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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to broadband Internet service;
amending s. 364.0135, F.S.; revising legislative
findings; defining terms; revising the duties of the
Florida Office of Broadband within the Department of
Economic Opportunity; requiring local technology
planning teams or partnerships to work with rural
communities for specified purposes; requiring the
office to develop geographic information system maps
in collaboration with specified entities and
consistent with certain federal reporting standards by
a specified date; specifying required contents of the
maps; requiring the department to annually update such
maps and establish a mechanism to receive and verify
governmental and public input related to broadband
Internet service; authorizing the department to work
collaboratively with specified entities in developing
the mechanism; requiring the office to develop a
broadband infrastructure asset map by a specified
date; specifying required contents of the map;
establishing the Broadband Deployment Task Force
within the department for a specified purpose;
requiring the department to provide administrative and
technical assistance to the task force; providing for
the membership and duties of the task force; requiring
the task force to submit annual progress reports to



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27 the department by a specified date for inclusion in
28 its annual report; providing for expiration of the
29 task force; providing that certain information
30 provided to the department from broadband service
31 providers retains its exemption from public
32 disclosure; creating s. 364.0136, F.S.; creating the
33 Broadband Opportunity Program within the office;
34 providing for administration of the program; providing
35 requirements for grant awards; providing eligibility
36 requirements; providing application requirements;
37 requiring the office to publish certain information
38 related to grant applications and grant awards on its
39 website; authorizing grant applications to be
40 challenged under certain circumstances; specifying
41 contents of a challenge; providing procedures to be
42 used by the office in evaluating challenges; providing
43 direction for prioritizing grant funding; specifying
44 conditions for the award of grants; requiring the
45 office to enter into an agreement containing specified
46 information with each grant recipient; requiring the
47 office to publish specified information annually on
48 its website and include the information in the
49 department's annual report; creating s. 364.0137,
50 F.S.; defining terms; requiring the office to
51 establish a process to identify eligible households to
52 receive federal Emergency Broadband Benefit Program
53 funds under certain circumstances; providing for
54 direct subsidy payments; providing for household
55 participation in the program; requiring the office to



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56 provide certain information to potentially eligible
57 households; providing an effective date.

58

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

60

61 Section 1. Section 364.0135, Florida Statutes, is amended
62 to read:

63 364.0135 Promotion of broadband adoption; Florida Office of
64 Broadband.—

65 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
66 sustainable adoption of broadband Internet service is critical
67 to the economic and business development of this ~~the~~ state and
68 is essential ~~beneficial~~ for all residents of this state,
69 libraries, schools, colleges and universities, health care
70 providers, and community organizations.

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

72 (a) "Department" means the Department of Economic
73 Opportunity.

74 (b) "Office" means the Florida Office of Broadband.

75 (c) "Sustainable adoption" means the ability for
76 communications service providers to offer broadband services in
77 all areas of this ~~the~~ state by encouraging adoption and use
78 ~~utilization~~ levels that allow for these services to be offered
79 in the free market absent the need for governmental subsidy.

80 (d) "Task force" means the Broadband Deployment Task Force
81 within the office.

82 (e) ~~(d)~~ "Underserved" means a geographic area of this ~~the~~
83 state in which there is no provider of broadband Internet
84 service that offers a connection to the Internet with a capacity



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85 for transmission at a consistent speed of at least 100 ~~10~~
86 megabits per second downstream and at least 10 megabits ~~1~~
87 ~~megabit~~ per second upstream.

88 (f) "Unserved" means a geographic area of this state in
89 which there is no provider of broadband Internet service that
90 offers a connection to the Internet with a capacity for
91 transmission at a consistent speed of at least 25 megabits per
92 second downstream and at least 3 megabits per second upstream.

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

99 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
100 Broadband is created within the Division of Community
101 Development in the department for the purpose of developing,
102 marketing, and promoting broadband Internet services in this ~~the~~
103 state. The office, in the performance of its duties, shall do
104 all of the following:

105 (a) Create a strategic plan that has goals and strategies
106 for increasing the use of broadband Internet service in this ~~the~~
107 state. ~~The plan must include a process to review and verify~~
108 ~~public input regarding transmission speeds and availability of~~
109 ~~broadband Internet service throughout the state.~~

110 (b) Build and facilitate local technology planning teams or
111 partnerships with members representing cross-sections of the
112 community, which may include, but are not limited to,
113 representatives from the following organizations and industries:



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114 libraries, K-12 education, colleges and universities, local
115 health care providers, private businesses, community
116 organizations, economic development organizations, local
117 governments, tourism, parks and recreation, and agriculture. The
118 local technology planning teams or partnerships shall work with
119 rural communities to help the communities understand their
120 current broadband availability, locate unserved and underserved
121 businesses and residents, identify assets relevant to broadband
122 deployment, build partnerships with broadband service providers,
123 and identify opportunities to leverage assets and reduce
124 barriers to the deployment of broadband Internet services in the
125 community. The teams or partnerships must be proactive in
126 fiscally constrained counties in identifying and providing
127 assistance with applying for federal grants for broadband
128 Internet service.

