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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Part XV of chapter 288, Florida Statutes,
consisting of sections 288.9960, 288.9961, and 288.9962 is
created and entitled "Florida Office of Broadband."

Section 2. Section 288.9960, Florida Statutes, is created
to read:



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10 288.9960 Promotion of broadband adoption; definitions.-

11 (1) LEGISLATIVE FINDINGS.-The Legislature finds that the
12 sustainable adoption of broadband Internet service is critical
13 to the economic and business development of this state, is
14 essential for all residents of this state, and is beneficial for
15 libraries, schools, colleges and universities, health care
16 providers, and community organizations.

17 (2) DEFINITIONS.-As used in this part section, the term:

18 (a) "Department" means the Department of Economic
19 Opportunity.

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

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

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

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

37 Section 3. Section 364.0135, Florida Statutes, is
38 transferred, renumbered as section 288.9961, Florida Statutes,



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39 and amended to read:

40 288.9961 ~~364.0135~~ ~~Promotion of broadband adoption~~; Florida
41 Office of Broadband.—

42 ~~(1) LEGISLATIVE FINDINGS. The Legislature finds that the~~
43 ~~sustainable adoption of broadband Internet service is critical~~
44 ~~to the economic and business development of the state and is~~
45 ~~beneficial for libraries, schools, colleges and universities,~~
46 ~~health care providers, and community organizations.~~

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

48 ~~(a) "Department" means the Department of Economic~~
49 ~~Opportunity.~~

50 ~~(b) "Office" means the Florida Office of Broadband.~~

51 ~~(c) "Sustainable adoption" means the ability for~~
52 ~~communications service providers to offer broadband services in~~
53 ~~all areas of the state by encouraging adoption and utilization~~
54 ~~levels that allow for these services to be offered in the free~~
55 ~~market absent the need for governmental subsidy.~~

56 ~~(d) "Underserved" means a geographic area of the state in~~
57 ~~which there is no provider of broadband Internet service that~~
58 ~~offers a connection to the Internet with a capacity for~~
59 ~~transmission at a consistent speed of at least 10 megabits per~~
60 ~~second downstream and at least 1 megabit per second upstream.~~

61 (1) ~~(3)~~ STATE AGENCY.—The department is designated as the
62 lead state agency to facilitate the expansion of broadband
63 Internet service in this ~~the~~ state. The department shall work
64 collaboratively with private businesses and receive staffing
65 support and other resources from Enterprise Florida, Inc., state
66 agencies, local governments, and community organizations.

67 (2) ~~(4)~~ FLORIDA OFFICE OF BROADBAND.—The Florida Office of



68 Broadband is created within the Division of Community
69 Development in the department for the purpose of developing,
70 marketing, and promoting broadband Internet services in this the
71 state. The office, in the performance of its duties, shall do
72 all of the following:

73 (a) Create a strategic plan that has short-term and long-
74 term goals and strategies for increasing and improving the
75 availability of and access to use of broadband Internet service
76 in this the state. In development of the plan, the department
77 shall incorporate applicable federal broadband activities,
78 including any efforts or initiatives of the Federal
79 Communications Commission, to improve broadband Internet service
80 in this state. The plan must include a process to review and
81 verify public input regarding transmission speeds and
82 availability of broadband Internet service throughout the state.
83 The plan must also identify available federal funding sources
84 for the expansion or improvement of broadband. The strategic
85 plan must be submitted to the Governor, the Chief Justice of the
86 Supreme Court, the President of the Senate, and the Speaker of
87 the House of Representatives by June 30, 2022. The strategic
88 plan must be updated biennially thereafter.

89 (b) Build and facilitate local technology planning teams or
90 partnerships with members representing cross-sections of the
91 community, which may include, but are not limited to,
92 representatives from the following organizations and industries:
93 libraries, K-12 education, colleges and universities, local
94 health care providers, private businesses, community
95 organizations, economic development organizations, local
96 governments, tourism, parks and recreation, and agriculture.



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97 (c) Provide technical and planning assistance related to
98 broadband infrastructure to rural communities.

99 (d)~~(e)~~ Encourage the use of broadband Internet service,
100 especially in the rural, unserved, or underserved communities of
101 this ~~the~~ state through grant programs having effective
102 strategies to facilitate the statewide deployment of broadband
103 Internet service. For any grants to be awarded, priority must be
104 given to projects that:

105 1. Provide access to broadband education, awareness,
106 training, access, equipment, and support to libraries, schools,
107 colleges and universities, health care providers, and community
108 support organizations.

109 2. Encourage the sustainable adoption of broadband Internet
110 service ~~in primarily underserved areas~~ by removing barriers to
111 entry.

