

1                   A bill to be entitled  
2           An act relating to broadband Internet deployment;  
3           creating pt. XV of ch. 288, F.S.; relating to the  
4           Florida Office of Broadband; transferring,  
5           renumbering, and amending s. 364.0135, F.S.; revising  
6           and providing definitions relating to broadband  
7           Internet service; revising duties of the Florida  
8           Office of Broadband; providing rulemaking authority;  
9           creating s. 288.9962, F.S.; the Broadband Opportunity  
10          Program within the Department of Economic Opportunity;  
11          providing for administration of the program; providing  
12          requirements for grant awards; providing eligibility  
13          requirements; providing application requirements;  
14          requiring the publication of certain information  
15          related to grant applications and grant awards on a  
16          website; authorizing grant applications to be  
17          challenged under certain circumstances; specifying  
18          contents of a challenge; providing procedures to be  
19          used by the office in evaluating challenges; providing  
20          direction for prioritizing grant funding; specifying  
21          conditions for the award of grants; requiring that  
22          office to enter into an agreement containing specified  
23          information with each grant recipient; requiring the  
24          office to publish specified information annually on  
25          its website; requiring specified information to be

26 delivered to the Governor and Legislature; amending s.  
 27 338.2278, F.S.; transferring certain funds from the  
 28 State Transportation Trust Fund to the State Economic  
 29 Enhancement and Economic Development Trust Fund within  
 30 the Department of Economic Opportunity for use of such  
 31 funds by the Florida Office of Broadband; amending s.  
 32 339.0801, F.S.; requiring the Department of  
 33 Transportation to consult with the Florida Office of  
 34 Broadband to ensure that specified projects are  
 35 consistent with a strategic plan; providing an  
 36 effective date.

37

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

39

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

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

46 288.9961 ~~364.0135~~ Promotion of broadband adoption; Florida  
 47 Office of Broadband.—

48 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the  
 49 sustainable adoption of broadband Internet service is critical  
 50 to the economic and business development of this ~~the~~ state and

51 is beneficial for libraries, schools, colleges and universities,  
52 health care providers, and community organizations.

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

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

58 (b)-(a) "Department" means the Department of Economic  
59 Opportunity.

60 (c) "Deployed" means that a provider meets either of the  
61 following:

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

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

72 (d)-(b) "Office" means the Florida Office of Broadband.

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

76 and utilization levels that allow for these services to be  
77 offered in the free market absent the need for governmental  
78 subsidy.

79 ~~(d) "Underserved" means a geographic area of the state in~~  
80 ~~which there is no provider of broadband Internet service that~~  
81 ~~offers a connection to the Internet with a capacity for~~  
82 ~~transmission at a consistent speed of at least 10 megabits per~~  
83 ~~second downstream and at least 1 megabit per second upstream.~~

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

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

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

98 (a) Create a strategic plan that has goals and strategies  
99 for increasing the use of broadband Internet service in this ~~the~~  
100 state. The plan must include a process to review and verify

101 public input regarding transmission speeds and availability of  
 102 broadband Internet service throughout the state.

103 (b) Build and facilitate local technology planning teams  
 104 or partnerships with members representing cross-sections of the  
 105 community, which may include, but are not limited to,  
 106 representatives from the following organizations and industries:  
 107 libraries, K-12 education, colleges and universities, local  
 108 health care providers, private businesses, community  
 109 organizations, economic development organizations, local  
 110 governments, tourism, parks and recreation, and agriculture.

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

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

121 2. Encourage the sustainable adoption of broadband  
 122 Internet service in primarily unserved ~~underserved~~ areas by  
 123 removing barriers to entry.

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

126 | unserved ~~underserved~~ areas of this ~~the~~ state.

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

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

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

141 |         (5) ADMINISTRATION.—The department may:

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

144 |         (b) Enter into contracts necessary or useful to carry out  
 145 | the purposes of this section.

146 |         (c) Establish any committee or workgroup to administer and  
 147 | carry out the purposes of this section.

148 |         (d) Adopt rules to implement this part.

149 |         Section 3. Section 288.9962, Florida Statutes, is created  
 150 | to read:

151 288.9962 Broadband Opportunity Program.—

152 (1) The Broadband Opportunity Program is established  
153 within the office to award grants to applicants who seek to  
154 expand broadband Internet service to unserved areas of this  
155 state. The office must administer and act as fiscal agent for  
156 the program and is responsible for receiving and reviewing  
157 applications and awarding grants. Funding for the program shall  
158 be as provided in s. 338.2278(7) (b).

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

165 (3) Applicants eligible for grant awards include:

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

170 (b) Political subdivisions.

171 (c) Rural electric cooperatives organized under chapter  
172 425 and their broadband affiliates.

