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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2021	.	
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The Committee on Commerce and Tourism (Ausley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 193 - 275

and insert:

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

(5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband Deployment Task Force, a task force as defined in s. 20.03(8), is established within the department to support and provide recommendations to the office for the deployment of broadband



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11 Internet service throughout this state, including, but not
12 limited to, rural buildout and urban adoption strategies. The
13 department shall provide administrative and technical assistance
14 to the task force in the performance of its duties. The task
15 force shall operate in a manner consistent with s. 20.052.

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

20 1. One member from each of the following state agencies,
21 who shall be appointed by his or her agency head: the Department
22 of Agriculture and Consumer Services, the Department of
23 Management Services, the Department of Transportation, the
24 Department of Education, the Department of Health, and the
25 Office of Technology and Information Services.

26 2. One member from the Florida Association of Counties as a
27 representative of underserved or unserved rural communities, who
28 is recommended by the association and appointed by the executive
29 director.

30 3. One member from the Florida League of Cities as a
31 representative of underserved or unserved rural communities, who
32 is recommended by the league and appointed by the executive
33 director.

34 4. Two members of the public who are appointed by the
35 Governor, including one member who resides in an underserved
36 area of this state and one member who resides in an unserved
37 area of this state.

38 5. One member from each of the following segments of the
39 broadband industry, who shall be appointed by the Governor: a



40 wireless provider, a wireline provider, a broadband satellite
41 provider, a cable provider, a rural local exchange carrier, and
42 a competitive local exchange carrier.

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

45 (c) The task force shall:

46 1. Identify any available federal funding sources for the
47 expansion or improvement of broadband Internet services in this
48 state.

49 2. Identify any gaps in broadband Internet service coverage
50 for any area of this state.

51 3. Develop strategies to expand broadband Internet service
52 to any area of this state designated as a rural area of
53 opportunity, including, but not limited to, methods of building
54 partnerships with local governments, other state and federal
55 entities, electric utilities, the business community, and the
56 public to support broadband Internet service in such areas.

57 4. Develop an urban adoption strategy to address areas of
58 this state which have broadband Internet service, but where such
59 service is not affordable.

60 5. Identify specific projects that will accomplish the
61 deployment of broadband Internet service throughout this state,
62 including grants provided through the rural infrastructure fund
63 pursuant to s. 288.0655(2)(b).

64 6. Coordinate with the Cabinet, state agencies, and other
65 governmental entities with oversight in broadband Internet
66 activities or potential funding opportunities.

67 7. Recommend outreach strategies and partnerships for
68 maximum use of the federal Emergency Broadband Benefit Program



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69 within the Consolidated Appropriations Act, 2021, Pub. L. No.
70 116-260 and regulations adopted thereunder.

71 (d) The task force shall submit a report of its findings
72 and recommendations to the Governor, the President of the
73 Senate, and the Speaker of the House of Representatives by
74 December 30, 2022, and each year thereafter.

75 (6) CONFIDENTIALITY.—Any information that is confidential
76 or exempt from public disclosure under chapter 119 when in the
77 possession of the department retains its status as confidential
78 or exempt from disclosure under chapter 119 when provided by a
79 broadband service provider under this section.

80 (7) ~~(5)~~ ADMINISTRATION.—The department may:

81 (a) Apply for and accept federal funds for purposes of this
82 section.

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

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

87 Section 2. Section 364.0136, Florida Statutes, is created
88 to read:

89 364.0136 Broadband Opportunity Program.—

90 (1) The Broadband Opportunity Program is established within
91 the Florida Office of Broadband within the Department of
92 Economic Opportunity to award grants to applicants who seek to
93 expand broadband Internet service to unserved and underserved
94 areas of this state. The office must administer and act as
95 fiscal agent for the program and is responsible for receiving
96 and reviewing applications and awarding grants. Funding for the
97 program shall be as provided in s. 338.2278(7)(b).



