By the Committee on Commerce and Tourism; and Senator Ausley

A bill to be entitled An act relating to broadband Internet service;
amending s. 364.0135, F.S.; revising legislative findings; defining terms; revising the duties of the Florida Office of Broadband within the Department of Economic Opportunity; requiring local technology planning teams or partnerships to work with rural communities for specified purposes; requiring the office to develop geographic information system maps in collaboration with specified entities and consistent with certain federal reporting standards by a specified date; specifying required contents of the maps; requiring the department to annually update such maps and establish a mechanism to receive and verify governmental and public input related to broadband Internet service; authorizing the department to work collaboratively with specified entities in developing the mechanism; requiring the office to develop a broadband infrastructure asset map by a specified date; specifying required contents of the map; establishing the Broadband Deployment Task Force within the office for a specified purpose; requiring the department to provide administrative and technical assistance to the task force; providing for the membership and duties of the task force; requiring the task force to submit annual progress reports to the Governor and the Legislature by a specified date; providing that certain information provided to the department from broadband service providers retains...
its exemption from public disclosure; creating s. 364.0136, F.S.; creating the Broadband Opportunity Program within the office; providing for administration of the program; providing requirements for grant awards; providing eligibility requirements; providing application requirements; requiring the office to publish certain information related to grant applications and grant awards on its website; authorizing grant applications to be challenged under certain circumstances; specifying contents of a challenge; providing procedures to be used by the office in evaluating challenges; providing direction for prioritizing grant funding; specifying conditions for the award of grants; requiring the office to enter into an agreement containing specified information with each grant recipient; requiring the office to publish specified information annually on its website and provide the information to the Governor and Legislature; creating s. 364.0137, F.S.; defining terms; requiring the office to establish a process to identify eligible households to receive federal Emergency Broadband Benefit Program funds under certain circumstances; providing for direct subsidy payments; providing for household participation in the program; requiring the office to provide certain information to potentially eligible households; providing an effective date.

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

CODING: Words stricken are deletions; words underlined are additions.
Section 1. Section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband adoption; Florida Office of Broadband.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the sustainable adoption of broadband Internet service is critical to the economic and business development of this state and is essential beneficial for all residents of this state, libraries, schools, colleges and universities, health care providers, and community organizations.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Department” means the Department of Economic Opportunity.

(b) “Office” means the Florida Office of Broadband.

(c) “Sustainable adoption” means the ability for communications service providers to offer broadband services in all areas of this state by encouraging adoption and use levels that allow for these services to be offered in the free market absent the need for governmental subsidy.

(d) “Task force” means the Broadband Deployment Task Force within the office.

(e) “Underserved” means a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 100 megabits per second downstream and at least 10 megabits per second upstream.

(f) “Unserved” means a geographic area of this state in
which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second downstream and at least 3 megabits per second upstream.

(3) STATE AGENCY.—The department is designated as the lead state agency to facilitate the expansion of broadband Internet service in this the state. The department shall work collaboratively with private businesses and receive staffing support and other resources from Enterprise Florida, Inc., state agencies, local governments, and community organizations.

(4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of Broadband is created within the Division of Community Development in the department for the purpose of developing, marketing, and promoting broadband Internet services in this the state. The office, in the performance of its duties, shall do all of the following:

(a) Create a strategic plan that has goals and strategies for increasing the use of broadband Internet service in this the state. The plan must include a process to review and verify public input regarding transmission speeds and availability of broadband Internet service throughout this the state.

(b) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, K-12 education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture. The
local technology planning teams or partnerships shall work with rural communities to help the communities understand their current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to broadband deployment, build partnerships with broadband service providers, and identify opportunities to leverage assets and reduce barriers to the deployment of broadband Internet services in the community. The teams or partnerships must be proactive in fiscally constrained counties in identifying and providing assistance with applying for federal grants for broadband Internet service.

(c) Encourage the use of broadband Internet service, especially in the rural, unserved, or underserved communities of this the state through grant programs having effective strategies to facilitate the statewide deployment of broadband Internet service. For any grants to be awarded, priority must be given to projects that:

1. Provide access to broadband education, awareness, training, access, equipment, and support to libraries, schools, colleges and universities, health care providers, and community support organizations.

