



703658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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	.	
	.	

The Committee on Appropriations (Ausley) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Section 364.0135, Florida Statutes, is amended
6 to read:

7 364.0135 Promotion of broadband adoption; Florida Office of
8 Broadband.—

9 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the



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10 sustainable adoption of broadband Internet service is critical
11 to the economic and business development of this ~~the~~ state and
12 is essential ~~beneficial~~ for all residents of this state,
13 libraries, schools, colleges and universities, health care
14 providers, and community organizations.

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

16 (a) "Department" means the Department of Economic
17 Opportunity.

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

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

24 (d) "Underserved" means a geographic area of this ~~the~~ state
25 in which there is no provider of broadband Internet service that
26 offers a connection to the Internet with a capacity for
27 transmission at a consistent speed of at least 100 ~~10~~ megabits
28 per second downstream and at least 10 megabits ~~1 megabit~~ per
29 second upstream.

30 (e) "Unserved" means a geographic area of this state in
31 which there is no provider of broadband Internet service that
32 offers a connection to the Internet with a capacity for
33 transmission at a consistent speed of at least 25 megabits per
34 second downstream and at least 3 megabits per second upstream.

35 (3) STATE AGENCY.—The department is designated as the lead
36 state agency to facilitate the expansion of broadband Internet
37 service in this ~~the~~ state. The department shall work
38 collaboratively with private businesses and receive staffing



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39 support and other resources from Enterprise Florida, Inc., state
40 agencies, local governments, and community organizations.

41 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
42 Broadband is created within the Division of Community
43 Development in the department for the purpose of developing,
44 marketing, and promoting broadband Internet services in this ~~the~~
45 state. The office, in the performance of its duties, shall do
46 all of the following:

47 (a) Create a strategic plan that has short-term and long-
48 term goals and strategies for increasing and improving the
49 availability of and access to use of ~~use of~~ broadband Internet service
50 in this ~~the~~ state. In development of the plan, the department
51 shall incorporate applicable federal broadband activities,
52 including any efforts or initiatives of the Federal
53 Communications Commission, to improve broadband Internet service
54 in this state. ~~The plan must include a process to review and~~
55 ~~verify public input regarding transmission speeds and~~
56 ~~availability of broadband Internet service throughout the state.~~
57 The plan must identify available federal funding sources for the
58 expansion or improvement of broadband. The strategic plan must
59 be submitted to the Governor, the Chief Justice of the Supreme
60 Court, the President of the Senate, and the Speaker of the House
61 of Representatives by June 30, 2022. The strategic plan must be
62 updated biennially thereafter.

63 (b) Build and facilitate local technology planning teams
64 or partnerships with members representing cross-sections of the
65 community, which may include, but are not limited to,
66 representatives from the following organizations and industries:
67 libraries, K-12 education, colleges and universities, local



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68 health care providers, private businesses, community
69 organizations, economic development organizations, local
70 governments, tourism, parks and recreation, and agriculture. The
71 local technology planning teams or partnerships shall work with
72 rural communities to help the communities understand their
73 current broadband availability, locate unserved and underserved
74 businesses and residents, identify assets relevant to broadband
75 deployment, build partnerships with broadband service providers,
76 and identify opportunities to leverage assets and reduce
77 barriers to the deployment of broadband Internet services in the
78 community. The teams or partnerships must be proactive in
79 fiscally constrained counties in identifying and providing
80 assistance with applying for federal grants for broadband
81 Internet service.

82 (c) Provide technical and planning assistance related to
83 broadband infrastructure to rural communities.

84 (d)~~(e)~~ Encourage the use of broadband Internet service,
85 especially in the rural, unserved, or underserved communities of
86 this ~~the~~ state through grant programs having effective
87 strategies to facilitate the statewide deployment of broadband
88 Internet service. For any grants to be awarded, priority must be
89 given to projects that:

90 1. Provide access to broadband education, awareness,
91 training, access, equipment, and support to libraries, schools,
92 colleges and universities, health care providers, and community
93 support organizations.

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

96 3. Work toward encouraging investments in establishing



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97 affordable and sustainable broadband Internet service in
98 underserved areas of this ~~the~~ state.

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

103 (e) ~~(d)~~ Monitor, participate in, and provide input in
104 proceedings of the Federal Communications Commission and other
105 federal agencies related to the geographic availability and
106 deployment of broadband Internet service in this ~~the~~ state as
107 necessary to ensure that this information is accurately
108 presented and that rural, unserved, and underserved areas of
109 this ~~the~~ state are best positioned to benefit from federal and
110 state broadband deployment programs.

