

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           providing legislative intent for certain career  
4           and technical education programs within  
5           comprehensive programs of study in high  
6           schools; providing for industry-certification,  
7           for certain required courses and activities;  
8           authorizing an endorsement and funding;  
9           authorizing rules of the Department of  
10          Education; requiring certain programs and  
11          career-development activities to assist  
12          counselors; amending ss. 228.041, 229.601,  
13          229.602, 239.121, F.S.; revising a personnel  
14          classification title; amending s. 236.081,  
15          F.S.; providing for funding of certain  
16          programs; prohibiting certain courses and  
17          programs from being reported for funding or  
18          from being substituted for other courses or  
19          programs; providing for certain  
20          professional-development activities; amending  
21          s. 239.229, F.S.; providing certain  
22          responsibilities for school boards and  
23          superintendents; amending s. 212.13, F.S.;  
24          requiring freight forwarders to provide  
25          warehouse receipts or copies of airway bills or  
26          bills of lading for certain purposes; providing  
27          receipt requirements; requiring freight  
28          forwarders to maintain certain records for a  
29          time certain; providing for effect of such  
30          documentation; providing a misdemeanor penalty  
31          for failing to provide such documentation or

1 maintain certain records; amending s. 288.012,  
2 F.S.; changing the date for submission of  
3 certain reports by foreign offices; providing  
4 for the reports to be compiled and submitted by  
5 Enterprise Florida, Inc., as part of its annual  
6 report; amending s. 288.095, F.S.; increasing  
7 the amount of the total state share of tax  
8 refunds that may be scheduled annually for  
9 payment under the qualified target industry tax  
10 refund program and the qualified defense  
11 contractor tax refund program; revising the due  
12 date and content for an annual report on  
13 incentives and reassigning responsibility for  
14 such report to Enterprise Florida, Inc.;  
15 amending s. 288.106, F.S., relating to the tax  
16 refund program for qualified target industry  
17 businesses; revising requirements for  
18 application for certification as such business  
19 with respect to the number of current and new  
20 jobs at the business and projections by the  
21 Office of Tourism, Trade, and Economic  
22 Development of refunds based thereon; revising  
23 requirements relating to the tax refund  
24 agreement with respect to job creation and the  
25 time for filing of claims for refund; revising  
26 provisions relating to annual claims for  
27 refund; authorizing an extension of time for  
28 signing the tax refund agreement; providing an  
29 application deadline; revising provisions  
30 relating to the order authorizing a tax refund;  
31 revising conditions under which a prorated tax

1 refund will be approved; providing for the  
2 calculation of such prorated tax refund;  
3 specifying that the section does not create a  
4 presumption that a claim will be approved and  
5 paid; revising the agencies with which the  
6 office may verify information and to which the  
7 office may provide information; expanding the  
8 purposes for which the office may seek  
9 assistance from certain entities; specifying  
10 that certain appropriations may not be used for  
11 any purpose other than the payment of specified  
12 tax refunds; amending s. 288.90151, F.S.;  
13 authorizing Enterprise Florida, Inc., to hire  
14 an economic analysis firm to assist with  
15 certain reporting requirements; directing  
16 Enterprise Florida, Inc., to hire a survey firm  
17 to assist with a customer-satisfaction survey;  
18 conforming changes; amending s. 288.905, F.S.;  
19 revising the deadline for submission of updates  
20 or modifications to the strategic plan  
21 developed by Enterprise Florida, Inc.; amending  
22 s. 288.980, F.S.; providing that grants by the  
23 Office of Tourism, Trade, and Economic  
24 Development to support activities related to  
25 the retention of military installations  
26 potentially affected by closure or realignment  
27 must be from funds specifically appropriated  
28 therefor; creating the "New Product Transfer  
29 Enhancement Act"; creating s. 288.907, F.S.;  
30 providing definitions; providing for licensing  
31 of certain products or technologies by donor

1 companies to receiving companies for production  
2 and marketing; providing duties of such  
3 companies and of Enterprise Florida, Inc.;  
4 providing requirements for product development  
5 agreements; creating s. 220.115, F.S.;  
6 requiring receiving companies to file a  
7 corporate tax return and remit to the state  
8 certain fees in addition to any corporate  
9 income tax due; providing for application of  
10 administrative and penalty provisions of ch.  
11 220, F.S.; creating s. 220.1825, F.S.;  
12 providing for a credit against the corporate  
13 income tax for donor companies; providing for  
14 determination of the amount of the credit by  
15 Enterprise Florida, Inc., and notification to  
16 the Department of Revenue; providing for  
17 carryover of the credit; amending s. 220.02,  
18 F.S.; providing order of credits against the  
19 tax; creating s. 121.155, F.S.; providing  
20 legislative findings relating to the  
21 relationship between availability of capital  
22 and the development of high-technology  
23 businesses; expressing legislative intent that  
24 Florida Retirement System investments  
25 complement economic development strategies;  
26 requiring staff of the State Board of  
27 Administration to review certain economic  
28 development information; expanding annual  
29 report requirements; amending s. 159.26, F.S.;  
30 declaring, for purposes of the Florida  
31 Industrial Development Financing Act, that the

1 information technology industry is vital to the  
2 economy of the state; providing that the  
3 advancement of information technology is a  
4 purpose underlying the act; amending s. 159.27,  
5 F.S.; redefining the term "project" to include  
6 information technology facilities; defining the  
7 term "information technology facility";  
8 amending s. 159.705, F.S.; specifying that  
9 certain entities may operate a project located  
10 in a research and development park and financed  
11 under the Florida Industrial Development  
12 Financing Act; creating s. 240.1055, F.S.;  
13 providing that the mission of the state system  
14 of postsecondary education includes supporting  
15 the economic development goals of the state;  
16 expressing legislative intent; amending s.  
17 240.710, F.S.; revising duties relating to the  
18 Digital Media Education Coordination Group;  
19 eliminating obsolete provisions; providing for  
20 the group to submit an annual report; amending  
21 s. 288.108, F.S.; specifying that the  
22 information technology sector is a high-impact  
23 sector for the purposes of a grant program for  
24 investments by certain businesses; providing  
25 legislative intent relating to the provision of  
26 state assistance to a not-for-profit  
27 corporation created to advocate on behalf of  
28 the information technology industry; creating  
29 s. 288.9522, F.S.; creating the Florida  
30 Research Consortium; providing legislative  
31 intent related to the consortium; providing for

1 the organization, membership, purpose, powers,  
2 and administration of the consortium; requiring  
3 an annual report from the consortium and its  
4 member universities; requiring Enterprise  
5 Florida, Inc., to provide initial staff support  
6 to the Florida Research Consortium; requiring  
7 the Florida Research Consortium to report on  
8 statutory and other factors affecting the  
9 transfer and commercialization of technology  
10 and the formation of relationships between  
11 university employees and business entities;  
12 prescribing elements of such report; requiring  
13 the consortium to solicit the participation of  
14 certain experts in the preparation of such  
15 report; amending s. 445.045, F.S.; reassigning  
16 responsibility for development and maintenance  
17 of an information technology promotion and  
18 workforce recruitment website to Workforce  
19 Florida, Inc.; requiring consistency and  
20 compatibility with other information systems;  
21 authorizing Workforce Florida, Inc., to secure  
22 website services from outside entities;  
23 requiring coordination of the information  
24 technology website with other marketing,  
25 promotion, and advocacy efforts; authorizing  
26 Workforce Florida, Inc., to act through the  
27 Agency for Workforce Innovation in fulfilling  
28 its responsibilities related to the website;  
29 directing the agency to provide such services  
30 to Workforce Florida, Inc.; directing Workforce  
31 Florida, Inc., to establish a pilot grant

1 program for youth internships in  
2 high-technology fields, subject to legislative  
3 appropriation; specifying the amount of a grant  
4 under the program; providing for eligibility;  
5 requiring an eligible business to submit an  
6 internship work plan; specifying criteria for  
7 evaluating an application for funding of an  
8 internship; requiring Workforce Florida, Inc.,  
9 to report the outcomes of the pilot program to  
10 the Legislature; authorizing Workforce Florida,  
11 Inc., to act through the Agency for Workforce  
12 Innovation in fulfilling its responsibilities  
13 related to the pilot program; directing the  
14 agency to provide such services to Workforce  
15 Florida, Inc.; providing legislative findings  
16 and intent relating to establishment of  
17 joint-use advanced digital-media research and  
18 production facilities; authorizing the Office  
19 of Tourism, Trade, and Economic Development to  
20 create a program supporting establishment of  
21 such facilities; prescribing the purposes of  
22 such facilities; specifying powers and duties  
23 of the office relating to establishment of such  
24 facilities; defining the term "digital media";  
25 requiring a report to the Legislature on  
26 recommended funding levels for such facilities;  
27 authorizing the Board of Regents and the State  
28 Board of Community Colleges, in implementing a  
29 single, statewide computer-assisted student  
30 advising system, to secure and enforce patents  
31 on work products, enter into various

1 agreements, and sell or license work products;  
2 requiring the Board of Regents and the State  
3 Board of Community Colleges to submit certain  
4 agreements to the Legislature; providing for  
5 uses of any or all of the proceeds derived from  
6 such activities; providing appropriations;  
7 authorizing the Office of Tourism, Trade, and  
8 Economic Development to use a portion of funds  
9 appropriated for the Rural Community  
10 Development Revolving Loan Fund for loan  
11 activities on behalf of small citrus growers;  
12 creating s. 341.821, F.S.; creating the Florida  
13 High-Speed Rail Authority; providing  
14 membership, terms, organization, and  
15 reimbursement of expenses; providing duties of  
16 the authority; relating to specified conflicts  
17 of interest with respect to authority members;  
18 assigning the authority to the Department of  
19 Transportation for administrative purposes;  
20 providing for future legislative review and  
21 repeal; creating s. 341.822, F.S.; providing  
22 powers and duties of the authority; authorizing  
23 the authority to seek federal funds; providing  
24 applicable criteria; requiring submittal of a  
25 report; authorizing the department to issue  
26 requests for information and proposals;  
27 authorizing the authority to request assistance  
28 from the private sector; providing for agency  
29 assistance; providing an appropriation;  
30 amending s. 331.367, F.S.; revising the  
31 membership and functions of entities under the



1           Spaceport Management Council; amending s.  
2           331.368, F.S.; revising provisions relating to  
3           the authority of the Florida Space Research  
4           Institute; stating legislative findings and  
5           intent; providing for creation of the Digital  
6           Divide Council; authorizing design and  
7           implementation of programs; expressing program  
8           objectives and goals; providing for review and  
9           assessment of program performances; providing  
10          effective dates.

11  
12       Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. (1) The Legislature intends to ensure that  
15 all high schools provide supportive services to students and  
16 their parents to determine the comprehensive program of study  
17 that will best meet the needs and goals of each student. At a  
18 minimum, these services must include access to a guidance  
19 counselor and assistance in developing an educational and  
20 career plan. Each high school shall provide a variety of  
21 comprehensive, relevant programs of study which will meet the  
22 needs of all students and enable each student to pursue his or  
23 her individual educational and career goals.

24           (2) Key components of this process are:

25           (a) A variety of programs of study which are based on  
26 individual educational and career goals.

27           (b) Parental involvement in the identification of the  
28 appropriate program of study.

29           (c) Assurance that all programs of study are designed  
30 to provide a seamless transition to an appropriate  
31 postsecondary education and employment.

1           Section 2. (1) A career and technical education  
2 program within a comprehensive high school program of study  
3 must be certified or endorsed by the appropriate industry to  
4 ensure that all components of the program are relevant and  
5 appropriate to prepare the student for further education and  
6 employment in that industry.

7           (2) Effective July 1, 2006, each career and technical  
8 program preparing for postsecondary education and employment  
9 offered as part of a comprehensive program of study in a high  
10 school must be industry-certified or endorsed, except for  
11 courses classified as exploratory, orientation, or practical  
12 arts. A student enrolled in a course within a career and  
13 technical program that is not industry-certified may not be  
14 reported for full-time equivalent funding through the Florida  
15 Education Finance Program unless the course is classified as  
16 exploratory, orientation, or practical arts. The Department of  
17 Education shall assure that each program is certified by July  
18 1, 2006, and recertified at least every 5 years. The  
19 department shall adopt rules for the certification process,  
20 and the rules must establish any necessary procedures for  
21 obtaining appropriate business partners and requirements for  
22 business and industry involvement in curriculum oversight and  
23 equipment procurement.

24           (3) Each full-time equivalent student in an  
25 industry-certified or endorsed career and technical program  
26 generates 1.15 times the cost factor for students enrolled in  
27 the basic program for grades 9-12, as provided by section  
28 236.081, Florida Statutes, and the annual General  
29 Appropriations Act.

30           (4) Effective July 1, 2006, each career and technical  
31 education program offered by a high school and able to be

1 articulated to a postsecondary level must also have an  
2 articulation agreement with one or more appropriate  
3 postsecondary education institutions to ensure a seamless  
4 transition to a related postsecondary program without a loss  
5 of credit for the student. Students enrolled in a program that  
6 is not articulated to a postsecondary program may not be  
7 reported for full-time equivalent student funding through the  
8 Florida Education Finance Program unless the course is  
9 classified as exploratory, orientation, or practical arts or  
10 terminates at the high school level.

11           Section 3. (1) A comprehensive program of study in  
12 career and technical education must be designed to ensure  
13 that, upon completion of the program of study and graduation  
14 from high school, a student is prepared to continue his or her  
15 education at a postsecondary education institution and obtain  
16 employment. Therefore, a comprehensive career and technical  
17 program of study must require of each student:

18           (a) Completion of academic courses with a designation  
19 from the Department of Education of level two or above. All  
20 credits earned to meet graduation requirements in mathematics,  
21 science, and communication must have that designation.

22           (b) Attainment of at least one occupational completion  
23 point in an industry-certified or endorsed career and  
24 technical education program or completion of at least two  
25 courses in a technology education program.

26           (c) Completion of a one-credit core course addressing  
27 workplace-readiness skills. The Department of Education shall  
28 define in rule the content of the course and shall assure that  
29 the course meets graduation requirements for performing arts  
30 or practical arts. The course requirement may be satisfied

31

1 through infusing course content into existing select career  
2 and technical education course.

3 (d) Participation in work-based learning experiences,  
4 as defined in rule by the Department of Education.

5 (e) Participation in a capstone activity that includes  
6 a project related to a career. This activity is designed to  
7 apply and demonstrate the competencies and concepts attained  
8 in the student's program of study. The Department of Education  
9 may specify in rule characteristics of capstone activities  
10 that meet the intent of this paragraph.

11 (2) The Legislature intends to recognize with an  
12 endorsement on the high school diploma a student who:

13 (a) Completes the requirements for high school  
14 graduation as provided in section 232.246, Florida Statutes,  
15 and the additional requirements for a comprehensive career and  
16 technical program of study provided in subsection (1).

17 (b) Passes the college entry-level placement test or  
18 an equivalent test identified by the department with a score  
19 adequate to enroll in a public postsecondary education program  
20 without the need for college preparatory or vocational  
21 preparatory instruction.