2. Encourage the sustainable adoption of broadband in primarily underserved areas by removing barriers to entry.

3. Work toward encouraging investments in establishing affordable and sustainable broadband Internet service in underserved areas of this the state.

4. Facilitate the development of applications, programs, and services, including, but not limited to, telework, telemedicine, and e-learning to increase the usage of, and
demand for, broadband Internet service in the state.

(d) Monitor, participate in, and provide input in proceedings of the Federal Communications Commission and other federal agencies related to the geographic availability and deployment of broadband Internet service in the state as necessary to ensure that this information is accurately presented and that rural, unserved, and underserved areas of the state are best positioned to benefit from federal and state broadband deployment programs.

(e) By June 30, 2022, develop geographic information system maps of broadband Internet service availability throughout the state. The office shall collaborate with broadband service providers, state agencies, local governmental entities, private businesses, educational institutions, and community organizations and leaders to develop such maps.

1. The maps must do all of the following:

   a. Be consistent with the Digital Opportunity Data Collection program reporting standards established by the Federal Communications Commission.

   b. Identify where broadband-capable networks exist and broadband Internet service is available to end users.

   c. Identify download and upload transmission speeds made available to businesses and individuals in this state.

   d. Identify gaps in broadband Internet service coverage, specifying underserved and unserved areas within those areas of this state designated as a rural area of opportunity under s. 288.0656(2).

   e. Include any other mapping information already compiled by other state agencies.
f. Be updated annually.

2. Any mapping data received from another governmental entity or a contractor must be verified. Such data must be verified against the source of the data and whether such entity is able to demonstrate that it has employed a sound and reliable methodology in the collection, organization, and verification of the data it has submitted to the office. If a governmental entity enters into a valid contract with a contractor to collect broadband availability data, the entity must describe the third party providing the data as well as the methodology used to collect, organize, and verify the availability data provided.

3. The office must establish a mechanism to receive and verify public input which identifies locations in which broadband Internet service is not available, including locations in which broadband Internet service is provided at data transmission speeds below the standard established by the Federal Communications Commission for broadband Internet service. Upon verification, the board shall adjust its geographic information system maps to reflect information received from the public. In developing and implementing this mechanism, the office may work in collaboration with, and receive staffing support and other resources from, Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations.

(f) By June 30, 2022, develop a broadband infrastructure asset map that includes, but is not limited to:

1. State and federal assets, including, but not limited to, municipally or city-owned towers that may be used by providers; rights-of-way that may be made available for easier and less
expensive access to burying or stringing fiber optic cable; public transportation corridors; capital projects that may be used as an opportunity to lay new fiber optic conduit for future activation; and federal E-rate funding commitments; and

2. Community-owned land and infrastructure, including, but not limited to, land that may be leased and utility poles that may be used to expand broadband networks.

(g) Administer the Broadband Opportunity Program established in s. 364.0136.

(5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband Deployment Task Force, a task force as defined in s. 20.03(8), is established within the department to support and provide recommendations to the office for the deployment of broadband Internet service throughout this state, including, but not limited to, rural buildout and urban adoption strategies. The department shall provide administrative and technical assistance to the task force in the performance of its duties. The task force shall operate in a manner consistent with s. 20.052.

(a) The task force shall be composed of the following members, who must be appointed by September 1, 2021, and who must have an interest and significant expertise in broadband Internet services:

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

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

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

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

5. One member from each of the following segments of the
broadband industry, who shall be appointed by the Governor: a
wireless provider, a wireline provider, a broadband satellite
provider, a cable provider, a rural local exchange carrier, and
a competitive local exchange carrier.

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

(c) The task force shall:
1. Identify any available federal funding sources for the
expansion or improvement of broadband Internet services in this
state.

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

3. Develop strategies to expand broadband Internet service
to any area of this state designated as a rural area of
opportunity, including, but not limited to, methods of building
partnerships with local governments, other state and federal
entities, electric utilities, the business community, and the

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

5. Identify specific projects that will accomplish the deployment of broadband Internet service throughout this state, including grants provided through the rural infrastructure fund pursuant to s. 288.0655(2)(b).

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


(d) The task force shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 30, 2022, and each year thereafter.

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

(7)(5) ADMINISTRATION.—The department may:

(a) Apply for and accept federal funds for purposes of this section.

