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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2021	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Ausley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 106 - 445
and insert:
state. ~~The plan must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout the state.~~

(b) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the



10 community, which may include, but are not limited to,
11 representatives from the following organizations and industries:
12 libraries, K-12 education, colleges and universities, local
13 health care providers, private businesses, community
14 organizations, economic development organizations, local
15 governments, tourism, parks and recreation, and agriculture. The
16 local technology planning teams or partnerships shall work with
17 rural communities to help the communities understand their
18 current broadband availability, locate unserved and underserved
19 businesses and residents, identify assets relevant to broadband
20 deployment, build partnerships with broadband service providers,
21 and identify opportunities to leverage assets and reduce
22 barriers to the deployment of broadband Internet services in the
23 community. The teams or partnerships must be proactive in
24 fiscally constrained counties in identifying and providing
25 assistance with applying for federal grants for broadband
26 Internet service.

27 (c) Encourage the use of broadband Internet service,
28 especially in the rural, unserved, or underserved communities of
29 this ~~the~~ state through grant programs having effective
30 strategies to facilitate the statewide deployment of broadband
31 Internet service. For any grants to be awarded, priority must be
32 given to projects that:

33 1. Provide access to broadband education, awareness,
34 training, access, equipment, and support to libraries, schools,
35 colleges and universities, health care providers, and community
36 support organizations.

37 2. Encourage the sustainable adoption of broadband in
38 primarily underserved areas by removing barriers to entry.



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39 3. Work toward encouraging investments in establishing
40 affordable and sustainable broadband Internet service in
41 underserved areas of this ~~the~~ state.

42 4. Facilitate the development of applications, programs,
43 and services, including, but not limited to, telework,
44 telemedicine, and e-learning to increase the usage of, and
45 demand for, broadband Internet service in this ~~the~~ state.

46 (d) Monitor, participate in, and provide input in
47 proceedings of the Federal Communications Commission and other
48 federal agencies related to the geographic availability and
49 deployment of broadband Internet service in this ~~the~~ state as
50 necessary to ensure that this information is accurately
51 presented and that rural, unserved, and underserved areas of
52 this ~~the~~ state are best positioned to benefit from federal and
53 state broadband deployment programs.

54 (e) By June 30, 2022, develop geographic information system
55 maps of broadband Internet service availability throughout this
56 state. The office shall collaborate with broadband service
57 providers, state agencies, local governmental entities, private
58 businesses, educational institutions, and community
59 organizations and leaders to develop such maps.

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

61 a. Be consistent with the Digital Opportunity Data
62 Collection program reporting standards established by the
63 Federal Communications Commission.

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

66 c. Identify download and upload transmission speeds made
67 available to businesses and individuals in this state.



68 d. Identify gaps in broadband Internet service coverage,
69 specifying underserved and unserved areas within those areas of
70 this state designated as a rural area of opportunity under s.
71 288.0656(2).

72 e. Include any other mapping information already compiled
73 by other state agencies.

74 f. Be updated annually.

75 2. Any mapping data received from another governmental
76 entity or a contractor must be verified. Such data must be
77 verified against the source of the data and whether such entity
78 is able to demonstrate that it has employed a sound and reliable
79 methodology in the collection, organization, and verification of
80 the data it has submitted to the office. If a governmental
81 entity enters into a valid contract with a contractor to collect
82 broadband availability data, the entity must describe the third
83 party providing the data as well as the methodology used to
84 collect, organize, and verify the availability data provided.

85 3. The office must establish a mechanism to receive and
86 verify public input which identifies locations in which
87 broadband Internet service is not available, including locations
88 in which broadband Internet service is provided at data
89 transmission speeds below the standard established by the
90 Federal Communications Commission for broadband Internet
91 service. Upon verification, the office shall adjust its
92 geographic information system maps to reflect information
93 received from the public. In developing and implementing this
94 mechanism, the office may work in collaboration with, and
95 receive staffing support and other resources from, Enterprise
96 Florida, Inc., state agencies, local governments, private



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97 businesses, and community organizations.

98 (f) By June 30, 2022, develop a broadband infrastructure
99 asset map that includes, but is not limited to:

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

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

110 (g) Administer the Broadband Opportunity Program
111 established in s. 364.0136.

112 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband
113 Deployment Task Force, a task force as defined in s. 20.03(8),
114 is established within the department to support and provide
115 recommendations to the office for the deployment of broadband
116 Internet service throughout this state, including, but not
117 limited to, rural buildout and urban adoption strategies. The
118 department shall provide administrative and technical assistance
119 to the task force in the performance of its duties. The task
120 force shall operate in a manner consistent with s. 20.052.

121 (a) The task force shall be composed of the following
122 members, who must be appointed by September 1, 2021, and who
123 must have an interest and significant expertise in broadband
124 Internet services:

125 1. One member from each of the following state agencies,



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126 who shall be appointed by his or her agency head: the Department
127 of Agriculture and Consumer Services, the Department of
128 Management Services, the Department of Transportation, the
129 Department of Education, the Department of Health, and the
130 Office of Technology and Information Services within the
131 Department of Environmental Protection.