22 (3) The endorsement indicates that the student is  
23 prepared to continue into postsecondary education without the  
24 need for remediation and that the student has marketable  
25 employment skills. The Department of Education may adopt by  
26 rule a standard format for the endorsement.

27 (4) For each student who receives the endorsement on  
28 his or her diploma, the school district shall receive  
29 incentive funding, as provided in section 236.081, Florida  
30 Statutes, and the annual General Appropriations Act.

31

1           (5) A school district that generates funds as a result  
2 of industry-certified programs or incentive funding for  
3 student achievement of the endorsement must expend the total  
4 amount on the comprehensive career and technical program of  
5 study. The district may not apply indirect charges to  
6 incentive funds earned.

7           Section 4. The Legislature finds that, to adequately  
8 assist students in advanced technical and academic career  
9 planning, high school guidance counselors and career  
10 specialists require preservice and inservice professional  
11 development programs that contain sufficient information on  
12 career education.

13           (1) Each guidance counselor and career specialist in a  
14 school with technical education programs certified as provided  
15 in section 2 of this act shall complete 12 inservice points in  
16 technical education and career development which include:

17           (a) An emphasis on labor-market trends and  
18 projections;

19           (b) A practicum that focuses on development of a  
20 career-awareness program; and

21           (c) Content related to a career or employment within  
22 the counselor's work experience.

23           (2) The Department of Education shall assist guidance  
24 counselors and career specialists in attaining the additional  
25 inservice required. The State Board of Education shall revise  
26 rules governing the certification and recertification of  
27 guidance counselors to allow substitution of personal  
28 work-based experiences and temporary-employment opportunities  
29 in business and industry for the required classroom  
30 instruction. A minimum of 12 hours of inservice in career and  
31 technical education will be required for each 5-year period.

1           (3) To implement the requirements of this act through  
2 preservice education, the Legislature encourages colleges of  
3 education to provide for the additional courses required  
4 without increasing the total number of credit hours needed to  
5 complete a program. Instead, the colleges are encouraged to  
6 infuse course content required for ethics courses into courses  
7 required for introduction, theory, and practicum.

8           Section 5. Paragraph (b) of subsection (9) of section  
9 228.041, Florida Statutes, is amended to read:

10           228.041 Definitions.--Specific definitions shall be as  
11 follows, and wherever such defined words or terms are used in  
12 the Florida School Code, they shall be used as follows:

13           (9) INSTRUCTIONAL PERSONNEL.--"Instructional  
14 personnel" means any staff member whose function includes the  
15 provision of direct instructional services to students.  
16 Instructional personnel also includes personnel whose  
17 functions provide direct support in the learning process of  
18 students. Included in the classification of instructional  
19 personnel are:

20           (b) Pupil personnel services.--Pupil personnel  
21 services include staff members responsible for: advising  
22 students with regard to their abilities and aptitudes,  
23 educational and occupational opportunities, and personal and  
24 social adjustments; providing placement services; performing  
25 educational evaluations; and similar functions. Included in  
26 this classification are guidance counselors, social workers,  
27 career ~~occupational/placement~~ specialists, and school  
28 psychologists.

29           Section 6. Paragraph (c) of subsection (2) of section  
30 229.601, Florida Statutes, is amended to read:

31           229.601 Career education program.--

1           (2) There is hereby established a career education  
2 program in the state educational system. The Commissioner of  
3 Education and his or her designated staff shall administer  
4 this program. In developing and administering the career  
5 education program, the purpose of which is to promote positive  
6 career opportunities for all students regardless of their  
7 race, color, creed, national origin, ancestry, socioeconomic  
8 status, or gender, the commissioner shall:

9           (c) Develop programs for preservice and inservice  
10 training for the purpose of infusing career education concepts  
11 into the basic curricula of public schools and core curricula  
12 of community colleges and state universities and programs for  
13 preservice and inservice training for counselors and career  
14 ~~occupational and placement~~ specialists to assist in career  
15 counseling and placement and followup activities.

16           Section 7. Paragraph (a) of subsection (5) of section  
17 229.602, Florida Statutes, is amended to read:

18           229.602 Florida private sector and education  
19 partnerships.--

20           (5) Each school district shall designate one or more  
21 persons to coordinate local private sector and education  
22 partnership activities. The general activities of these  
23 coordinators shall be to enhance private sector and education  
24 partnership activities. The specific duties of the district  
25 coordinators shall include, but not be limited to, the  
26 following:

27           (a) Maintaining contact with local businesses and  
28 industries, local chamber of commerce organizations, regional  
29 workforce boards ~~private industry councils with Job Training~~  
30 ~~Partnership Act programs, district, career occupational~~  
31 specialists, guidance personnel, economics educators,

1 volunteer coordinators, community education coordinators,  
2 appropriate governmental personnel, and any others interested  
3 in private sector and education partnerships.

4 Section 8. Paragraphs (c), (d), and (l) of subsection  
5 (1) of section 236.081, Florida Statutes, are amended, present  
6 paragraphs (m) through (p) of that subsection are redesignated  
7 as paragraphs (n) through (q), respectively, and a new  
8 paragraph (m) is added to that subsection, and paragraph (a)  
9 of subsection (5) of that section is amended, to read:

10 236.081 Funds for operation of schools.--If the annual  
11 allocation from the Florida Education Finance Program to each  
12 district for operation of schools is not determined in the  
13 annual appropriations act or the substantive bill implementing  
14 the annual appropriations act, it shall be determined as  
15 follows:

16 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
17 OPERATION.--The following procedure shall be followed in  
18 determining the annual allocation to each district for  
19 operation:

20 (c) Determination of programs.--Cost factors based on  
21 desired relative cost differences between the following  
22 programs shall be established in the annual General  
23 Appropriations Act. A secondary career or technical education  
24 program certified as required by section 2 of this act  
25 generates funding as provided in paragraph (m). Effective July  
26 1, 2006, a full-time equivalent student in a career or  
27 technical education program that is not industry-certified or  
28 endorsed shall not generate any state funding unless the  
29 student is in a course classified as exploration, orientation,  
30 or practical arts and the General Appropriations Act contains  
31 a cost factor for such courses. The Department of Education



1 shall complete a study by January 2002 to determine if career  
2 and technical education programs should have differentiated  
3 funding weights.The Commissioner of Education shall specify a  
4 matrix of services and intensity levels to be used by  
5 districts in the determination of the two weighted cost  
6 factors for exceptional students with the highest levels of  
7 need. For these students, the funding support level shall fund  
8 the exceptional students' education program, with the  
9 exception of extended school year services for students with  
10 disabilities.

11 1. Basic programs.--

12 a. Kindergarten and grades 1, 2, and 3.

13 b. Grades 4, 5, 6, 7, and 8.

14 c. Grades 9, 10, 11, and 12.

15 2. Programs for exceptional students.--

16 a. Support Level IV.

17 b. Support Level V.

18 3. Secondary career and technical education programs,  
19 industry-certified or endorsed.--

20 4. Career and technical education programs, all other  
21 programs.--

22 ~~5.4.~~ English for Speakers of Other Languages.--

23 (d) Annual allocation calculation.--

24 1. The Department of Education shall ~~is authorized and~~  
25 ~~directed to~~ review all district programs and enrollment  
26 projections and calculate a maximum total weighted full-time  
27 equivalent student enrollment for each district for the K-12  
28 FEFP.

29 2. Maximum enrollments calculated by the department  
30 shall be derived from enrollment estimates used by the  
31 Legislature to calculate the FEFP. If two or more districts

1 enter into an agreement under the provisions of s.  
2 230.23(4)(d), after the final enrollment estimate is agreed  
3 upon, the amount of FTE specified in the agreement, not to  
4 exceed the estimate for the specific program as identified in  
5 paragraph (c), may be transferred from the participating  
6 districts to the district providing the program.

7 3. As part of its calculation of each district's  
8 maximum total weighted full-time equivalent student  
9 enrollment, the department shall establish separate enrollment  
10 ceilings for each of two program groups. Group 1 shall be  
11 composed of grades K-3, grades 4-8, and grades 9-12. Group 2  
12 shall be composed of students in exceptional student education  
13 programs, English for Speakers of Other Languages programs,  
14 all basic programs other than the programs in group 1, and all  
15 vocational programs in grades 6-12 ~~7-12~~.

16 a. The weighted enrollment ceiling for group 2  
17 programs shall be calculated by multiplying the final  
18 enrollment conference estimate for each program by the  
19 appropriate program weight. The weighted enrollment ceiling  
20 for program group 2 shall be the sum of the weighted  
21 enrollment ceilings for each program in the program group,  
22 plus the increase in weighted full-time equivalent student  
23 membership from the prior year for clients of the Department  
24 of Children and Family Services and the Department of Juvenile  
25 Justice.

26 b. If, for any calculation of the FEFP, the weighted  
27 enrollment for program group 2, derived by multiplying actual  
28 enrollments by appropriate program weights, exceeds the  
29 enrollment ceiling for that group, the following procedure  
30 shall be followed to reduce the weighted enrollment for that  
31 group to equal the enrollment ceiling:

1 (I) The weighted enrollment ceiling for each program  
2 in the program group shall be subtracted from the weighted  
3 enrollment for that program derived from actual enrollments.

4 (II) If the difference calculated under  
5 sub-sub-subparagraph (I) is greater than zero for any program,  
6 a reduction proportion shall be computed for the program by  
7 dividing the absolute value of the difference by the total  
8 amount by which the weighted enrollment for the program group  
9 exceeds the weighted enrollment ceiling for the program group.

10 (III) The reduction proportion calculated under  
11 sub-sub-subparagraph (II) shall be multiplied by the total  
12 amount of the program group's enrollment over the ceiling as  
13 calculated under sub-sub-subparagraph (I).

14 (IV) The prorated reduction amount calculated under  
15 sub-sub-subparagraph (III) shall be subtracted from the  
16 program's weighted enrollment. For any calculation of the  
17 FEFP, the enrollment ceiling for group 1 shall be calculated  
18 by multiplying the actual enrollment for each program in the  
19 program group by its appropriate program weight.

20 c. For program group 2, the weighted enrollment  
21 ceiling shall be a number not less than the sum obtained by:

22 (I) Multiplying the sum of reported FTE for all  
23 programs in the program group that have a cost factor of 1.0  
24 or more by 1.0, and

25 (II) By adding this number to the sum obtained by  
26 multiplying the projected FTE for all programs with a cost  
27 factor less than 1.0 by the actual cost factor.

28 4. Following completion of the weighted enrollment  
29 ceiling calculation as provided in subparagraph 3., a  
30 supplemental capping calculation shall be employed for those  
31 districts that are over their weighted enrollment ceiling. For

1 each such district, the total reported unweighted FTE  
2 enrollment for group 2 programs shall be compared with the  
3 total appropriated unweighted FTE enrollment for group 2  
4 programs. If the total reported unweighted FTE for group 2 is  
5 greater than the appropriated unweighted FTE, then the excess  
6 unweighted FTE up to the unweighted FTE transferred from group  
7 2 to group 1 for each district by the Public School FTE  
8 Estimating Conference shall be funded at a weight of 1.0 and  
9 added to the funded weighted FTE computed in subparagraph 3.  
10 This adjustment shall be calculated beginning with the third  
11 calculation of the 1998-1999 FEFP.

12 (1) Instruction in career education.--~~Effective for~~  
13 ~~the 1985-1986 school year and thereafter,~~ District pupil  
14 progression plans shall provide for the substitution of  
15 vocational courses for the nonelective courses required for  
16 high school graduation pursuant to s. 232.246. Beginning July  
17 1, 2006, a career and technical course may not be substituted  
18 for another required course unless it is part of an  
19 industry-certified or endorsed program certified as provided  
20 in section 2 of this act. A student in grades 9 through 12 who  
21 enrolls in and satisfactorily completes a job-preparatory  
22 course program may substitute credit for a portion of the  
23 required four credits in English, three credits in  
24 mathematics, any credits in social studies, and three credits  
25 in science. The credit substituted for English, mathematics,  
26 social studies, or science earned through the vocational  
27 job-preparatory course program shall be on a curriculum  
28 equivalency basis as provided for in the State Course Code  
29 Directory. The State Board of Education shall authorize by  
30 rule vocational course substitutions not to exceed two credits  
31 in each of the nonelective academic subject areas of English,

1 mathematics, social studies, and science. School districts  
2 shall provide for vocational course substitutions not to  
3 exceed two credits in each of the nonelective academic subject  
4 areas of English, mathematics, social studies, and science,  
5 upon adoption of vocational student performance standards by  
6 the school board pursuant to s. 232.2454. A career and  
7 technical course ~~vocational program~~ which has been used as a  
8 substitute for a nonelective academic credit in one subject  
9 area may not be used as a substitute for any other subject  
10 area. The credit in practical arts or exploratory career  
11 education required for high school graduation pursuant to s.  
12 232.246(1) shall be funded as a career education course. Such  
13 a course is eligible for funding at 1.15 times the cost factor  
14 for students enrolled in the basic program for grades 9-12  
15 only if it is part of a program certified or endorsed as  
16 required by section 2 of this act.

17 (m) Calculation of full-time equivalent membership for  
18 an industry-certified or endorsed technical program.--Funding  
19 for students enrolled in an industry-certified program as  
20 provided in section 2 of this act is calculated at 1.15 times  
21 the cost factor for students enrolled in the program for  
22 grades 9-12 and multiplying that number by the number of  
23 full-time equivalent students in an industry-certified or  
24 endorsed career and technical program. A student who earns the  
25 endorsement authorized by section 3 of this act generates  
26 additional incentive funding for the program, as provided in  
27 subsection (5). During the transition from the 2001-2002  
28 school year until July 1, 2006, all career and technical  
29 education programs not industry-certified or endorsed or  
30 articulated to postsecondary institutions will continue to

31

1 earn weighted funding as determined in the General  
2 Appropriations Act.

3 (5) CATEGORICAL PROGRAMS.--The Legislature hereby  
4 provides for the establishment of selected categorical  
5 programs to assist in the development and maintenance of  
6 activities giving indirect support to the programs previously  
7 funded. These categorical appropriations may be funded as  
8 general and transitional categorical programs. It is the  
9 intent of the Legislature that no transitional categorical  
10 program be funded for more than 4 fiscal years from the date  
11 of original authorization. Such programs are as follows:

12 (a) General.--

13 1. Comprehensive school construction and debt service  
14 as provided by law.

15 2. Community schools as provided by law.

16 3. School lunch programs as provided by law.

17 4. Instructional material funds as provided by law.

18 5. Student transportation as provided by law.

19 6. Student development services as provided by law.

20 7. Diagnostic and learning resource centers as  
21 provided by law.

22 8. Comprehensive health education as provided by law.

23 9. Excellent Teaching Program as provided by law.

24 10. Attainment of the high school career and technical  
25 endorsement authorized by section 3 of this act and rules of  
26 the State Board of Education.