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98 (2) Grants awarded under this section shall fund the
99 installation or deployment of infrastructure that supports the
100 provision of broadband Internet service. State funds may not be
101 used to install or deploy broadband Internet service to a
102 geographic area in which broadband Internet service is already
103 deployed by at least one provider.

104 (3) Applicants eligible for grant awards include:

105 (a) Corporations, nonprofit corporations, limited liability
106 companies, general partnerships, and limited partnerships that
107 are organized under the laws of this state or otherwise
108 authorized to transact business in this state.

109 (b) Political subdivisions.

110 (c) Rural electric cooperatives organized under chapter 425
111 and their broadband affiliates.

112 (d) Indian tribes.

113 (4) The office may not award, directly or indirectly,
114 grants under this section to a governmental entity, a rural
115 electric cooperative or its broadband affiliate, or an
116 educational institution or affiliate to provide broadband
117 Internet service to any residential or commercial premises,
118 unless other broadband Internet service providers have not
119 deployed service to an unserved or underserved area.

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

123 (a) A description of the project area.

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

126 (c) Evidence demonstrating the unserved or underserved



127 nature of the project area.

128 (d) The number of households and businesses which would
129 have access to broadband Internet service as a result of the
130 grant.

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

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

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

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

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

144 (b) Within 3 business days after the close of the grant
145 application process, the office shall publish on its website,
146 from each grant application submitted, the proposed unserved or
147 underserved areas to be served and the proposed broadband
148 Internet speeds of the areas to be served.

149 (c) A broadband Internet service provider that provides
150 existing service in or adjacent to a proposed project area may
151 submit to the office, within 45 days after publication of the
152 information under paragraph (b), a written challenge to an
153 application. The challenge must contain information
154 demonstrating that:

155 1. The provider currently has deployed broadband Internet



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156 service to retail customers within the project area;
157 2. The provider has begun construction to provide broadband
158 Internet service to retail customers within the proposed project
159 area within the timeframe proposed by the applicant; or
160 3. The provider commits to providing broadband Internet
161 service to retail customers within the proposed project area
162 within the timeframe proposed by the applicant.
163 (d) Within 3 business days after the submission of a
164 written challenge, the office shall notify the applicant, in
165 writing, of the challenge.
166 (e) The office shall evaluate each challenge submitted
167 under this subsection. If the office determines that the
168 provider currently has deployed, has begun construction to
169 provide, or commits to provide broadband Internet service in the
170 proposed project area, the office may not fund the challenged
171 project.
172 (f) If the office denies funding to an applicant as a
173 result of a broadband Internet service provider's challenge, and
174 the provider does not fulfill its commitment to provide
175 broadband Internet service in the unserved or underserved area,
176 the office may not consider another challenge from the provider
177 for the next two grant application cycles, unless the office
178 determines that the failure to fulfill the commitment was due to
179 circumstances beyond the provider's control.
180 (7) (a) In evaluating grant applications and awarding
181 grants, the office must give priority to applications that:
182 1. Offer broadband Internet service to important community
183 institutions, including, but not limited to, libraries,
184 educational institutions, public safety facilities, and health



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185 care facilities;

186 2. Facilitate the use of telemedicine and electronic health
187 records;

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

191 4. Provide for scalability to transmission speeds of at
192 least 100 megabits per second download and 10 megabits per
193 second upload;

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

196 6. Provide evidence of strong support for the project from
197 residents, government, businesses, and institutions in the
198 community;

199 7. Provide access to broadband Internet service to the
200 greatest number of unserved and underserved households and
201 businesses;

202 8. Leverage greater amounts of funding for a project from
203 private sources; or

204 9. Demonstrate consistency with the strategic plan adopted
205 under s. 364.0135.

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

208 (8) (a) The office may not award any grant to an otherwise
209 eligible grant applicant to provide broadband Internet service
210 in a project area for which any other federal funding has been
211 awarded.