129 (c) Encourage the use of broadband Internet service,
130 especially in the rural, unserved, or underserved communities of
131 this the state through grant programs having effective
132 strategies to facilitate the statewide deployment of broadband
133 Internet service. For any grants to be awarded, priority must be
134 given to projects that:

135 1. Provide access to broadband education, awareness,
136 training, access, equipment, and support to libraries, schools,
137 colleges and universities, health care providers, and community
138 support organizations.

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

141 3. Work toward encouraging investments in establishing
142 affordable and sustainable broadband Internet service in



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143 underserved areas of this ~~the~~ state.

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

148 (d) Monitor, participate in, and provide input in
149 proceedings of the Federal Communications Commission and other
150 federal agencies related to the geographic availability and
151 deployment of broadband Internet service in this ~~the~~ state as
152 necessary to ensure that this information is accurately
153 presented and that rural, unserved, and underserved areas of
154 this ~~the~~ state are best positioned to benefit from federal and
155 state broadband deployment programs.

156 (e) By June 30, 2022, develop geographic information system
157 maps of broadband Internet service availability throughout this
158 state. The office shall collaborate with broadband service
159 providers, state agencies, local governmental entities, private
160 businesses, educational institutions, and community
161 organizations and leaders to develop such maps.

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

163 a. Be consistent with the Digital Opportunity Data
164 Collection program reporting standards established by the
165 Federal Communications Commission.

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

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

170 d. Identify gaps in broadband Internet service coverage,
171 specifying underserved and unserved areas within those areas of



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172 this state designated as a rural area of opportunity under s.
173 288.0656(2).

174 e. Include any other mapping information already compiled
175 by other state agencies.

176 f. Be updated annually.

177 2. Any mapping data received from another governmental
178 entity or a contractor must be verified. Such data must be
179 verified against the source of the data and whether such entity
180 is able to demonstrate that it has employed a sound and reliable
181 methodology in the collection, organization, and verification of
182 the data it has submitted to the office. If a governmental
183 entity enters into a valid contract with a contractor to collect
184 broadband availability data, the entity must describe the third
185 party providing the data as well as the methodology used to
186 collect, organize, and verify the availability data provided.

187 3. The office must establish a mechanism to receive and
188 verify public input which identifies locations in which
189 broadband Internet service is not available, including locations
190 in which broadband Internet service is provided at data
191 transmission speeds below the standard established by the
192 Federal Communications Commission for broadband Internet
193 service. Upon verification, the office shall adjust its
194 geographic information system maps to reflect information
195 received from the public. In developing and implementing this
196 mechanism, the office may work in collaboration with, and
197 receive staffing support and other resources from, Enterprise
198 Florida, Inc., state agencies, local governments, private
199 businesses, and community organizations.

200 (f) By June 30, 2022, develop a broadband infrastructure



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201 asset map that includes, but is not limited to:

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

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

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

214 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband
215 Deployment Task Force, a task force as defined in s. 20.03(8),
216 is established within the department to support and provide
217 recommendations to the office for the deployment of broadband
218 Internet service throughout this state, including, but not
219 limited to, rural buildout and urban adoption strategies. The
220 department shall provide administrative and technical assistance
221 to the task force in the performance of its duties. The task
222 force shall operate in a manner consistent with s. 20.052.

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

227 1. One member from each of the following state agencies,
228 who shall be appointed by his or her agency head: the Department
229 of Agriculture and Consumer Services, the Department of



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230 Management Services, the Department of Transportation, the
231 Department of Education, the Department of Health, and the
232 Office of Technology and Information Services within the
233 Department of Environmental Protection.

234 2. One member from the Florida Association of Counties as a
235 representative of underserved or unserved rural communities, who
236 is recommended by the association and appointed by the executive
237 director.

238 3. One member from the Florida League of Cities as a
239 representative of underserved or unserved rural communities, who
240 is recommended by the league and appointed by the executive
241 director.

