

**STORAGE NAME:** h1045s1.it.doc  
**DATE:** April 16, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
INFORMATION TECHNOLOGY  
ANALYSIS**

**BILL #:** HB 1045  
**RELATING TO:** Workforce Improvement/Technology  
**SPONSOR(S):** Representative(s) Jennings and Others  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) INFORMATION TECHNOLOGY YEAS 8 NAYS 0
- (2) EDUCATION APPROPRIATIONS
- (3) COUNCIL FOR READY INFRASTRUCTURE
- (4)
- (5)

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I. SUMMARY:

CS/HB 1045 would: (a) state legislative findings and intent on the need to design and implement programs using information technology to educate and train members of economically disadvantaged families to be competitively qualified for high skill/high wage employment; (b) create the Digital Divide Council in the State Technology Office; (c) provide for terms of appointed Council members; (d) provide for filling of Council vacancies; (e) provide for payment of per diem and reimbursement of travel expenses; (f) provide for Council meetings and election of Council officers; (g) authorize the State Technology Office to provide administrative and technical support to the Council; (h) provide for reimbursement of costs incurred by the State Technology Office; (i) authorize the Council to facilitate design and implementation of pilot programs through local workforce development boards to develop exportable model programs for statewide use to educate and train members of economically disadvantaged families to become competitively qualified for high skill/high wage employment; (j) state the objectives and goals of the programs authorized by the act; (k) provide for monitoring, reviewing, evaluating and reporting program performances; (l) providing for annual report; (m) provide an appropriation from the Digital Divide Trust Fund; and (n) provide an effective date of the sooner of July 1, 2001, or upon becoming a law.

II SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

## B. PRESENT SITUATION:

The Internet is becoming an increasingly vital tool in our information-based society. The development of technology is increasingly offering options to citizens to conduct their activities online, and Americans are responding. More Americans are going online to conduct day-to-day activities such as business transactions, personal correspondence, research, information gathering, and shopping. Each year, being digitally connected becomes more critical to economic, educational, and social advancement.<sup>1</sup> Because a larger percentage of Americans regularly use the Internet to conduct daily activities, people who lack access to those tools are at a growing disadvantage. A report published by the U.S. Department of Commerce entitled *Falling Through the Net: Toward Digital Inclusion* (hereinafter "*Falling Through the Net*") stated that increasing the number of Americans using technology tools was a vitally important national goal.

The *Falling Through the Net* report measured the extent of digital inclusion by looking at households and individuals that have a computer and an Internet connection. The "digital divide" was measured by the differences in the shares of each group that is digitally connected. The report compared data from a recent survey in August 2000 with an earlier survey conducted in December 1998. The data indicated that the overall level of digital inclusion in the United States was rapidly increasing. Specifically, the report made the following findings:

Criteria Measured	December 1998	August 2000	Difference
Households with Internet Access	26.5%	41.5%	15.3% (a 58% increase)
Households with computers	42.1%	51.0%	8.9%
Americans online some time during the month	31.9 million	116.5 million	84.6 million
Share of individuals using the Internet	32.7%	44.4%	11.7% (a 35.8% increase)

Of the 6,235 persons the Census Bureau surveyed in Florida, 50.1% owned a computer; 43.2% had Internet access.

The report also indicated that increased use of technology is occurring among most groups of Americans, regardless of income, education, race or ethnicity, location, age or gender. The report indicated that groups that have traditionally been digital "have nots" are now making dramatic gains:

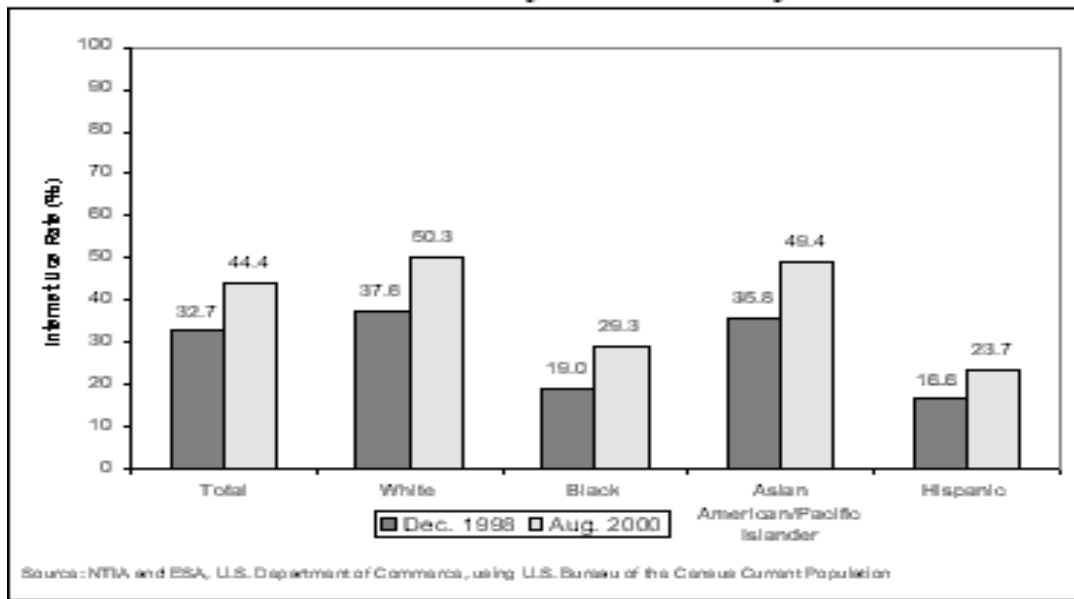
- The gap between rural households and households nationwide that access the Internet narrowed from 4.0% in 1998 to 2.6% in 2000.
- Americans at every income level are connecting at higher rates from their homes, particularly at middle-income levels.
- Access to the Internet is expanding across every educational level, particularly for those with some high school or college education.

<sup>1</sup> See U.S. Dep't of Commerce, *Falling Through the Net: Toward Digital Inclusion* at xv (October 2000), available at <http://www.ntia.doc.gov/ntiahome/digitaldivide/execsufftn00.htm> (last visited April 2, 2001).

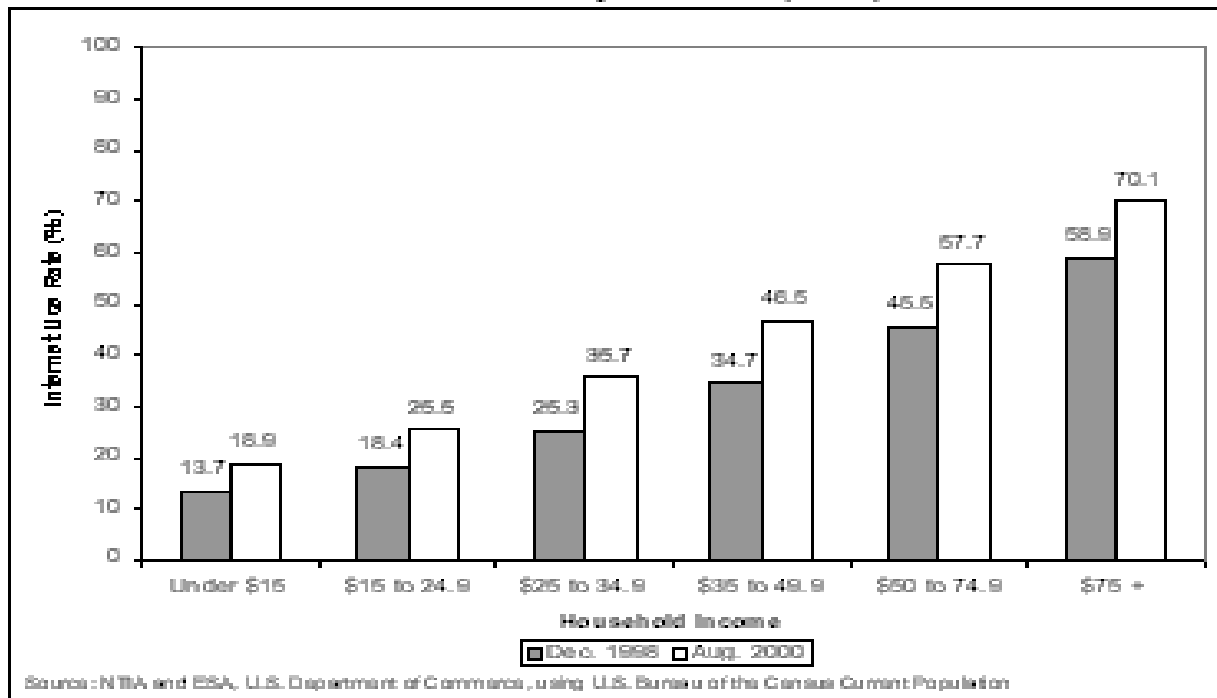
- African Americans and Hispanics, while they still lag behind other groups, are increasingly gaining Internet access. African American households were twice as likely to have home Internet access than they were 20 months prior, rising from 11.2% to 23.5%. Hispanic households have also experienced a similar increase, rising from 12.6% to 23.6%.
- The statistical difference in Internet usage between men and women has disappeared.
- Individuals 50 years of age and older – while less likely than younger Americans to use the Internet – experienced the highest rates of growth in Internet usage groups.

