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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2021	.	
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The Committee on Commerce and Tourism (Ausley) recommended the following:

1 **Senate Amendment to Amendment (186496) (with title**
2 **amendment)**

3
4 Delete lines 97 - 270

5 and insert:

6 program shall be subject to appropriation.

7 (2) Grants awarded under this section shall fund the
8 installation or deployment of infrastructure that supports the
9 provision of broadband Internet service. State funds may not be
10 used to install or deploy broadband Internet service to a



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11 geographic area in which broadband Internet service is already
12 deployed by at least one provider.

13 (3) Applicants eligible for grant awards include:

14 (a) Corporations, nonprofit corporations, limited liability
15 companies, general partnerships, and limited partnerships that
16 are organized under the laws of this state or otherwise
17 authorized to transact business in this state.

18 (b) Political subdivisions.

19 (c) Rural electric cooperatives organized under chapter 425
20 and their broadband affiliates.

21 (d) Indian tribes.

22 (4) The office may not award, directly or indirectly,
23 grants under this section to a governmental entity, a rural
24 electric cooperative or its broadband affiliate, or an
25 educational institution or affiliate to provide broadband
26 Internet service to any residential or commercial premises,
27 unless other broadband Internet service providers have not
28 deployed service to an unserved or underserved area.

29 (5) An eligible applicant shall submit a grant application
30 to the office on a form prescribed by the office. A grant
31 application must include all of the following information:

32 (a) A description of the project area.

33 (b) A description of the kind and amount of broadband
34 Internet service infrastructure which is proposed.

35 (c) Evidence demonstrating the unserved or underserved
36 nature of the project area.

37 (d) The number of households and businesses which would
38 have access to broadband Internet service as a result of the
39 grant.



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

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

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

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

47 (6) (a) At least 30 days before the first day grant
48 applications may be submitted each fiscal year, the office shall
49 publish on its website the specific criteria and quantitative
50 scoring system it will use to evaluate or rank grant
51 applications. Such criteria and quantitative scoring system must
52 include the criteria set forth in subsection (7).

53 (b) Within 3 business days after the close of the grant
54 application process, the office shall publish on its website,
55 from each grant application submitted, the proposed unserved or
56 underserved areas to be served and the proposed broadband
57 Internet speeds of the areas to be served.

58 (c) A broadband Internet service provider that provides
59 existing service in or adjacent to a proposed project area may
60 submit to the office, within 45 days after publication of the
61 information under paragraph (b), a written challenge to an
62 application. The challenge must contain information
63 demonstrating that:

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

66 2. The provider has begun construction to provide broadband
67 Internet service to retail customers within the proposed project
68 area within the timeframe proposed by the applicant; or



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69 3. The provider commits to providing broadband Internet
70 service to retail customers within the proposed project area
71 within the timeframe proposed by the applicant.

72 (d) Within 3 business days after the submission of a
73 written challenge, the office shall notify the applicant, in
74 writing, of the challenge.

75 (e) The office shall evaluate each challenge submitted
76 under this subsection. If the office determines that the
77 provider currently has deployed, has begun construction to
78 provide, or commits to provide broadband Internet service in the
79 proposed project area, the office may not fund the challenged
80 project.

81 (f) If the office denies funding to an applicant as a
82 result of a broadband Internet service provider's challenge, and
83 the provider does not fulfill its commitment to provide
84 broadband Internet service in the unserved or underserved area,
85 the office may not consider another challenge from the provider
86 for the next two grant application cycles, unless the office
87 determines that the failure to fulfill the commitment was due to
88 circumstances beyond the provider's control.

89 (7) (a) In evaluating grant applications and awarding
90 grants, the office must give priority to applications that:

91 1. Offer broadband Internet service to important community
92 institutions, including, but not limited to, libraries,
93 educational institutions, public safety facilities, and health
94 care facilities;

95 2. Facilitate the use of telemedicine and electronic health
96 records;

97 3. Serve economically distressed areas of this state, as



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98 measured by indices of unemployment, poverty, or population loss
99 which are significantly greater than the statewide average;

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

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

105 6. Provide evidence of strong support for the project from
106 residents, government, businesses, and institutions in the
107 community;

108 7. Provide access to broadband Internet service to the
109 greatest number of unserved and underserved households and
110 businesses;

111 8. Leverage greater amounts of funding for a project from
112 private sources; or

113 9. Demonstrate consistency with the strategic plan adopted
114 under s. 364.0135.

115 (b) The office must endeavor to award grants to qualified
116 applications serving all regions of this state.

117 (8) (a) The office may not award any grant to an otherwise
118 eligible grant applicant to provide broadband Internet service
119 in a project area for which any other federal funding has been
120 awarded.

121 (b) A grant awarded under this section may not be used to
122 serve any retail end user that already has access to broadband
123 Internet service.

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



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

129 (9) For each grant awarded, the office shall enter into an
130 agreement with the applicant. The agreement must specify the
131 total amount of the grant, performance conditions that must be
132 met to obtain the grant, the schedule of payment, and sanctions
133 that would apply for failure to meet performance conditions,
134 including, but not limited to, requiring the return of grant
135 funds.

136 (10) By January 1, 2023, and each year thereafter, the
137 office shall publish on its website and provide to the Governor,
138 the President of the Senate, and the Speaker of the House of
139 Representatives all of the following information:

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

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

144 2. The grant amounts requested.

145 3. The grant amounts awarded, if any.

146 4. A report on the progress of each grant recipient in
147 acquiring and installing infrastructure that supports the
148 provision of broadband Internet service in the project areas for
149 which that grant was awarded and in securing adoption of such
150 service in each project area.

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

153
154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:



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156 Delete lines 296 - 303
157 and insert:
158 Legislature; creating s. 364.0137, F.S.; defining