

By Senator Ausley

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1 A bill to be entitled
2 An act relating to broadband; amending s. 288.9961,
3 F.S.; establishing the Broadband Deployment Task Force
4 within the Department of Economic Opportunity for a
5 specified purpose; requiring the department to provide
6 administrative and technical assistance to the task
7 force; providing for the membership and duties of the
8 task force; requiring the task force to submit annual
9 reports to the Governor and the Legislature by a
10 specified date; providing that certain information
11 provided to the department from broadband service
12 providers retains its confidentiality and exemption
13 from public disclosure requirements; amending s.
14 288.9962, F.S.; providing applicability; revising
15 grant application written challenge requirements;
16 establishing positions with the Office of Broadband
17 for a specified purpose; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Present subsection (5) of section 288.9961,
22 Florida Statutes, is redesignated as subsection (7), and a new
23 subsection (5) and subsection (6) are added to that section, to
24 read:

25 288.9961 Promotion of broadband adoption; Florida Office of
26 Broadband.—

27 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband
28 Deployment Task Force, a task force as defined in s. 20.03(8),
29 is established within the department to support and provide

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30 recommendations to the office for the deployment of broadband
31 Internet service throughout this state, including, but not
32 limited to, rural buildout and urban adoption strategies. The
33 department shall provide administrative and technical assistance
34 to the task force in the performance of its duties. The task
35 force shall operate in a manner consistent with s. 20.052.

36 (a) The task force shall be composed of the following
37 members, who must be appointed by September 1, 2022, and who
38 must have an interest and significant expertise in broadband
39 Internet services:

40 1. One member from each of the following state agencies,
41 who shall be appointed by his or her agency head: the Department
42 of Agriculture and Consumer Services, the Department of
43 Management Services, the Department of Transportation, the
44 Department of Education, the Department of Health, and the
45 Office of Technology and Information Services.

46 2. One member from the Florida Association of Counties as a
47 representative of underserved or unserved rural communities, who
48 is recommended by the association and appointed by the executive
49 director.

50 3. One member from the Florida League of Cities as a
51 representative of underserved or unserved rural communities, who
52 is recommended by the league and appointed by the executive
53 director.

54 4. Two members of the public who are appointed by the
55 Governor, including one member who resides in an underserved
56 area of this state and one member who resides in an unserved
57 area of this state.

58 5. One member from each of the following segments of the

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59 broadband industry, who shall be appointed by the Governor: a
60 wireless provider, a wireline provider, a broadband satellite
61 provider, a cable provider, a rural local exchange carrier, and
62 a competitive local exchange carrier.

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

65 (c) The task force shall do all of the following:

66 1. Identify any available federal funding sources for the
67 expansion or improvement of broadband Internet services in this
68 state.

69 2. Identify any gaps in broadband Internet service coverage
70 for any area of this state.

71 3. Develop strategies to expand broadband Internet service
72 to any area of this state designated as a rural area of
73 opportunity, including, but not limited to, methods of building
74 partnerships with local governments, other state and federal
75 entities, electric utilities, the business community, and the
76 public to support broadband Internet service in such areas.

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

80 5. Identify specific projects that will accomplish the
81 deployment of broadband Internet service throughout this state,
82 including grants provided through the Rural Infrastructure Fund
83 pursuant to s. 288.0655(2)(b).

84 6. Coordinate with the Cabinet, state agencies, and other
85 governmental entities with oversight in broadband Internet
86 activities or potential funding opportunities.

87 7. Recommend outreach strategies and partnerships for

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88 maximum use of the federal Emergency Broadband Benefit Program
89 within the Consolidated Appropriations Act, 2021, Pub. L. No.
90 116-260 and regulations adopted thereunder.

91 (d) The task force shall submit a report of its findings
92 and recommendations to the Governor, the President of the
93 Senate, and the Speaker of the House of Representatives by
94 December 30, 2023, and annually thereafter.

95 (6) CONFIDENTIALITY.—Any information that is confidential
96 or exempt from public disclosure under chapter 119 when in the
97 possession of the department retains its status as confidential
98 or exempt from disclosure under chapter 119 when provided by a
99 broadband service provider under this section.

100 Section 2. Subsection (4) and paragraph (c) of subsection
101 (6) of section 288.9962, Florida Statutes, are amended, and
102 paragraph (e) is added to subsection (8) of that section, to
103 read:

104 288.9962 Broadband Opportunity Program.—

105 (4) The office may not award, directly or indirectly,
106 grants under this section to a governmental entity or an
107 educational institution or affiliate to provide broadband
108 Internet service to any residential or commercial premises,
109 unless other broadband Internet service providers have not
110 deployed service to an unserved area. This subsection applies
111 only to grants awarded using state funds. A grant awarded using
112 federal funds must meet the applicable federal terms,
113 guidelines, and criteria for the use of such funds.

114 (6)

115 (c) A broadband Internet service provider that provides
116 existing service in or adjacent to a proposed project area may

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117 submit to the office, within 45 days after publication of the
118 information under paragraph (b), a written challenge to an
119 application. ~~The challenge shall contain information~~
120 ~~demonstrating that:~~

121 ~~1. The provider currently has deployed broadband Internet~~
122 ~~service to retail customers within the project area;~~

123 ~~2. The provider has begun construction to provide broadband~~
124 ~~Internet service to retail customers within the proposed project~~
125 ~~area within the timeframe proposed by the applicant; or~~

126 ~~3. The provider commits to providing broadband Internet~~
127 ~~service to retail customers within the proposed project area~~
128 ~~within the timeframe proposed by the applicant.~~

129 (8)

130 (e) This subsection applies only to grants awarded using
131 state funds. A grant awarded using federal funds must meet the
132 applicable federal terms, guidelines, and criteria for the use
133 of such funds.

134 Section 3. Seven full-time equivalent positions are
135 established within the Office of Broadband within the Department
136 of Economic Opportunity to support the office, implement a
137 broadband availability and access strategic plan, implement
138 federal broadband grant programs, maintain updated geographic
139 information system maps of broadband Internet service
140 availability throughout this state, and provide administrative
141 support for the Broadband Deployment Task Force pursuant to s.
142 288.9961, Florida Statutes.

143 Section 4. This act shall take effect July 1, 2022.