

House Bill No. 1421

An act relating to the Digital Divide Council; amending s. 445.049, F.S.; recreating the council in the Department of Education; revising the membership of the council; providing for terms of office; requiring an initial meeting and at specified times thereafter; conforming references; deleting requirements for certain pilot programs; providing objectives of the council; requiring an annual report to the Governor and the Legislature; providing an effective date.

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

Section 1. Section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds as follows:

(a) Frequent access to use of information technology and possession of the knowledge and skills required to use information technology productively is becoming increasingly more important to being competitively qualified for high-skill, high-wage employment.

(b) The availability of reasonable opportunities to have frequent access to use of information technology and to obtain the education and training necessary to acquire the knowledge and skills required to use information technology productively is critical to becoming competitively qualified for high-skill, high-wage employment.

(c) Families that are living near or below the poverty level are without adequate economic resources to have reasonable opportunities to obtain frequent access to use of information technology or the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment.

(d) The absence of such economic resources divides such families from those who have adequate economic resources to have such opportunities, places such families at risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent possible if such families realized their employment and income earning potential.

(e) The divide between the members of such at-risk families and those who have adequate economic resources to have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to acquire the knowledge and skills required to become competitively qualified for high-skill, high-wage employment could be reduced, and the economy of the state could be enhanced, by designing and implementing programs that provide such opportunities to members of such at-risk families.

It is the intent of the Legislature to provide the authority and resources reasonably necessary to facilitate design and implementation of such programs.

(2) **DIGITAL DIVIDE COUNCIL.**—The Digital Divide Council is created in the Department of Education State Technology Office. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor ~~The chief information officer in the State Technology Office.~~

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

~~(g) The chair of the Network Access Point of the Americas.~~

~~(g)~~^(h) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

~~(h)~~⁽ⁱ⁾ A representative of the information technology industry in this state appointed by the President of the Senate.

~~(i)~~^(j) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

~~(j)~~^(k) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(3) **TERMS OF APPOINTED MEMBERS OF COUNCIL; VACANCIES; COMPENSATION OF MEMBERS.**—The appointed members of the council shall serve an initial term of 1 year commencing July 1, 2007 ~~2001~~, and ending June 30, 2008 ~~2002~~, and successor appointees shall serve a term of 2 years, the first of which shall commence July 1, 2008 ~~2002~~, and end June 30, 2010 ~~2004~~. Successive 2-year terms shall commence and end on the same schedule in subsequent years. Any vacancy in the membership of the council resulting from resignation, incapacity, or death shall be filled within 30 days after the date the vacancy is effective. The appointed members of the council shall serve without compensation, but such appointees and the other members of the council shall be entitled to receive per diem and reimbursement for travel expenses as provided in s. 112.061. Payment of such per diem and

reimbursement of such travel expenses may be made from appropriations authorized to be used for such purposes.

(4) COUNCIL MEETINGS; ELECTION OF OFFICERS.—The council shall conduct its initial meeting by August 1, ~~2007~~ 2001, and shall meet thereafter at least once every ~~90~~ 60 days. In its initial meeting, the members of the council shall elect a member to serve as chair and another to serve as vice chair, each for a term of 1 year from the date of the election. Any vacancy in the offices of chair and vice chair resulting from resignation, incapacity, or death shall be filled by similar election within 30 days after the date the vacancy is effective.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.—The ~~Department of Education State Technology Office~~ shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the ~~Department of Education State Technology Office~~ related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.—The council, through the ~~Department of Education State Technology Office~~, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The ~~Department of Education State Technology Office~~ shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. ~~Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.~~

(7) PROGRAM OBJECTIVES AND GOALS.—The programs authorized by this section shall have the following objectives and goals:

(a) Maximizing efficient and productive use of existing facilities, equipment, personnel, programs, and funds available from federal, state, and local government agencies and from any private person or entity.

(b) Using innovative concepts employing newly developed technologies in educating and training those who are enrolled in the programs authorized by this section.

(c) Developing viable partnerships between public agencies and private persons and entities based on mutual commitment to responsible and dedicated participation in designing and implementing the programs authorized by this section.

(d) Recruiting, enrolling, retaining, and graduating as many at-risk family members as feasible to ensure that they have reasonable opportunities to obtain access to frequent use of information technology and the education and training necessary to competitively qualify them for high-skill, high-wage employment.

(e) Reducing the number of underachieving and failing students in the state's public school systems who are members of at-risk families.

(f) Reducing the number of underemployed and unemployed members of at-risk families through educational initiatives.

(g) Using information technology to facilitate achievement of the Sunshine State Standards by all children enrolled in the state's K-12 school system who are members of at-risk families.

(h) Training teachers in the state's K-12 school system to efficiently and effectively use information technology to plan, teach, and administer all courses of instruction required and available by election of children enrolled in the system.

(i) Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education needed to achieve successful completion of general education development test preparation to earn a high school diploma, an applied technology diploma, a career certificate, an associate of arts degree, or a baccalaureate degree.

(j) Bridge the digital divide in developing a competitive workforce to meet the employment needs of state-based information technology businesses and establish this state as having the most information technology ready workforce in the western hemisphere.

(8) **MONITORING, REVIEWING, AND EVALUATING PROGRAM PERFORMANCES; REPORTING RESULTS.**—The council, through the Department of Education State Technology Office, shall continually monitor, review, and evaluate the progress of performances realized from implementation of the programs authorized by this section. The Department of Education State Technology Office shall prepare and submit a report to the council at least 10 days before each of its meetings subsequent to its initial meeting and each such report shall, at a minimum, identify and describe the functional elements of each program being implemented and identify and describe the facilities, equipment, personnel, programs, and funds used to design and implement the program. For each such program, the report shall also identify by name, address, age, and sex the school-age children, and their older siblings and parents, who are enrolled in the program; state the educational level achieved by each enrollee as of the date he or she enrolled in the program; state the attendance and achievement level recorded for each enrollee in the program; evaluate the progress each enrollee is making

toward successful completion of the program; and identify by name, address, age, and sex each enrollee who successfully completes the program. For each such program that is designed to prepare enrollees for high-skill, high-wage employment, the report shall identify each enrollee who successfully completes the program; describe each such employment position for which each enrollee has applied; identify by name, address, and nature of business each employer based in this state to whom each such application for employment has been addressed; state the results each enrollee obtained from making each such application; and describe the nature of any employment obtained and terms of compensation being earned from such employment by each enrollee as a result of making such applications.

(9) ANNUAL REPORT.—By March 1, ~~2008~~ 2002, the council, through the ~~Department of Education State Technology Office~~, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 2. This act shall take effect July 1, 2007.

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.