112 3. Work toward encouraging investments in establishing
113 affordable and sustainable broadband Internet service in
114 ~~underserved areas of~~ this ~~the~~ state.

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

119 (e)~~(d)~~ Monitor, participate in, and provide input in
120 proceedings of the Federal Communications Commission and other
121 federal agencies related to the geographic availability and
122 deployment of broadband Internet service in this ~~the~~ state as
123 necessary to ensure that this information is accurately
124 presented and that rural, unserved, and underserved areas of the
125 state are best positioned to benefit from federal and state



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126 broadband deployment programs.

127 (e) Administer the Broadband Opportunity Program
128 established in s. 288.9962.

129 (3)(5) ADMINISTRATION.—The department may:

130 (a) Apply for and accept federal funds for purposes of this
131 section.

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

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

136 (d) Adopt rules to implement this part.

137 Section 3. Section 288.9962, Florida Statutes, is created
138 to read:

139 288.9962 Broadband Opportunity Program.—

140 (1) The Broadband Opportunity Program is established within
141 the office to award grants to applicants who seek to expand
142 broadband Internet service to unserved areas of this state. The
143 office must administer and act as fiscal agent for the program
144 and is responsible for receiving and reviewing applications and
145 awarding grants. Funding for the program shall be subject to
146 appropriation.

147 (2)(a) Grants awarded under this section shall fund the
148 installation or deployment of infrastructure that supports the
149 provision of broadband Internet service that provides access to
150 the Internet at a consistent speed of at least 25 megabits per
151 second download and 3 megabits per second upload. State funds
152 may not be used to install or deploy broadband Internet service
153 to a geographic area in which broadband Internet service is
154 already deployed by at least one provider.



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155 (b) For purposes of this section, "deployed" means that a
156 provider meets either of the following:

157 1. Currently provides broadband Internet service in a
158 specific geographic area with access to the Internet at a
159 consistent speed of at least 25 megabits per second download and
160 3 megabits per second upload; or

161 2. Is able to provide broadband Internet service in a
162 specific geographic area with such access to a customer that
163 requests that service not later than 30 days after the customer
164 requests installation of that service and without an
165 extraordinary commitment of resources or construction charges or
166 fees exceeding an ordinary service activation fee. The 30-day
167 time period shall be extended to 60 days if permits are needed
168 before the broadband Internet service is installed and
169 activated.

170 (3) Applicants eligible for grant awards include:

171 (a) Corporations, limited liability companies, general
172 partnerships, and limited partnerships that are organized under
173 the laws of this state or otherwise authorized to transact
174 business in this state.

175 (b) Indian tribes.

176 (4) The office may not award, directly or indirectly,
177 grants under this section to a governmental entity, a rural
178 electric cooperative or its broadband affiliate, or an
179 educational institution or affiliate to provide broadband
180 Internet service to any residential or commercial premises,
181 unless other broadband Internet service providers have not
182 deployed service to an unserved area.

183 (5) An eligible applicant shall submit a grant application



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184 to the office on a form prescribed by the office. A grant
185 application must include the following information:

186 (a) A description of the project area.

187 (b) A description of the kind and amount of broadband
188 Internet service infrastructure that is proposed.

189 (c) Evidence demonstrating the unserved nature of the
190 project area.

191 (d) The number of households and businesses that would have
192 access to broadband Internet service as a result of the grant.

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

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

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

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

200 (6) (a) At least 30 days before the first day grant
201 applications may be submitted each fiscal year, the office shall
202 publish on its website the specific criteria and quantitative
203 scoring system it will use to evaluate or rank grant
204 applications. Such criteria and quantitative scoring system must
205 include the criteria set forth in subsection (8).

206 (7) (a) Within 3 business days after the close of the grant
207 application process, the office shall publish on its website,
208 from each grant application submitted, the proposed unserved
209 areas to be served and the proposed broadband Internet speeds of
210 the areas to be served.

211 (b) A broadband Internet service provider that provides
212 existing service in or adjacent to a proposed project area or a



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213 broadband Internet service provider that has been designated to
214 receive a federal broadband award in this state may submit to
215 the office, within 45 days after publication of the information
216 under paragraph (a), a written challenge to an application. The
217 challenge must contain information demonstrating that:

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

220 2. The provider has begun construction to provide broadband
221 Internet service to retail customers within the proposed project
222 area within the timeframe proposed by the applicant;

223 3. The provider commits to providing broadband Internet
224 service to retail customers within the proposed project area
225 within the timeframe proposed by the applicant; or

226 4. The provider has been awarded federal funding pursuant
227 to the Rural Digital Opportunity Fund or other federal program
228 specifically to support the deployment or expansion of broadband
229 networks within the proposed project area.