242 4. Two members of the public who are appointed by the
243 Governor, including one member who resides in an underserved
244 area of this state and one member who resides in an unserved
245 area of this state.

246 5. One member from each of the following segments of the
247 broadband industry, who shall be appointed by the Governor: a
248 wireless provider, a wireline provider, a broadband satellite
249 provider, a cable provider, a rural local exchange carrier, and
250 a competitive local exchange carrier.

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

253 (c) The task force shall identify:

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

256 2. Any gaps in broadband Internet service coverage for any
257 area of this state.

258 3. Specific projects that will accomplish the deployment of



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259 broadband Internet service throughout this state.

260 (d) The task force shall develop strategies and make
261 recommendations to the office for inclusion in its strategic
262 plan to:

263 1. Expand broadband Internet service to any area of this
264 state designated as a rural area of opportunity, including, but
265 not limited to, methods of building partnerships with local
266 governments, other state and federal entities, electric
267 utilities, the business community, and the public to support
268 broadband Internet service in such areas.

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

272 3. Enable outreach and establish partnerships to facilitate
273 maximum use of the federal Emergency Broadband Benefit Program
274 within the Consolidated Appropriations Act, 2021, Pub. L. No.
275 116-260 and regulations adopted thereunder.

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

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

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

284 (6) CONFIDENTIALITY.—Any information that is confidential
285 or exempt from public disclosure under chapter 119 when in the
286 possession of the department retains its status as confidential
287 or exempt from disclosure under chapter 119 when provided by a



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288 broadband service provider under this section.

289 (7) ~~(5)~~ ADMINISTRATION.—The department may:

290 (a) Apply for and accept federal funds for purposes of this
291 section.

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

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

296 Section 2. Section 364.0136, Florida Statutes, is created
297 to read:

298 364.0136 Broadband Opportunity Program.—

299 (1) The Broadband Opportunity Program is established within
300 the Florida Office of Broadband within the Department of
301 Economic Opportunity to award grants to applicants who seek to
302 expand broadband Internet service to unserved and underserved
303 areas of this state. The office must administer and act as
304 fiscal agent for the program and is responsible for receiving
305 and reviewing applications and awarding grants. Funding for the
306 program shall be subject to appropriation.

307 (2) Grants awarded under this section shall fund the
308 installation or deployment of infrastructure that supports the
309 provision of broadband Internet service. State funds may not be
310 used to install or deploy broadband Internet service to a
311 geographic area in which broadband Internet service is already
312 deployed by at least one provider.

313 (3) Applicants eligible for grant awards include:

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



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317 business in this state.
318 (b) Indian tribes.
319 (4) The office may not award, directly or indirectly,
320 grants under this section to a governmental entity, a rural
321 electric cooperative or its broadband affiliate, or an
322 educational institution or affiliate to provide broadband
323 Internet service to any residential or commercial premises,
324 unless other broadband Internet service providers have not
325 deployed service to an unserved or underserved area.
326 (5) An eligible applicant shall submit a grant application
327 to the office on a form prescribed by the office. A grant
328 application must include all of the following information:
329 (a) A description of the project area.
330 (b) A description of the kind and amount of broadband
331 Internet service infrastructure which is proposed.
332 (c) Evidence demonstrating the unserved or underserved
333 nature of the project area.
334 (d) The number of households and businesses which would
335 have access to broadband Internet service as a result of the
336 grant.
337 (e) A list of significant community institutions that would
338 benefit from the grant.
339 (f) The total cost of the project and the timeframe in
340 which it would be completed.
341 (g) A list identifying sources of funding or in-kind
342 contributions that would supplement any awarded grant.
343 (h) Any other information required by the office.
344 (6) (a) At least 30 days before the first day grant
345 applications may be submitted each fiscal year, the office shall



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346 publish on its website the specific criteria and quantitative
347 scoring system it will use to evaluate or rank grant
348 applications. Such criteria and quantitative scoring system must
349 include the criteria set forth in subsection (7).

350 (b) Within 3 business days after the close of the grant
351 application process, the office shall publish on its website,
352 from each grant application submitted, the proposed unserved or
353 underserved areas to be served and the proposed broadband
354 Internet speeds of the areas to be served.

355 (c) A broadband Internet service provider that provides
356 existing service in or adjacent to a proposed project area may
357 submit to the office, within 45 days after publication of the
358 information under paragraph (b), a written challenge to an
359 application. The challenge must contain information
360 demonstrating that:

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

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

366 3. The provider commits to providing broadband Internet
367 service to retail customers within the proposed project area
368 within the timeframe proposed by the applicant.

