

By Senator Ausley

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1 A bill to be entitled
2 An act relating to broadband Internet service;
3 amending s. 364.0135, F.S.; revising legislative
4 findings; defining terms; revising the duties of the
5 Florida Office of Broadband within the Department of
6 Economic Opportunity; requiring local technology
7 planning teams or partnerships to work with rural
8 communities for specified purposes; requiring the
9 office to develop geographic information system maps
10 in collaboration with specified entities and
11 consistent with certain federal reporting standards by
12 a specified date; specifying required contents of the
13 maps; requiring the department to annually update such
14 maps and establish a mechanism to receive and verify
15 governmental and public input related to broadband
16 Internet service; authorizing the department to work
17 collaboratively with specified entities in developing
18 the mechanism; requiring the office to develop a
19 broadband infrastructure asset map by a specified
20 date; specifying required contents of the map;
21 establishing the Broadband Deployment Task Force
22 within the office for a specified purpose; requiring
23 the department to provide administrative and technical
24 assistance to the task force; providing for the
25 membership and duties of the task force; requiring the
26 task force to submit annual progress reports to the
27 Governor and the Legislature by a specified date;
28 providing that certain information provided to the
29 department from broadband service providers retains

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30 its exemption from public disclosure; creating s.
31 364.0136, F.S.; defining terms; requiring the office
32 to establish a process to identify eligible households
33 to receive federal Emergency Broadband Benefit Program
34 funds under certain circumstances; providing for
35 direct subsidy payments; providing for household
36 participation in the program; requiring the office to
37 provide certain information to potentially eligible
38 households; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Section 364.0135, Florida Statutes, is amended
43 to read:

44 364.0135 Promotion of broadband adoption; Florida Office of
45 Broadband.—

46 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
47 sustainable adoption of broadband Internet service is critical
48 to the economic and business development of this ~~the~~ state and
49 is essential ~~beneficial~~ for all residents of this state,
50 libraries, schools, colleges and universities, health care
51 providers, and community organizations.

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

53 (a) "Department" means the Department of Economic
54 Opportunity.

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

56 (c) "Sustainable adoption" means the ability for
57 communications service providers to offer broadband services in
58 all areas of this ~~the~~ state by encouraging adoption and use

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59 utilization levels that allow for these services to be offered
60 in the free market absent the need for governmental subsidy.

61 (d) "Task force" means the Broadband Deployment Task Force
62 within the office.

63 (e) ~~(d)~~ "Underserved" means a geographic area of this ~~the~~
64 state in which there is no provider of broadband Internet
65 service that offers a connection to the Internet with a capacity
66 for transmission at a consistent speed of at least 100 ~~10~~
67 megabits per second downstream and at least 10 megabits ~~1~~
68 megabit per second upstream.

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

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

80 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
81 Broadband is created within the Division of Community
82 Development in the department for the purpose of developing,
83 marketing, and promoting broadband Internet services in this ~~the~~
84 state. The office, in the performance of its duties, shall do
85 all of the following:

86 (a) Create a strategic plan that has goals and strategies
87 for increasing the use of broadband Internet service in this ~~the~~

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88 state. The plan must include a process to review and verify
89 public input regarding transmission speeds and availability of
90 broadband Internet service throughout this ~~the~~ state.

91 (b) Build and facilitate local technology planning teams or
92 partnerships with members representing cross-sections of the
93 community, which may include, but are not limited to,
94 representatives from the following organizations and industries:
95 libraries, K-12 education, colleges and universities, local
96 health care providers, private businesses, community
97 organizations, economic development organizations, local
98 governments, tourism, parks and recreation, and agriculture. The
99 local technology planning teams or partnerships shall work with
100 rural communities to help the communities understand their
101 current broadband availability, locate unserved and underserved
102 businesses and residents, identify assets relevant to broadband
103 deployment, build partnerships with broadband service providers,
104 and identify opportunities to leverage assets and reduce
105 barriers to the deployment of broadband Internet services in the
106 community. The teams or partnerships must be proactive in
107 fiscally constrained counties in identifying and providing
108 assistance with applying for federal grants for broadband
109 Internet service.

