

CHAPTER 2020-26

Committee Substitute for House Bill No. 969

An act relating to broadband Internet service; amending s. 339.0801, F.S.; authorizing certain funds within the State Transportation Trust Fund to be used for certain broadband infrastructure projects within or adjacent to multiuse corridors; requiring the Department of Transportation to give priority to certain projects; amending s. 364.0135, F.S.; defining terms; designating the Department of Economic Opportunity as the lead state agency to facilitate the expansion of broadband Internet service in the state; requiring the department to work collaboratively with certain entities; creating the Florida Office of Broadband within the Division of Community Development in the department; providing purpose and duties of the office; repealing chapter 2012-131, Laws of Florida, relating to broadband Internet service; providing an effective date.

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

Section 1. 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.

Section 2. Section 364.0135, Florida Statutes, is amended to read:

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 section, the term:

(a) “Department” means the Department of Economic Opportunity.

(b) “Office” means the Florida Office of Broadband.

(c) “Sustainable adoption” means the ability for communications service providers to offer broadband 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.

(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.

(3)(2) 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 of Management Services is authorized to work collaboratively with private businesses, and to receive staffing support and other resources from, Enterprise Florida, Inc., state agencies, local governments, private businesses, and community organizations, to:

(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) ~~Monitor the adoption of broadband Internet service in collaboration with communications service providers, including, but not limited to, wireless and wireline Internet service providers, to develop geographical information system maps at the census tract level that will:~~

1. ~~Identify geographic gaps in broadband services, including areas unserved by any broadband provider and areas served by a single broadband provider;~~

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

3. ~~Provide a baseline assessment of statewide broadband deployment in terms of percentage of households with broadband availability.~~

~~(b)~~ 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)(e)~~ 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)(d)~~ Encourage the use of broadband Internet service, especially in the rural, unserved, ~~or~~ and 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 underserved ~~unserved~~ areas by removing barriers to entry.
3. Work toward encouraging investments in establishing affordable and sustainable broadband Internet service in underserved ~~unserved~~ 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, unserved, and underserved areas of the state are best positioned to benefit from federal and state broadband deployment programs.

~~(5)(3)~~ ADMINISTRATION.—The department may:

~~(a)~~ Apply for and accept federal funds for purposes of this section, ~~as well as gifts and donations from individuals, foundations, and private organizations.~~

~~(b)(4)~~—~~The department may~~ Enter into contracts necessary or useful to carry out the purposes of this section.

~~(c)(5) — The department may~~ Establish any committee or workgroup to administer and carry out the purposes of this section.

Section 3. Chapter 2012-131, Laws of Florida, is repealed.

Section 4. This act shall take effect July 1, 2020.

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.