

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Tourism, Infrastructure &
 2 Energy Subcommittee

3 Representative Clemons offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

10 Section 2. Section 364.0135, Florida Statutes, is
 11 renumbered as s. 288.9961, Florida Statutes, and amended to
 12 read:

13 288.9961 ~~364.0135~~ Promotion of broadband adoption; Florida
 14 Office of Broadband.—

15 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
 16 sustainable adoption of broadband Internet service is critical

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17 to the economic and business development of this ~~the~~ state and
18 is beneficial for libraries, schools, colleges and universities,
19 health care providers, and community organizations.

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

21 (a) "Broadband Internet service" means any service that
22 provides access to the Internet with a capacity for transmission
23 at a consistent speed of at least 25 megabits per second
24 download and 3 megabits per second upload.

25 (b) ~~(a)~~ "Department" means the Department of Economic
26 Opportunity.

27 (c) "Deployed" means that a provider meets either of the
28 following:

29 1. Currently provides broadband Internet service in a
30 specific geographic area; or

31 2. Is able to provide broadband Internet service in a
32 specific geographic area to a customer that requests that
33 service not later than 30 days after the customer requests
34 installation of that service and without an extraordinary
35 commitment of resources or construction charges or fees
36 exceeding an ordinary service activation fee. The 30-day time
37 period shall be extended to 60 days if permits are needed before
38 the broadband Internet service is installed and activated.

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

40 (e) ~~(c)~~ "Sustainable adoption" means the ability for
41 communications service providers to offer broadband Internet

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42 services in all areas of this ~~the~~ state by encouraging adoption
43 and utilization levels that allow for these services to be
44 offered in the free market absent the need for governmental
45 subsidy.

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

51 (f) "Unserved" means a geographic area of the state where
52 broadband Internet service is not deployed.

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

59 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
60 Broadband is created within the Division of Community
61 Development in the department for the purpose of developing,
62 marketing, and promoting broadband Internet services in this ~~the~~
63 state. The office, in the performance of its duties, shall do
64 all of the following:

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

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67 state. The plan must include a process to review and verify
68 public input regarding transmission speeds and availability of
69 broadband Internet service throughout the state.

70 (b) Build and facilitate local technology planning teams
71 or partnerships with members representing cross-sections of the
72 community, which may include, but are not limited to,
73 representatives from the following organizations and industries:
74 libraries, K-12 education, colleges and universities, local
75 health care providers, private businesses, community
76 organizations, economic development organizations, local
77 governments, tourism, parks and recreation, and agriculture.

78 (c) Encourage the use of broadband Internet service,
79 especially in the rural or, ~~unserved, or underserved~~ communities
80 of the state through grant programs having effective strategies
81 to facilitate the statewide deployment of broadband Internet
82 service. For any grants to be awarded, priority must be given to
83 projects that:

84 1. Provide access to broadband education, awareness,
85 training, access, equipment, and support to libraries, schools,
86 colleges and universities, health care providers, and community
87 support organizations.

88 2. Encourage the sustainable adoption of broadband
89 Internet service in primarily unserved ~~underserved~~ areas by
90 removing barriers to entry.

91 3. Work toward encouraging investments in establishing

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92 affordable and sustainable broadband Internet service in
93 unserved ~~underserved~~ areas of this ~~the~~ state.

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

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

106 (e) Administer the Broadband Opportunity Program
107 established in s. 288.9962.

108 (5) ADMINISTRATION.—The department may:

109 (a) Apply for and accept federal funds for purposes of
110 this section.

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

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

115 (d) Adopt rules to implement this part.

116 Section 3. Section 288.9962, Florida Statutes, is created

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117 to read:

118 288.9962 Broadband Opportunity Program.—

119 (1) The Broadband Opportunity Program is established
120 within the office to award grants to applicants who seek to
121 expand broadband Internet service to unserved areas of this
122 state. The office must administer and act as fiscal agent for
123 the program and is responsible for receiving and reviewing
124 applications and awarding grants. Funding for the program shall
125 be as provided in s. 338.2278(7) (c), F.S.

126 (2) Grants awarded under this section shall fund the
127 installation or deployment of infrastructure that supports the
128 provision of broadband Internet service. State funds may not be
129 used to provide broadband Internet service to a geographic area
130 where broadband Internet service is already deployed by at least
131 one provider.

