals and strategies  
124 for increasing and improving the availability of, access to, and  
125 use of broadband Internet service in this ~~the~~ state. In

126 | development of the plan, the department shall incorporate  
127 | applicable federal broadband activities, including any efforts  
128 | or initiatives of the Federal Communications Commission, to  
129 | improve broadband Internet service in this state. The plan must  
130 | identify available federal funding sources for the expansion or  
131 | improvement of broadband. The strategic plan must be submitted  
132 | to the Governor, the President of the Senate, and the Speaker of  
133 | the House of Representatives by June 30, 2022. The strategic  
134 | plan must be updated biennially thereafter. The plan must  
135 | include a process to review and verify public input regarding  
136 | transmission speeds and availability of broadband Internet  
137 | service throughout this ~~the~~ state.

138 | (b) Build and facilitate local technology planning teams  
139 | or partnerships with members representing cross-sections of the  
140 | community, which may include, but are not limited to,  
141 | representatives from the following organizations and industries:  
142 | libraries, K-12 education, colleges and universities, local  
143 | health care providers, private businesses, community  
144 | organizations, economic development organizations, local  
145 | governments, tourism, parks and recreation, and agriculture. The  
146 | local technology planning teams or partnerships shall work with  
147 | rural communities to help the communities understand their  
148 | current broadband availability, locate unserved and underserved  
149 | businesses and residents, identify assets relevant to broadband  
150 | deployment, build partnerships with broadband service providers,

151 and identify opportunities to leverage assets and reduce  
152 barriers to the deployment of broadband Internet services in the  
153 community. The teams or partnerships must be proactive in  
154 fiscally constrained counties in identifying and providing  
155 assistance with applying for federal grants for broadband  
156 Internet service.

157 (c) Provide technical and planning assistance to rural  
158 communities.

159 (d)~~(e)~~ Encourage the use of broadband Internet service,  
160 especially in the rural, unserved, or underserved communities of  
161 this ~~the~~ state through grant programs having effective  
162 strategies to facilitate the statewide deployment of broadband  
163 Internet service. For any grants to be awarded, priority must be  
164 given to projects that:

165 1. Provide access to broadband education, awareness,  
166 training, access, equipment, and support to libraries, schools,  
167 colleges and universities, health care providers, and community  
168 support organizations.

169 2. Encourage the sustainable adoption of broadband  
170 Internet service in primarily underserved areas by removing  
171 barriers to entry.

172 3. Work toward encouraging investments in establishing  
173 affordable and sustainable broadband Internet service in  
174 unserved ~~underserved~~ areas of this ~~the~~ state.

175 4. Facilitate the development of applications, programs,

176 and services, including, but not limited to, telework,  
177 telemedicine, and e-learning to increase the usage of, and  
178 demand for, broadband Internet service in this ~~the~~ state.

179 (e) ~~(d)~~ Monitor, participate in, and provide input in  
180 proceedings of the Federal Communications Commission and other  
181 federal agencies related to the geographic availability and  
182 deployment of broadband Internet service in this ~~the~~ state as  
183 necessary to ensure that this information is accurately  
184 presented and that rural, unserved, and underserved areas of  
185 this ~~the~~ state are best positioned to benefit from federal and  
186 state broadband deployment programs.

187 (f) By June 30, 2022, and subject to appropriation,  
188 develop geographic information system maps of broadband Internet  
189 service availability throughout this state. The office shall  
190 collaborate with broadband service providers, state agencies,  
191 local governmental entities, private businesses, educational  
192 institutions, and community organizations and leaders to develop  
193 such maps.

194 1. The maps must do all of the following:

195 a. Be consistent with the Digital Opportunity Data  
196 Collection program reporting standards established by the  
197 Federal Communications Commission.

198 b. Identify where broadband-capable networks exist and  
199 broadband Internet service is available to end users.

200 c. Identify download and upload transmission speeds made



201 available to businesses and individuals in this state.

202 d. Identify gaps in broadband Internet service coverage,  
203 specifying underserved and unserved areas within those areas of  
204 this state designated as a rural area of opportunity under s.  
205 288.0656(2).

206 e. Include any other mapping information already compiled  
207 by other state agencies.

208 f. Be updated annually.

209 2. Any mapping data received from another governmental  
210 entity or a contractor must be verified. Such data must be  
211 verified against the source of the data and whether such entity  
212 is able to demonstrate that it has employed a sound and reliable  
213 methodology in the collection, organization, and verification of  
214 the data it has submitted to the office. If a governmental  
215 entity enters into a valid contract with a contractor to collect  
216 broadband Internet service availability data, the entity must  
217 describe the third party providing the data as well as the  
218 methodology used to collect, organize, and verify the  
219 availability data provided.