132 2. One member from the Florida Association of Counties as a
133 representative of underserved or unserved rural communities, who
134 is recommended by the association and appointed by the executive
135 director.

136 3. One member from the Florida League of Cities as a
137 representative of underserved or unserved rural communities, who
138 is recommended by the league and appointed by the executive
139 director.

140 4. Two members of the public who are appointed by the
141 Governor, including one member who resides in an underserved
142 area of this state and one member who resides in an unserved
143 area of this state.

144 5. One member from each of the following segments of the
145 broadband industry, who shall be appointed by the Governor: a
146 wireless provider, a wireline provider, a broadband satellite
147 provider, a cable provider, a rural local exchange carrier, and
148 a competitive local exchange carrier.

149 (b) Any vacancy on the task force must be filled in the
150 same manner as the original appointment.

151 (c) The task force shall identify:

152 1. Any available federal funding sources for the expansion
153 or improvement of broadband Internet services in this state.

154 2. Any gaps in broadband Internet service coverage for any



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155 area of this state.

156 3. Specific projects that will accomplish the deployment of
157 broadband Internet service throughout this state.

158 (d) The task force shall develop strategies and make
159 recommendations to the office for inclusion in its strategic
160 plan to:

161 1. Expand broadband Internet service to any area of this
162 state designated as a rural area of opportunity, including, but
163 not limited to, methods of building partnerships with local
164 governments, other state and federal entities, electric
165 utilities, the business community, and the public to support
166 broadband Internet service in such areas.

167 2. Address areas of this state which have broadband
168 Internet service, but where such service is not affordable, as
169 part of an urban strategy.

170 3. Enable outreach and establish partnerships to facilitate
171 maximum use of the federal Emergency Broadband Benefit Program
172 within the Consolidated Appropriations Act, 2021, Pub. L. No.
173 116-260 and regulations adopted thereunder.

174 (e) The task force may coordinate with state agencies and
175 other governmental entities with oversight in broadband Internet
176 activities or potential funding opportunities.

177 (f) The task force shall submit an annual report of its
178 findings and recommendations by October 15 to the department for
179 inclusion in its annual report required under s. 20.60. The
180 office must also publish the report on its website.

181 (g) This subsection expires on September 1, 2024.

182 (6) CONFIDENTIALITY.—Any information that is confidential
183 or exempt from public disclosure under chapter 119 when in the



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184 possession of the department retains its status as confidential
185 or exempt from disclosure under chapter 119 when provided by a
186 broadband service provider under this section.

187 (7)(5) ADMINISTRATION.—The department may:

188 (a) Apply for and accept federal funds for purposes of this
189 section.

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

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

194 Section 2. Section 364.0136, Florida Statutes, is created
195 to read:

196 364.0136 Broadband Opportunity Program.—

197 (1) The Broadband Opportunity Program is established within
198 the Florida Office of Broadband within the Department of
199 Economic Opportunity to award grants to applicants who seek to
200 expand broadband Internet service to unserved and underserved
201 areas of this state. The office must administer and act as
202 fiscal agent for the program and is responsible for receiving
203 and reviewing applications and awarding grants. Funding for the
204 program shall be subject to appropriation.

205 (2) Grants awarded under this section shall fund the
206 installation or deployment of infrastructure that supports the
207 provision of broadband Internet service. State funds may not be
208 used to install or deploy broadband Internet service to a
209 geographic area in which broadband Internet service is already
210 deployed by at least one provider.

211 (3) Applicants eligible for grant awards include:

212 (a) Corporations, limited liability companies, general



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213 partnerships, and limited partnerships that are organized under
214 the laws of this state or otherwise authorized to transact
215 business in this state.

216 (b) Indian tribes.

217 (4) The office may not award, directly or indirectly,
218 grants under this section to a governmental entity, a rural
219 electric cooperative or its broadband affiliate, or an
220 educational institution or affiliate to provide broadband
221 Internet service to any residential or commercial premises,
222 unless other broadband Internet service providers have not
223 deployed service to an unserved or underserved area.

224 (5) An eligible applicant shall submit a grant application
225 to the office on a form prescribed by the office. A grant
226 application must include all of the following information:

227 (a) A description of the project area.

228 (b) A description of the kind and amount of broadband
229 Internet service infrastructure which is proposed.

230 (c) Evidence demonstrating the unserved or underserved
231 nature of the project area.

232 (d) The number of households and businesses which would
233 have access to broadband Internet service as a result of the
234 grant.

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

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

239 (g) A list identifying sources of funding or in-kind
240 contributions that would supplement any awarded grant.

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



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242 (6) (a) At least 30 days before the first day grant
243 applications may be submitted each fiscal year, the office shall
244 publish on its website the specific criteria and quantitative
245 scoring system it will use to evaluate or rank grant
246 applications. Such criteria and quantitative scoring system must
247 include the criteria set forth in subsection (7).

