

Office of Broadband
Broadband Opportunity Program
Guidelines



Background

The Broadband Opportunity Program is a competitive reimbursement grant program within the Department of Economic Opportunity (DEO), created to expand broadband internet service to unserved areas of this state, which will encourage job creation, capital investment, and the strengthening and diversification of local economies. Grant 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 service provider. The Program was created and is governed by section 288.9962, F.S.; and the Florida Legislature appropriated \$400 million in federally funded State and Local Fiscal Recovery Funds (SLFRF) to increase access to reliable, affordable, high-speed internet service within the State. Additional guidance may be found in Chapter 73C-50, Florida Administrative Code (proposed).

Eligible Applicants and Technical Assistance

Broadband Opportunity Program awards are available to 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, political subdivisions, and Indian Tribes.

DEO staff are available to provide support throughout the application process. Applicants are strongly encouraged to attend all scheduled webinars and trainings provided by DEO. Applicants can find current information about the Broadband Opportunity Program www.FloridaJobs.org/Broadband. Questions regarding the program should be sent to Broadband@DEO.MyFlorida.com.

Eligible Activities

Eligible activities for Broadband Opportunity Program Funding include installation or deployment of infrastructure that supports the provision of reliable, affordable high-speed broadband internet service in unserved areas of the state (section 288.9962, F.S.).

Any costs reimbursed with Broadband Opportunity Program funds must be reasonable and allocable, as described in 2 C.F.R Part 200.404 and Part 200.405, respectively. Pre-Award costs, as defined in 2 C.F.R. Part 200.458, shall not be paid with these funds.

Maximum Award Amounts and Priorities

A grant awarded under this program, when combined with any state or local funds, may not fund more than fifty percent (50%) of the total cost of the project.

A single project may not be awarded a grant in excess of \$5 million.

Prioritization:

Priority will be provided to applications which:

1. Offer broadband internet service to important community institutions (libraries, educational institutions, public safety facilities, 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 significantly greater than the statewide average.
4. Provide for scalability to transmission speeds of at least 100 Mbps download and 10 Mbps 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, business, 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.
9. Demonstrate consistency with the Florida Strategic Plan for Broadband.

Application Evaluation and Review Criteria

The specific criteria and quantitative scoring system used to evaluate and rank applications to receive funding from the Broadband Opportunity Program will be posted prior to and during the noticed application period on the DEO's website at www.FloridaJobs.org/Broadband.

Applications will be scored as set forth in the Broadband Opportunity Program Scoring and Evaluation Criteria Form in the following scoring categories:

1. Broadband Impact
2. Network Scalability
3. Project Viability and Sustainability
4. Economic Distress
5. Funding Sources and Community Support
6. Alignment with State Strategic Plan
7. Project Readiness
8. Affordability and Adoption Assistance

Scores awarded under each category will be added, and the resulting sum shall constitute the total score for the Applicant.

Valid applications from eligible Applicants with the highest numerical rankings will be selected for funding.

The number of projects funded will be determined by the total available funding.

Timeframe

All funds must be obligated by December 31, 2024, and be expended by DEO by December 31, 2026.

Other Funding Sources

DEO will award grants for the Broadband Opportunity Program for up to 50 percent of the total project cost to a maximum of \$5 million. A grant awarded under this program, when combined with any state and local funds, may not exceed 50 percent of the total cost of the project. Applicants must demonstrate that other sources of funds are available and committed to the project prior to receiving a subgrant award.

Monitoring and Reporting

Pursuant to 2 C.F.R. Part 200.332, DEO is required to monitor its Subrecipients to ensure program compliance. DEO will monitor each project throughout its lifecycle. Monitoring may be conducted when about 15 percent of the awarded funds have been disbursed to ensure that the recipient has systems in place to properly comply with program requirements such as administrative, civil rights, financial management, and auditing requirements, and/or once construction is nearing completion to ensure that the subrecipient has continued to comply with the program requirements, as well as to ensure that requirements related to construction have been followed. Recipients will be required to submit quarterly status reports that detail the progress that has been made on the project and to detail what steps will be taken in the next quarter.