111 (f) By June 30, 2022, and subject to appropriation, develop
112 geographic information system maps of broadband Internet service
113 availability throughout this state. The office shall collaborate
114 with broadband service providers, state agencies, local
115 governmental entities, private businesses, educational
116 institutions, and community organizations and leaders to develop
117 such maps.

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

119 a. Be consistent with the Digital Opportunity Data
120 Collection program reporting standards established by the
121 Federal Communications Commission.

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

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



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126 d. Identify gaps in broadband Internet service coverage,
127 specifying underserved and unserved areas within those areas of
128 this state designated as a rural area of opportunity under s.
129 288.0656(2).

130 e. Include any other mapping information already compiled
131 by other state agencies.

132 f. Be updated annually.

133 2. Any mapping data received from another governmental
134 entity or a contractor must be verified. Such data must be
135 verified against the source of the data and whether such entity
136 is able to demonstrate that it has employed a sound and reliable
137 methodology in the collection, organization, and verification of
138 the data it has submitted to the office. If a governmental
139 entity enters into a valid contract with a contractor to collect
140 broadband availability data, the entity must describe the third
141 party providing the data as well as the methodology used to
142 collect, organize, and verify the availability data provided.

143 3. The office must establish a mechanism to receive and
144 verify public input which identifies locations in which
145 broadband Internet service is not available, including locations
146 in which broadband Internet service is provided at data
147 transmission speeds below the standard established by the
148 Federal Communications Commission for broadband Internet
149 service. Upon verification, the office shall adjust its
150 geographic information system maps to reflect information
151 received from the public. In developing and implementing this
152 mechanism, the office may work in collaboration with, and
153 receive staffing support and other resources from, Enterprise
154 Florida, Inc., state agencies, local governments, private



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155 businesses, and community organizations.

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

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

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

169 (h) Administer the Broadband Opportunity Program
170 established in s. 364.0136.

171 (5) CONFIDENTIALITY.—Any information that is confidential
172 or exempt from public disclosure under chapter 119 when in the
173 possession of the department retains its status as confidential
174 or exempt from disclosure under chapter 119 when provided by a
175 broadband service provider under this section.

176 (6) ~~(5)~~ ADMINISTRATION.—The department may:

177 (a) Apply for and accept federal funds for purposes of this
178 section.

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

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

183 Section 2. Section 364.0136, Florida Statutes, is created



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184 to read:

185 364.0136 Broadband Opportunity Program.—

186 (1) The Broadband Opportunity Program is established within
187 the Florida Office of Broadband within the Department of
188 Economic Opportunity to award grants to applicants who seek to
189 expand broadband Internet service to unserved and underserved
190 areas of this state. The office must administer and act as
191 fiscal agent for the program and is responsible for receiving
192 and reviewing applications and awarding grants. Funding for the
193 program shall be subject to appropriation.

194 (2) Grants awarded under this section shall fund the
195 installation or deployment of infrastructure that supports the
196 provision of broadband Internet service. State funds may not be
197 used to install or deploy broadband Internet service to a
198 geographic area in which broadband Internet service is already
199 deployed by at least one provider.

200 (3) Applicants eligible for grant awards include:

201 (a) Corporations, limited liability companies, general
202 partnerships, and limited partnerships that are organized under
203 the laws of this state or otherwise authorized to transact
204 business in this state.

205 (b) Indian tribes.

206 (c) A political subdivision in partnership with a provider
207 of broadband Internet service.

208 (4) The office may not award, directly or indirectly,
209 grants under this section to a governmental entity, a rural
210 electric cooperative or its broadband affiliate, or an
211 educational institution or affiliate to provide broadband
212 Internet service to any residential or commercial premises,



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213 unless other broadband Internet service providers have not
214 deployed service to an unserved or underserved area. This
215 subsection does not apply to provision of broadband Internet
216 service in an unserved or underserved area in a fiscally
217 constrained county as defined in s. 218.67.

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

221 (a) A description of the project area.

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

224 (c) Evidence demonstrating the unserved or underserved
225 nature of the project area.

226 (d) The number of households and businesses which would
227 have access to broadband Internet service as a result of the
228 grant.

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

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

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

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

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



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242 (b) Within 3 business days after the close of the grant
243 application process, the office shall publish on its website,
244 from each grant application submitted, the proposed unserved or
245 underserved areas to be served and the proposed broadband
246 Internet speeds of the areas to be served.

247 (c) A broadband Internet service provider that provides
248 existing service in or adjacent to a proposed project area may
249 submit to the office, within 45 days after publication of the
250 information under paragraph (b), a written challenge to an
251 application. The challenge must contain information
252 demonstrating that:

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

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

258 3. The provider commits to providing broadband Internet
259 service to retail customers within the proposed project area
260 within the timeframe proposed by the applicant.

261 (d) Within 3 business days after the submission of a
262 written challenge, the office shall notify the applicant, in
263 writing, of the challenge.

