

1                   A bill to be entitled  
2           An act relating to broadband Internet service;  
3           amending s. 364.0135, F.S.; revising legislative  
4           findings; defining terms; revising the duties of the  
5           Florida Office of Broadband within the Department of  
6           Economic Opportunity; requiring local technology  
7           planning teams or partnerships to work with rural  
8           communities for specified purposes; requiring the  
9           office to develop geographic information system maps  
10          in collaboration with specified entities and  
11          consistent with certain federal reporting standards by  
12          a specified date; specifying required contents of the  
13          maps; requiring the department to annually update such  
14          maps and establish a mechanism to receive and verify  
15          governmental and public input related to broadband  
16          Internet service; authorizing the department to work  
17          collaboratively with specified entities in developing  
18          the mechanism; requiring the office to develop a  
19          broadband infrastructure asset map by a specified  
20          date; specifying required contents of the map;  
21          establishing the Broadband Deployment Task Force  
22          within the office for a specified purpose; requiring  
23          the department to provide administrative and technical  
24          assistance to the task force; providing for the  
25          membership and duties of the task force; requiring the

26 | task force to submit annual progress reports to the  
 27 | Governor and the Legislature by a specified date;  
 28 | providing that certain information provided to the  
 29 | department from broadband service providers retains  
 30 | its exemption from public disclosure; creating s.  
 31 | 364.0136, F.S.; defining terms; requiring the office  
 32 | to establish a process to identify eligible households  
 33 | to receive federal Emergency Broadband Benefit Program  
 34 | funds under certain circumstances; providing for  
 35 | direct subsidy payments; providing for household  
 36 | participation in the program; requiring the office to  
 37 | provide certain information to potentially eligible  
 38 | households; providing an effective date.

39 |

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

41 |

42 | Section 1. Section 364.0135, Florida Statutes, is amended  
 43 | to read:

44 | 364.0135 Promotion of broadband adoption; Florida Office  
 45 | of Broadband.—

46 | (1) LEGISLATIVE FINDINGS.—The Legislature finds that the  
 47 | sustainable adoption of broadband Internet service is critical  
 48 | to the economic and business development of this ~~the~~ state and  
 49 | is essential ~~beneficial~~ for all residents of this state,  
 50 | libraries, schools, colleges and universities, health care

51 providers, and community organizations.

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

53 (a) "Department" means the Department of Economic  
54 Opportunity.

55 (b) "Office" means the Florida Office of Broadband.

56 (c) "Sustainable adoption" means the ability for  
57 communications service providers to offer broadband services in  
58 all areas of this ~~the~~ state by encouraging adoption and use  
59 ~~utilization~~ levels that allow for these services to be offered  
60 in the free market absent the need for governmental subsidy.

61 (d) "Task force" means the Broadband Deployment Task Force  
62 within the office.

63 (e) ~~(d)~~ "Underserved" means a geographic area of this ~~the~~  
64 state in which there is no provider of broadband Internet  
65 service that offers a connection to the Internet with a capacity  
66 for transmission at a consistent speed of at least 100 ~~10~~  
67 megabits per second downstream and at least 10 megabits ~~1~~  
68 ~~megabit~~ per second upstream.

69 (f) "Unserved" means a geographic area of this state in  
70 which there is no provider of broadband Internet service that  
71 offers a connection to the Internet with a capacity for  
72 transmission at a consistent speed of at least 25 megabits per  
73 second downstream and at least 3 megabits per second upstream.

74 (3) STATE AGENCY.—The department is designated as the lead  
75 state agency to facilitate the expansion of broadband Internet

76 service in this ~~the~~ state. The department shall work  
77 collaboratively with private businesses and receive staffing  
78 support and other resources from Enterprise Florida, Inc., state  
79 agencies, local governments, and community organizations.

80 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of  
81 Broadband is created within the Division of Community  
82 Development in the department for the purpose of developing,  
83 marketing, and promoting broadband Internet services in this ~~the~~  
84 state. The office, in the performance of its duties, shall do  
85 all of the following:

86 (a) Create a strategic plan that has goals and strategies  
87 for increasing the use of broadband Internet service in this ~~the~~  
88 state. The plan must include a process to review and verify  
89 public input regarding transmission speeds and availability of  
90 broadband Internet service throughout this ~~the~~ state.

91 (b) Build and facilitate local technology planning teams  
92 or partnerships with members representing cross-sections of the  
93 community, which may include, but are not limited to,  
94 representatives from the following organizations and industries:  
95 libraries, K-12 education, colleges and universities, local  
96 health care providers, private businesses, community  
97 organizations, economic development organizations, local  
98 governments, tourism, parks and recreation, and agriculture. The  
99 local technology planning teams or partnerships shall work with  
100 rural communities to help the communities understand their

101 current broadband availability, locate unserved and underserved  
102 businesses and residents, identify assets relevant to broadband  
103 deployment, build partnerships with broadband service providers,  
104 and identify opportunities to leverage assets and reduce  
105 barriers to the deployment of broadband Internet services in the  
106 community. The teams or partnerships must be proactive in  
107 fiscally constrained counties in identifying and providing  
108 assistance with applying for federal grants for broadband  
109 Internet service.