Regulatory Compliance

Audits

Pursuant to 2 C.F.R. Part 200 Subpart F, recipients expending \$750,000 or more from all federal sources within a fiscal year are required to have a Single Audit conducted for that fiscal year.

Civil Rights

Recipients must comply with applicable statutes and regulations prohibiting discrimination, including:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which prohibits discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
2. Title VIII of the Civil Rights Act of 1968, the Fair Housing Act (42 U.S.C. 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
4. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance; and
5. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Conflicts of Interest

Pursuant to section 112.311, F.S., the following people, or their immediate family members shall not have any direct or indirect financial interest in any contract, subcontract, or the proceeds thereof for work to be performed in connection with the grant during their tenure or for one year thereafter:

1. Employees or agents of the recipient who exercise any function or responsibility for the Broadband Opportunity Program project and
2. Officials of the recipient, including members of the governing body.

Environmental Review

Pursuant to the U.S. Department of Treasury SLFRF guidance, applicable federal environmental laws and regulations will apply. DEO will review applicable environmental documents for compliance.

Financial Management

DEO will monitor Subrecipients to determine compliance with the financial requirements of 2 C.F.R. Part 200, including 2 C.F.R. Parts 200.300-309 and 2 C.F.R. Parts 200.328-330, and other regulations applicable to the Broadband Opportunity Program, including section 218.33, F.S. Typically, ledgers, invoices, canceled checks, bank statements, and requisitions are reviewed to see whether the subrecipient has an adequate system of financial management. DEO staff may also make specific requests to review information or documentation relating to the financial management of a grant.

Labor Standards

The U.S. Department of the Treasury encourages the use of strong labor standards to increase the efficiency of infrastructure projects. Recipients of Broadband Opportunity Program Funds will be required to comply with federal labor standards, including but not limited to:

1. While not specifically required under this program, the Davis-Bacon Act of 1931, as amended (40 U.S.C. 3141-3148) will be required for the program if leveraged funding sources require adherence
2. Labor Standards Provisions of 29 C.F.R. Part 5;
3. Contract Work Hours and Safety Standards Act of 1962, as amended (40 U.S.C. 3701-3708);
4. Federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-219); and
5. Copeland "Anti-Kickback" Act (18 U.S.C. 874).

Procurements

The subrecipient must follow the procurement requirements outlined in 2 C.F.R. Parts 200.317-327. The procurement must reflect all applicable state and local laws, should promote free and open competition, and describe efforts to encourage minority and woman-owned businesses to submit bids/proposals. Subrecipients must contract for the procurement of goods, services, and construction projects, including design services, paid for with Broadband Opportunity Program funds.

SAM.gov Registration

Pursuant to 2 C.F.R. Part 25, each applicant must obtain a Unique Entity Identifier from the federal System for Award Management (SAM) prior to receiving a subgrant agreement from DEO.

Other Requirements

The requirements and regulations above provide a broad overview of the requirements and regulations that apply to the Broadband Opportunity Program and is not meant to be an exhaustive list of all the requirements and regulations that subrecipients will be subject to. Other requirements include, but are not limited to:

1. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200) in general, other than the excluded requirements outlined in Assistance Listing Number 21.027;
2. The Hatch Act (5 U.S.C. 1501-1508 and 7324-7328);
3. Governmentwide Requirements for Drug-Free Workplace (31 C.F.R. Part 20); 4. New Restrictions on Lobbying (31 C.F.R. Part 21);
5. Protections for Whistleblowers (41 U.S.C. 4712);
6. False Claims Act (31 U.S.C. 3729-3733);
7. Uniform Relocation Assistance and Property Acquisitions Act of 1970 (42 U.S.C. 4601-4655);
8. Rules and Procedures for Efficient Federal-State Funds Transfers (31 C.F.R. Part 205);
9. Florida Small and Minority Business Assistance Act (288.703-706, F.S.); and 10. Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507).