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CS/HB 945

2012 Legislature

1
2 An act relating to broadband Internet service;
3 amending s. 364.0135, F.S.; revising provisions to
4 promote adoption of broadband Internet service;
5 providing for the Department of Economic Opportunity
6 to receive and manage certain federal funds; directing
7 the department to establish a public-private
8 partnership to perform certain functions; authorizing
9 the department to accept certain funds, enter into
10 contracts, and establish committees and workgroups for
11 certain purposes; authorizing the department to adopt
12 rules; removing authority of the Department of
13 Management Services to perform certain functions;
14 providing for a type two transfer of the Broadband
15 Initiative Program from the Department of Management
16 Services to the Department of Economic Opportunity;
17 requiring the Department of Management Services to
18 submit to the United States Department of Commerce a
19 request to transfer its federal broadband grant to the
20 Department of Economic Opportunity; requiring the
21 Department of Management Services to notify the
22 Governor and Legislature of the decision of the United
23 States Department of Commerce; requiring the
24 Department of Management Services, if the request is
25 approved, to submit a budget amendment for approval by
26 the Legislative Budget Commission to transfer from the
27 department to the Department of Economic Opportunity

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28 | the funds necessary to implement this act; providing a
29 | contingent effective date.

30 |

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

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33 | Section 1. Section 364.0135, Florida Statutes, is amended
34 | to read:

35 | 364.0135 Promotion of broadband adoption.—

36 | (1) The Legislature finds that the sustainable adoption of
37 | broadband Internet service is critical to the economic, ~~and~~
38 | business, and community development of the state and is
39 | beneficial for libraries, schools, colleges and universities,
40 | health care providers, and community organizations. The term
41 | "sustainable adoption" means the ability for communications
42 | service providers to offer broadband services in all areas of
43 | the state by encouraging adoption and utilization levels that
44 | allow for these services to be offered in the free market absent
45 | the need for governmental subsidy.

46 | (2) The Department of Economic Opportunity shall be the
47 | state's single designated entity to receive and manage all
48 | federal Department of Commerce State Broadband Initiative funds
49 | and shall establish a public-private partnership that will
50 | ~~Management Services is authorized to~~ work collaboratively with,
51 | and ~~to~~ receive staffing support and other resources from,
52 | Enterprise Florida, Inc., state agencies, local governments,
53 | private businesses, nonprofit corporations, and community
54 | organizations to:

55 | (a) Monitor the adoption of broadband Internet service in

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56 | collaboration with communications service providers, including,
57 | but not limited to, wireless and wireline Internet service
58 | providers, to develop geographical information system maps ~~at~~
59 | ~~the census tract level~~ that will, at a minimum:

60 | 1. Identify geographic gaps in broadband services,
61 | including areas unserved by any broadband provider and areas
62 | served by a single broadband provider at the census block level
63 | of detail;

64 | 2. Identify the download and upload transmission speeds
65 | made available to businesses and individuals in the state, at
66 | the census block ~~tract~~ level of detail, using data rate
67 | benchmarks for broadband service used by the Federal
68 | Communications Commission to reflect different speed tiers; and

69 | 3. Provide a baseline assessment of statewide broadband
70 | deployment in terms of percentage of households with broadband
71 | availability.

72 | (b) Create a strategic plan, developed with the use of
73 | consumer research into residential and business technology
74 | utilization data, which ~~that~~ has goals and strategies for
75 | increasing the use of broadband Internet service in the state.

76 | (c) Build and facilitate local technology planning teams
77 | or partnerships with members representing cross-sections of the
78 | community, which may include, but are not limited to,
79 | representatives from the following organizations and industries:
80 | libraries, K-12 education, colleges and universities, local
81 | health care providers, private businesses, community
82 | organizations, economic development organizations, local
83 | governments, tourism, parks and recreation, and agriculture.

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84 (d) Encourage the use of broadband Internet service,
85 especially in the rural, unserved, and underserved communities
86 of the state through grant programs having effective strategies
87 to facilitate the statewide deployment of broadband Internet
88 service. For any grants ~~to be~~ awarded, priority must be given to
89 projects that:

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

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

96 3. Work toward encouraging investments in establishing
97 affordable and sustainable broadband Internet service in
98 unserved areas of the state.

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

103 (3) The department may apply for and accept federal funds
104 for purposes of this section, as well as gifts and donations
105 from individuals, foundations, and private organizations.

106 (4) The department may enter into contracts necessary or
107 useful to carry out the purposes of this section.

108 (5) The department may establish any committee or
109 workgroup to administer and carry out the purposes of this
110 section.

111 (6) The department may adopt rules necessary to carry out

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112 the purposes of this section. Any rule, contract, grant, or
113 other activity undertaken by the department shall ensure that
114 all entities are in compliance with any applicable federal or
115 state laws, rules, and regulations, including, but not limited
116 to, those applicable to private entities providing
117 communications services for hire and the requirements of s.
118 350.81.

119 Section 2. All powers, duties, functions, records,
120 offices, property, pending issues, existing contracts,
121 administrative authority, administrative rules, and unexpended
122 balance of appropriations, allocations, and other funds relating
123 to the Broadband Initiative Program in the Department of
124 Management Services are transferred by a type two transfer, as
125 defined in s. 20.06(2), Florida Statutes, to the Department of
126 Economic Opportunity.

127 Section 3. (1) The Department of Management Services, in
128 consultation with the Department of Economic Opportunity, shall
129 develop and submit to the United States Department of Commerce a
130 request to transfer the federal broadband grant from the
131 Department of Management Services to the Department of Economic
132 Opportunity. Upon receipt from the United States Department of
133 Commerce of its approval or denial of the request for a transfer
134 of the broadband grant, the Department of Management Services
135 shall, in writing, immediately notify the Governor, the
136 President of the Senate, and the Speaker of the House of
137 Representatives of that decision.

138 (2) If the request for a transfer of the federal broadband
139 grant is approved pursuant to subsection (1), the Department of

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140 Management Services shall submit a budget amendment for approval
141 by the Legislative Budget Commission pursuant to s.
142 216.292(4)(d), Florida Statutes, to transfer from the department
143 to the Department of Economic Opportunity the funds necessary to
144 implement this act.

145 (3) This section shall take effect upon this act becoming
146 a law.

147 Section 4. Except as otherwise expressly provided in this
148 act and except for this section, which shall take effect upon
149 this act becoming a law, this act shall take effect upon
150 approval of the budget amendment required under section 3.