27 Section 9. Section 239.121, Florida Statutes, is  
28 amended to read:

29 239.121 Career ~~Occupational~~ specialists.--

30 (1) District school boards and community college  
31 boards of trustees may employ career ~~occupational~~ specialists

1 to provide student counseling services and occupational  
2 information to students and to provide information to local  
3 business and industry regarding the availability of vocational  
4 programs through local educational institutions. Under the  
5 supervision of a certified counselor, career ~~occupational~~  
6 specialists may undertake special assignments that include,  
7 but are not limited to, the identification and intensive  
8 counseling of current and former students and the parents of  
9 such students, as well as counseling students and all  
10 education personnel regarding job and career opportunities.

11 (2) Career ~~Occupational~~ specialists shall receive  
12 certification pursuant to State Board of Education rule and s.  
13 231.1725. A career ~~No occupational~~ specialist may not be paid  
14 less than any other member of the instructional personnel who  
15 has equivalent qualifications and provides similar services.  
16 Career ~~Occupational~~ specialists may receive salary supplements  
17 upon documentation that such supplements are necessary for  
18 recruiting or retaining suitable personnel.

19 (3) The Department of Education and each school  
20 district that employs a career specialist shall assist that  
21 person in preparing a professional development plan designed  
22 to provide the skills necessary to perform the duties  
23 associated with implementing a comprehensive technical  
24 education program of study.

25 Section 10. Paragraph (a) of subsection (2) of section  
26 239.229, Florida Statutes, is amended to read:

27 239.229 Vocational standards.--

28 (2)(a) Each school board and superintendent shall  
29 direct the smooth transition of high school career and  
30 technical education programs to industry-certified or endorsed  
31 programs of study included in a comprehensive course of study.

1 Each school board and superintendent shall also direct the  
2 implementation of all components required to obtain the  
3 endorsement authorized in section 3 of this act if the  
4 district chooses to offer the endorsement. School board,  
5 superintendent, and school accountability for career education  
6 within elementary and secondary schools includes, but is not  
7 limited to:

8         1. Student exposure to a variety of careers and  
9 provision of instruction to explore specific careers in  
10 greater depth.

11         2. Student awareness of available vocational programs  
12 and the corresponding occupations into which such programs  
13 lead.

14         3. Student development of individual career plans.

15         4. Integration of academic and vocational skills in  
16 the secondary curriculum.

17         5. Student preparation to enter the workforce and  
18 enroll in postsecondary education without being required to  
19 complete college-preparatory or vocational-preparatory  
20 instruction.

21         6. Student retention in school through high school  
22 graduation.

23         7. Career and technical ~~Vocational~~ curriculum  
24 articulation with corresponding postsecondary programs in the  
25 local area technical center or community college, or both.

26         Section 11. Effective January 1, 2002, subsection (1)  
27 of section 212.13, Florida Statutes, is amended to read:

28         212.13 Records required to be kept; power to inspect;  
29 audit procedure.--

30         (1)(a) For the purpose of enforcing the collection of  
31 the tax levied by this chapter, the department is hereby



1 specifically authorized and empowered to examine at all  
2 reasonable hours the books, records, and other documents of  
3 all transportation companies, agencies, or firms that conduct  
4 their business by truck, rail, water, aircraft, or otherwise,  
5 in order to determine what dealers, or other persons charged  
6 with the duty to report or pay a tax under this chapter, are  
7 importing or are otherwise shipping in articles or tangible  
8 personal property which are liable for said tax. In the event  
9 said transportation company, agency, or firm refuses to permit  
10 such examination of its books, records, or other documents by  
11 the department as aforesaid, it is guilty of a misdemeanor of  
12 the first degree, punishable as provided in s. 775.082 or s.  
13 775.083. If, however, any subsequent offense involves  
14 intentional destruction of such records with an intent to  
15 evade payment of or deprive the state of any tax revenues,  
16 such subsequent offense shall be a felony of the third degree,  
17 punishable as provided in s. 775.082 or s. 775.083. The  
18 department shall have the right to proceed in any chancery  
19 court to seek a mandatory injunction or other appropriate  
20 remedy to enforce its right against the offender, as granted  
21 by this section, to require an examination of the books and  
22 records of such transportation company or carrier.

23 (b) Each freight forwarder operating in this state  
24 shall provide a warehouse receipt for any tangible personal  
25 property received from any person for the purpose of  
26 transporting such property outside this state by air or water.  
27 The warehouse receipt shall be provided to the person who  
28 engages the freight forwarder to arrange such transportation  
29 at the time the tangible personal property is delivered to the  
30 freight forwarder. The warehouse receipt shall contain the  
31 name, address, and telephone number of the freight forwarder,

1 a preprinted warehouse receipt number, the date the property  
2 was delivered to the freight forwarder, and a brief  
3 description of the tangible personal property. Within 2 weeks  
4 after the date the freight forwarder receives the airway bill  
5 or bill of lading from the transportation company with whom  
6 the freight forwarder has contracted to transport the tangible  
7 personal property, the freight forwarder shall mail or deliver  
8 the airway bill or bill of lading to the person for whom the  
9 freight forwarder arranged transportation of the tangible  
10 personal property. The warehouse receipt and airway bill or  
11 bill of lading shall constitute evidence that the tangible  
12 personal property was sold in a sale for export under s.  
13 212.06(5)(a). A freight forwarder shall maintain a copy of  
14 each such warehouse receipt, airway bill, and bill of lading  
15 in its own records for a period of 3 years. Any freight  
16 forwarder who fails to provide the documentation required by  
17 this paragraph to a person who arranges air or water  
18 transportation of tangible personal property through the  
19 freight forwarder or who fails to maintain such required  
20 documentation in its records as provided in this paragraph  
21 commits a misdemeanor of the second degree, punishable as  
22 provided in s. 775.082 or s. 775.083.

23 Section 12. Subsection (3) of section 288.012, Florida  
24 Statutes, is amended to read:

25 288.012 State of Florida foreign offices.--The  
26 Legislature finds that the expansion of international trade  
27 and tourism is vital to the overall health and growth of the  
28 economy of this state. This expansion is hampered by the lack  
29 of technical and business assistance, financial assistance,  
30 and information services for businesses in this state. The  
31 Legislature finds that these businesses could be assisted by

1 providing these services at State of Florida foreign offices.  
2 The Legislature further finds that the accessibility and  
3 provision of services at these offices can be enhanced through  
4 cooperative agreements or strategic alliances between state  
5 entities, local entities, foreign entities, and private  
6 businesses.

7 (3) By ~~December~~ October 1 of each year, each foreign  
8 office shall submit to the Office of Tourism, Trade, and  
9 Economic Development a complete and detailed report on its  
10 activities and accomplishments during the preceding fiscal  
11 year. The reports must be compiled and submitted to the Office  
12 of Tourism, Trade, and Economic Development on behalf of the  
13 foreign offices by Enterprise Florida, Inc., as part of the  
14 annual report of Enterprise Florida, Inc., required under s.  
15 288.906.In a format provided by Enterprise Florida, Inc., the  
16 report must set forth information on:

17 (a) The number of Florida companies assisted.

18 (b) The number of inquiries received about investment  
19 opportunities in this state.

20 (c) The number of trade leads generated.

21 (d) The number of investment projects announced.

22 (e) The estimated U.S. dollar value of sales  
23 confirmations.

24 (f) The number of representation agreements.

25 (g) The number of company consultations.

26 (h) Barriers or other issues affecting the effective  
27 operation of the office.

28 (i) Changes in office operations which are planned for  
29 the current fiscal year.

30 (j) Marketing activities conducted.

31

1 (k) Strategic alliances formed with organizations in  
2 the country in which the office is located.

3 (l) Activities conducted with other Florida foreign  
4 offices.

5 (m) Any other information that the office believes  
6 would contribute to an understanding of its activities.

7 Section 13. Paragraphs (a) and (c) of subsection (3)  
8 of section 288.095, Florida Statutes, are amended to read:

9 288.095 Economic Development Trust Fund.--

10 (3)(a) The Office of Tourism, Trade, and Economic  
11 Development may approve applications for certification  
12 pursuant to ss. 288.1045(3) and 288.106. However, the total  
13 state share of tax refund payments scheduled in all active  
14 certifications for fiscal year ~~2000-2001 shall not exceed \$24~~  
15 ~~million. The state share of tax refund payments scheduled in~~  
16 ~~all active certifications for fiscal year 2001-2002 may and~~  
17 ~~each subsequent year shall not exceed \$30 million. The total~~  
18 for each subsequent fiscal year may not exceed \$35 million.

19 (c) By December 31 ~~September 30~~ of each year,  
20 Enterprise Florida, Inc., the Office of Tourism, Trade, and  
21 Economic Development shall submit a complete and detailed  
22 report to the Governor, the President of the Senate, the  
23 Speaker of the House of Representatives, and the Office of  
24 Tourism, Trade, and Economic Development ~~board of directors of~~  
25 ~~Enterprise Florida, Inc., created under part VII of this~~  
26 ~~chapter,~~ of all applications received, recommendations made to  
27 the Office of Tourism, Trade, and Economic Development, final  
28 decisions issued, tax refund agreements executed, and tax  
29 refunds paid or other payments made under all programs funded  
30 out of the Economic Development Incentives Account, including  
31 analyses of benefits and costs, types of projects supported,

1 and employment and investment created. Enterprise Florida,  
2 Inc., ~~The Office of Tourism, Trade, and Economic Development~~  
3 shall also include a separate analysis of the impact of such  
4 tax refunds on state enterprise zones designated pursuant to  
5 s. 290.0065, rural communities, brownfield areas, and  
6 distressed urban communities. ~~By December 1 of each year, the~~  
7 ~~board of directors of Enterprise Florida, Inc., shall review~~  
8 ~~and comment on the report, and the board shall submit the~~  
9 ~~report, together with the comments of the board, to the~~  
10 ~~Governor, the President of the Senate, and the Speaker of the~~  
11 ~~House of Representatives.~~The report must discuss whether the  
12 authority and moneys appropriated by the Legislature to the  
13 Economic Development Incentives Account were managed and  
14 expended in a prudent, fiducially sound manner. The Office of  
15 Tourism, Trade, and Economic Development shall assist  
16 Enterprise Florida, Inc. in the collection of data related to  
17 business performance and incentive payments.

18 Section 14. Paragraphs (a) and (d) of subsection (3),  
19 paragraphs (a) and (c) of subsection (4), and subsections (5)  
20 and (6) of section 288.106, Florida Statutes, are amended to  
21 read:

22 288.106 Tax refund program for qualified target  
23 industry businesses.--

24 (3) APPLICATION AND APPROVAL PROCESS.--

25 (a) To apply for certification as a qualified target  
26 industry business under this section, the business must file  
27 an application with the office before the business has made  
28 the decision to locate a new business in this state or before  
29 the business had made the decision to expand an existing  
30 business in this state. The application shall include, but is  
31 not limited to, the following information:

- 1           1. The applicant's federal employer identification  
2 number and the applicant's state sales tax registration  
3 number.
- 4           2. The permanent location of the applicant's facility  
5 in this state at which the project is or is to be located.
- 6           3. A description of the type of business activity or  
7 product covered by the project, including four-digit SIC codes  
8 for all activities included in the project.
- 9           4. The number of net new full-time equivalent Florida  
10 jobs at the qualified target industry business as of December  
11 31 of each year included ~~in this state that are or will be~~  
12 ~~dedicated to~~ the project and the average wage of those jobs.  
13 If more than one type of business activity or product is  
14 included in the project, the number of jobs and average wage  
15 for those jobs must be separately stated for each type of  
16 business activity or product.
- 17           5. The total number of full-time equivalent employees  
18 currently employed at the business unit, and if the business  
19 unit is a member of a larger group of affiliated businesses,  
20 an estimate of the total number of employees of these  
21 affiliated businesses ~~by the applicant~~ in this state.
- 22           6. The anticipated commencement date of the project.
- 23           7. A brief statement concerning the role that the tax  
24 refunds requested will play in the decision of the applicant  
25 to locate or expand in this state.
- 26           8. An estimate of the proportion of the sales  
27 resulting from the project that will be made outside this  
28 state.
- 29           9. A resolution adopted by the governing board of the  
30 county or municipality in which the project will be located,  
31 which resolution recommends that certain types of businesses

1 be approved as a qualified target industry business and states  
2 that the commitments of local financial support necessary for  
3 the target industry business exist. In advance of the passage  
4 of such resolution, the office may also accept an official  
5 letter from an authorized local economic development agency  
6 that endorses the proposed target industry project and pledges  
7 that sources of local financial support for such project  
8 exist. For the purposes of making pledges of local financial  
9 support under this subsection, the authorized local economic  
10 development agency shall be officially designated by the  
11 passage of a one-time resolution by the local governing  
12 authority.

13 10. Any additional information requested by the  
14 office.

15 (d) The office shall forward its written findings and  
16 evaluation concerning each application meeting the  
17 requirements of paragraph (b) to the director within 45  
18 calendar days after receipt of a complete application. The  
19 office shall notify each target industry business when its  
20 application is complete, and of the time when the 45-day  
21 period begins. In its written report to the director, the  
22 office shall specifically address each of the factors  
23 specified in paragraph (c) and shall make a specific  
24 assessment with respect to the minimum requirements  
25 established in paragraph (b). The office shall include in its  
26 report projections of the tax refunds the business would be  
27 eligible to receive ~~refund claim that will be sought by the~~  
28 ~~target industry business~~ in each fiscal year based on the  
29 creation and maintenance of the net new Florida jobs specified  
30 in subparagraph (a)4. as of December 31 of the preceding state  
31 fiscal year ~~information submitted in the application.~~

1 (4) TAX REFUND AGREEMENT.--

2 (a) Each qualified target industry business must enter  
3 into a written agreement with the office which specifies, at a  
4 minimum:

5 1. The total number of full-time equivalent jobs in  
6 this state that will be dedicated to the project, the average  
7 wage of those jobs, the definitions that will apply for  
8 measuring the achievement of these terms during the pendency  
9 of the agreement, and a time schedule or plan for when such  
10 jobs will be in place and active in this state. ~~This~~  
11 ~~information must be the same as the information contained in~~  
12 ~~the application submitted by the business under subsection~~  
13 ~~(3).~~

14 2. The maximum amount of tax refunds which the  
15 qualified target industry business is eligible to receive on  
16 the project and the maximum amount of a tax refund that the  
17 qualified target industry business is eligible to receive in  
18 each fiscal year, based on the job creation and maintenance  
19 schedule specified in subparagraph 1.

20 3. That the office may review and verify the financial  
21 and personnel records of the qualified target industry  
22 business to ascertain whether that business is in compliance  
23 with this section.

24 4. The date by ~~after~~ which, in each fiscal year, the  
25 qualified target industry business may file a an annual claim  
26 under subsection (5) to be considered to receive a tax refund  
27 in the following fiscal year.

28 5. That local financial support will be annually  
29 available and will be paid to the account. The director may  
30 not enter into a written agreement with a qualified target  
31 industry business if the local financial support resolution is



1 not passed by the local governing authority within 90 days  
2 after he or she has issued the letter of certification under  
3 subsection (3).

4 (c) The agreement must be signed by the director and  
5 by an authorized officer of the qualified target industry  
6 business within 120 days after the issuance of the letter of  
7 certification under subsection (3), but not before passage and  
8 receipt of the resolution of local financial support. The  
9 office may grant an extension of this period at the written  
10 request of the qualified target industry business.

