



430276

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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The Committee on Appropriations (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Florida Broadband  
Deployment Act of 2021."

Section 2. Section 364.0137, Florida Statutes, is created  
to read:

364.0137 Attachment of broadband facilities to municipal  
electric utility poles.-



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11           (1) The Legislature finds that there is a need for  
12 increased availability of broadband Internet access throughout  
13 this state, particularly in areas where residents do not have  
14 access to acceptable Internet download and upload speeds, or any  
15 access at all. The lack of Internet connectivity and widespread  
16 broadband availability is detrimental to the growth of the  
17 economy, access to telehealth, and educational opportunities.  
18 The federal government has provided vast resources for private  
19 cable and other broadband providers to expand the deployment of  
20 broadband infrastructure in areas where Internet access and  
21 broadband service are inadequate or nonexistent.

22           (2) As used in this section, the term:

23           (a) "Broadband provider" means a person or an entity who  
24 provides fixed broadband service.

25           (b) "Broadband service" means a service that provides high-  
26 speed access to the Internet at a rate of at least 25 megabits  
27 per seconds for downloading and at least 3 megabits per second  
28 for uploading.

29           (c) "Underserved" means that retail access to the Internet  
30 is not available at speeds of at least 25 megabits per seconds  
31 for downloading and 3 megabits per second for uploading.

32           (d) "Unserved" means that retail access to the Internet is  
33 not available at speeds of at least 10 megabits per seconds for  
34 downloading and 1 megabit per second for uploading.

35           (e) "Wireline attachment" means a wire or cable and  
36 associated equipment affixed to a utility pole in the  
37 communications space of the pole.

38           (3) From July 1, 2021, to July 1, 2024, a municipal  
39 electric utility shall provide a broadband provider with a



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40 promotional rate of \$1 per wireline attachment per pole per year  
41 for any new attachment necessary to make service available to an  
42 unserved or underserved end user within the municipal electric  
43 utility's service territory during such time period.

44 (a) A broadband provider that wishes to make wireline  
45 attachments subject to the promotional rate shall submit an  
46 application, including a route map, to the municipal electric  
47 utility specifying which wireline attachments on which utility  
48 poles are necessary to extend broadband service to unserved or  
49 underserved end users and therefore qualify for the promotional  
50 rate under this subsection, together with such information  
51 necessary to identify which unserved or underserved end users  
52 within the municipal electric utility's service territory will  
53 have access to broadband service as a result. The broadband  
54 provider shall also submit a copy of such application and plan  
55 simultaneously to the Office of Broadband within the Department  
56 of Economic Opportunity.

57 (b) A municipal electric utility shall report to the Office  
58 of Broadband which connections on which utility poles were made  
59 available to broadband providers subject to the promotional  
60 rate, together with any information available to it regarding  
61 which of its municipal electric utility customers do and do not  
62 have access to broadband service and whether they are unserved  
63 or underserved.

64 (c) A broadband provider who makes an application to attach  
65 under the promotional rate shall make all reasonable efforts to  
66 make broadband service available to the unserved or underserved  
67 municipal electric utility customers identified in the  
68 application. If the broadband provider fails to make broadband



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69 service available to those customers within 12 months, the  
70 broadband provider may be required to pay the prevailing rate  
71 for those attachments that failed to make broadband service  
72 available to the intended customers.

73 (d) Except to the extent provided in this section, wireline  
74 attachments subject to the promotional rate must conform to all  
75 other terms and conditions of existing pole attachment  
76 agreements between the broadband provider and the municipal  
77 electric utility. If no such agreement exists, the parties have  
78 90 days to enter into a pole attachment agreement for all other  
79 terms and conditions of attachment.

80 (4) The local technology planning teams within the Office  
81 of Broadband shall work with rural communities to help the  
82 communities determine their current broadband availability,  
83 locate unserved and underserved customers, identify assets  
84 relevant to broadband deployment, build partnerships with  
85 broadband service providers, and identify opportunities to  
86 leverage assets and reduce barriers to the deployment of public  
87 and private broadband service in the community. In fiscally  
88 constrained counties, the teams or partnerships must be  
89 proactive in identifying and providing assistance with applying  
90 for federal grants for broadband service.

91 (5) All wireline attachments must comply, at a minimum,  
92 with the safety and engineering standards for pole attachments  
93 specified in the National Electrical Safety Code. A municipal  
94 electric utility may adopt publicly available, reasonable, and  
95 nondiscriminatory safety and engineering standards for the  
96 protection of the public health, safety, or welfare which exceed  
97 specifications in the National Electrical Safety Code. If a



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98 municipality has adopt or adopts such standards that exceed such  
99 specification in the national Electrical Safety Code, the  
100 broadband provider must meet the stricter standards.

101 (6) If the municipal electric utility is required to  
102 replace a utility pole due to a broadband provider's attachment,  
103 the municipal electric utility may require, as a condition of  
104 pole attachment, a broadband provider to reimburse all  
105 reasonable and nondiscriminatory costs attributable solely to  
106 the new attachment minus the salvage value of the removed pole,  
107 if such value is positive. The municipal electric utility may  
108 not require a utility pole to be replaced to accommodate a  
109 broadband provider's attachment except where necessary to comply  
110 with applicable engineering and safety standards. With respect  
111 to such replacement poles, if pole replacement is necessary to  
112 correct an existing violation, to bring the pole into compliance  
113 with any changes in applicable standards, or because the pole is  
114 at the end of its useful life, such replacement cost may not be  
115 charged to the broadband provider. As used in this subsection,  
116 the term "useful life" means not less than 30 years for a wood  
117 utility pole and not less than 50 years for a concrete, steel,  
118 or ductile iron pole and all other utility poles.

119 (7) A municipal electric utility may not increase the fees  
120 charged to broadband providers for pole attachments made between  
121 July 1, 2021, and July 31, 2022.

122 Section 3. This act shall take effect July 1, 2021.

124 ===== T I T L E A M E N D M E N T =====

125 And the title is amended as follows:

126 Delete everything before the enacting clause



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127 and insert:

128                   A bill to be entitled  
129           An act relating to broadband Internet infrastructure;  
130           providing a short title; creating s. 364.0137, F.S.;  
131           providing legislative findings; defining terms;  
132           requiring municipal electric utilities to provide a  
133           specified promotional rate to broadband providers for  
134           wireline attachments made in unserved or underserved  
135           areas within the utility's service area; requiring the  
136           broadband provider to submit an application that meets  
137           certain requirements to receive the promotional rate;  
138           requiring municipal electric utilities to provide  
139           certain information regarding connections made  
140           available to broadband providers to the Office of  
141           Broadband within the Department of Economic  
142           Opportunity; providing requirements for the  
143           promotional rate; requiring the local technology  
144           planning teams within the office to provide support to  
145           rural communities regarding broadband service  
146           availability; requiring wireline attachments to comply  
147           with certain safety and engineering standards;  
148           authorizing a municipal electric utility to require a  
149           broadband provider to reimburse the electric utility  
150           for the replacement of utility poles under certain  
151           circumstances; defining the term "useful life";  
152           prohibiting a municipal electric utility from  
153           increasing pole attachment fees during a specified  
154           timeframe; providing an effective date.