173 (d) Indian tribes.

174 (4) The office may not award, directly or indirectly,  
175 grants under this section to a governmental entity, a rural

176 electric cooperative or its broadband affiliate, or an  
177 educational institution or affiliate to provide broadband  
178 Internet service to any residential or commercial premises,  
179 unless other broadband Internet service providers have not  
180 deployed service to an unserved area.

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

184 (a) A description of the project area.

185 (b) A description of the kind and amount of broadband  
186 Internet service infrastructure that is proposed.

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

189 (d) The number of households and businesses that would  
190 have access to broadband Internet service as a result of the  
191 grant.

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

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

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

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

199 (6) (a) At least 30 days before the first day grant  
200 applications may be submitted each fiscal year, the office shall



201 publish on its website the specific criteria and quantitative  
202 scoring system it will use to evaluate or rank grant  
203 applications. Such criteria and quantitative scoring system must  
204 include the criteria set forth in subsection (8).

205 (b) Within 3 business days after the close of the grant  
206 application process, the office shall publish on its website,  
207 from each grant application submitted, the proposed unserved  
208 areas to be served and the proposed broadband Internet speeds of  
209 the areas to be served.

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

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

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

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

225 (d) Within 3 business days after the submission of a

226 written challenge, the office shall notify the applicant, in  
227 writing, of the challenge.

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

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

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

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

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

250 3. Serve economically distressed areas of the state, as

251 measured by indices of unemployment, poverty, or population loss  
252 that are significantly greater than the statewide average;

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

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

258 6. Provide evidence of strong support for the project from  
259 citizens, government, businesses, and institutions in the  
260 community;

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

263 8. Leverage greater amounts of funding for a project from  
264 private sources; or

265 9. Demonstrate consistency with the strategic plan adopted  
266 under s. 288.9961.

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

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

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

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

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

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

288 (11) By January 1, 2023, and each year thereafter, the  
289 office shall publish on its website and provide to the Governor,  
290 the President of the Senate, and the Speaker of the House of  
291 Representatives:

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

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

296 2. The grant amounts requested.

297 3. The grant amounts awarded, if any.

298 4. A report on the progress of each grant recipient in  
299 acquiring and installing infrastructure that supports the  
300 provision of broadband Internet service in the project areas for

301 which that grant was awarded and in securing adoption of such  
 302 service in each project area.

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

305 Section 4. Subsection (7) of section 338.2278, Florida  
 306 Statutes, is amended to read:

307 338.2278 Multi-use Corridors of Regional Economic  
 308 Significance Program.—

309 (7) Funds that result from increased revenues to the State  
 310 Transportation Trust Fund derived from the amendments to s.  
 311 320.08 made by chapter 2019-43, Laws of Florida, ~~this act~~ and  
 312 deposited into the fund pursuant to s. 320.20(5)(a) must be used  
 313 as follows:

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

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

322 (b) ~~(c)~~ For the 2021-2022 fiscal year and each fiscal year  
 323 thereafter, 50 percent of the funds shall be transferred to the  
 324 State Economic Enhancement and Development Trust Fund within the  
 325 Department of Economic Opportunity for use by the Florida Office

326 of Broadband as provided in s. 288.9961 and ~~all of~~ the remaining  
327 funds shall be retained in the State Transportation Trust Fund.

328 Section 5. Paragraph (b) of subsection (2) of section  
329 339.0801, Florida Statutes, is amended to read:

330 339.0801 Allocation of increased revenues derived from  
331 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result  
332 from increased revenues to the State Transportation Trust Fund  
333 derived from the amendments to s. 319.32(5)(a) made by this act  
334 must be used annually, first as set forth in subsection (1) and  
335 then as set forth in subsections (2)-(5), notwithstanding any  
336 other provision of law:

337 (2)

338 (b) Beginning with the 2022-2023 fiscal year and annually  
339 thereafter, \$35 million shall be transferred to Florida's  
340 Turnpike Enterprise, to be used in accordance with s. 338.2278,  
341 with preference to feeder roads, interchanges, and appurtenances  
342 that create or facilitate multiuse corridor access and  
343 connectivity. Of those funds, and to the maximum extent  
344 feasible, up to \$5 million annually may be used for projects  
345 that assist in the development of broadband infrastructure  
346 within or adjacent to a multiuse corridor. The department shall  
347 give priority consideration to broadband infrastructure projects  
348 located in any area designated as a rural area of opportunity  
349 under s. 288.0656 and adjacent to a multiuse corridor. The  
350 department shall consult with the Florida Office of Broadband

CS/HB 753

2021

351 | within the Department of Economic Opportunity to ensure that the  
352 | broadband infrastructure projects are consistent with the  
353 | strategic plan required by s. 288.9961.

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