A bill to be entitled
An act relating to broadband Internet deployment;
amending s. 338.2278, F.S.; providing for the transfer
of certain funds from the State Transportation Trust
Fund to the State Economic Enhancement and Economic
Development Trust Fund within the Department of
Economic Opportunity; providing for the use of such
funds by the Florida Office of Broadband; amending s.
339.0801, F.S.; requiring the Department of
Transportation to consult with the Florida Office of
Broadband to ensure specified projects are consistent
with a strategic plan; amending s. 364.02, F.S.;
providing an exception to the definition of the term
"broadband service" for certain purposes; amending s.
364.0135, F.S.; adding a cross-reference; revising and
providing definitions related to broadband service;
revising duties of the Florida Office of Broadband;
providing rulemaking authority; creating s. 364.0136,
F.S.; establishing the Broadband Opportunity Program
within the Florida Office of Broadband in the
Department of Economic Opportunity; providing for
administration of the program; providing requirements
for grant awards; providing for eligibility; providing
application requirements; requiring the publication of
certain information related to grant applications and

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grant awards on a website; authorizing grant
applications to be challenged under certain
circumstances; providing procedures for use by the
office in evaluating challenges; providing direction
for the office in prioritizing funding grants;
providing a limit on the amount of individual grants;
requiring grant agreements to contain specified
conditions; requiring the office to enter into an
agreement containing specified information with each
grant recipient; requiring the office to publish a
specified report annually on its website;
requiring a report to the Governor and Legislature
with specified information; providing an effective
date.

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

Section 1. Subsection (7) of section 338.2278, Florida
Statutes, is amended to read:

338.2278 Multi-use Corridors of Regional Economic
Significance Program.—
(7) Funds that result from increased revenues to the State
Transportation Trust Fund derived from the amendments to s.
320.08 made by chapter 2019-43, Laws of Florida, this act and
deposited into the fund pursuant to s. 320.20(5)(a) must be used
as follows:

(a) For the 2019-2020 fiscal year, $45 million shall be retained in the State Transportation Trust Fund, and the remaining funds shall be transferred to the General Revenue Fund.

(b) For the 2020-2021 fiscal year, $90 million shall be retained in the State Transportation Trust Fund, and the remaining funds shall be transferred to the General Revenue Fund.

(b)(c) For the 2021-2022 fiscal year and each fiscal year thereafter, 50 percent of the funds shall be transferred to the State Economic Enhancement and Economic Development Trust Fund within the Department of Economic Opportunity for use by the Florida Office of Broadband as provided in s. 364.0136, and all of the remaining funds shall be retained in the State Transportation Trust Fund.

Section 2. Subsection (2) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a) made by chapter 2012-128, Laws of Florida this act must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law.
(2)(a) For each of the 2019-2020, 2020-2021, and 2021-2022 fiscal years, $35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.

(b) Beginning with the 2022-2023 fiscal year and annually thereafter, $35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with s. 338.2278, with preference to feeder roads, interchanges, and appurtenances that create or facilitate multiuse corridor access and connectivity. Of those funds, and to the maximum extent feasible, up to $5 million annually may be used for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor. The department shall give priority consideration to broadband infrastructure projects located in any area designated as a rural area of opportunity under s. 288.0656 and adjacent to a multiuse corridor. The department shall consult with the Florida Office of Broadband within the Department of Economic Opportunity to ensure that the broadband infrastructure projects are consistent with the strategic plan required by s. 364.0135.

Section 3. Subsection (2) of section 364.02, Florida Statutes, is amended to read:
364.02 Definitions.—As used in this chapter, the term:

(2) "Broadband service", except when used in ss. 364.0135 and 364.0136, means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

(a) Is used to provide access to the Internet; or

(b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

Section 4. Subsection (2) and paragraph (c) of subsection (4) of section 364.0135, Florida Statutes, are amended and paragraph (e) is added to subsection (4) and paragraph (d) is added to subsection (5) of that section, to read:

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

(2) DEFINITIONS.—As used in this section and s. 364.0136, the term:

(a) "Broadband Internet service" means any service that provides access to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second download and 3 megabits per second upload.
(b) "Department" means the Department of Economic Opportunity.

(c) "Office" means the Florida Office of Broadband.

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

(e) "Underserved" means a geographic area of the state without access to Internet service with a connection speed of at least 25 megabits per second download and 3 megabits per second upload 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 10 megabits per second downstream and at least 1 megabit per second upstream.

(f) "Unserved" means a geographic area of the state without access to Internet service with a connection speed of at least 10 megabits per second download and 1 megabit per second upload.

(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 the state. The office, in the performance of its duties, shall do
all of the following:

(c) Encourage the use of broadband Internet service, especially in the rural, unserved, or underserved communities of 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 unserved and underserved areas by removing barriers to entry.

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

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

(5) ADMINISTRATION.—The department may:

(d) Adopt rules to implement this section and s. 364.0136.
Section 5. Section 364.0136, Florida Statutes, is created
to read:

364.0136 Broadband Opportunity Program.—

(1) The Broadband Opportunity Program is established
within the office to award grants to applicants who seek to
expand access to broadband Internet service in unserved and
underserved areas of the 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 as provided in s.
338.2278(7)(c).

(2) Grants awarded under this section shall fund the
installation and deployment of infrastructure that supports the
provision of broadband Internet service.

(3) Applicants eligible for grant awards include:
   (a) Corporations, nonprofit corporations, limited
       liability companies, general partnerships, and limited
       partnerships, that are organized under the laws of the state or
       otherwise authorized to transact business in the state.
       
       (b) Political subdivisions.
       
       (c) Rural electric cooperatives organized under chapter
           425 and their broadband affiliates.
           
       (d) Indian tribes.

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

(a) A description of the project area.

(b) A description of the kind and amount of broadband Internet service infrastructure that is proposed to be deployed.

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

(d) The number of households and businesses that would have new access to broadband Internet service, or that would have upgraded 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.

(5)(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 applications and award grants under subsection (6). Such criteria and quantitative scoring system must include the criteria set forth in subsection (6).

(b) Within 3 business days after the close of the grant
application process, the office shall publish on its website, from each application submitted, the proposed unserved and 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 shall contain information demonstrating that:

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

2. The provider has begun construction to provide broadband Internet service to retail customers within the proposed project area; 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 provides, has begun construction to provide, or commits to provide broadband internet service in the proposed

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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 cycle, unless the office determines the failure to fulfill the commitment was due to circumstances beyond provider's control.

(6)(a) In evaluating grant applications and awarding grants, the office must give priority to applications proposing to serve areas identified by the office as unserved.

(b) In evaluating grant applications and awarding grants, the office may give priority to applications that:

1. Proposed to serve areas identified by the office as underserved;

2. Offer new or substantially upgraded broadband Internet service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and healthcare facilities;

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

4. Serve economically distressed areas of the state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;
5. Provide for scalability to transmission speeds of at least 100 megabits per second download and 10 megabits per second upload;

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

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

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

9. Leverage greater amounts of funding for the project from other private and public sources; or

10. Demonstrate consistency with the strategic plan adopted under s. 364.0135.

(c) The office must endeavor to award grants to qualified applicants in all regions of the state.

(7)(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.

(8) For each grant awarded, the office shall enter into an agreement with 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.

(9) 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:

(a) A list of all grant applications received during the previous 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 amount requested.

3. The grant amount 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 the grant was awarded and in securing adoption of such
service in each project area.

(b) All written challenges during the previous year.

Section 6. This act shall take effect July 1, 2021.