11 (5) ANNUAL CLAIM FOR REFUND.--

12 (a) To be eligible to claim any scheduled tax refund,  
13 a qualified target industry business that has entered into a  
14 tax refund agreement with the office under subsection (4) must  
15 may apply by January 31 of once each fiscal year to the office  
16 for the a tax refund scheduled to be paid from the  
17 appropriation for the fiscal year which begins on July 1  
18 following the January 31 claims submission date. The office  
19 may, upon written request, grant a 30-day extension of the  
20 filing date. The application must be made on or after the date  
21 specified in that agreement.

22 (b) The claim for refund by the qualified target  
23 industry business must include a copy of all receipts  
24 pertaining to the payment of taxes for which the refund is  
25 sought and data related to achievement of each performance  
26 item specified in the tax refund agreement. The amount  
27 requested as a tax refund may not exceed the amount specified  
28 for the relevant that fiscal year in that agreement.

29 (c) A tax refund may not be approved for a qualified  
30 target industry business unless the required local financial  
31 support has been paid into the account for that refund in that

1 ~~fiscal year~~. If the local financial support provided is less  
2 than 20 percent of the approved tax refund, the tax refund  
3 must be reduced. In no event may the tax refund exceed an  
4 amount that is equal to 5 times the amount of the local  
5 financial support received. Further, funding from local  
6 sources includes any tax abatement granted to that business  
7 under s. 196.1995 or the appraised market value of municipal  
8 or county land conveyed or provided at a discount to that  
9 business. The amount of any tax refund for such business  
10 approved under this section must be reduced by the amount of  
11 any such tax abatement granted or the value of the land  
12 granted; and the limitations in subsection (2) and paragraph  
13 (3)(f) must be reduced by the amount of any such tax abatement  
14 or the value of the land granted. A report listing all sources  
15 of the local financial support shall be provided to the office  
16 when such support is paid to the account.

17 (d) A prorated tax refund, less a 5-percent penalty,  
18 shall be approved for a qualified target industry business  
19 provided all other applicable requirements have been satisfied  
20 and the business proves to the satisfaction of the director  
21 that it has achieved at least 80 percent of its projected  
22 employment and that the average wage paid by the business is  
23 at least 90 percent of the average wage specified in the tax  
24 refund agreement, but in no case less than 115 percent of the  
25 average private-sector wage in the area available at the time  
26 of the claim, or 150 percent or 200 percent of the average  
27 private-sector wage if the business requested the additional  
28 per job tax refund authorized in (2)(b) for wages above those  
29 levels. The prorated tax refund shall be calculated by  
30 multiplying the tax refund amount for which the qualified  
31 target industry business would have been eligible, if all

1 applicable requirements had been satisfied, by the percentage  
2 of the average employment specified in the tax refund  
3 agreement which was achieved, and by the percentage of the  
4 average wages specified in the tax refund agreement which was  
5 achieved.

6 (e) The director, with such assistance as may be  
7 required from the office, the Department of Revenue, or the  
8 Agency for Workforce Innovation ~~Department of Labor and~~  
9 ~~Employment Security~~, shall, by June 30 following the scheduled  
10 date for the tax refund claim submission, specify by written  
11 ~~final~~ order the approval or disapproval of the tax refund  
12 claim and, if approved, the amount of the tax refund that is  
13 authorized to be paid to for the qualified target industry  
14 business for the fiscal year within 30 days after the date  
15 that the claim for the annual tax refund is received by the  
16 office. The office may grant an extension of this date on the  
17 request of the qualified target industry business for the  
18 purpose of filing additional information in support of the  
19 claim.

20 (f) The total amount of tax refund claims approved by  
21 the director under this section in any fiscal year must not  
22 exceed the amount authorized under s. 288.095(3).

23 (g) Nothing in this section shall create a presumption  
24 that a scheduled tax refund claim will be approved and paid.

25 (h)~~(g)~~ Upon approval of the tax refund under  
26 paragraphs (c), (d), and (e), the Comptroller shall issue a  
27 warrant for the amount specified in the ~~final~~ order. If the  
28 ~~final~~ order is appealed, the Comptroller may not issue a  
29 warrant for a refund to the qualified target industry business  
30 until the conclusion of all appeals of that order.

31 (6) ADMINISTRATION.--

1 (a) The office is authorized to verify information  
2 provided in any claim submitted for tax credits under this  
3 section with regard to employment and wage levels or the  
4 payment of the taxes to the appropriate agency or authority,  
5 including the Department of Revenue, the Agency for Workforce  
6 Innovation ~~Department of Labor and Employment Security~~, or any  
7 local government or authority.

8 (b) To facilitate the process of monitoring and  
9 auditing applications made under this program, the office may  
10 provide a list of qualified target industry businesses to the  
11 Department of Revenue, to the Agency for Workforce Innovation  
12 ~~Department of Labor and Employment Security~~, or to any local  
13 government or authority. The office may request the assistance  
14 of those entities with respect to monitoring jobs and wages  
15 and the payment of the taxes listed in subsection (2).

16 (c) Funds specifically appropriated for the tax refund  
17 program for qualified target industry businesses shall not be  
18 used for any purpose other than the payment of tax refunds  
19 authorized by this section.

20 Section 15. Subsection (8) of section 288.90151,  
21 Florida Statutes, is amended to read:

22 288.90151 Return on investment from activities of  
23 Enterprise Florida, Inc.--

24 (8) Enterprise Florida, Inc., in consultation with the  
25 Office of Program Policy Analysis and Government  
26 Accountability, shall hire a private accounting firm or an  
27 economic analysis firm to develop the methodology for  
28 establishing and reporting return-on-investment and in-kind  
29 contributions as described in this section and a survey firm  
30 to develop, analyze, and report on the results of the  
31 customer-satisfaction survey. The Office of Program Policy

1 Analysis and Government Accountability shall review and offer  
2 feedback on the methodology before it is implemented. The  
3 firms used to satisfy the requirements of this subsection  
4 ~~private accounting firm~~ shall certify whether the applicable  
5 statements in the annual report comply with this subsection.

6 Section 16. Subsection (2) of section 288.905, Florida  
7 Statutes, is amended to read:

8 288.905 Duties of the board of directors of Enterprise  
9 Florida, Inc.--

10 (2) The board of directors shall, in conjunction with  
11 the Office of Tourism, Trade, and Economic Development, the  
12 Office of Urban Opportunities, and local and regional economic  
13 development partners, develop a strategic plan for economic  
14 development for the State of Florida. Such plan shall be  
15 submitted to the Governor, the President of the Senate, the  
16 Speaker of the House of Representatives, the Senate Minority  
17 Leader, and the House Minority Leader and shall be updated or  
18 modified before January 31 ± of each year. The plan must be  
19 approved by the board of directors prior to submission to the  
20 Governor and Legislature.

21 Section 17. Paragraph (a) of subsection (2) of section  
22 288.980, Florida Statutes, is amended to read:

23 288.980 Military base retention; legislative intent;  
24 grants program.--

25 (2)(a) The Office of Tourism, Trade, and Economic  
26 Development is authorized to award grants from ~~any~~ funds  
27 specifically appropriated ~~available~~ to it to support  
28 activities related to the retention of military installations  
29 potentially affected by federal base closure or realignment.

30 Section 18. Sections 19 through 21 of this act may be  
31 cited as the "New Product Transfer Enhancement Act."

1           Section 19. Effective January 1, 2002, section  
2 288.907, Florida Statutes, is created to read:

3           288.907 Licensing of products or technologies by donor  
4 companies to receiving companies; tax credits.--

5           (1) The purpose of this section is to promote economic  
6 growth by providing an incentive for corporations which have  
7 developed or patented products or technologies they do not  
8 wish to develop further to license those items to companies  
9 located in Florida for production and marketing.

10           (2) As used in this section:

11           (a) "Annual statement of corporate tax credit" means  
12 the statement produced by Enterprise Florida, Inc., for each  
13 donor company listing the total amount of credit available to  
14 the donor company for all of the product development  
15 agreements it has entered into. This statement shall also  
16 include any additional information specified in the product  
17 development agreement.

18           (b) "Annual statement of fees due" means the statement  
19 submitted by the receiving company to Enterprise Florida,  
20 Inc., and the Department of Revenue each year, which lists the  
21 amount of fees and royalties owed by it under the product  
22 development agreement to the donor company for the preceding  
23 calendar year. This statement shall contain any additional  
24 information specified in the product development agreement.

25           (c) "Donor company" means an entity subject to the tax  
26 imposed by chapter 220 which has developed or holds the patent  
27 for a product or technology that it does not wish to develop  
28 itself and which has entered into a product development  
29 agreement.

30           (d) "Product development agreement" means a contract  
31 or series of contracts which provides the receiving company

1 with the right to produce and market a product or technology  
2 which was developed or patented by the donor company.

3 (e) "Receiving company" means a business operating in  
4 Florida which has entered into a product development agreement  
5 for the purpose of obtaining the right to produce and market a  
6 product or technology from a donor company.

7 (3) Enterprise Florida, Inc., shall actively seek out  
8 corporations which may be interested in becoming donor  
9 companies and Florida businesses which may be interested in  
10 becoming receiving companies and attempt to facilitate the  
11 formation of product development agreements.

12 (4) To qualify under this section, a product  
13 development agreement shall specify that a minimum of 75  
14 percent of the jobs created by the production of the new  
15 product or technology shall be located in Florida. In  
16 addition, the agreement shall specify the amount of  
17 compensation to be remitted by the receiving company for the  
18 license. The agreement shall further provide for submission by  
19 the receiving company of an annual statement of fees due to  
20 both Enterprise Florida, Inc., and the Department of Revenue  
21 and specify the information to be included in the statement.

22 (5) Each receiving company shall submit an annual  
23 statement of fees due to Enterprise Florida, Inc., and the  
24 Department of Revenue by February 1 each year, in a format  
25 approved by Enterprise Florida, Inc. Enterprise Florida, Inc.,  
26 shall be responsible for producing an annual statement of  
27 corporate tax credit for each donor company using the  
28 information contained in the statements. The corporate tax  
29 credit for each donor company shall equal 94.5 percent of the  
30 total of the amounts specified in the annual statements of  
31 fees due from all receiving companies with which it has

1 entered a product development agreement. In any year the total  
2 amount of credits granted under all annual statements of  
3 corporate tax credit shall not exceed 94.5 percent of the  
4 amount due to the state under all annual statements of fees  
5 due.

6 (6) Enterprise Florida, Inc., shall send the annual  
7 statement of corporate tax credit to each donor company by  
8 March 1 each year. These statements shall contain the  
9 information specified by the product development agreement.  
10 Enterprise Florida, Inc., shall also submit to the Department  
11 of Revenue a statement, in a format approved by the  
12 department, which specifies the amount of tax credit due to  
13 each donor company and the identities of the receiving  
14 companies from which those credits originated.

15 Section 20. Effective January 1, 2002, section  
16 220.115, Florida Statutes, is created to read:

17 220.115 Fees due from receiving companies pursuant to  
18 s. 288.907.--In addition to the tax imposed by this chapter,  
19 any company that has entered into a product development  
20 agreement pursuant to s. 288.907 as a receiving company shall  
21 remit to the state the funds listed as due on the annual  
22 statement of fees due which the company has submitted to both  
23 Enterprise Florida, Inc., and the Department of Revenue. Even  
24 if no tax is due under this chapter and a return would not  
25 normally be required, a Florida corporate income tax return  
26 shall be filed by the receiving company, and the funds listed  
27 on the annual statement of fees due shall be remitted to the  
28 department, subject to all filing requirements, fines, and  
29 penalties specified for returns and taxes due under this  
30 chapter. The Department of Revenue may adopt rules requiring  
31 the information that it considers necessary to ensure that the



1 funds due under this section are properly reported and paid,  
2 including, but not limited to, rules relating to the methods,  
3 forms (including the filing of returns by the receiving  
4 companies), deadlines, and penalties for providing the  
5 information required under this section.

6 Section 21. Effective January 1, 2002, section  
7 220.1825, Florida Statutes, is created to read:

8 220.1825 Credit for donor companies pursuant to s.  
9 288.907.--Upon remittance of funds to the Department of  
10 Revenue by a receiving company under s. 220.115, a credit  
11 against the tax imposed by this chapter shall be allowed to  
12 the donor company that has entered into a product development  
13 agreement with that receiving company pursuant to s. 288.907,  
14 which credit shall be limited to 94.5 percent of the amount  
15 stated in the annual statement of corporate tax credit  
16 provided to the company by Enterprise Florida, Inc. If any  
17 credit granted under this section is not fully used in the  
18 first year for which it becomes available, the unused amount  
19 may be carried forward for a period not to exceed 5 years. The  
20 Department of Revenue may adopt rules relating to the method  
21 of reporting and claiming this credit.

22 Section 22. Effective January 1, 2002, subsection (8)  
23 of section 220.02, Florida Statutes, is amended to read:

24 220.02 Legislative intent.--

25 (8) It is the intent of the Legislature that credits  
26 against either the corporate income tax or the franchise tax  
27 be applied in the following order: those enumerated in s.  
28 631.828, those enumerated in s. 220.191, those enumerated in  
29 s. 220.181, those enumerated in s. 220.183, those enumerated  
30 in s. 220.182, those enumerated in s. 220.1895, those  
31 enumerated in s. 221.02, those enumerated in s. 220.184, those

1 enumerated in s. 220.186, those enumerated in s. 220.1845,  
2 those enumerated in s. 220.19, ~~and~~ those enumerated in s.  
3 220.185, and those enumerated in s. 220.1825.

4 Section 23. Section 121.155, Florida Statutes, is  
5 created to read:

6 121.155 Investments in support of economic development  
7 strategies; legislative findings and intent.--

8 (1) The Legislature finds that:

9 (a) The recruitment, retention, and expansion of  
10 high-technology businesses are a principal economic  
11 development strategy of the state.

12 (b) High-technology businesses have the potential to  
13 contribute significantly to the prosperity of the state and  
14 its residents through the creation of employment opportunities  
15 and through the generation of revenues into the economy.

16 (c) A significant barrier to the growth of  
17 high-technology businesses in the state is caused by a lack of  
18 access to sources of capital to support the activities of such  
19 businesses.

20 (d) The State Board of Administration, through the  
21 investment of funds of the System Trust Fund, has the ability  
22 to influence the availability of capital in the marketplace  
23 for businesses located in the state.

24 (e) The investment of funds of the System Trust Fund  
25 in a manner consistent with the economic development goals of  
26 the state enhances the prospects for fulfillment of such  
27 goals.

28 (2) It is the intent of the Legislature that the State  
29 Board of Administration, consistent with sound investment  
30 policy and with the investment provisions set forth in ss.  
31 215.44-215.53, maximize opportunities to invest and reinvest

1 available funds of the System Trust Fund in a manner that is  
2 consistent with, and that supports fulfillment of, the  
3 economic development strategies of the state, including  
4 investing and reinvesting funds in support of the capital  
5 needs of emerging and strategic high-technology businesses  
6 located in the state. It is further the intent of the  
7 Legislature that the State Board of Administration, in  
8 supporting fulfillment of the economic development strategies  
9 of the state, establish partnerships, where feasible, with  
10 venture capital firms designed to facilitate investment of  
11 venture capital in high-technology businesses located in this  
12 state.