132 (3) Applicants eligible for grant awards include:

133 (a) Corporations, nonprofit corporations, limited
134 liability companies, general partnerships, and limited
135 partnerships that are organized under the laws of this state or
136 otherwise authorized to transact business in this state.

137 (b) Political subdivisions.

138 (c) Rural electric cooperatives organized under chapter
139 425 and their broadband affiliates.

140 (d) Indian Tribes.

141 (4) The office may not award, directly or indirectly,

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142 grants under this section to a governmental entity, a rural
143 electric cooperative or affiliate, or educational institution or
144 affiliate to provide Broadband Internet service to any
145 residential or commercial premises, unless other broadband
146 Internet service providers have not deployed service to an
147 unserved area.

148 (5) An eligible applicant shall submit a grant application
149 to the office on a form prescribed by the office. A grant
150 application must include the following information:

151 (a) A description of the project area.

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

154 (c) Evidence demonstrating the unserved nature of the
155 project area.

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

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

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

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

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

166 (6) (a) At least 30 days before the first day grant

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167 applications may be submitted each fiscal year, the office shall
168 publish on its website the specific criteria and quantitative
169 scoring system it will use to evaluate or rank grant
170 applications. Such criteria and quantitative scoring system must
171 include the criteria set forth in subsection (8).

172 (b) Within 3 business days after the close of the grant
173 application process, the office shall publish on its website,
174 from each grant application submitted, the proposed unserved
175 areas to be served and the proposed broadband Internet speeds of
176 the areas to be served.

177 (c) A broadband Internet service provider that provides
178 existing service in or adjacent to a proposed project area may
179 submit to the office, within 45 days after publication of the
180 information under paragraph (b), a written challenge to an
181 application. The challenge shall contain information
182 demonstrating that:

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

185 2. The provider has begun construction to provide
186 broadband Internet service to retail customers within the
187 proposed project area within the timeframe proposed by the
188 applicant; or

189 3. The provider commits to providing broadband Internet
190 service to retail customers within the proposed project area
191 within the timeframe proposed by the applicant.

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192 (d) Within 3 business days after the submission of a
193 written challenge, the office shall notify the applicant, in
194 writing, of the challenge.

195 (e) The office shall evaluate each challenge submitted
196 under this subsection. If the office determines that the
197 provider currently has deployed, has begun construction to
198 provide, or commits to provide broadband Internet service in the
199 proposed project area, the office may not fund the challenged
200 project.

201 (f) If the office denies funding to an applicant as a
202 result of a broadband Internet service provider's challenge and
203 the provider does not fulfill its commitment to provide
204 broadband Internet service in the unserved area, the office may
205 not consider another challenge from the provider for the next
206 two grant cycles, unless the office determines that the failure
207 to fulfill the commitment was due to circumstances beyond the
208 provider's control.

209 (8) (a) In evaluating grant applications and awarding
210 grants, the office must give priority to applications that:

211 1. Offer broadband Internet service to important community
212 institutions including, but not limited to, libraries,
213 educational institutions, public safety facilities, and
214 healthcare facilities;

215 2. Facilitate the use of telemedicine and electronic
216 health records;

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217 3. Serve economically distressed areas of the state, as
218 measured by indices of unemployment, poverty, or population loss
219 that are significantly greater than the statewide average;

220 4. Provide for scalability to transmission speeds of at
221 least 100 megabits per second download and 10 megabits per
222 second upload;

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

225 6. Provide evidence of strong support for the project from
226 citizens, government, businesses, and institutions in the
227 community;

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

230 8. Leverage greater amounts of funding for a project from
231 private sources; or

232 9. Demonstrate consistency with the strategic plan adopted
233 under s. 288.9961.

234 (b) The office must endeavor to award grants to qualified
235 applications of all regions of the state.

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

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

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242 Internet service.

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

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

248 (10) For each grant awarded, the office shall enter into
249 an agreement with the applicant. The agreement must specify the
250 total amount of the grant, performance conditions that must be
251 met to obtain the grant, the schedule of payment, and sanctions
252 that would apply for failure to meet performance conditions,
253 including, but not limited to, requiring the return of grant
254 funds.

255 (11) By January 1, 2023, and each year thereafter, the
256 office shall publish on its website and provide to the Governor,
257 the President of the Senate, and the Speaker of the House of
258 Representatives:

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

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

263 2. The grant amounts requested.

264 3. The grant amounts awarded, if any.