220 3. The office must establish a mechanism to receive and  
221 verify public input which identifies locations in which  
222 broadband Internet service is not available, including locations  
223 in which broadband Internet service is provided at data  
224 transmission speeds below the standard established by the  
225 Federal Communications Commission for broadband Internet

226 service. Upon verification, the office shall adjust its  
227 geographic information system maps to reflect information  
228 received from the public. In developing and implementing this  
229 mechanism, the office may work in collaboration with, and  
230 receive staffing support and other resources from, Enterprise  
231 Florida, Inc., state agencies, local governments, private  
232 businesses, and community organizations.

233 (g) By June 30, 2022, and subject to appropriation,  
234 develop a broadband infrastructure asset map that includes, but  
235 is not limited to:

236 1. State and federal assets, including, but not limited  
237 to, municipally or city-owned towers that may be used by  
238 providers; rights-of-way that may be made available for easier  
239 and less expensive access to burying or stringing fiber optic  
240 cable; public transportation corridors; capital projects that  
241 may be used as an opportunity to lay new fiber optic conduit for  
242 future activation; and federal E-rate funding commitments.

243 2. Community-owned land and infrastructure, including, but  
244 not limited to, land that may be leased and utility poles that  
245 may be used to expand broadband networks.

246 (h) Administer the Broadband Opportunity Program  
247 established in s. 288.9962.

248 (5) ADMINISTRATION.—The department may:

249 (a) Apply for and accept federal funds for purposes of  
250 this section.

251 (b) Enter into contracts necessary or useful to carry out  
252 the purposes of this section.

253 (c) Establish any committee or workgroup to administer and  
254 carry out the purposes of this section.

255 (d) Adopt rules to implement this part.

256 Section 4. Section 288.9962, Florida Statutes, is created  
257 to read:

258 288.9962 Broadband Opportunity Program.—

259 (1) The Broadband Opportunity Program is established  
260 within the office to award grants to applicants who seek to  
261 expand broadband Internet service to unserved areas of this  
262 state. The office must administer and act as fiscal agent for  
263 the program and is responsible for receiving and reviewing  
264 applications and awarding grants.

265 (2) Subject to appropriation, grants shall be awarded  
266 under this section to fund the installation or deployment of  
267 infrastructure that supports the provision of broadband Internet  
268 service. Grant funds may not be used to install or deploy  
269 broadband Internet service to a geographic area in which  
270 broadband Internet service is already deployed by at least one  
271 provider.

272 (3) Applicants eligible for grant awards include:

273 (a) Corporations, limited liability companies, general  
274 partnerships, and limited partnerships that are organized under  
275 the laws of this state or otherwise authorized to transact

276 business in this state.

277 (b) Political subdivisions.

278 (c) Indian tribes.

279 (4) The office may not award, directly or indirectly,  
280 grants under this section to a governmental entity or an  
281 educational institution or affiliate to provide broadband  
282 Internet service to any residential or commercial premises,  
283 unless other broadband Internet service providers have not  
284 deployed service to an unserved area.

285 (5) An eligible applicant shall submit a grant application  
286 to the office on a form prescribed by the office. A grant  
287 application must include the following information:

288 (a) A description of the project area.

289 (b) A description of the kind and amount of broadband  
290 Internet service infrastructure that is proposed.

291 (c) Evidence demonstrating the unserved nature of the  
292 project area.

293 (d) The number of households and businesses that would  
294 have access to broadband Internet service as a result of the  
295 grant.

296 (e) A list of significant community institutions that  
297 would benefit from the grant.

298 (f) The total cost of the project and the timeframe in  
299 which it would be completed.

300 (g) A list identifying sources of funding or in-kind

301 contributions that would supplement any awarded grant.

302 (h) Any other information required by the office.

303 (6) (a) At least 30 days before the first day grant  
304 applications may be submitted each fiscal year, the office shall  
305 publish on its website the specific criteria and quantitative  
306 scoring system it will use to evaluate or rank grant  
307 applications. Such criteria and quantitative scoring system must  
308 include the criteria set forth in subsection (8).

309 (b) Within 3 business days after the close of the grant  
310 application process, the office shall publish on its website,  
311 from each grant application submitted, the proposed unserved  
312 areas to be served and the proposed broadband Internet speeds of  
313 the areas to be served.

314 (c) A broadband Internet service provider that provides  
315 existing service in or adjacent to a proposed project area may  
316 submit to the office, within 45 days after publication of the  
317 information under paragraph (b), a written challenge to an  
318 application. The challenge shall contain information  
319 demonstrating that:

320 1. The provider currently has deployed broadband Internet  
321 service to retail customers within the project area;

322 2. The provider has begun construction to provide  
323 broadband Internet service to retail customers within the  
324 proposed project area within the timeframe proposed by the  
325 applicant; or

326       3. The provider commits to providing broadband Internet  
327 service to retail customers within the proposed project area  
328 within the timeframe proposed by the applicant.