13 (3) Staff of the State Board of Administration shall  
14 regularly solicit information from Enterprise Florida, Inc.,  
15 on those high-technology business sectors that research  
16 indicates have significant potential to contribute to the  
17 economic development of the state and shall provide such  
18 information to the Investment Advisory Council created under  
19 s. 215.444.

20 (4) As part of the annual report required under s.  
21 215.44, the State Board of Administration shall describe those  
22 investment activities during the year in furtherance of the  
23 findings and intent of this section.

24 Section 24. Section 159.26, Florida Statutes, is  
25 amended to read:

26 159.26 Legislative findings and purposes.--The  
27 Legislature finds and declares that:

28 (1) The agriculture, tourism, urban development,  
29 historic preservation, information technology, education, and  
30 health care industries, among others, are vital to the economy  
31 of the state and to the welfare of the people and need to be

1 enhanced and expanded to improve the competitive position of  
2 the state;

3 (2) There is a need to enhance other economic activity  
4 in the state by attracting manufacturing development, business  
5 enterprise management, and other activities conducive to  
6 economic promotion in order to provide a stronger, more  
7 balanced, and stable economy in the state, while providing  
8 through pollution control and otherwise for the health and  
9 safety of the people;

10 (3) In order to improve the prosperity and welfare of  
11 the state and its inhabitants; to improve education, living  
12 conditions, and health care; to promote the preservation of  
13 historic structures; to promote the rehabilitation of  
14 enterprise zones; to promote improved transportation; to  
15 promote effective and efficient pollution control throughout  
16 the state; to promote the advancement of education and science  
17 and research in and the economic development of the state; to  
18 promote the advancement of information technology;and to  
19 increase purchasing power and opportunities for gainful  
20 employment, it is necessary and in the public interest to  
21 facilitate the financing of the projects provided for in this  
22 part and to facilitate and encourage the planning and  
23 development of these projects without regard to the boundaries  
24 between counties, municipalities, special districts, and other  
25 local governmental bodies or agencies in order to more  
26 effectively and efficiently serve the interests of the  
27 greatest number of people in the widest area practicable; and  
28 (4) The purposes to be achieved by such projects and  
29 the financing of them in compliance with the criteria and  
30 requirements of this part are predominantly the public  
31 purposes stated in this section, and such purposes implement

1 the governmental purposes under the State Constitution of  
2 providing for the health, safety, and welfare of the people,  
3 including implementing the purpose of s. 10(c), Art. VII of  
4 the State Constitution.

5 Section 25. Subsection (5) of section 159.27, Florida  
6 Statutes, is amended, and subsection is added to that section  
7 to read:

8 159.27 Definitions.--The following words and terms,  
9 unless the context clearly indicates a different meaning,  
10 shall have the following meanings:

11 (5) "Project" means any capital project comprising an  
12 industrial or manufacturing plant, a research and development  
13 park, an information technology facility, an agricultural  
14 processing or storage facility, a warehousing or distribution  
15 facility, a headquarters facility, a tourism facility, a  
16 convention or trade show facility, an urban parking facility,  
17 a trade center, a health care facility, an educational  
18 facility, a correctional or detention facility, a motion  
19 picture production facility, a preservation or rehabilitation  
20 of a certified historic structure, an airport or port  
21 facility, a commercial project in an enterprise zone, a  
22 pollution-control facility, a hazardous or solid waste  
23 facility, a social service center, or a mass commuting  
24 facility, including one or more buildings and other  
25 structures, whether or not on the same site or sites; any  
26 rehabilitation, improvement, renovation, or enlargement of, or  
27 any addition to, any buildings or structures for use as a  
28 factory, a mill, a processing plant, an assembly plant, a  
29 fabricating plant, an industrial distribution center, a  
30 repair, overhaul, or service facility, a test facility, an  
31 agricultural processing or storage facility, a warehousing or

1 distribution facility, a headquarters facility, a tourism  
2 facility, a convention or trade show facility, an urban  
3 parking facility, a trade center, a health care facility, an  
4 educational facility, a correctional or detention facility, a  
5 motion picture production facility, a preservation or  
6 rehabilitation of a certified historic structure, an airport  
7 or port facility, a commercial project in an enterprise zone,  
8 a pollution-control facility, a hazardous or solid waste  
9 facility, a social service center, or a mass commuting  
10 facility, and other facilities, including research and  
11 development facilities and information technology facilities,  
12 for manufacturing, processing, assembling, repairing,  
13 overhauling, servicing, testing, or handling of any products  
14 or commodities embraced in any industrial or manufacturing  
15 plant, in connection with the purposes of a research and  
16 development park, or other facilities for or used in  
17 connection with an agricultural processing or storage  
18 facility, a warehousing or distribution facility, a  
19 headquarters facility, a tourism facility, a convention or  
20 trade show facility, an urban parking facility, a trade  
21 center, a health care facility, an educational facility, a  
22 correctional or detention facility, a motion picture  
23 production facility, a preservation or rehabilitation of a  
24 certified historic structure, an airport or port facility, or  
25 a commercial project in an enterprise zone or for controlling  
26 air or water pollution or for the disposal, processing,  
27 conversion, or reclamation of hazardous or solid waste, a  
28 social service center, or a mass commuting facility; and  
29 including also the sites thereof and other rights in land  
30 therefor whether improved or unimproved, machinery, equipment,  
31 site preparation and landscaping, and all appurtenances and

1 facilities incidental thereto, such as warehouses, utilities,  
2 access roads, railroad sidings, truck docking and similar  
3 facilities, parking facilities, office or storage or training  
4 facilities, public lodging and restaurant facilities, dockage,  
5 wharfage, solar energy facilities, and other improvements  
6 necessary or convenient for any manufacturing or industrial  
7 plant, research and development park, information technology  
8 facility, agricultural processing or storage facility,  
9 warehousing or distribution facility, tourism facility,  
10 convention or trade show facility, urban parking facility,  
11 trade center, health care facility, educational facility, a  
12 correctional or detention facility, motion picture production  
13 facility, preservation or rehabilitation of a certified  
14 historic structure, airport or port facility, commercial  
15 project in an enterprise zone, pollution-control facility,  
16 hazardous or solid waste facility, social service center, or a  
17 mass commuting facility and any one or more combinations of  
18 the foregoing.

19 (25) "Information technology facility" means a  
20 building or structure, including infrastructure such as roads,  
21 power, water, network access points, and fiber optic cable  
22 leading to the structure, which is used to house businesses  
23 classified within the following codes of the North American  
24 Industry Classification System (NAICS): 334111 (electronic  
25 computer manufacturing), 334112 (computer storage device  
26 manufacturing), 334113 (computer terminal manufacturing),  
27 334119 (other computer peripheral equipment manufacturing),  
28 334613 (magnetic and optical recording media manufacturing),  
29 334418 (printed circuit assembly manufacturing), 334411  
30 (electron tube manufacturing), 334412 (bare printed circuit  
31 board manufacturing), 334413 (semiconductor and related device

1 manufacturing), 334417 (electronic connector manufacturing),  
2 334611 (software reproducing), 541512 (computer systems design  
3 services), 51421 (data processing services), 514191 (on-line  
4 information services), 811212 (computer and office machine  
5 repair and maintenance), 44312 (computer and software  
6 stores-retail), 541519 (other computer related services),  
7 42143 (computer and computer peripheral equipment and software  
8 wholesalers), 51121 (software publishers), 541511 (custom  
9 computer programming services), and 61142 (computer training).  
10 The term also includes joint-use advanced digital media  
11 research and production facilities created pursuant to  
12 authority from the Legislature for the Office of Tourism,  
13 Trade, and Economic Development to administer a program  
14 facilitating the establishment and maintenance of such digital  
15 media facilities.

16 Section 26. Subsection (10) of section 159.705,  
17 Florida Statutes, is amended to read:

18 159.705 Powers of the authority.--The authority is  
19 authorized and empowered:

20 (10) Other provisions of law to the contrary  
21 notwithstanding, to acquire by lease, without consideration,  
22 purchase, or option any lands owned, administered, managed,  
23 controlled, supervised, or otherwise protected by the state or  
24 any of its agencies, departments, boards, or commissions for  
25 the purpose of establishing a research and development park,  
26 subject to being first designated a research and development  
27 authority under the provisions of ss. 159.701-159.7095. The  
28 authority may cooperate with state and local political  
29 subdivisions and with private profit and nonprofit entities to  
30 implement the public purposes set out in s. 159.701. Such  
31 cooperation may include agreements for the use of the



1 resources of state and local political subdivisions, agencies,  
2 or entities on a fee-for-service basis or on a cost-recovery  
3 basis. A project that is located in a research and development  
4 park and is financed under the provisions of the Florida  
5 Industrial Development Financing Act may be operated by a  
6 research and development authority, a state university, a  
7 Florida community college, or a governmental agency, provided  
8 that the purpose and operation of such project is consistent  
9 with the purposes and policies enumerated in ss.  
10 159.701-159.7095.

11 Section 27. Section 240.1055, Florida Statutes, is  
12 created to read:

13 240.1055 Economic development mission.--

14 (1) The Legislature finds that the state system of  
15 postsecondary education contributes to the economic well-being  
16 of the state and its people through the education and training  
17 of individuals for employment, through research and  
18 development of technologies that have commercial applications,  
19 and through the provision of assistance to businesses based in  
20 this state. The Legislature further finds that the quality and  
21 activities of the state system of postsecondary education  
22 directly affect the success of state, regional, and local  
23 efforts to develop, recruit, retain, and expand businesses,  
24 particularly high-technology businesses, that create jobs and  
25 generate revenue. Therefore, as a fundamental component of the  
26 purpose and mission articulated in s. 240.105, the mission of  
27 the state system of postsecondary education is to complement,  
28 facilitate, and support the economic development strategies  
29 and goals of the state and its communities.

30 (2) In recognition and furtherance of the economic  
31 development mission of the state system of postsecondary

1 education, it is the policy of the state to use the patent  
2 system and the technology-licensing operations of public  
3 universities to promote the use of inventions arising from  
4 funded research; to encourage to the maximum extent possible  
5 the participation of businesses based in this state in  
6 opportunities to commercialize technology; to promote  
7 collaboration between businesses in this state and  
8 universities; and to secure for the residents of this state  
9 enhanced returns on the intellectual property developed by  
10 public universities through funded research.

11 Section 28. Section 240.710, Florida Statutes, is  
12 amended to read:

13 240.710 Digital Media Education Coordination Group.--

14 (1) The Division of Universities of the Department of  
15 Education, or the division's successor entity,~~Board of~~  
16 ~~Regents~~ shall create a Digital Media Education Coordination  
17 Group composed of representatives of the universities within  
18 the State University System that shall work in conjunction  
19 with the Division ~~Department of Education, the State Board of~~  
20 Community Colleges, the Office of Tourism, Trade, and Economic  
21 Development, and the Articulation Coordinating Committee ~~on~~  
22 ~~the development of a plan~~ to enhance Florida's ability to meet  
23 the current and future workforce needs of the digital media  
24 industry. The following purposes of the group shall be  
25 included in its plan development process:

26 (a) Coordination of the use of existing academic  
27 programs and research and faculty resources to promote the  
28 development of a digital media industry in this state.

29 (b) Address strategies to improve opportunities for  
30 interdisciplinary study and research within the emerging field  
31 of digital media through the development of tracts in existing

1 degree programs, new interdisciplinary degree programs, and  
2 interdisciplinary research centers.

3 (c) Address the sharing of resources among  
4 universities in such a way as to allow a student to take  
5 courses from multiple departments or multiple educational  
6 institutions in pursuit of competency, certification, and  
7 degrees in digital information and media technology.

8 (2) Where practical, private accredited institutions  
9 of higher learning in this state should be encouraged to  
10 participate.

11 ~~(3) In addition to the elements of the plan governed~~  
12 ~~by the purposes described in subsection (1), the plan shall~~  
13 ~~include, to the maximum extent practical, the coordination of~~  
14 ~~educational resources to be provided by distance learning and~~  
15 ~~shall facilitate to the maximum extent possible articulation~~  
16 ~~and transfer of credits between community colleges and the~~  
17 ~~state universities. The plan shall address student enrollment~~  
18 ~~in affected programs with emphasis on enrollment beginning as~~  
19 ~~early as fall term, 2001.~~

20 ~~(3)(4) The Digital Media Education Coordination Group~~  
21 ~~shall submit an annual report of its activities with any~~  
22 ~~recommendations for policy implementation or funding to the~~  
23 ~~State Board of Education its plan to the President of the~~  
24 ~~Senate and the Speaker of the House of Representatives no~~  
25 ~~later than February 1 of each year ~~January 1, 2001.~~~~

26 Section 29. Paragraph (i) of subsection (6) of section  
27 288.108, Florida Statutes, is amended to read:

28 288.108 High-impact business.--

29 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT  
30 SECTORS.--

31

1           (i) For the purposes of this subsection, the  
2 semiconductor a high-impact sector consists of the silicon  
3 technology sector and the information technology sector are  
4 ~~that Enterprise Florida, Inc., has~~ found to be focused around  
5 the type of high-impact businesses for which the incentive  
6 created in this ~~section~~ subsection is designed. These sectors  
7 ~~required and~~ will create the kinds of economic sector and  
8 ~~economy wide~~ benefits that justify the use of state resources  
9 as economic development incentives. Further, the use of state  
10 resources to encourage investment in these sectors is  
11 necessary to encourage these investments and require  
12 ~~substantial inducements~~ to compete with the incentive packages  
13 offered by other states and nations. For the purposes of this  
14 subsection and s. 220.191, the term "information technology  
15 sector" shall encompass, but not be limited to, the digital  
16 media sector as defined by Enterprise Florida, Inc., and  
17 approved by the Office of Tourism, Trade, and Economic  
18 Development.

19           Section 30. The Legislature finds that the Information  
20 Services Technology Development Task Force created under  
21 chapter 99-354, Laws of Florida, performed an integral role in  
22 analyzing and recommending policies to facilitate the  
23 beneficial development and deployment of information  
24 technology on a statewide basis. It is the intent of the  
25 Legislature that, upon the dissolution of the task force  
26 effective July 1, 2001, the state solicit continued policy  
27 guidance and direction from a not-for-profit corporation  
28 created to advocate on behalf of information technology  
29 businesses and other high-technology businesses throughout the  
30 state and which does business under the name "itflorida.com,  
31 Inc." It further is the intent of the Legislature that the

1 State Technology Office; the Office of Tourism, Trade, and  
2 Economic Development; and Enterprise Florida, Inc., facilitate  
3 the formation and initial operation of such corporation to the  
4 maximum extent feasible and that such organizations use the  
5 corporation as a resource for information and insights about  
6 the information technology industry and other high-technology  
7 industries.