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

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

120 2. Encourage the sustainable adoption of broadband in  
121 primarily underserved areas by removing barriers to entry.

122 3. Work toward encouraging investments in establishing  
123 affordable and sustainable broadband Internet service in  
124 underserved areas of this ~~the~~ state.

125 4. Facilitate the development of applications, programs,

126 and services, including, but not limited to, telework,  
127 telemedicine, and e-learning to increase the usage of, and  
128 demand for, broadband Internet service in this ~~the~~ state.

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

137 (e) By June 30, 2022, develop geographic information  
138 system maps of broadband Internet service availability  
139 throughout this state. The office shall collaborate with  
140 broadband service providers, state agencies, local governmental  
141 entities, private businesses, educational institutions, and  
142 community organizations and leaders to develop such maps.

143 1. The maps must do all of the following:

144 a. Be consistent with the Digital Opportunity Data  
145 Collection program reporting standards established by the  
146 Federal Communications Commission.

147 b. Identify where broadband-capable networks exist and  
148 broadband Internet service is available to end users.

149 c. Identify download and upload transmission speeds made  
150 available to businesses and individuals in this state.

151 d. Identify gaps in broadband Internet service coverage,  
152 specifying underserved and unserved areas within those areas of  
153 this state designated as a rural area of opportunity under s.  
154 288.0656(2).

155 e. Include any other mapping information already compiled  
156 by other state agencies.

157 f. Be updated annually.

158 2. Any mapping data received from another governmental  
159 entity or a contractor must be verified. Such data must be  
160 verified against the source of the data and whether such entity  
161 is able to demonstrate that it has employed a sound and reliable  
162 methodology in the collection, organization, and verification of  
163 the data it has submitted to the office. If a governmental  
164 entity enters into a valid contract with a contractor to collect  
165 broadband availability data, the entity must describe the third  
166 party providing the data as well as the methodology used to  
167 collect, organize, and verify the availability data provided.

168 3. The office must establish a mechanism to receive and  
169 verify public input which identifies locations in which  
170 broadband Internet service is not available, including locations  
171 in which broadband Internet service is provided at data  
172 transmission speeds below the standard established by the  
173 Federal Communications Commission for broadband Internet  
174 service. Upon verification, the board shall adjust its  
175 geographic information system maps to reflect information

176 received from the public. In developing and implementing this  
177 mechanism, the office may work in collaboration with, and  
178 receive staffing support and other resources from, Enterprise  
179 Florida, Inc., state agencies, local governments, private  
180 businesses, and community organizations.

181 (f) By June 30, 2022, develop a broadband infrastructure  
182 asset map that includes, but is not limited to:

183 1. State and federal assets, including, but not limited  
184 to, municipally or city-owned towers that may be used by  
185 providers; rights-of-way that may be made available for easier  
186 and less expensive access to burying or stringing fiber optic  
187 cable; public transportation corridors; capital projects that  
188 may be used as an opportunity to lay new fiber optic conduit for  
189 future activation; and federal E-rate funding commitments; and

190 2. Community-owned land and infrastructure, including, but  
191 not limited to, land that may be leased and utility poles that  
192 may be used to expand broadband networks.

193 (5) BROADBAND DEPLOYMENT TASK FORCE.—The Broadband  
194 Deployment Task Force, a task force as defined in s. 20.03(8),  
195 is established within the department to support and provide  
196 recommendations to the office for the deployment of broadband  
197 Internet service throughout this state, including, but not  
198 limited to, rural buildout and urban adoption strategies. The  
199 department shall provide administrative and technical assistance  
200 to the task force in the performance of its duties. The task



201 force shall operate in a manner consistent with s. 20.052.

202 (a) The task force shall be composed of the following  
203 members, who must be appointed by September 1, 2021, and who  
204 must have an interest and significant expertise in broadband  
205 Internet services:

206 1. One member from each of the following state agencies,  
207 who shall be appointed by his or her agency head: the Department  
208 of Agriculture and Consumer Services, the Department of  
209 Management Services, the Department of Transportation, the  
210 Department of Education, the Department of Health, and the  
211 Office of Technology and Information Services.

212 2. One member from the Florida Association of Counties as  
213 a representative of underserved or unserved rural communities,  
214 who is recommended by the association and appointed by the  
215 executive director.