369 (d) Within 3 business days after the submission of a
370 written challenge, the office shall notify the applicant, in
371 writing, of the challenge.

372 (e) The office shall evaluate each challenge submitted
373 under this subsection. If the office determines that the
374 provider currently has deployed, has begun construction to



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375 provide, or commits to provide broadband Internet service in the
376 proposed project area, the office may not fund the challenged
377 project.

378 (f) If the office denies funding to an applicant as a
379 result of a broadband Internet service provider's challenge, and
380 the provider does not fulfill its commitment to provide
381 broadband Internet service in the unserved or underserved area,
382 the office may not consider another challenge from the provider
383 for the next two grant application cycles, unless the office
384 determines that the failure to fulfill the commitment was due to
385 circumstances beyond the provider's control.

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

389 1. Offer broadband Internet service to important community
390 institutions, including, but not limited to, libraries,
391 educational institutions, public safety facilities, and health
392 care facilities;

393 2. Facilitate the use of telemedicine and electronic health
394 records;

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

398 4. Provide for scalability to transmission speeds of at
399 least 100 megabits per second download and 10 megabits per
400 second upload;

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

403 6. Provide evidence of strong support for the project from



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404 residents, government, businesses, and institutions in the
405 community;

406 7. Provide access to broadband Internet service to the
407 greatest number of unserved and underserved households and
408 businesses;

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

411 9. Demonstrate consistency with the strategic plan adopted
412 under s. 364.0135.

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

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

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

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

423 (9) For each grant awarded, the office shall enter into an
424 agreement with the applicant. The agreement must specify the
425 total amount of the grant, performance conditions that must be
426 met to obtain the grant, the schedule of payment, and sanctions
427 that would apply for failure to meet performance conditions,
428 including, but not limited to, requiring the return of grant
429 funds.

430 (10) By October 15, 2022, and each year thereafter, the
431 office shall publish on its website and include in the
432 department's annual report required under s. 20.60 all of the



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433 following information:

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

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

438 2. The grant amounts requested.

439 3. The grant amounts awarded, if any.

440 4. A report on the progress of each grant recipient in
441 acquiring and installing infrastructure that supports the
442 provision of broadband Internet service in the project areas for
443 which that grant was awarded and in securing adoption of such
444 service in each project area.

445 (b) All written challenges filed during the previous fiscal
446 year and the results of those challenges.

447 Section 3. Section 364.0137, Florida Statutes, is created
448 to read:

449 364.0137 Broadband assistance funds.—

450 (1) For purposes of this section, the term:

451 (a) "Broadband service provider" means a provider of
452 broadband Internet access service in this state.

453 (b) "Federal broadband program" means the Emergency
454 Broadband Benefit Program within the Consolidated Appropriations
455 Act, 2021, Pub. L. No. 116-260 and regulations adopted
456 thereunder.

457 (2) In order to assist participating broadband service
458 providers in identifying potential recipients for broadband
459 assistance funds under the federal broadband program, the
460 Florida Office of Broadband, as created in s. 364.0135, must
461 establish a process to quickly identify potential eligible



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462 households to receive such funds.

463 (3) An eligible broadband service provider that
464 participates in and receives funds under the federal broadband
465 program must provide direct subsidy payments by providing
466 monthly discounts for eligible households as set forth in the
467 federal broadband program. A provider may not disqualify a
468 household because a member of the household has any past or
469 present arrearages with a broadband provider. Such discounts may
470 be no more than the standard rate for an Internet service
471 offering and associated equipment, in an amount equal to that
472 set forth in the federal broadband program.

473 (4) To be eligible for direct subsidy payments, an eligible
474 household must demonstrate low income. Such eligible households
475 include those in which at least one member of the household is
476 eligible for the National School Lunch Program or the School
477 Breakfast Program, as provided in s. 595.402, has experienced a
478 substantial loss of income since February 29, 2020, has received
479 a federal Pell Grant, is eligible for the federal Lifeline
480 program, or meets participation requirements for a service
481 provider's existing low-income or COVID-19 program, subject to
482 any other eligibility requirements required by the Federal
483 Communications Commission.

484 (5) Where possible, the office shall provide potentially
485 eligible households with notice of their potential eligibility
486 to receive financial assistance under the federal broadband
487 program and shall also direct the members of those households to
488 other state or federal resources that may provide assistance
489 with debt relief.

490 Section 4. This act shall take effect July 1, 2021.