8 Section 31. Effective upon this act becoming a law,  
9 section 288.9522, Florida Statutes, is created to read:

10 288.9522 Florida Research Consortium.--

11 (1) CREATION; INTENT.--

12 (a) There is created the Florida Research Consortium,  
13 which shall be organized and operated as a not-for-profit  
14 corporation in compliance with chapter 617. The consortium  
15 shall serve as an entity for uniting businesses and  
16 universities in the state in order to enhance economic  
17 development through the development and commercialization of  
18 science and technology and for targeting the activities of  
19 such universities toward fulfillment of the economic  
20 development goals of the state.

21 (b) It is the intent of the Legislature that the  
22 Florida Research Consortium complement, and not supplant, any  
23 elements of the governance structure for the state system of  
24 post-secondary education. It further is the intent of the  
25 Legislature that the consortium operate as a private  
26 corporation and not as an agency of state government. It also  
27 is the intent of the Legislature that the state provide a  
28 framework for and facilitate the creation and initial  
29 operation of the consortium, but that ultimately the  
30 consortium function as a dynamic, independent entity that

31

1 identifies and implements activities to fulfill strategies  
2 developed by its board of directors.

3 (2) BOARD OF DIRECTORS.--The Florida Research  
4 Consortium shall be governed by a board of directors comprised  
5 of the following members:

6 (a) Ten chief executive officers of businesses based  
7 in this state who are appointed by the Governor. Initially, of  
8 the 10 chief executive officers, the Governor shall appoint 5  
9 members for terms of 4 years, 3 members for terms of 3 years,  
10 and 2 members for terms of 2 years. Thereafter, the Governor  
11 shall appoint all members for terms of 4 years.

12 (b) Two chief executive officers of businesses based  
13 in this state who are appointed by the President of the Senate  
14 and who serve at the pleasure of the President.

15 (c) Two chief executive officers of businesses based  
16 in this state who are appointed by the Speaker of the House of  
17 Representatives and who serve at the pleasure of the Speaker.

18 (d) The presidents of the following universities:

19 1. University of Florida;

20 2. Florida State University;

21 3. University of Central Florida;

22 4. University of South Florida;

23 5. Florida Atlantic University;

24 6. Florida International University;

25 7. Florida Agricultural and Mechanical University;

26 8. University of North Florida;

27 9. Florida Gulf Coast University;

28 10. University of West Florida; and

29 11. University of Miami.

30 (e) The president of Enterprise Florida, Inc.

31 (f) The president of Workforce Florida, Inc.

1           (g) One representative each from two not-for-profit  
2 research institutes located in the state which are not public  
3 or private universities, who are appointed by the Governor for  
4 terms of 4 years.

5           (h) The Governor or the Governor's designee, who shall  
6 serve as an ex officio, nonvoting member.

7           (i) The Commissioner of Education or the  
8 commissioner's designee, who shall serve as an ex officio,  
9 non-voting member.

10  
11 The voting members of the board of directors shall biennially  
12 elect one of the voting members of the board to serve as the  
13 chairman of the board. All members appointed under paragraphs  
14 (a), (b), (c), and (g) are subject to Senate confirmation.

15           (3) PURPOSE.--The purpose of the Florida Research  
16 Consortium is to support economic development in the state by  
17 linking the research capabilities of member universities with  
18 the needs and activities of private businesses in the state  
19 and by fostering the development and growth of scientific and  
20 technology-based industry and commerce in this state.

21           (4) POWERS AND DUTIES.--The powers and duties of the  
22 board of directors of the Florida Research Consortium shall  
23 include, but not be limited to:

24           (a) Raising funds from nonstate sources to leverage  
25 any appropriations from the Legislature;

26           (b) Identifying three specific disciplines in science  
27 or technology which shall be the focus of the activities of  
28 the consortium, with such disciplines being narrowly defined  
29 and being viable areas of potential success for the state from  
30 an economic development and academic perspective;

31

1           (c) Developing and implementing strategies to recruit  
2 and retain preeminent researchers in science and  
3 technology-based disciplines to universities in the state,  
4 with such strategies including but not being limited to the  
5 endowment of faculty or research chairs at universities in the  
6 state in the disciplines identified under paragraph (b);

7           (d) Developing and implementing strategies to recruit  
8 and retain graduate and undergraduate students in science and  
9 technology-based disciplines to universities in the state;

10           (e) Assisting new and expanding science and  
11 technology-based businesses with their research, technology  
12 commercialization, capital, and workforce needs;

13           (f) Developing and implementing strategies to increase  
14 the state's share of research funds;

15           (g) Identifying statutory, regulatory, policy, or  
16 other barriers impeding the effective, efficient, and timely  
17 transfer of technology and commercialization of research from  
18 the university setting and proposing resolutions to such  
19 barriers, including reforms to university policies on issues  
20 such as conflicts of interest;

21           (h) Developing and implementing strategies to create a  
22 culture at member universities which promotes the conduct of  
23 applied research and the transfer of technology as fundamental  
24 activities of such universities;

25           (i) Developing measures to assess the performance of  
26 the technology transfer offices of the member universities in  
27 facilitating the transfer of technology to businesses in the  
28 state;

29           (j) Facilitating discussions, meetings, and other  
30 forms of communication among university researchers, faculty,  
31



1 administrators, and students; high technology businesses in  
2 the state; and economic-development professionals;

3 (k) Establishing and maintaining an Internet-based  
4 database for the marketing, publication, and exchange of  
5 information with the public and private sectors on basic,  
6 applied, and other research being conducted at universities in  
7 the state;

8 (l) Coordinating donations of equipment from  
9 high-technology businesses to secondary schools;

10 (m) Hiring an executive director and other staff for  
11 the Florida Research Consortium; and

12 (n) Meeting at least four times each calendar year,  
13 with the first meeting of the board of directors being held by  
14 July 1, 2001.

15 (5) ANNUAL REPORT.--

16 (a) By January 1 of each year, the Florida Research  
17 Consortium shall submit a report of its activities and  
18 accomplishments for the year to the Governor, the President of  
19 the Senate, and the Speaker of the House of Representatives.  
20 The report shall also include specific recommendations  
21 regarding actions the state could take to enhance the  
22 commercialization of research and transfer of technologies  
23 from the universities and to enhance the role of universities  
24 in accomplishing the economic development goals of the state.

25 (b) By December 1 of each year, the technology  
26 transfer office of each university that is a member of the  
27 Florida Research Consortium shall report to the board of  
28 directors on the activities of the office during the year  
29 related to facilitating the transfer of technology to  
30 businesses and on its other activities related to building  
31 relationships between university researchers, faculty,

1 students, and administrators and businesses in the state. The  
2 report must include information on the achievement by the  
3 office of the performance measures identified under paragraph  
4 (4)(i). The board of directors shall summarize the information  
5 provided by the technology transfer offices as part of the  
6 annual report by the board under paragraph (a).

7       Section 32. (1) Enterprise Florida, Inc., shall  
8 provide staff support to the Florida Research Consortium  
9 created under section 288.9522, Florida Statutes, to assist  
10 the board of directors of the consortium with the initial  
11 organization and operation of the consortium, until such time  
12 as the board of directors of the consortium hires an executive  
13 director or other staff.

14       (2) This section shall take effect upon this act  
15 becoming a law.

16       Section 33. (1) The Legislature finds that promoting  
17 objectivity in research at public universities is important to  
18 ensure that conflicts of interest do not compromise the  
19 responsibility of faculty, researchers, staff, and students to  
20 the state and the public educational institutions they  
21 represent. The Legislature also finds, however, that the  
22 transfer of technology from the university setting to the  
23 private sector produces economic development benefits for the  
24 state and its citizens and is a laudable public policy goal of  
25 the state. The Legislature further finds that such transfer of  
26 technology is facilitated by encouraging communication and  
27 relationships between university employees and business  
28 entities. Therefore, it is the intent of the Legislature that  
29 public universities in the state operate under policies and  
30 procedures that safeguard the public trust but that also  
31 facilitate the transfer of technology by not unduly burdening

1 the building of relationships between university employees and  
2 business entities.

3 (2) The Florida Research Consortium created under  
4 section 288.9522, Florida Statutes, shall report to the  
5 Governor, the President of the Senate, and the Speaker of the  
6 House of Representatives by January 1, 2002, on the impact of  
7 existing statutes, regulations, policies, and procedures, as  
8 well as other factors the consortium identifies, on the  
9 transfer and commercialization of technology from the  
10 university setting to the private sector and on the ability of  
11 university faculty, researchers, other staff, and students to  
12 establish relationships with business entities emanating from  
13 research conducted at the universities. The report shall  
14 include specific recommendations for actions by the  
15 Legislature, universities, and state agencies to enhance and  
16 promote the transfer and commercialization of technology to  
17 produce economic development benefits for the state and its  
18 residents. At a minimum, this report must:

19 (a) Examine the code of ethics for public officers and  
20 employees under part III of chapter 112, Florida Statutes, to  
21 identify any specific provisions that impede the transfer and  
22 commercialization of technology and recommend any changes to  
23 the code that the consortium deems necessary to address such  
24 impediments.

25 (b) Assess the strengths and weaknesses of technology  
26 transfer and commercialization policies and practices of the  
27 member universities of the consortium and identify any  
28 exemplars.

29 (c) Review technology transfer and commercialization  
30 policies and practices in other states to identify models for  
31 potential adoption in this state.

1           (d) Examine federal statutes and regulations governing  
2 conflicts of interest and disclosure of significant financial  
3 interests by researchers who apply for or receive federal  
4 research funds and recommend whether comparable statutory or  
5 regulatory provisions should be adopted in this state.

6           (e) Analyze the provisions of the federal Bayh-Dole  
7 Act and related legislation and recommend whether any  
8 comparable provisions should be adopted in this state.

9           (f) Assess the advantages and disadvantages of  
10 adopting policies and practices related to the transfer and  
11 commercialization of technology on a statewide basis versus at  
12 the individual university level.

13           (3) The consortium shall solicit the participation in  
14 the preparation of this report of individuals who have  
15 expertise related to the transfer and commercialization of  
16 technology but who are not members of the consortium.

17           (4) This section shall take effect upon this act  
18 becoming a law.

19           Section 34. Section 445.045, Florida Statutes, is  
20 amended to read:

21           445.045 Development of an Internet-based system for  
22 information technology industry promotion and workforce  
23 recruitment.--

24           (1) Workforce Florida, Inc.,~~The Department of Labor~~  
25 ~~and Employment Security~~ shall be responsible for directing  
26 ~~facilitate efforts to ensure~~ the development and maintenance  
27 of a website that promotes and markets the information  
28 technology industry in this state. The website shall be  
29 designed to inform the public concerning the scope of the  
30 information technology industry in the state and shall also be  
31 designed to address the workforce needs of the industry. The

1 website shall include, through links or actual content,  
2 information concerning information technology businesses in  
3 this state, including links to such businesses; information  
4 concerning employment available at these businesses; and the  
5 means by which a jobseeker may post a resume on the website.

6 (2) Workforce Florida, Inc.,~~The Department of Labor~~  
7 ~~and Employment Security~~ shall coordinate with the State  
8 Technology Office and the Agency for Workforce Innovation  
9 ~~Workforce Development Board of Enterprise Florida, Inc.,~~ to  
10 ensure links, where feasible and appropriate, to existing job  
11 information websites maintained by the state and state  
12 agencies and to ensure that information technology positions  
13 offered by the state and state agencies are posted on the  
14 information technology website.

15 (3) Workforce Florida, Inc., shall ensure that the  
16 website developed and maintained under this section is  
17 consistent, compatible, and coordinated with the workforce  
18 information systems required under s. 445.011, including, but  
19 not limited to, the automated job-matching information system  
20 for employers, job seekers, and other users.

21 (4)(a) Workforce Florida, Inc., shall coordinate  
22 development and maintenance of the website under this section  
23 with the state's Chief Information Officer in the State  
24 Technology Office to ensure compatibility with the state's  
25 information system strategy and enterprise architecture.

26 (b) Workforce Florida, Inc., may enter into an  
27 agreement with the State Technology Office, the Agency for  
28 Workforce Innovation, or any other public agency with the  
29 requisite information technology expertise for the provision  
30 of design, operating, or other technological services  
31 necessary to develop and maintain the website.

1           (c) Workforce Florida, Inc., may procure services  
2 necessary to implement the provisions of this section,  
3 provided, however, that it employs competitive processes,  
4 including requests for proposals, competitive negotiation, and  
5 other competitive processes to ensure that the procurement  
6 results in the most cost-effective investment of state funds.

7           (5) In furtherance of the requirements under this  
8 section that the website promote and market the information  
9 technology industry by communicating information on the scope  
10 of the industry in this state, Workforce Florida, Inc., shall  
11 coordinate its efforts with the high-technology industry  
12 marketing efforts of Enterprise Florida, Inc., under s.  
13 288.911. Through links or actual content, the website  
14 developed under this section shall serve as a forum for  
15 distributing the marketing campaign developed by Enterprise  
16 Florida, Inc., under s. 288.911. In addition, Workforce  
17 Florida, Inc., shall solicit input from the not-for-profit  
18 corporation created to advocate on behalf of the information  
19 technology industry as an outgrowth of the Information Service  
20 Technology Development Task Force created under chapter  
21 99-354, Laws of Florida.

22           (6) In fulfilling its responsibilities under this  
23 section, Workforce Florida, Inc., may enlist the assistance of  
24 and act through the Agency for Workforce Innovation. The  
25 agency is authorized and directed to provide such services as  
26 Workforce Florida, Inc., and the agency deem necessary to  
27 implement this section.

28           Section 35. Pilot grant program for youth  
29 internships.--

30           (1) Subject to legislative appropriation, Workforce  
31 Florida, Inc., shall establish a pilot matching grant program

1 that is designed to encourage high-technology businesses to  
2 employ, train, and mentor financially needy youth through  
3 internships completed under the direct supervision of the  
4 eligible business. Under this program, Workforce Florida,  
5 Inc., may award grants to an eligible business for the benefit  
6 of a named eligible youth. Part of the purpose of the program  
7 shall be to help financially needy youth acquire and develop  
8 information technology skills in order to help close the  
9 "digital divide."

10 (2) Grant funds awarded under this program shall be  
11 used to supplement the stipend of the eligible youth and must  
12 be matched by contributions from the eligible business. The  
13 maximum grant amount that may be awarded on behalf of a single  
14 eligible youth at one time is \$2,000. Workforce Florida, Inc.,  
15 may establish limitations on the total number of internship  
16 grants that may be awarded to a single eligible business or  
17 that may be awarded on behalf of a single eligible youth.

18 (3) An eligible business under this program includes  
19 any sole proprietorship, firm, partnership, or corporation in  
20 this state that is in the information technology sector,  
21 health technology sector, or other high-technology sector that  
22 the board of directors of Workforce Florida, Inc., in  
23 consultation with Enterprise Florida, Inc., determines is  
24 strategically important to the economic development goals of  
25 the state.

26 (4) An eligible youth under this program includes a  
27 student between the ages of 15 and 18 who is currently  
28 enrolled at a high school in Florida and who has not been  
29 previously employed within the preceding 12 months by the  
30 eligible business, or a successor business, applying for  
31 matching funds under this program. The youth must be a member

1 of a family that includes a parent with one or more minor  
2 children or a caretaker with one or more minor children and  
3 that is at risk of welfare dependency because the family's  
4 income does not exceed 200 percent of the federal poverty  
5 level.