248 (b) Within 3 business days after the close of the grant
249 application process, the office shall publish on its website,
250 from each grant application submitted, the proposed unserved or
251 underserved areas to be served and the proposed broadband
252 Internet speeds of the areas to be served.

253 (c) A broadband Internet service provider that provides
254 existing service in or adjacent to a proposed project area may
255 submit to the office, within 45 days after publication of the
256 information under paragraph (b), a written challenge to an
257 application. The challenge must contain information
258 demonstrating that:

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

261 2. The provider has begun construction to provide broadband
262 Internet service to retail customers within the proposed project
263 area within the timeframe proposed by the applicant; or

264 3. The provider commits to providing broadband Internet
265 service to retail customers within the proposed project area
266 within the timeframe proposed by the applicant.

267 (d) Within 3 business days after the submission of a
268 written challenge, the office shall notify the applicant, in
269 writing, of the challenge.

270 (e) The office shall evaluate each challenge submitted



271 under this subsection. If the office determines that the
272 provider currently has deployed, has begun construction to
273 provide, or commits to provide broadband Internet service in the
274 proposed project area, the office may not fund the challenged
275 project.

276 (f) If the office denies funding to an applicant as a
277 result of a broadband Internet service provider's challenge, and
278 the provider does not fulfill its commitment to provide
279 broadband Internet service in the unserved or underserved area,
280 the office may not consider another challenge from the provider
281 for the next two grant application cycles, unless the office
282 determines that the failure to fulfill the commitment was due to
283 circumstances beyond the provider's control.

284 (7) (a) Notwithstanding s. 364.0135(4) (c), in evaluating
285 grant applications and awarding grants, the office must give
286 priority to applications that:

287 1. Offer broadband Internet service to important community
288 institutions, including, but not limited to, libraries,
289 educational institutions, public safety facilities, and health
290 care facilities;

291 2. Facilitate the use of telemedicine and electronic health
292 records;

293 3. Serve economically distressed areas of this state, as
294 measured by indices of unemployment, poverty, or population loss
295 which are significantly greater than the statewide average;

296 4. Provide for scalability to transmission speeds of at
297 least 100 megabits per second download and 10 megabits per
298 second upload;

299 5. Include a component to actively promote the adoption of



300 the newly available broadband Internet service in the community;

301 6. Provide evidence of strong support for the project from
302 residents, government, businesses, and institutions in the
303 community;

304 7. Provide access to broadband Internet service to the
305 greatest number of unserved and underserved households and
306 businesses;

307 8. Leverage greater amounts of funding for a project from
308 private or federal sources; or

309 9. Demonstrate consistency with the strategic plan adopted
310 under s. 364.0135.

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

313 (8) (a) A grant awarded under this section may not be used
314 to serve any retail end user that already has access to
315 broadband Internet service.

316 (b) A grant awarded under this section, when combined with
317 any state, local, or federal funds, may not fund more than 50
318 percent of the total cost of a project.

319 (c) A single project may not be awarded a grant in excess
320 of \$5 million.

321 (9) For each grant awarded, the office shall enter into an
322 agreement with the applicant. The agreement must specify the
323 total amount of the grant, performance conditions that must be
324 met to obtain the grant, the schedule of payment, and sanctions
325 that would apply for failure to meet performance conditions,
326 including, but not limited to, requiring the return of grant
327 funds.

328 (10) By October 15, 2022, and each year thereafter, the



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329 office shall publish on its website and include in the
330 department's annual report required under s. 20.60 all of the
331 following information:
332 (a) A list of all grant applications received during the
333 previous fiscal year and for each application:
334 1. The results of any quantitative weighting or scoring
335 system the office used to award grants or rank the applications.
336 2. The grant amounts requested.
337 3. The grant amounts awarded, if any.
338 4. A report on the progress of each grant recipient in
339 acquiring and installing infrastructure that supports the
340 provision of broadband Internet service in the project areas for
341 which that grant was awarded and in securing adoption of such
342 service in each project area.
343 (b) All written challenges filed during the previous fiscal
344 year

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

347 And the title is amended as follows:

348 Delete lines 27 - 48

349 and insert:

350 to the department by a specified date for inclusion in
351 its annual report; providing for expiration of the
352 task force; providing that certain information
353 provided to the department from broadband service
354 providers retains its exemption from public
355 disclosure; creating s. 364.0136, F.S.; creating the
356 Broadband Opportunity Program within the office;
357 providing for administration of the program; providing



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358 requirements for grant awards; providing eligibility
359 requirements; providing application requirements;
360 requiring the office to publish certain information
361 related to grant applications and grant awards on its
362 website; authorizing grant applications to be
363 challenged under certain circumstances; specifying
364 contents of a challenge; providing procedures to be
365 used by the office in evaluating challenges; providing
366 direction for prioritizing grant funding; specifying
367 conditions for the award of grants; requiring the
368 office to enter into an agreement containing specified
369 information with each grant recipient; requiring the
370 office to publish specified information annually on
371 its website and include the information in the
372 department's annual report; creating s. 364.0137,
373 F.S.; defining