265 4. A report on the progress of each grant recipient in
266 acquiring and installing infrastructure that supports the

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267 provision of broadband Internet service in the project areas for
268 which that grant was awarded and in securing adoption of such
269 service in each project area.

270 (b) All written challenges filed during the previous year
271 and the results of those challenges.

272 Section 4. Subsection (7) of section 338.2278, Florida
273 Statutes, is amended to read:

274 338.2278 Multi-use Corridors of Regional Economic
275 Significance Program.—

276 (7) Funds that result from increased revenues to the State
277 Transportation Trust Fund derived from the amendments to s.
278 320.08 made by chapter 2019-43, Laws of Florida, ~~this act~~ and
279 deposited into the fund pursuant to s. 320.20(5)(a) must be used
280 as follows:

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

285 ~~(b)~~ For the 2020-2021 fiscal year, \$90 million shall be
286 retained in the State Transportation Trust Fund, and the
287 remaining funds shall be transferred to the General Revenue
288 Fund.

289 (b)(e) For the 2021-2022 fiscal year and each fiscal year
290 thereafter, 50 percent of the funds shall be transferred to the
291 State Economic Enhancement and Economic Development Trust Fund

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292 within the Department of Economic Opportunity for use by the
293 Florida Office of Broadband as provided in s. 288.9961 and all
294 ~~of~~ the remaining funds shall be retained in the State
295 Transportation Trust Fund.

296 Section 5. Paragraph (b) of subsection (2) of section
297 339.0801, Florida Statutes, is amended to read:

298 339.0801 Allocation of increased revenues derived from
299 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
300 from increased revenues to the State Transportation Trust Fund
301 derived from the amendments to s. 319.32(5)(a) made by this act
302 must be used annually, first as set forth in subsection (1) and
303 then as set forth in subsections (2)-(5), notwithstanding any
304 other provision of law:

305 (2)

306 (b) Beginning with the 2022-2023 fiscal year and annually
307 thereafter, \$35 million shall be transferred to Florida's
308 Turnpike Enterprise, to be used in accordance with s. 338.2278,
309 with preference to feeder roads, interchanges, and appurtenances
310 that create or facilitate multiuse corridor access and
311 connectivity. Of those funds, and to the maximum extent
312 feasible, up to \$5 million annually may be used for projects
313 that assist in the development of broadband infrastructure
314 within or adjacent to a multiuse corridor. The department shall
315 give priority consideration to broadband infrastructure projects
316 located in any area designated as a rural area of opportunity

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317 | under s. 288.0656 and adjacent to a multiuse corridor. The
318 | department shall consult with the Florida Office of Broadband
319 | within the Department of Economic Opportunity to ensure that the
320 | broadband infrastructure projects are consistent with the
321 | strategic plan required by s. 288.9961.

322 | Section 6. This act shall take effect July 1, 2021.

323 |

324 | -----

325 | **T I T L E A M E N D M E N T**

326 | Remove everything before the enacting clause and insert:

327 | An act relating to broadband Internet deployment; creating pt.
328 | XV of ch. 288, F.S.; relating to the Florida Office of
329 | Broadband; renumbering and amending s. 364.0135, F.S.; revising
330 | and providing definitions relating to broadband Internet
331 | service; revising duties of the Florida Office of Broadband;
332 | providing rulemaking authority; creating s. 288.9962, F.S.;
333 | establishing the Broadband Opportunity Program within the
334 | Department of Economic Opportunity; providing for administration
335 | of the program; providing requirements for grant awards;
336 | providing for eligibility; providing application requirements;
337 | requiring the publication of certain information related to
338 | grant applications and grant awards on a website; authorizing
339 | grant applications to be challenged under certain circumstances;
340 | providing procedures to be used by the office in evaluating
341 | challenges; providing direction for the office in prioritizing

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342 funding grants; requiring that office to enter into an agreement
343 containing specified information with each grant recipient;
344 requiring the office to publish a specified report annually on
345 its website; requiring a report to the Governor and Legislature
346 with specified information; amending s. 338.2278, F.S.;

347 providing for the transfer of certain funds from the State
348 Transportation Trust Fund to the State Economic Enhancement and
349 Economic Development Trust Fund within the Department of
350 Economic Opportunity; providing for the use of such funds by the
351 Florida Office of Broadband; amending s. 339.0801, F.S.;

352 requiring the Department of Transportation to consult with the
353 Florida Office of Broadband to ensure that specified projects
354 are consistent with a strategic plan; providing an effective
355 date.