110 (c) Encourage the use of broadband Internet service,
111 especially in the rural, unserved, or underserved communities of
112 this ~~the~~ state through grant programs having effective
113 strategies to facilitate the statewide deployment of broadband
114 Internet service. For any grants to be awarded, priority must be
115 given to projects that:

- 116 1. Provide access to broadband education, awareness,

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117 training, access, equipment, and support to libraries, schools,
118 colleges and universities, health care providers, and community
119 support organizations.

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

122 3. Work toward encouraging investments in establishing
123 affordable and sustainable broadband Internet service in
124 underserved areas of this ~~the~~ state.

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

129 (d) Monitor, participate in, and provide input in
130 proceedings of the Federal Communications Commission and other
131 federal agencies related to the geographic availability and
132 deployment of broadband Internet service in this ~~the~~ state as
133 necessary to ensure that this information is accurately
134 presented and that rural, unserved, and underserved areas of
135 this ~~the~~ state are best positioned to benefit from federal and
136 state broadband deployment programs.

137 (e) By June 30, 2022, develop geographic information system
138 maps of broadband Internet service availability throughout this
139 state. The office shall collaborate with broadband service
140 providers, state agencies, local governmental entities, private
141 businesses, educational institutions, and community
142 organizations and leaders to develop such maps.

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

144 a. Be consistent with the Digital Opportunity Data
145 Collection program reporting standards established by the

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146 Federal Communications Commission.

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

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

151 d. Identify gaps in broadband Internet service coverage,
152 specifying underserved and unserved areas within those areas of
153 this state designated as a rural area of opportunity under s.
154 288.0656(2).

155 e. Include any other mapping information already compiled
156 by other state agencies.

157 f. Be updated annually.

158 2. Any mapping data received from another governmental
159 entity or a contractor must be verified. Such data must be
160 verified against the source of the data and whether such entity
161 is able to demonstrate that it has employed a sound and reliable
162 methodology in the collection, organization, and verification of
163 the data it has submitted to the office. If a governmental
164 entity enters into a valid contract with a contractor to collect
165 broadband availability data, the entity must describe the third
166 party providing the data as well as the methodology used to
167 collect, organize, and verify the availability data provided.

168 3. The office must establish a mechanism to receive and
169 verify public input which identifies locations in which
170 broadband Internet service is not available, including locations
171 in which broadband Internet service is provided at data
172 transmission speeds below the standard established by the
173 Federal Communications Commission for broadband Internet
174 service. Upon verification, the board shall adjust its

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175 geographic information system maps to reflect information
176 received from the public. In developing and implementing this
177 mechanism, the office may work in collaboration with, and
178 receive staffing support and other resources from, Enterprise
179 Florida, Inc., state agencies, local governments, private
180 businesses, and community organizations.

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

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

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

193 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband
194 Deployment Task Force, a task force as defined in s. 20.03(8),
195 is established within the department to support and provide
196 recommendations to the office for the deployment of broadband
197 Internet service throughout this state, including, but not
198 limited to, rural buildout and urban adoption strategies. The
199 department shall provide administrative and technical assistance
200 to the task force in the performance of its duties. The task
201 force shall operate in a manner consistent with s. 20.052.

202 (a) The task force shall be composed of the following
203 members, who must be appointed by September 1, 2021, and who

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204 must have an interest and significant expertise in broadband
205 Internet services:

206 1. One member from each of the following state agencies,
207 who shall be appointed by his or her agency head: the Department
208 of Agriculture and Consumer Services, the Department of
209 Management Services, the Department of Transportation, the
210 Department of Education, the Department of Health, and the
211 Office of Technology and Information Services.