264 (e) The office shall evaluate each challenge submitted
265 under this subsection. If the office determines that the
266 provider currently has deployed, has begun construction to
267 provide, or commits to provide broadband Internet service in the
268 proposed project area, the office may not fund the challenged
269 project.

270 (f) If the office denies funding to an applicant as a



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271 result of a broadband Internet service provider's challenge, and
272 the provider does not fulfill its commitment to provide
273 broadband Internet service in the unserved or underserved area,
274 the office may not consider another challenge from the provider
275 for the next two grant application cycles, unless the office
276 determines that the failure to fulfill the commitment was due to
277 circumstances beyond the provider's control.

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

281 1. Offer broadband Internet service to important community
282 institutions, including, but not limited to, libraries,
283 educational institutions, public safety facilities, and health
284 care facilities;

285 2. Facilitate the use of telemedicine and electronic health
286 records;

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

290 4. Provide for scalability to transmission speeds of at
291 least 100 megabits per second download and 10 megabits per
292 second upload;

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

295 6. Provide evidence of strong support for the project from
296 residents, government, businesses, and institutions in the
297 community;

298 7. Provide access to broadband Internet service to the
299 greatest number of unserved and underserved households and



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300 businesses;

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

303 9. Demonstrate consistency with the strategic plan adopted
304 under s. 364.0135.

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

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

310 (b) A grant awarded under this section, when combined with
311 any state, local, or federal funds, may not fund more than 50
312 percent of the total cost of a project. However, the grant award
313 may fund more than 50 percent of the total cost of a project in
314 a fiscally constrained county as defined in s. 218.67.

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

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

324 (10) By October 15, 2022, and each year thereafter, the
325 office shall publish on its website and include in the
326 department's annual report required under s. 20.60 all of the
327 following information:

328 (a) A list of all grant applications received during the



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329 previous fiscal year and for each application:
330 1. The results of any quantitative weighting or scoring
331 system the office used to award grants or rank the applications.
332 2. The grant amounts requested.
333 3. The grant amounts awarded, if any.
334 4. A report on the progress of each grant recipient in
335 acquiring and installing infrastructure that supports the
336 provision of broadband Internet service in the project areas for
337 which that grant was awarded and in securing adoption of such
338 service in each project area.

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

341 (11) The department may adopt rules to implement this
342 section.

343 Section 3. This act shall take effect July 1, 2021.

344
345 ===== T I T L E A M E N D M E N T =====

346 And the title is amended as follows:

347 Delete everything before the enacting clause
348 and insert:

349 A bill to be entitled
350 An act relating to broadband Internet service;
351 amending s. 364.0135, F.S.; revising legislative
352 findings; defining terms; revising the duties of the
353 Florida Office of Broadband within the Department of
354 Economic Opportunity; requiring the office's strategic
355 plan to include short-term and long-term goals for
356 increasing the availability of and access to broadband
357 Internet service in this state; providing requirements



358 for the development of the plan; requiring the updated
359 plan to be submitted to the Governor, the Chief
360 Justice of the Supreme Court, and the Legislature by a
361 specified date; requiring the plan to be updated
362 biennially; requiring local technology planning teams
363 or partnerships to work with rural communities for
364 specified purposes; requiring the office to provide
365 technical and planning assistance related to broadband
366 infrastructure to rural communities; requiring the
367 office to develop geographic information system maps
368 in collaboration with specified entities and
369 consistent with certain federal reporting standards by
370 a specified date; specifying required contents of the
371 maps; requiring the department to annually update such
372 maps and establish a mechanism to receive and verify
373 governmental and public input related to broadband
374 Internet service; authorizing the department to work
375 collaboratively with specified entities in developing
376 the mechanism; requiring the office to develop a
377 broadband infrastructure asset map by a specified
378 date; specifying required contents of the map;
379 providing that certain information provided to the
380 department from broadband service providers retains
381 its exemption from public disclosure; providing
382 rulemaking authority; creating s. 364.0136, F.S.;
383 creating the Broadband Opportunity Program within the
384 office; providing for administration of the program;
385 providing requirements for grant awards; providing
386 eligibility requirements; providing application



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387 requirements; requiring the office to publish certain
388 information related to grant applications and grant
389 awards on its website; authorizing grant applications
390 to be challenged under certain circumstances;
391 specifying contents of a challenge; providing
392 procedures to be used by the office in evaluating
393 challenges; providing direction for prioritizing grant
394 funding; specifying conditions for the award of
395 grants; requiring the office to enter into an
396 agreement containing specified information with each
397 grant recipient; requiring the office to publish
398 specified information annually on its website and
399 include the information in the department's annual
400 report; providing an effective date.