Despite these impressive gains, the *Falling Through the Net* report found that a digital divide remains, and has expanded slightly in some cases. Noticeable divides still existed between those with different levels of income and education, different racial and ethnic groups, old and young, single and dual-parent families, and those with and without disabilities. The following illustrations are copied from the *Falling Through the Net* report's website at <http://www.ntia.doc.gov/ntiahome/fttn00/charts00.html#f16> (last visited April 2, 2001) (Staff apologizes for the image quality of the graphs).

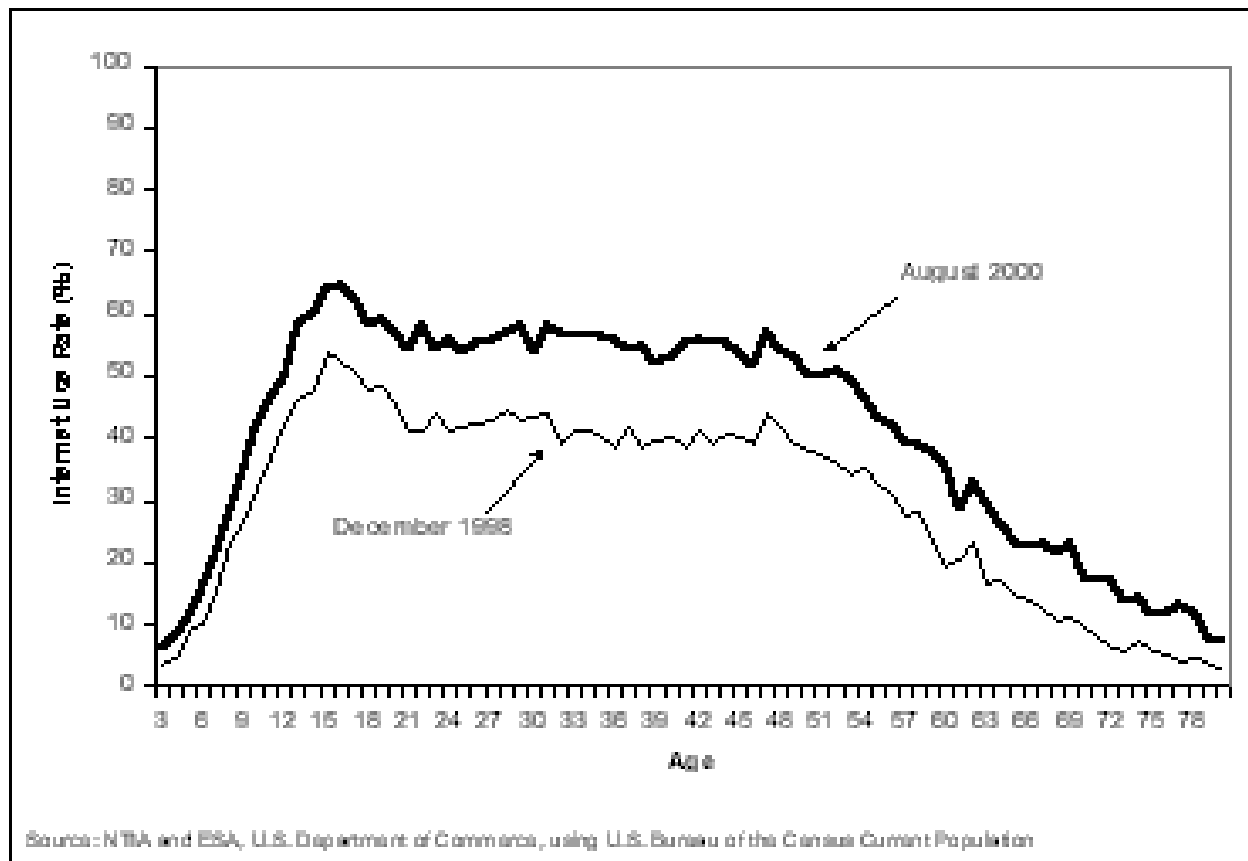
**Figure II-4**  
**Internet Use by Race/Ethnicity**



