A bill to be entitled
An act relating to broadband Internet deployment;
creating pt. XV of ch. 288, F.S.; relating to the
Florida Office of Broadband; transferring,
renumbering, and amending s. 364.0135, F.S.; revising
and providing definitions relating to broadband
Internet service; revising duties of the Florida
Office of Broadband; providing rulemaking authority;
creating s. 288.9962, F.S.; the Broadband Opportunity
Program within the Department of Economic Opportunity;
providing for administration of the program; providing
requirements for grant awards; providing eligibility
requirements; providing application requirements;
requiring the publication of certain information
related to grant applications and grant awards on a
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 that
office to enter into an agreement containing specified
information with each grant recipient; requiring the
office to publish specified information annually on
its website; requiring specified information to be
delivered to the Governor and Legislature; amending s. 338.2278, F.S.; transferring certain funds from the State Transportation Trust Fund to the State Economic Enhancement and Economic Development Trust Fund within the Department of Economic Opportunity for 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 that specified projects are consistent with a strategic plan; providing an effective date.

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

Section 1. Part XV of chapter 288, Florida Statutes, consisting of sections 288.9961 and 288.9962 is created and entitled "Florida Office of Broadband."

Section 2. Section 364.0135, Florida Statutes, is transferred, renumbered as section 288.9961, Florida Statutes, and amended to read:

288.9961 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 the state and
is beneficial for libraries, schools, colleges and universities, health care providers, and community organizations.

(2) DEFINITIONS.—As used in this part section, 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) "Deployed" means that a provider meets either of the following:

1. Currently provides broadband Internet service in a specific geographic area; or

2. Is able to provide broadband Internet service in a specific geographic area to a customer that requests that service not later than 30 days after the customer requests installation of that service and without an extraordinary commitment of resources or construction charges or fees exceeding an ordinary service activation fee. The 30-day time period shall be extended to 60 days if permits are needed before the broadband Internet service is installed and activated.

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

(e) "Sustainable adoption" means the ability for communications service providers to offer broadband Internet services in all areas of the state by encouraging adoption

CODING: Words stricken are deletions; words underlined are additions.
and utilization levels that allow for these services to be offered in the free market absent the need for governmental subsidy.

(d) "Underserved" means a geographic area of the 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 10 megabits per second downstream and at least 1 megabit per second upstream.

(f) "Unserved" means a geographic area of the state in which broadband Internet service is not deployed.

(3) STATE AGENCY.—The department is designated as the lead state agency to facilitate the expansion of broadband Internet service in 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 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 the state. The plan must include a process to review and verify
public input regarding transmission speeds and availability of broadband Internet service throughout 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.

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

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

(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 or unserved, and underserved areas of the state are best positioned to benefit from federal and state broadband deployment programs.

(e) Administer the Broadband Opportunity Program established in s. 288.9962.

(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.

(d) Adopt rules to implement this part.

Section 3. Section 288.9962, Florida Statutes, is created to read:
288.9962 Broadband Opportunity Program.—

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

(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, nonprofit 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) Political subdivisions.

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

(d) 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 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 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.

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

(d) The number of households and businesses that 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 (8).

(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 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 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 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.

(8)(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 the state, as
measured by indices of unemployment, poverty, or population loss
that 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
citizens, government, businesses, and institutions in the
community;

7. Provide access to broadband Internet service to the
greatest number of unserved 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. 288.9961.

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

(9)(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.

(10) 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.

(11) 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 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 4. 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.

(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 Development Trust Fund within the
Department of Economic Opportunity for use by the Florida Office
of Broadband as provided in s. 288.9961 and all of the remaining funds shall be retained in the State Transportation Trust Fund.

Section 5. Paragraph (b) of 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 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)

(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. 288.9961.
Section 6. This act shall take effect July 1, 2021.