329       (d) Within 3 business days after the submission of a  
330 written challenge, the office shall notify the applicant, in  
331 writing, of the challenge.

332       (e) The office shall evaluate each challenge submitted  
333 under this subsection. If the office determines that the  
334 provider currently has deployed, has begun construction to  
335 provide, or commits to provide broadband Internet service in the  
336 proposed project area, the office may not fund the challenged  
337 project.

338       (f) If the office denies funding to an applicant as a  
339 result of a broadband Internet service provider's challenge and  
340 the provider does not fulfill its commitment to provide  
341 broadband Internet service in the unserved area, the office may  
342 not consider another challenge from the provider for the next  
343 two grant application cycles, unless the office determines that  
344 the failure to fulfill the commitment was due to circumstances  
345 beyond the provider's control.

346       (7) (a) In evaluating grant applications and awarding  
347 grants, the office must give priority to applications that:

348       1. Offer broadband Internet service to important community  
349 institutions, including, but not limited to, libraries,  
350 educational institutions, public safety facilities, and health

351 care facilities;

352 2. Facilitate the use of telemedicine and electronic  
353 health records;

354 3. Serve economically distressed areas of this state, as  
355 measured by indices of unemployment, poverty, or population loss  
356 that are significantly greater than the statewide average;

357 4. Provide for scalability to transmission speeds of at  
358 least 100 megabits per second download and 10 megabits per  
359 second upload;

360 5. Include a component to actively promote the adoption of  
361 the newly available broadband Internet service in the community;

362 6. Provide evidence of strong support for the project from  
363 citizens, government, businesses, and institutions in the  
364 community;

365 7. Provide access to broadband Internet service to the  
366 greatest number of unserved households and businesses;

367 8. Leverage greater amounts of funding for a project from  
368 private sources; or

369 9. Demonstrate consistency with the strategic plan adopted  
370 under s. 288.9961.

371 (b) The office must endeavor to award grants to qualified  
372 applications serving all regions of this state.

373 (8) (a) The office may not award any grant to an otherwise  
374 eligible grant applicant to provide broadband Internet service  
375 in a project area for which any other federal funding has been

376 awarded.

377 (b) A grant awarded under this section may not be used to  
 378 serve any retail end user that already has access to broadband  
 379 Internet service.

380 (c) A grant awarded under this section, when combined with  
 381 any state or local funds, may not fund more than 50 percent of  
 382 the total cost of a project.

383 (d) A single project may not be awarded a grant in excess  
 384 of \$5 million.

385 (9) For each grant awarded, the office shall enter into an  
 386 agreement with the applicant. The agreement must specify the  
 387 total amount of the grant, performance conditions that must be  
 388 met to obtain the grant, the schedule of payment, and sanctions  
 389 that would apply for failure to meet performance conditions,  
 390 including, but not limited to, requiring the return of grant  
 391 funds.

392 (10) By January 1, 2023, and each year thereafter, the  
 393 office shall publish on its website and provide to the Governor,  
 394 the President of the Senate, and the Speaker of the House of  
 395 Representatives:

396 (a) A list of all grant applications received during the  
 397 previous fiscal year and for each application:

398 1. The results of any quantitative weighting or scoring  
 399 system the office used to award grants or rank the applications.

400 2. The grant amounts requested.



401           3. The grant amounts awarded, if any.

402           4. A report on the progress of each grant recipient in  
 403 acquiring and installing infrastructure that supports the  
 404 provision of broadband Internet service in the project areas for  
 405 which that grant was awarded and in securing adoption of such  
 406 service in each project area.

407           (b) All written challenges filed during the previous year  
 408 and the results of those challenges.

409           Section 5. Section 288.9963, Florida Statutes, is created  
 410 to read:

411           288.9963 Attachment of broadband facilities to municipal  
 412 electric utility poles.—

413           (1) The Legislature finds that there is a need for  
 414 increased availability of broadband Internet access throughout  
 415 this state, particularly in areas where citizens do not have  
 416 access to acceptable Internet download and upload speeds, or any  
 417 access at all. The lack of Internet connectivity and widespread  
 418 broadband availability is detrimental to the growth of the  
 419 economy, access to telehealth, and educational opportunities.  
 420 The federal government has provided vast resources for private  
 421 cable and other broadband providers to expand the deployment of  
 422 broadband Internet infrastructure in areas where Internet access  
 423 and broadband Internet services are inadequate or non-existent.

424           (2) As used in this section, the term:

425 (a) "Broadband provider" means a person or entity who  
426 provides fixed broadband Internet service.