6 (5)(a) As part of an application for funding under  
7 this program, an eligible business must submit an internship  
8 work plan that describes:

9 1. The work to be performed by the eligible youth;

10 2. The anticipated number of hours per week the  
11 eligible youth will work;

12 3. The total hourly stipend to be paid to eligible  
13 youth, with a description of the portion of the stipend  
14 proposed to be paid by the eligible business and the portion  
15 of the stipend proposed to be paid by the state;

16 4. The anticipated term of the internship;

17 5. The training and supervision to be provided by the  
18 eligible business, particularly in terms of skill development  
19 of the youth related to computers and other information  
20 technologies;

21 6. The impact of the grant funds on the ability of the  
22 eligible business to employ the eligible youth through the  
23 internship; and

24 7. The prospects for unsubsidized employment of the  
25 youth after the internship period concludes.

26 (b) An application for funding must also identify the  
27 eligible youth to be hired under the internship and include  
28 information to demonstrate that the eligible youth satisfies  
29 the requirements of subsection (4).

30 (6) Workforce Florida, Inc., shall establish  
31 guidelines governing the administration of this program which



1 facilitate access to the program by businesses and shall  
2 establish criteria to be used in evaluating an application for  
3 funding and the internship plan accompanying the application  
4 as required under subsection (5). Such criteria must include,  
5 but need not be limited to:

6 (a) The nature of the work to be performed by the  
7 eligible youth;

8 (b) The potential experience and skills to be acquired  
9 by the eligible youth, particularly related to computers and  
10 other information technologies, as identified by Workforce  
11 Florida, Inc., which may help address the digital divide;

12 (c) Whether the eligible business is classified in one  
13 of the business sectors identified by Enterprise Florida,  
14 Inc., as being strategically important to the economic  
15 development efforts of the state or is classified in a  
16 business sector identified as being strategically important to  
17 the particular regional or local area in which the business is  
18 located;

19 (d) The supervision, training, and counseling to be  
20 provided to the eligible youth as part of the internship;

21 (e) The demonstrated need of the eligible business and  
22 the amount of matching funds to be provided by the eligible  
23 business; and

24 (f) The extent to which the internship has potential  
25 to result in permanent employment with the eligible business  
26 at the completion of the internship or anytime thereafter.

27 (7) Before allocating funds for any grant application  
28 under this program, Workforce Florida, Inc., shall execute a  
29 simplified grant agreement with the eligible business. Such  
30 agreement must include provisions for Workforce Florida, Inc.,  
31

1 to have access to information about the performance of  
2 eligible youth upon completion of the internship.

3 (8) Workforce Florida, Inc., shall ensure that any  
4 forms or reports associated with this program which a business  
5 or individual is required to complete are as concise and  
6 simple to complete as practicable.

7 (9) Before the 2003 legislative session, Workforce  
8 Florida, Inc., shall prepare a report describing the outcomes  
9 of the pilot program authorized under this section. The report  
10 must include a recommendation as to whether the Legislature  
11 should continue to fund the program and on any changes  
12 necessary to enhance the program. The report must be submitted  
13 to the Governor, the President of the Senate, and the Speaker  
14 of the House of Representatives by January 31, 2003.

15 (10) In fulfilling its responsibilities under this  
16 section, Workforce Florida, Inc., may enlist the assistance of  
17 and act through the Agency for Workforce Innovation. The  
18 agency is authorized and directed to provide such services as  
19 Workforce Florida, Inc., and the agency deem necessary to  
20 implement this section.

21 Section 36. Joint-Use Advanced Digital-Media Research  
22 and Production Facilities.--

23 (1) The Legislature finds that developments in digital  
24 media are having, and will continue to have, a profound effect  
25 on the state, its people, and its businesses in areas  
26 including, but not limited to, information technology,  
27 simulation technology, and film and entertainment production  
28 and distribution. The digital-media industry represents a  
29 strategic economic development opportunity for the state to  
30 become a global leader in this emerging and dynamic field. The  
31 ability of the state to succeed in developing the

1 digital-media sector, however, depends upon having a workforce  
2 with skills necessary to meet the demands of the industry. The  
3 Legislature further finds that the convergence of media and  
4 the collaboration of businesses and multi-disciplinary  
5 academic research programs will enable this state to compete  
6 more successfully with other digital-media innovation centers  
7 around the country and around the world. Therefore, it is the  
8 intent of the Legislature to support the establishment and  
9 maintenance of joint-use advanced digital-media research and  
10 production facilities in the state to provide regional focal  
11 points for collaboration between research and education  
12 programs and digital-media industries.

13 (2) Subject to legislative appropriation, the Office  
14 of Tourism, Trade, and Economic Development is authorized to  
15 create and administer a program to facilitate the  
16 establishment and maintenance of joint-use advanced  
17 digital-media research and production facilities at strategic  
18 locations around the state. The office shall administer all  
19 facets of this program in cooperation and consultation with  
20 the Office of the Film Commissioner; Enterprise Florida, Inc.;  
21 Workforce Florida, Inc.; the Digital Media Education  
22 Coordination Group of the State University System; and a  
23 not-for-profit corporation that represents information  
24 technology businesses throughout the state.

25 (3) The purposes of a joint-use advanced digital-media  
26 research and production facility shall include:

27 (a) Creating opportunities for industry, academia, and  
28 government to benefit from student and researcher involvement  
29 in applied research and development projects and other  
30 projects related to digital media.

31

1           (b) Promoting paths to future employment for students  
2 participating in the activities of the facility.

3           (c) Contributing to the development of a skilled  
4 workforce to support the needs of the digital-media industry.

5           (d) Facilitating the transfer of research results to  
6 commercial and government applications.

7           (e) Integrating the efforts and activities of the  
8 diverse, high-technology industries in the state that are  
9 critical to the economic future of the state.

10           (f) Assisting producers, suppliers, and distributors  
11 to make the transition from well-established passive media  
12 infrastructure to a highly interactive and immersive media  
13 infrastructure.

14           (g) Performing other functions or activities designed  
15 to contribute to the success of the state in becoming a leader  
16 in the digital-media industry, as approved by the Office of  
17 Tourism, Trade, and Economic Development.

18           (4) In carrying out its responsibilities under this  
19 section, the Office of Tourism, Trade, and Economic  
20 Development:

21           (a) Shall develop a strategic plan for how joint-use  
22 advanced digital-media research and production facilities will  
23 be governed and for how such facilities will be funded in the  
24 long term. The office may contract for the preparation of the  
25 strategic plan required by this paragraph.

26           (b) May contract for the establishment of joint-use  
27 advanced digital-media research and production facilities. In  
28 identifying, approving, and executing such contracts, the  
29 office shall attempt to maximize the use and integration of  
30 existing facilities and programs in the state that are  
31 suitable for application as joint-use advanced digital-media

1 facilities. Funds awarded under such contracts may be used to  
2 lease or refurbish existing facilities to create  
3 state-of-the-art digital-media design, production, and  
4 research laboratories that shall be shared by public and  
5 private educational institutions and industry partners.

6 (c) Shall ensure that funds appropriated for the  
7 program authorized in this section are expended in a manner  
8 consistent with the priority needs for developing the  
9 digital-media industry in this state, as identified by the  
10 organizations listed in subsection (2).

11 (d) Shall require any entity or organization receiving  
12 state funding under this section to match such funding with  
13 non-state sources.

14 (e) Shall require any joint-use advanced digital-media  
15 research and production facility receiving state funds to  
16 submit for approval by the office a detailed plan for the  
17 operation of such facility. Such operating plan must, at a  
18 minimum, include provisions for the establishment of a tenant  
19 association, with representation by each tenant using the  
20 facility, and for the collection of annual dues from tenants  
21 to support the operation and maintenance of the facility.

22 (f) Shall require any joint-use advanced digital-media  
23 research and production facility receiving state funding to  
24 submit an annual report to the office by a date established by  
25 the office. Upon receipt of such annual reports, the office  
26 shall provide copies to the Governor, the President of the  
27 Senate, and the Speaker of the House of Representatives.

28 (g) Shall establish guidelines and criteria governing  
29 the application for and receipt of funds under this section.

30 (h) May, as part of the annual report on the business  
31 climate of the state required under section 14.2015, Florida

1 Statutes, recommend to the Legislature policies designed to  
2 enhance the effectiveness of the program for joint-use  
3 advanced digital-media research and production facilities or  
4 policies designed to otherwise promote the development of the  
5 digital-media industry in the state.

6 (5) For the purposes of this section, the term  
7 "digital media" is defined as a discipline based on the  
8 creative convergence of art, science, and technology for human  
9 expression, communication, and social interaction. The Office  
10 of Tourism, Trade, and Economic Development, in cooperation  
11 and consultation with the organizations identified in  
12 subsection (2), shall identify specific types of businesses or  
13 types of business activity to be included within the term  
14 "digital media."

15 Section 37. The Office of Tourism, Trade, and Economic  
16 Development, the Office of the Film Commissioner, and the  
17 Digital Media Education Coordination Group shall jointly  
18 report to the President of the Senate and the Speaker of the  
19 House of Representatives by December 1, 2001, on recommended  
20 funding levels for the program to facilitate establishment and  
21 maintenance of joint-use advanced digital-media research and  
22 production facilities as authorized by this act. The report  
23 must include options based on different funding levels and  
24 information on the number and types of facilities that the  
25 organizations estimate could be established under each funding  
26 option. The report also must include an assessment of the  
27 long-term costs associated with operating such facilities and  
28 an assessment of non-state funding sources that could be  
29 accessed to support establishment and maintenance of such  
30 facilities.

31

1           Section 38. (1) In implementing the single, statewide  
2 computer-assisted student advising system required under  
3 section 240.2099, Florida Statutes, the Board of Regents and  
4 the State Board of Community Colleges may:

5           (a) Perform all things necessary to secure letters of  
6 patent, copyrights, and trademarks on any work products and  
7 enforce their rights with respect thereto.

8           (b) Enter into binding agreements with organizations,  
9 corporations, or government entities to license, lease,  
10 assign, or otherwise give written consent to any person, firm,  
11 corporation, or agency for the use of the single, statewide,  
12 computer-assisted student advising system and collect  
13 royalties or any other consideration that the boards find  
14 proper.

15           (c) Sell or license any such work products and execute  
16 all instruments necessary to consummate the sale or license.

17           (2) The Board of Regents and the State Board of  
18 Community Colleges shall submit to the President of the Senate  
19 and the Speaker of the House of Representatives any agreement  
20 relating to this section. The President and Speaker may review  
21 the terms of the agreement and respond with comments for 30  
22 days after receipt of an agreement; after that time, the  
23 agreement is binding.

24           (3) All or a portion of the proceeds derived from  
25 activities authorized under this section may be expended for  
26 developing the next generation of on-line student services,  
27 maintaining and operating the system, and acquiring statewide  
28 licenses for related software. Proceeds in excess of that  
29 necessary to support such expenditures may be deposited in the  
30 State Treasury to support need-based student aid or to support  
31 information technology infrastructure.

1           Section 39. The unexpended balance of funds from  
2 section 38 of chapter 2000-164, Laws of Florida, authorized to  
3 reimburse eligible companies for sales tax payments made on  
4 equipment specifically associated with the creation of a  
5 network access point, is reappropriated for fiscal year  
6 2001-2002 to the Department of Revenue for reimbursement of  
7 such sales tax payments as provided in section 212.08(5),  
8 Florida Statutes.

9           Section 40. There is appropriated from the General  
10 Revenue Fund to the Office of Tourism, Trade, and Economic  
11 Development the sum of \$100,000 in fiscal year 2001-2002 for  
12 use by the Florida Research Consortium created under section  
13 288.9522, Florida Statutes, for the purposes specified in such  
14 section.

15           Section 41. There is appropriated from the Employment  
16 Security Administration Trust Fund to the Agency for Workforce  
17 Innovation the sum of \$200,000 in fiscal year 2001-2002 for  
18 use by Workforce Florida, Inc., in implementing the pilot  
19 matching grant program for youth internships as provided in  
20 this act. The source of these funds is the Temporary  
21 Assistance for Needy Families block grant.

22           Section 42. Notwithstanding any other provision of  
23 law, the Office of Tourism, Trade, and Economic Development  
24 may use up to \$500,000 of the amount appropriated by the  
25 Legislature in fiscal year 2001-2002 to the office for the  
26 Rural Community Development Revolving Loan Fund under section  
27 288.065, Florida Statutes, to provide loans, loan guarantees,  
28 or loan loss reserves, consistent with the requirements and  
29 intent of such section, through units of local government to  
30 small citrus growers in rural counties or rural communities to  
31 assist such growers in upgrading machinery and equipment in



1 order to make their farming operations more viable and  
2 sustainable.

3 Section 43. Section 341.821, Florida Statutes, is  
4 created to read:

5 341.821 Florida High-Speed Rail Authority.--

6 (1) There is created and established a body politic  
7 and corporate, an agency of the state, to be known as the  
8 "Florida High-Speed Rail Authority," hereinafter referred to  
9 as the "authority."

10 (2)(a) The governing board of the authority shall  
11 consist of nine voting members appointed as follows:

12 1. Three members shall be appointed by the Governor,  
13 one of whom must have a background in the area of  
14 environmental concerns, one of whom must have a legislative  
15 background, and one of whom must have a general business  
16 background.

17 2. Three members shall be appointed by the President  
18 of the Senate, one of whom must have a background in civil  
19 engineering, one of whom must have a background in  
20 transportation construction, and one of whom must have a  
21 general business background.

22 3. Three members shall be appointed by the Speaker of  
23 the House of Representatives, one of whom must have a legal  
24 background, one of whom must have a background in financial  
25 matters, and one of whom must have a general business  
26 background.

27 (b) The appointed members shall not be subject to  
28 confirmation by the Senate. The initial term of each member  
29 appointed by the Governor shall be for 4 years. The initial  
30 term of each member appointed by the President of the Senate  
31 shall be for 3 years. The initial term of each member

1 appointed by the Speaker of the House of Representatives shall  
2 be for 2 years. Succeeding terms for all members shall be for  
3 terms of 4 years. Initial appointments must be made within 30  
4 days after the effective date of this act.

5 (c) A vacancy occurring during a term shall be filled  
6 by the respective appointing authority in the same manner as  
7 the original appointment and only for the balance of the  
8 unexpired term. An appointment to fill a vacancy shall be made  
9 within 60 days after the occurrence of the vacancy.

10 (d) The Secretary of Transportation shall be a  
11 nonvoting ex officio member of the board.

12 (e) The board shall elect one of its members as chair  
13 of the authority. The chair shall hold office at the will of  
14 the board. Five members of the board shall constitute a  
15 quorum, and the vote of five members shall be necessary for  
16 any action taken by the authority. The authority may meet upon  
17 the constitution of a quorum. No vacancy in the authority  
18 shall impair the right of a quorum of the board to exercise  
19 all rights and perform all duties of the authority.

20 (f) The members of the board shall not be entitled to  
21 compensation but shall be entitled to receive their travel and  
22 other necessary expenses as provided in s. 112.061.

