

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 1239 — Broadband Internet Infrastructure

by Commerce Committee; Ways and Means Committee; and Rep. Tomkow and others
(CS/CS/SB 1592 by Appropriations Committee; Finance and Tax Committee; and Senators Burgess, Diaz, and Albritton)

The bill, which may be cited as the “Florida Broadband Deployment Act of 2021,” revises the Office of Broadband’s (office) strategic plan related to goals and strategies for increasing and improving broadband availability and access; creates the Broadband Opportunity Program to award grants; provides an appropriation to the Department of Economic Opportunity (DEO) for geographic information system mapping of broadband internet service; and establishes a promotional period for one dollar pole attachments of broadband facilities to municipal electric utility poles.

As to the office and its strategic plan, the bill revises the duties of the office to include improving the availability of, access to, and use of broadband. The bill requires the strategic plan to incorporate applicable federal broadband activities and identify available federal funding. The strategic plan must be submitted to the Governor, the Senate President, and the Speaker of the House by June 30, 2022, and updated biennially. Local technology planning teams are required by the bill to work with rural communities in order to help communities understand current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to deployment, build partnerships with providers, and identify opportunities. It requires the teams to be proactive in fiscally constrained counties to apply for federal grants.

The terms “broadband Internet service,” “deployed,” “sustainable adoption,” “underserved,” and “unserved,” are provided for in this section of the bill.

A non-recurring sum of \$1,500,000 for Fiscal Year 2021-2022 is appropriated from the General Revenue Fund to the DEO, to develop geographic information system maps of broadband Internet service availability though the state. The bill specifies the content required to be included in the maps and that they must be developed by June 30, 2022.

The bill creates the Broadband Opportunity Program, housed in the office, to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies the types of entities eligible for such grants, provides application requirements and evaluation criteria, and requires the office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards to 50 percent of the total cost of a project, but no more than five million dollars per grant, and prohibits grant awards for projects that receive other federal funding. The bill requires the office to prepare an annual report summarizing the activity under this program.

The bill creates s. 288.9963, F.S., relating to attachment of broadband facilities to municipal electric utility poles, which requires municipal electric utilities to provide broadband providers access for attachments to utility poles at a promotional rate of one dollar per attachment per pole, from July 1, 2021, to July 1, 2024. The bill provides terms for these discounted attachments and specifies each party's responsibility for costs associated with replacement poles necessary to make attachments. The bill requires these attachments to be made following the higher of the safety standards in the National Electrical Safety Code or the standards set by the utility. The promotional rate is available after application and can be lost if unserved or underserved customers are not provided with broadband Internet access within twelve months of the attachments being made and the provider may be required to pay the prevailing rate for the attachments that failed to make broadband available to the intended customers. The bill prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers between July 1, 2021, and July 31, 2022.

The bill also provides procedures for wireline attachments and allows for a one dollar promotional rate until July 1, 2024. Such attachments must comply with safety and reliability standards, however, wireline attachments that complied with safety and reliability standards when installed, do not need to be modified to comply with new requirements unless necessary for safety reasons as determined by municipal electric utilities.

The bill also provides for procedures and costs for replacement of utility poles by the municipal electric utilities where necessary to comply with applicable engineering and safety standards. If the replacement is necessary to correct an existing violation, to bring the pole into compliance, or because the pole is at the end of its useful life, the replacement cost may not be charged to the broadband provider.

Definitions for the terms "broadband provider," "broadband service," "safety and reliability standards," "underserved," "unserved," "wireline attachment," are provided for in this section.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0