212 2. One member from the Florida Association of Counties as a
213 representative of underserved or unserved rural communities, who
214 is recommended by the association and appointed by the executive
215 director.

216 3. One member from the Florida League of Cities as a
217 representative of underserved or unserved rural communities, who
218 is recommended by the league and appointed by the executive
219 director.

220 4. Two members of the public who are appointed by the
221 Governor, including one member who resides in an underserved
222 area of this state and one member who resides in an unserved
223 area of this state.

224 5. One member from each of the following segments of the
225 broadband industry, who shall be appointed by the Governor: a
226 wireless provider, a wireline provider, a broadband satellite
227 provider, a cable provider, a rural local exchange carrier, and
228 a competitive local exchange carrier.

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

231 (c) The task force shall:

232 1. Identify any available federal funding sources for the

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233 expansion or improvement of broadband Internet services in this
234 state.

235 2. Identify any gaps in broadband Internet service coverage
236 for any area of this state.

237 3. Develop strategies to expand broadband Internet service
238 to any area of this state designated as a rural area of
239 opportunity, including, but not limited to, methods of building
240 partnerships with local governments, other state and federal
241 entities, electric utilities, the business community, and the
242 public to support broadband Internet service in such areas.

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

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

250 6. Coordinate with the Cabinet, state agencies, and other
251 governmental entities with oversight in broadband Internet
252 activities or potential funding opportunities.

253 7. Recommend outreach strategies and partnerships for
254 maximum use of the federal Emergency Broadband Benefit Program
255 within the Consolidated Appropriations Act, 2021, Pub. L. No.
256 116-260 and regulations adopted thereunder.

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

261 (6) CONFIDENTIALITY.—Any information that is confidential

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262 or exempt from public disclosure under chapter 119 when in the
263 possession of the department retains its status as confidential
264 or exempt from disclosure under chapter 119 when provided by a
265 broadband service provider under this section.

266 (7) ~~(5)~~ ADMINISTRATION.—The department may:

267 (a) Apply for and accept federal funds for purposes of this
268 section.

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

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

273 Section 2. Section 364.0136, Florida Statutes, is created
274 to read:

275 364.0136 Broadband assistance funds.—

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

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

279 (b) "Federal broadband program" means the Emergency
280 Broadband Benefit Program within the Consolidated Appropriations
281 Act, 2021, Pub. L. No. 116-260 and regulations adopted
282 thereunder.

283 (2) In order to assist participating broadband service
284 providers in identifying potential recipients for broadband
285 assistance funds under the federal broadband program, the
286 Florida Office of Broadband, as created in s. 364.0135, must
287 establish a process to quickly identify potential eligible
288 households to receive such funds.

289 (3) An eligible broadband service provider that
290 participates in and receives funds under the federal broadband

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291 program must provide direct subsidy payments by providing
292 monthly discounts for eligible households as set forth in the
293 federal broadband program. A provider may not disqualify a
294 household because a member of the household has any past or
295 present arrearages with a broadband provider. Such discounts may
296 be no more than the standard rate for an Internet service
297 offering and associated equipment, in an amount equal to that
298 set forth in the federal broadband program.

299 (4) To be eligible for direct subsidy payments, an eligible
300 household must demonstrate low income. Such eligible households
301 include those in which at least one member of the household is
302 eligible for the National School Lunch Program or the School
303 Breakfast Program, as provided in s. 595.402, has experienced a
304 substantial loss of income since February 29, 2020, has received
305 a federal Pell Grant, is eligible for the federal Lifeline
306 program, or meets participation requirements for a service
307 provider's existing low-income or COVID-19 program, subject to
308 any other eligibility requirements required by the Federal
309 Communications Commission.

310 (5) Where possible, the office shall provide potentially
311 eligible households with notice of their potential eligibility
312 to receive financial assistance under the federal broadband
313 program and shall also direct the members of those households to
314 other state or federal resources that may provide assistance
315 with debt relief.

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