216 3. One member from the Florida League of Cities as a  
217 representative of underserved or unserved rural communities, who  
218 is recommended by the league and appointed by the executive  
219 director.

220 4. Two members of the public who are appointed by the  
221 Governor, including one member who resides in an underserved  
222 area of this state and one member who resides in an unserved  
223 area of this state.

224 5. One member from each of the following segments of the  
225 broadband industry, who shall be appointed by the Governor: a

226 wireless provider, a wireline provider, a broadband satellite  
227 provider, a cable provider, a rural local exchange carrier, and  
228 a competitive local exchange carrier.

229 (b) Any vacancy on the task force must be filled in the  
230 same manner as the original appointment.

231 (c) The task force shall:

232 1. Identify any available federal funding sources for the  
233 expansion or improvement of broadband Internet services in this  
234 state.

235 2. Identify any gaps in broadband Internet service  
236 coverage for any area of this state.

237 3. Develop strategies to expand broadband Internet service  
238 to any area of this state designated as a rural area of  
239 opportunity, including, but not limited to, methods of building  
240 partnerships with local governments, other state and federal  
241 entities, electric utilities, the business community, and the  
242 public to support broadband Internet service in such areas.

243 4. Develop an urban adoption strategy to address areas of  
244 this state which have broadband Internet service, but where such  
245 service is not affordable.

246 5. Identify specific projects that will accomplish the  
247 deployment of broadband Internet service throughout this state,  
248 including grants provided through the rural infrastructure fund  
249 pursuant to s. 288.0655(2) (b).

250 6. Coordinate with the Cabinet, state agencies, and other

251 governmental entities with oversight in broadband Internet  
 252 activities or potential funding opportunities.

253 7. Recommend outreach strategies and partnerships for  
 254 maximum use of the federal Emergency Broadband Benefit Program  
 255 within the Consolidated Appropriations Act, 2021, Pub. L. No.  
 256 116-260 and regulations adopted thereunder.

257 (d) The task force shall submit a report of its findings  
 258 and recommendations to the Governor, the President of the  
 259 Senate, and the Speaker of the House of Representatives by  
 260 December 30, 2022, and each year thereafter.

261 (6) CONFIDENTIALITY.—Any information that is confidential  
 262 or exempt from public disclosure under chapter 119 when in the  
 263 possession of the department retains its status as confidential  
 264 or exempt from disclosure under chapter 119 when provided by a  
 265 broadband service provider under this section.

266 (7) ~~(5)~~ ADMINISTRATION.—The department may:

267 (a) Apply for and accept federal funds for purposes of  
 268 this section.

269 (b) Enter into contracts necessary or useful to carry out  
 270 the purposes of this section.

271 (c) Establish any committee or workgroup to administer and  
 272 carry out the purposes of this section.

273 Section 2. Section 364.0136, Florida Statutes, is created  
 274 to read:

275 364.0136 Broadband assistance funds.—

276 (1) For purposes of this section, the term:

277 (a) "Broadband service provider" means a provider of  
278 broadband Internet access service in this state.

279 (b) "Federal broadband program" means the Emergency  
280 Broadband Benefit Program within the Consolidated Appropriations  
281 Act, 2021, Pub. L. No. 116-260 and regulations adopted  
282 thereunder.

283 (2) In order to assist participating broadband service  
284 providers in identifying potential recipients for broadband  
285 assistance funds under the federal broadband program, the  
286 Florida Office of Broadband, as created in s. 364.0135, must  
287 establish a process to quickly identify potential eligible  
288 households to receive such funds.

289 (3) An eligible broadband service provider that  
290 participates in and receives funds under the federal broadband  
291 program must provide direct subsidy payments by providing  
292 monthly discounts for eligible households as set forth in the  
293 federal broadband program. A provider may not disqualify a  
294 household because a member of the household has any past or  
295 present arrearages with a broadband provider. Such discounts may  
296 be no more than the standard rate for an Internet service  
297 offering and associated equipment, in an amount equal to that  
298 set forth in the federal broadband program.

299 (4) To be eligible for direct subsidy payments, an  
300 eligible household must demonstrate low income. Such eligible

301 households include those in which at least one member of the  
302 household is eligible for the National School Lunch Program or  
303 the School Breakfast Program, as provided in s. 595.402, has  
304 experienced a substantial loss of income since February 29,  
305 2020, has received a federal Pell Grant, is eligible for the  
306 federal Lifeline program, or meets participation requirements  
307 for a service provider's existing low-income or COVID-19  
308 program, subject to any other eligibility requirements required  
309 by the Federal Communications Commission.

310 (5) Where possible, the office shall provide potentially  
311 eligible households with notice of their potential eligibility  
312 to receive financial assistance under the federal broadband  
313 program and shall also direct the members of those households to  
314 other state or federal resources that may provide assistance  
315 with debt relief.

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