**Figure II-3**  
**Internet Use by Income (\$000)**



**Figure II-2**  
**Broad Increases in Internet Use Since 1998**



Notable statistics from the report include:

- Persons with a disability are only half as likely to have access to the Internet as those without a disability.
- African American and Hispanic households experience the lowest rate of Internet usage at 23.5% and 23.6%, respectively. The national average is 41.5%. The gap for these minority households is approximately 18%. The gap for African American households has widened by 3% since 1998. The gap for Hispanic households widened by 4.3% during the same period. A similar gap existed for computer usage at home for both groups and has not statistically changed since 1998.
- While about one-third of the U.S. population uses the Internet at home, only 16.1% of Hispanics and 18.9% of African Americans used the Internet at home.
- Differences in income and education accounted for only about half the difference in the current divide.
- A gap exists between the old and the young. At 29.6%, individuals 50 years of age and older are the least likely Internet users. Of those individuals over the age of 50, retired or unemployed are the least likely Internet users, at only 16.6%.

#### C. EFFECT OF PROPOSED CHANGES:

CS/HB 1045 would: (a) state legislative findings and intent on need to design and implement programs using information technology to educate and train members of economically disadvantaged families to be competitively qualified for high skill/high wage employment; (b) create the Digital Divide Council in the State Technology Office; (c) provide for terms of appointed Council members; (d) provide for filling of Council vacancies; (e) provide for payment of per diem and reimbursement of travel expenses; (f) provide for Council meetings and election of Council officers; (g) authorize the State Technology Office to provide administrative and technical support to the Council; (h) provide for reimbursement of costs incurred by the State Technology Office; (i) authorize the Council to facilitate design and implementation of pilot programs through local workforce development boards to develop exportable model programs for statewide use to educate and train members of economically disadvantaged families to become competitively qualified for high skill/high wage employment; (j) state the objectives and goals of the programs authorized by the act; (k) provide for monitoring, reviewing, evaluating and reporting program performances; (l) providing for annual report; (m) provide an appropriation from the Digital Divide Trust Fund; and (n) provide an effective date of the sooner of July 1, 2001, or upon becoming a law.

The stated legislative findings and intent would make it clear that:

- There is a divide between families that are without adequate economic resources to reasonable opportunities to obtain frequent access to use of information technology and the education and training needed to become competitively qualified for high skill/high wage employment, and families that have adequate economic resources to have such opportunities.
- Such a divide places the members of such families without adequate economic resources to have such opportunities at-risk of never realizing their employment and income earning potential, and prevents the state's economy from prospering to the extent it could if the members of such families realize those potentials.

- Such a divide could be reduced and the economy of the state could be enhanced by the design and implementation of programs that provide such opportunities to the members of such at risk families.
- It is the intent of the Legislature to provide the authority and the resources reasonably necessary to facilitate the design and implementation of such programs.

The bill would create a Digital Divide Council in the State Technology Office to administer design and implementation of the programs authorized by the act through the State Technology Office. The council would be constituted of eleven voting members consisting of:

- The Chief Information Officer in the State Technology Office;
- The Director of the Office of Tourism, Trade and Economic Development in the Executive Office of the Governor;
- The President of Workforce Florida, Inc.;
- The Director of the Agency for Workforce Innovation;
- The Chair of itflorida.com, Inc.;
- The Commissioner of Education;
- The Executive Director of the State Board of Community Colleges;
- The Executive Director of the State Board for Career Education;
- The Chair of the Network Access Point of the Americas;
- A representative of the information technology industry in Florida appointed by the Speaker of the Florida House of Representatives; and
- A representative of the information technology industry in Florida appointed by the President of the Florida Senate.

The Council would also include four non-voting, ex-officio members consisting of:

- Two members of the Florida House of Representatives appointed by the Speaker of the House, one from each caucus; and
- Two members of the Florida Senate appointed by the President of the Senate, one from each caucus.

The bill would provide that the initial term of the appointed members of the Council would be one year and that successive terms of the appointed members would be two years. The bill would provide for any vacancy in the membership of the Council to be filled within 30 days from the date the vacancy is effective. The bill would provide no compensation for serving as a member of the Council but would provide for the Council members to be paid per diem and travel expenses in accord with the provisions

of s. 112.061, F. S. The bill would provide for all such payments to be made from the Digital Divide Trust Fund.