230 (c) Within 3 business days after the submission of a
231 written challenge, the office shall notify the applicant, in
232 writing, of the challenge.

233 (d) The office shall evaluate each challenge submitted
234 under this subsection. If the office determines that the
235 provider currently has deployed, has begun construction to
236 provide, or commits to provide broadband Internet service in the
237 proposed project area, the office may not fund the challenged
238 project.

239 (e) If the office denies funding to an applicant as a
240 result of a broadband Internet service provider's challenge and
241 the provider does not fulfill its commitment to provide



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242 broadband Internet service in the unserved area, the office may
243 not consider another challenge from the provider for the next
244 two grant application cycles, unless the office determines that
245 the failure to fulfill the commitment was due to circumstances
246 beyond the provider's control.

247 (8) (a) Notwithstanding s. 288.9961(2) (d), in evaluating
248 grant applications and awarding grants, the office must give
249 priority to applications that:

250 1. Offer broadband Internet service to important community
251 institutions, including, but not limited to, libraries,
252 educational institutions, public safety facilities, and health
253 care facilities;

254 2. Facilitate the use of telemedicine and electronic health
255 records;

256 3. Serve economically distressed areas of this state, as
257 measured by indices of unemployment, poverty, or population loss
258 that are significantly greater than the statewide average;

259 4. Provide for scalability to transmission speeds of at
260 least 100 megabits per second download and 10 megabits per
261 second upload;

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

264 6. Provide evidence of strong support for the project from
265 residents, government, businesses, and institutions in the
266 community;

267 7. Provide access to broadband Internet service to the
268 greatest number of unserved households and businesses;

269 8. Leverage greater amounts of funding for a project from
270 private sources; or



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271 9. Demonstrate consistency with the strategic plan adopted
272 under s. 288.9961.

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

275 (9) (a) The office may not award any grant to an otherwise
276 eligible grant applicant to provide broadband Internet service
277 in a project area for which any other federal funding has been
278 awarded for a broadband project.

279 (b) A grant awarded under this section may not be used to
280 serve any retail end user that already has access to broadband
281 Internet service.

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

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

287 (10) For each grant awarded, the office shall enter into an
288 agreement with the applicant. The agreement must specify the
289 total amount of the grant, performance conditions that must be
290 met to obtain the grant, the schedule of payment, and sanctions
291 that would apply for failure to meet performance conditions,
292 including, but not limited to, requiring the return of grant
293 funds.

294 (11) By October 15, 2022, and each year thereafter, the
295 office shall publish on its website and include in the
296 department's annual report required under s. 20.60 all of the
297 following information:

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



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

302 2. The grant amounts requested.

303 3. The grant amounts awarded, if any.

304 4. A report on the progress of each grant recipient in
305 acquiring and installing infrastructure that supports the
306 provision of broadband Internet service in the project areas for
307 which that grant was awarded and in securing adoption of such
308 service in each project area.

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

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

312
313 ===== T I T L E A M E N D M E N T =====

314 And the title is amended as follows:

315 Delete everything before the enacting clause
316 and insert:

317 A bill to be entitled
318 An act relating to broadband Internet deployment;
319 creating pt. XV of ch. 288, F.S.; relating to the
320 Florida Office of Broadband; creating s. 288.8862,
321 F.S.; providing for legislative intent; creating
322 definitions relating to broadband Internet service;
323 transferring, renumbering, and amending s. 364.0135,
324 F.S.; revising duties of the Florida Office of
325 Broadband; requiring the office's strategic plan to
326 include short-term and long-term goals for increasing
327 the availability of and access to broadband Internet
328 service in this state; providing requirements for the



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329 development of the plan; requiring the updated plan to
330 be submitted to the Governor, the Chief Justice of the
331 Supreme Court, and the Legislature by a specified
332 date; requiring the plan to be updated biennially;
333 requiring the office to provide technical and planning
334 assistance related to broadband infrastructure to
335 rural communities; providing rulemaking authority;
336 creating s. 288.9962, F.S.; creating the Broadband
337 Opportunity Program within the office; providing for
338 administration of the program; providing requirements
339 for grant awards; providing eligibility requirements;
340 providing application requirements; requiring the
341 publication of certain information related to grant
342 applications and grant awards on a website;
343 authorizing grant applications to be challenged under
344 certain circumstances; specifying contents of a
345 challenge; providing procedures to be used by the
346 office in evaluating challenges; providing direction
347 for prioritizing grant funding; specifying conditions
348 for the award of grants; requiring that office to
349 enter into an agreement containing specified
350 information with each grant recipient; requiring the
351 office to publish specified information annually on
352 its website; requiring the office to publish specified
353 information annually on its website and include the
354 information in the department's annual report;
355 providing an effective date.