

Committee on Regulated Industries

CS/HB 1221 — Broadband Internet Service Providers

by State Administration and Technology Appropriations Subcommittee and Rep. Tomkow
(CS/SB 626 by Regulated Industries Committee and Sen. DiCeglie)

The bill amends s. 425.04, F.S., regarding the powers of rural electric cooperatives, to specify that such cooperatives have the power to engage in the provision of broadband service. The bill also creates s. 364.391, F.S., which requires that if a cooperative engages in the provision of broadband:

- All poles owned by that cooperative are subject to pole attachment regulation by the Public Service Commission (PSC) under s. 366.04(8), F.S., as if the cooperative was a public utility; and
- The PSC may access the books and records of the cooperative for the limited purpose of exercising the PSC’s pole regulatory authority. Such records would be subject to the same confidentiality protection procedures as other records utilized in PSC proceedings.

Under the provisions of the bill, “engaging in the provision of broadband” means providing broadband internet service directly, through an affiliate, or pursuant to an agreement with a third party; or receiving specified types of state or federal broadband grant funding.

The bill also provides that the rural electric cooperative pole attachment regulatory authority established pursuant to the bill may not be construed to impair the contract rights of a party to a valid rural electric cooperative pole attachment agreement in existence before July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 105-0