212 (b) A grant awarded under this section may not be used to
213 serve any retail end user that already has access to broadband



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214 Internet service.

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

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

220 (9) For each grant awarded, the office shall enter into an
221 agreement with the applicant. The agreement must specify the
222 total amount of the grant, performance conditions that must be
223 met to obtain the grant, the schedule of payment, and sanctions
224 that would apply for failure to meet performance conditions,
225 including, but not limited to, requiring the return of grant
226 funds.

227 (10) By January 1, 2023, and each year thereafter, the
228 office shall publish on its website and provide to the Governor,
229 the President of the Senate, and the Speaker of the House of
230 Representatives all of the following information:

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

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

235 2. The grant amounts requested.

236 3. The grant amounts awarded, if any.

237 4. A report on the progress of each grant recipient in
238 acquiring and installing infrastructure that supports the
239 provision of broadband Internet service in the project areas for
240 which that grant was awarded and in securing adoption of such
241 service in each project area.

242 (b) All written challenges filed during the previous year



243 and the results of those challenges.

244 Section 3. Subsection (7) of section 338.2278, Florida
245 Statutes, is amended to read:

246 338.2278 Multi-use Corridors of Regional Economic
247 Significance Program.—

248 (7) Funds that result from increased revenues to the State
249 Transportation Trust Fund derived from the amendments to s.
250 320.08 made by chapter 2019-43, Laws of Florida, ~~this act~~ and
251 deposited into the fund pursuant to s. 320.20(5)(a) must be used
252 as follows:

253 ~~(a) For the 2019-2020 fiscal year, \$45 million shall be~~
254 ~~retained in the State Transportation Trust Fund, and the~~
255 ~~remaining funds shall be transferred to the General Revenue~~
256 ~~Fund.~~

257 (a) ~~(b)~~ For the 2020-2021 fiscal year, \$90 million shall be
258 retained in the State Transportation Trust Fund, and the
259 remaining funds shall be transferred to the General Revenue
260 Fund.

261 (b) ~~(e)~~ For the 2021-2022 fiscal year and each fiscal year
262 thereafter, 50 percent of the funds shall be transferred to the
263 State Economic Enhancement and Development Trust Fund within the
264 Department of Economic Opportunity for use by the Florida Office
265 of Broadband as provided in s. 364.0135, and all of the
266 remaining funds shall be retained in the State Transportation
267 Trust Fund. For the 2021-2022 fiscal year, \$1 million of such
268 funds transferred for use by the Florida Office of Broadband
269 shall be used for the express purpose of funding the office's
270 mapping duties under s. 364.0135(4).

271 Section 4. Section 364.0137, Florida Statutes, is created



272 to read:

273 364.0137 Broadband assistance funds.-

274

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

276 And the title is amended as follows:

277 Delete line 31

278 and insert:

279 364.0136, F.S.; creating the Broadband Opportunity
280 Program within the office; providing for
281 administration of the program; providing requirements
282 for grant awards; providing eligibility requirements;
283 providing application requirements; requiring the
284 office to publish certain information related to grant
285 applications and grant awards on its website;
286 authorizing grant applications to be challenged under
287 certain circumstances; specifying contents of a
288 challenge; providing procedures to be used by the
289 office in evaluating challenges; providing direction
290 for prioritizing grant funding; specifying conditions
291 for the award of grants; requiring the office to enter
292 into an agreement containing specified information
293 with each grant recipient; requiring the office to
294 publish specified information annually on its website
295 and provide the information to the Governor and
296 Legislature; amending s. 338.2278, F.S.; transferring,
297 beginning in a specified fiscal year, certain funds
298 from the State Transportation Trust Fund to the State
299 Economic Enhancement and Development Trust Fund within
300 the department annually for use by the office;



301 requiring a specified portion of such funds, for the
302 2021-2022 fiscal year, to be used for specified
303 mapping purposes; creating s. 364.0137, F.S.; defining
304 terms; requiring the office