(b) Enter into contracts necessary or useful to carry out the purposes of this section.
(c) Establish any committee or workgroup to administer and
carry out the purposes of this section.

Section 2. Section 364.0136, Florida Statutes, is created
to read:

364.0136 Broadband Opportunity Program.—

(1) The Broadband Opportunity Program is established within
the Florida Office of Broadband within the Department of
Economic Opportunity to award grants to applicants who seek to
expand broadband Internet service to unserved and underserved
areas of this state. The office must administer and act as
fiscal agent for the program and is responsible for receiving
and reviewing applications and awarding grants. Funding for the
program shall be subject to appropriation.

(2) Grants awarded under this section shall fund the
installation or deployment of infrastructure that supports the
provision of broadband Internet service. State funds may not be
used to install or deploy broadband Internet service to a
geographic area in which broadband Internet service is already
deployed by at least one provider.

(3) Applicants eligible for grant awards include:

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

(b) Indian tribes.

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

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

(a) A description of the project area.
(b) A description of the kind and amount of broadband Internet service infrastructure which is proposed.
(c) Evidence demonstrating the unserved or underserved nature of the project area.
(d) The number of households and businesses which would have access to broadband Internet service as a result of the grant.
(e) A list of significant community institutions that would benefit from the grant.
(f) The total cost of the project and the timeframe in which it would be completed.
(g) A list identifying sources of funding or in-kind contributions that would supplement any awarded grant.
(h) Any other information required by the office.

(6) (a) At least 30 days before the first day grant applications may be submitted each fiscal year, the office shall publish on its website the specific criteria and quantitative scoring system it will use to evaluate or rank grant applications. Such criteria and quantitative scoring system must include the criteria set forth in subsection (7).
(b) Within 3 business days after the close of the grant application process, the office shall publish on its website,
from each grant application submitted, the proposed unserved or
underserved areas to be served and the proposed broadband
Internet speeds of the areas to be served.

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

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

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

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

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

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

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

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

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

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

3. Serve economically distressed areas of this state, as measured by indices of unemployment, poverty, or population loss which are significantly greater than the statewide average;

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

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

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

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

8. Leverage greater amounts of funding for a project from private sources; or
9. Demonstrate consistency with the strategic plan adopted under s. 364.0135.

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

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

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

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

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

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

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

(a) A list of all grant applications received during the previous fiscal year and for each application:
1. The results of any quantitative weighting or scoring system the office used to award grants or rank the applications.
2. The grant amounts requested.
3. The grant amounts awarded, if any.
4. A report on the progress of each grant recipient in acquiring and installing infrastructure that supports the provision of broadband Internet service in the project areas for which that grant was awarded and in securing adoption of such service in each project area.

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

Section 3. Section 364.0137, Florida Statutes, is created to read:

364.0137 Broadband assistance funds.—
(1) For purposes of this section, the term:
(a) “Broadband service provider” means a provider of broadband Internet access service in this state.
(2) In order to assist participating broadband service providers in identifying potential recipients for broadband assistance funds under the federal broadband program, the Florida Office of Broadband, as created in s. 364.0135, must establish a process to quickly identify potential eligible households to receive such funds.
(3) An eligible broadband service provider that participates in and receives funds under the federal broadband
program must provide direct subsidy payments by providing monthly discounts for eligible households as set forth in the federal broadband program. A provider may not disqualify a household because a member of the household has any past or present arrearages with a broadband provider. Such discounts may be no more than the standard rate for an Internet service offering and associated equipment, in an amount equal to that set forth in the federal broadband program.

(4) To be eligible for direct subsidy payments, an eligible household must demonstrate low income. Such eligible households include those in which at least one member of the household is eligible for the National School Lunch Program or the School Breakfast Program, as provided in s. 595.402, has experienced a substantial loss of income since February 29, 2020, has received a federal Pell Grant, is eligible for the federal Lifeline program, or meets participation requirements for a service provider’s existing low-income or COVID-19 program, subject to any other eligibility requirements required by the Federal Communications Commission.

(5) Where possible, the office shall provide potentially eligible households with notice of their potential eligibility to receive financial assistance under the federal broadband program and shall also direct the members of those households to other state or federal resources that may provide assistance with debt relief.

Section 4. This act shall take effect July 1, 2021.