

By Senator Burgess

23-01030A-24

20241218__

1 A bill to be entitled
2 An act relating to broadband; amending s. 288.9963,
3 F.S.; deleting obsolete language; making technical
4 changes; extending the date through which a
5 promotional rate and related terms for certain
6 wireline attachments of broadband facilities to
7 municipal electric utility poles are effective;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (3) of section 288.9963, Florida
13 Statutes, is amended to read:

14 288.9963 Attachment of broadband facilities to municipal
15 electric utility poles.—

16 (3) ~~Beginning July 1, 2021,~~ A broadband provider shall
17 receive a promotional rate of \$1 per wireline attachment per
18 pole per year for any new attachment necessary to make broadband
19 service available to an unserved or underserved end user within
20 a municipal electric utility service territory for the time
21 period specified in this subsection.

22 (a) A broadband provider that ~~who~~ wishes to make wireline
23 attachments subject to the promotional rate shall submit an
24 application, including a route map, to the municipal electric
25 utility specifying which wireline attachments on which utility
26 poles are necessary to extend broadband service to unserved and
27 underserved end users and therefore qualify for the promotional
28 rate set forth in this subsection, together with such
29 information necessary to identify which unserved or underserved

23-01030A-24

20241218__

30 end users within the municipal electric utility's service
31 territory will gain access to broadband service as a result. The
32 broadband provider shall also submit a copy of the application
33 and plan ~~shall also be submitted~~ simultaneously to the office.

34 (b) A municipal electric utility shall report to the office
35 which attachments on which utility poles were made available to
36 broadband providers subject to the promotional rate, together
37 with any information available to it regarding which of its
38 municipal electric utility customers do and do not have access
39 to broadband service and whether they are unserved or
40 underserved.

41 (c) A broadband provider that ~~who~~ makes application for
42 wireline attachments under the promotional rate shall make all
43 reasonable efforts to make broadband service available to the
44 unserved or underserved municipal electric utility customers
45 identified in the application. If a broadband provider fails to
46 make broadband service available to those customers within 12
47 months, it may be required to pay the prevailing rate for those
48 attachments that failed to make broadband service available to
49 the intended customers.

50 (d) Except as provided in this section, wireline
51 attachments which are subject to the promotional rate must
52 conform to all other terms and conditions of existing pole
53 attachment agreements between the broadband provider and the
54 municipal electric utility. If an ~~no~~ agreement does not exist
55 ~~exists~~, the parties shall have 90 days to enter into a pole
56 attachment agreement for all other terms and conditions of
57 attachment.

58 (e) The promotional rate of \$1 per wireline attachment per

23-01030A-24

20241218__

59 pole per year applies to all pole attachments made pursuant to
60 this subsection until December 31, 2028 ~~July 1, 2024~~.

61 Section 2. This act shall take effect upon becoming a law.