The bill would require the Council to conduct its initial meeting by August 1, 2001, to meet at least once every 60 days thereafter, to then elect a Chair and a Vice-Chair of the Council, each for a term of one year, and provide for any vacancy in either office to be filled by election within 30 days from the date the vacancy is effective.

The bill would authorize the State Technology Office to provide such administrative and technical support as reasonably necessary for the Council to effectively and timely carry out its duties and responsibilities. The bill would provide that all direct and indirect costs incurred by the State Technology Office in providing such support and in performing other duties related to design and implementation of the programs authorized by the act be paid from revenues deposited in the Digital Divide Trust Fund and from appropriations authorized for such purposes.

The bill would provide for the Council, through the State Technology Office, to facilitate design and implementation of the programs authorized by the act. The bill would provide for the State Technology Office to present and demonstrate to the Council the design characteristics and the functional elements of each program proposed to be implemented to achieve the objectives and goals stated in the act. The bill would provide that design of such programs be reviewed and approved by the Council before being implemented. The bill would provide that all of the approved programs be implemented through local workforce development boards. The bill would provide that the approved programs be implemented as pilot programs in a minimum of six areas of the state to develop model programs for implementation on a statewide basis, and that the areas of the state where the pilot programs are implemented be selected by the Council to meet the objectives of testing the merits of such programs in urban and rural communities in each geographic region of the state.

The objectives and goals of the programs that would be authorized by the act are as follows:

- Maximizing efficient and productive use of existing facilities, equipment, personnel, programs and funds available from any public agency or private person or entity;
- Using innovative concepts employing newly developed technologies in educating and training those enrolled in such programs;
- Developing viable partnerships between public agencies and private persons and entities in designing and implementing such programs;
- Recruiting, enrolling, retaining and graduating from such programs as many at-risk family members as is feasible.
- Reducing the number of underachieving and failing students in the state's public school systems who are members of at risk families;
- Using information technology to facilitate achievement of Sunshine State Standards by all children who are enrolled in the state's K-12 school system and are members of at-risk families;
- 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 to children enrolled in the system;

- Using information technology to enable members of at-risk families who are no longer enrolled in K-12 schools to obtain the education and training they need to earn a high school diploma, an applied technology diploma, a vocational certificate, an associate of arts degree, or a baccalaureate degree; and
- Bridging the digital divide in developing a competitive workforce to meet the employment needs of Florida's information technology businesses and providing the state with the most information technology ready workforce in the western hemisphere.

The bill would require the Council, through the State Technology Office, to continually monitor, review, evaluate and report the progress of performances realized from implementation of the programs authorized by the act. The bill would require the State Technology Office to prepare and submit to the Council at least 10 days before each Council meeting a report on the programs being implemented.

The bill would require the Council to annually report to the Governor, the Speaker of the House, and the President of the Senate the results of the Council's monitoring, reviewing and evaluating such programs since their inception, and recommend whether such programs should be continued and expanded to achieve their objectives and goals.

The bill would appropriate \$3 million from the Digital Divide Trust Fund to implement the act, 1\$ million of which would be released on July 1, 2001, and the remainder of which would be released upon matching funds being deposited in said Trust Fund.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

CS/HB 1045 would not generate new or additional revenues for state government.

#### 2. Expenditures:

The bill would provide for re-directing state resources already available to support the use of information technology to educate and train the members of economically disadvantaged families to become competitively qualified for high skill/high wage employment and to develop an information technology ready workforce in Florida. Such resources are sufficient to support the performances the bill would require of the Digital Divide Council, the State Technology Office, and local workforce development boards.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

CS/HB 1045 would not generate new or additional revenue for local government.

#### 2. Expenditures:

HB 1045 does not require that local governments expend any funds.



C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

CS/HB 1045 would provide the means to enhance development of a larger information technology ready workforce competitively qualified for high skill/high wage employment. Such a workforce is likely to benefit the private sector by enabling private businesses to recruit and retain the personnel they need to grow and prosper.

D. FISCAL COMMENTS:

Not yet available.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

CS/HB 1045 would not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill would not affect the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill would not alter the proportion of state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

It appears that CSHB 1045 would not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

CS/HB 1045 would not expressly delegate rulemaking or affect any lawfully delegated rulemaking authority of any agency.

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

CS/HB 1045 incorporates a strike everything amendment to the original bill.

**STORAGE NAME:** h1045s1.it.doc

**DATE:** April 16, 2001

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VI. SIGNATURES:

COMMITTEE ON INFORMATION TECHNOLOGY:

Prepared by:

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John A. Barley

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