427 (b) "Broadband service" means a service that provides high  
428 speed access to the Internet at a rate of at least 25 megabits  
429 per second in the downstream direction and at least 3 megabits  
430 per second in the upstream direction.

431 (c) "Safety and reliability standards" includes all  
432 applicable engineering, reliability, and safety standards  
433 governing the installation, maintenance, and operation of  
434 facilities and poles and the performance of all work in and  
435 around electric utility facilities, including particular utility  
436 standards made available to a broadband provider, and shall  
437 include the most current versions of the National Electric  
438 Safety Code, the National Electric Code, and the regulations of  
439 the Occupational Safety and Health Administration, and other  
440 reasonable non-discriminatory safety and engineering  
441 requirements, including, but not limited to requirements  
442 addressing overloading of electric utility facilities.

443 (d) "Underserved" means there is no retail access to the  
444 Internet at speeds of at least 25 megabits per seconds for  
445 downloading and 3 megabits per second for uploading.

446 (e) "Unserved" means that there is no retail access to the  
447 Internet at speeds of at least 10 megabits per seconds for  
448 downloading and 1 megabits per second for uploading.

449 (f) "Wireline attachment" means a wire or cable and  
450 associated equipment affixed to a utility pole in the  
451 communications space of the pole.

452 (3) Beginning July 1, 2021, a broadband provider shall  
453 receive a promotional rate of \$1 per wireline attachment per  
454 pole per year for any new attachment necessary to make broadband  
455 service available to an unserved or underserved end user within  
456 a municipal electric utility service territory for the time  
457 period specified in this subsection.

458 (a) A broadband provider who wishes to make wireline  
459 attachments subject to the promotional rate shall submit an  
460 application, including a route map, to the municipal electric  
461 utility specifying which wireline attachments on which utility  
462 poles are necessary to extend broadband service to unserved and  
463 underserved end users and therefore qualify for the promotional  
464 rate set forth in this subsection, together with such  
465 information necessary to identify which unserved or underserved  
466 end users within the municipal electric utility's service  
467 territory will gain access to broadband service as a result. A  
468 copy of the application and plan shall also be submitted  
469 simultaneously to the office.

470 (b) A municipal electric utility shall report to the  
471 office which attachments on which utility poles were made  
472 available to broadband providers subject to the promotional  
473 rate, together with any information available to it regarding

474 which of its municipal electric utility customers do and do not  
475 have access to broadband service and whether they are unserved  
476 or underserved.

477 (c) A broadband provider who makes application for  
478 wireline attachments under the promotional rate shall make all  
479 reasonable efforts to make broadband service available to the  
480 unserved or underserved municipal electric utility customers  
481 identified in the application. If a broadband provider fails to  
482 make broadband service available to those customers within 12  
483 months, it may be required to pay the prevailing rate for those  
484 attachments that failed to make broadband service available to  
485 the intended customers.

486 (d) Except as provided in this section, wireline  
487 attachments which are subject to the promotional rate must  
488 conform to all other terms and conditions of existing pole  
489 attachment agreements between the broadband provider and the  
490 municipal electric utility. If no agreement exists, the parties  
491 shall have 90 days to enter into a pole attachment agreement for  
492 all other terms and conditions of attachment.

493 (e) The promotional rate of \$1 per wireline attachment per  
494 pole per year applies to all pole attachments made pursuant to  
495 this subsection until July 1, 2024.

496 (4) All wireline attachments must comply with safety and  
497 reliability standards; provided, however, wireline attachments  
498 and their replacements, which complied with safety and

499 reliability standards when installed, do not need to be modified  
500 to comply with new requirements except as may be necessary for  
501 safety reasons, as reasonably determined by the municipal  
502 electric utility.

503 (5) If the municipal electric utility is required to  
504 replace a utility pole due to a broadband provider's attachment,  
505 the municipal electric utility may require, as a condition to  
506 attachment, that the broadband provider reimburse all reasonable  
507 and nondiscriminatory costs attributable solely to the new  
508 attachment minus the salvage value of the removed pole, if  
509 positive. The municipal electric utility may not require a  
510 utility pole to be replaced to accommodate a broadband  
511 provider's attachment except where necessary to comply with  
512 applicable engineering and safety standards. With respect to  
513 such replacement poles, if the replacement is necessary to  
514 correct an existing violation, to bring the pole into compliance  
515 with any changes in applicable standards, or because the pole is  
516 at the end of its useful life, the replacement cost may not be  
517 charged to the broadband provider. As used in this subsection,  
518 the term "useful life" means not less than 30 years for wood  
519 utility poles and 50 years for concrete, steel, ductile iron,  
520 and all other utility poles.

521 (6) A municipal electric utility may not increase the fees  
522 charged to broadband providers for pole attachments between July  
523 1, 2021 and July 31, 2022.

524 | Section 6. This act shall take effect July 1, 2021. |