23 (3) Notwithstanding any other law to the contrary, it  
24 shall not be or constitute a conflict of interest for a person  
25 having a background specified in this section to serve as a  
26 member of the authority. However, in each official decision to  
27 which this act is applicable, such member's firm or related  
28 entity may not have a financial or economic interest nor shall  
29 the authority contract with or conduct any business with a  
30 member or such member's firm or directly related business  
31 entity.

1           (4) The authority shall be assigned to the Department  
2 of Transportation for administrative purposes. The authority  
3 shall be a separate budget entity. The Department of  
4 Transportation shall provide administrative support and  
5 service to the authority to the extent requested by the chair  
6 of the authority. The authority shall not be subject to  
7 control, supervision, or direction by the Department of  
8 Transportation in any manner, including, but not limited to,  
9 personnel, purchasing, transactions involving real or personal  
10 property, and budgetary matters.

11           Section 44. Section 341.822, Florida Statutes, is  
12 created to read:

13           341.822 Powers and duties.--

14           (1)(a) The authority created and established by this  
15 act shall plan, administer, and manage the preliminary  
16 engineering and preliminary environmental assessment of the  
17 intrastate high-speed rail system in the state, hereinafter  
18 referred to as "intrastate high-speed rail."

19           (b) The authority may exercise all powers granted to  
20 corporations under the Florida Business Corporation Act,  
21 chapter 607, except the authority may not incur debt.

22           (c) The authority shall have perpetual succession as a  
23 body politic and corporate.

24           (d) The authority is authorized to seek federal  
25 matching funds or any other funds to fulfill the requirements  
26 of this act.

27           (e) The authority may employ an executive director,  
28 permanent or temporary, as it may require and shall determine  
29 the qualifications and fix the compensation. The authority may  
30 delegate to one or more of its agents or employees such of its  
31 power as it deems necessary to carry out the purposes of this

1 act, subject always to the supervision and control of the  
2 authority.

3 Section 45. (1) The following criteria shall apply in  
4 developing the preliminary engineering, preliminary  
5 environmental assessment, and recommendations required by this  
6 act:

7 (a) The system shall be capable of traveling speeds in  
8 excess of 120 miles per hour consisting of dedicated rails or  
9 guideways separated from motor vehicle traffic;

10 (b) The initial segments of the system will be  
11 developed and operated between St. Petersburg, Tampa, and  
12 Orlando, with future service to Miami;

13 (c) The authority is to develop a model that uses, to  
14 the maximum extent feasible, nongovernmental sources of  
15 funding for the design, construction, and operation of the  
16 system;

17 (2) The authority shall make recommendations  
18 concerning:

19 (a) The format and types of information that must be  
20 included in a financial or business plan for the high-speed  
21 rail system, and the authority may develop that financial or  
22 business plan;

23 (b) The preferred routes between the cities designated  
24 in paragraph (1)(b);

25 (c) The preferred locations for the stations in the  
26 cities designated in paragraph (1)(b);

27 (d) The preferred locomotion technology to be employed  
28 from constitutional choices of monorail, fixed guideway, or  
29 magnetic levitation;

30  
31

1 (e) Any changes that may be needed in state statutes  
2 or federal laws which would make the proposed system eligible  
3 for available federal funding; and

4 (f) Any other issues the authority deems relevant to  
5 the development of a high-speed rail system.

6 (3) When preparing the operating plan, the authority  
7 shall include:

8 (a) The frequency of service between the cities  
9 designated in paragraph (1)(b);

10 (b) The proposed fare structure for passenger and  
11 freight service;

12 (c) Proposed trip times, system capacity, passenger  
13 accommodations, and amenities;

14 (d) Methods to ensure compliance with applicable  
15 environmental standards and regulations;

16 (e) A marketing plan, including strategies that can be  
17 employed to enhance the utilization of the system;

18 (f) A detailed planning-level ridership study;

19 (g) Consideration of nonfare revenues that may be  
20 derived from:

21 1. The sale of development rights at the stations;

22 2. License, franchise, and lease fees;

23 3. Sale of advertising space on the trains or in the  
24 stations; and

25 4. Any other potential sources deemed appropriate.

26 (h) An estimate of the total cost of the entire  
27 system, including, but not limited to, the costs to:

28 1. Design and build the stations and monorail, fixed  
29 guideway, or magnetic levitation system;

30 2. Acquire any necessary rights-of-way;

31

1           3. Purchase or lease rolling stock and other equipment  
2 necessary to build, operate, and maintain the system.

3           (i) An estimate of the annual operating and  
4 maintenance costs for the system and all other associated  
5 expenses.

6           (j) An estimate of the value of assets the state or  
7 its political subdivisions may provide as in-kind  
8 contributions for the system, including rights-of-way,  
9 engineering studies performed for previous high-speed rail  
10 initiatives, land for rail stations and necessary maintenance  
11 facilities, and any expenses that may be incurred by the state  
12 or its political subdivisions to accommodate the installation  
13 of the system.

14           (k) An estimate of the funding required per year from  
15 state funds for the next 30 years for operating the preferred  
16 routes between the cities designated in paragraph (1)(b).

17  
18 Whenever applicable and appropriate, the authority will base  
19 estimates of projected costs, expenses, and revenues on  
20 documented expenditures or experience derived from similar  
21 projects.

22           Section 46. The authority shall prepare a report of  
23 its actions, findings, and recommendations and submit the  
24 report to the Governor, the President of the Senate, and the  
25 Speaker of the House of Representatives on or before January  
26 1, 2002. If statutory changes are recommended, the report  
27 shall contain proposed legislation necessary to implement  
28 those recommendations.

29           Section 47. The Department of Transportation may  
30 prepare and issue a request for information from  
31 private-sector entities regarding their interest in

1 participating in financing, building, and operating the  
2 high-speed rail system in this state, and may issue a request  
3 for proposals in order for the authority to contract with a  
4 consultant to assist the authority in fulfilling the  
5 requirements of this act. Furthermore, the authority may  
6 enlist assistance or input from the private sector and from  
7 existing rail and fixed guideway system vendors or operators,  
8 including Amtrak. The Department of Transportation is directed  
9 to begin, as soon as possible, collecting and organizing  
10 existing research, studies, and reports concerning high-speed  
11 rail systems in preparation for the authority's first meeting.

12 Section 48. The Florida Transportation Commission, the  
13 Department of Community Affairs, and the Department of  
14 Environmental Protection shall, at the authority's request,  
15 provide technical, scientific, or other assistance.

16 Section 49. There is appropriated from funds assigned  
17 to the Transportation Outreach Program to the authority the  
18 sum of \$4,500,000 for the purpose of performing its duties  
19 under this act. These funds shall be administered by the  
20 authority, and the funding for the authority, for its board,  
21 and for any consultant under the provisions of this act shall  
22 be allocated from this appropriation.

23 Section 50. Section 331.367, Florida Statutes, is  
24 amended to read:

25 331.367 Spaceport Management Council.--

26 (1) The Spaceport Management Council is created within  
27 the Spaceport Florida Authority to provide coordination  
28 between government agencies and commercial operators for the  
29 purpose of developing ~~and~~ recommendations on projects and  
30 activities to ~~that~~ will increase the operability and  
31 capabilities of Florida's space launch facilities, increase

1 statewide space-related industry and opportunities, and  
2 promote space education, ~~and research, and technology~~  
3 ~~development within the state~~. The council shall work to create  
4 ~~develop~~ integrated facility and programmatic development plans  
5 to address commercial, state, and federal requirements and to  
6 identify appropriate private, state, and federal resources to  
7 implement these plans.

8 (2) The council shall make recommendations regarding:

9 (a) The development of a spaceport master plan.

10 (b) The projects and levels of commercial financing  
11 required from the Florida Commercial Space Financing  
12 Corporation created by s. 331.407.

13 (c) Development and expansion of space-related  
14 education and research facilities and programs within Florida  
15 in consultation with the Florida Space Research Institute,  
16 including recommendations to be provided to the State  
17 University System, the Division of Community Colleges, and the  
18 Department of Education.

19 (d) The regulation of spaceports and federal and state  
20 policy.

21 (e) Appropriate levels of governmental and private  
22 funding for sustainable Florida's approach to the Federal  
23 ~~Government regarding requests for funding of space~~  
24 development.

25 (3) The council shall submit its recommendations to  
26 the Governor and Lieutenant Governor and provide copies to the  
27 Secretary of Transportation, the director of the Office of  
28 Tourism, Trade and Economic Development, the associate  
29 administrator for Space Transportation in the United States  
30 Department of Transportation, the administrator of the  
31 National Aeronautics and Space Administration, and the Deputy



1 Assistant Secretary of the Air Force for Space Plans and  
2 Policy.

3 ~~(4)(3)~~(a) The council shall consist of an executive  
4 board consisting, ~~which shall consist~~ of representatives of  
5 governmental organizations having ~~with~~ responsibilities for  
6 developing or operating space transportation facilities, and a  
7 Space Industry Committee, which shall consist of  
8 representatives of Florida's space industry.

9 (b) The executive board consists of the following  
10 individuals or their designees ~~shall serve on the executive~~  
11 ~~board:~~

12 1. The executive director of the Spaceport Florida  
13 Authority ~~or his or her designee.~~

14 2. ~~The director of the John F. Kennedy Space Center or~~  
15 ~~his or her designee.~~

16 3. ~~The Commander of the United States Air Force 45th~~  
17 ~~Space Wing or his or her designee.~~

18 4. ~~The Commander of the Naval Ordnance Test Unit or~~  
19 ~~his or her designee.~~

20 2.5. The Secretary of Transportation ~~or his or her~~  
21 ~~designee.~~

22 3.6. The president of Enterprise Florida, Inc., ~~or his~~  
23 ~~or her designee~~, as an ex officio nonvoting member.

24 4.7. The director of the Office of Tourism, Trade, and  
25 Economic Development ~~or his or her designee~~, as an ex officio  
26 ~~nonvoting member.~~

27 (c)1. Participation by the federal agencies having  
28 space-related missions in the state will contribute to council  
29 effectiveness, and the following installation heads or their  
30 designees may serve as official liaisons to the council: the  
31 director of the John F. Kennedy Space Center, the Commander of

1 the 45th Space Wing, and the Commander of the Naval Ordnance  
2 Test Unit.

3 2. Federal liaison officials may attend and  
4 participate in council meetings and deliberations, provide  
5 federal-agency views on issues before the council, and present  
6 issues of concern and make recommendations to the council.

7 3. The role of federal liaison officials is limited by  
8 federal statutes and other constraints, but the determination  
9 of this limitation is a federal function.

10 4. The fiduciary responsibility of the official  
11 liaisons shall remain at all times with their respective  
12 agencies.

13 5. To the extent that the advice or recommendations of  
14 the official liaisons are not adopted or incorporated into the  
15 final recommendations of the council, the official liaisons  
16 may append to such final recommendations their advice,  
17 recommendations, or opinions.

18 ~~(4) Each member shall be appointed to serve for a~~  
19 ~~3-year term, beginning July 1. Initial appointments shall be~~  
20 ~~made no later than 60 days after the effective date of this~~  
21 ~~act.~~

22 ~~(5) The executive board shall hold its initial meeting~~  
23 ~~no later than 30 days after the members have been appointed.~~  
24 ~~The Space Industry Committee shall hold its initial meeting no~~  
25 ~~later than 60 days after the members have been appointed.~~

26 ~~(6) All council members must be residents of the~~  
27 ~~state.~~

28 (5)(7) The executive board council shall adopt bylaws  
29 governing the manner in which the business of the council  
30 shall be conducted. The bylaws shall specify the procedure by  
31 which the chairperson of the council is elected.

1           ~~(6)(8)~~ The council shall provide infrastructure and  
2 program requirements and develop other information to be  
3 utilized in a 5-year spaceport master plan. The council shall  
4 define goals and objectives concerning the development of  
5 spaceport facilities and an intermodal transportation system  
6 consistent with the goals of the Florida Transportation Plan  
7 developed pursuant to s. 339.155.

8           ~~(7)(9)~~ The council shall provide requirements and  
9 other information to be utilized in the development of a  
10 5-year Spaceport Economic Development Plan, defining the goals  
11 and objectives of the council concerning the development of  
12 facilities for space manufacturing, research, technology and  
13 development, and education ~~educational facilities~~.

14           ~~(8)(10)~~ The council shall meet at the call of its  
15 chairperson, at the request of two or more members of the  
16 executive board ~~a majority of its membership~~, or at such times  
17 as may be prescribed in its bylaws. However, the council must  
18 meet at least semiannually. ~~A majority of voting members of~~  
19 ~~the council constitutes a quorum for the purpose of~~  
20 ~~transacting the business of the council.~~ A majority vote of  
21 ~~the majority~~ of the voting members present is sufficient for  
22 any action of the council, unless the bylaws of the council  
23 require a greater vote for a particular action.

24           Section 51. Section 331.368, Florida Statutes, is  
25 amended to read:

26           331.368 Florida Space Research Institute.--

27           (1) There is created the Florida Space Research  
28 Institute, the purpose of which is to serve as an  
29 industry-driven center for research, leveraging the state's  
30 resources in a collaborative effort to support Florida's space  
31

1 industry and its expansion, diversification, and transition to  
2 commercialization.

3 (2) The institute shall operate as a public/private  
4 partnership under the direction of a board composed of:

5 (a) A representative of the Spaceport Florida  
6 Authority.

7 (b) A representative of Enterprise Florida, Inc.

8 (c) A representative of the Florida Aviation Aerospace  
9 Alliance.

10 (d) A representative of the Florida Space Business  
11 Roundtable.

12 (e) Additional private-sector representatives from the  
13 space industry selected collaboratively by the core members  
14 specified in paragraphs (a)-(d). The additional space industry  
15 representatives under this paragraph must comprise the  
16 majority of members of the board and must be from geographic  
17 regions throughout the state. Each private-sector  
18 representative shall serve a term of 3 years.

19 (f) Two representatives from the educational community  
20 who are selected collaboratively by the core members specified  
21 in paragraphs (a)-(d) and who are engaged in research or  
22 instruction related to the space industry. One representative  
23 must be from a community college, and one representative must  
24 be from a public or private university. Each educational  
25 representative shall serve a term of 2 years.

26 (g) Annually, the members of the board shall select  
27 one of the members to serve as chair, who shall be responsible  
28 for convening and leading meetings of the board.

29 (h) The board members are considered to be volunteers  
30 as defined in s. 110.501, and shall serve with all protections  
31 provided to volunteers of state agencies under s. 768.1355.

- 1           (3) The Florida Space Research Institute may:  
2           (a) Acquire property under such conditions as the  
3 board considers necessary, and sell or otherwise dispose of  
4 the property.  
5           (b) Serve as a coordinating organization among public  
6 and private academic institutions, the State University  
7 System, industry, and government agencies to support the  
8 expansion and diversification of the state's space industry  
9 and to support research and education programs.  
10           (c) Execute contracts and other documents, adopt  
11 proceedings, and perform any acts determined by the board to  
12 be necessary to carry out the purposes of this section.  
13           (d) Establish a personnel-management system and  
14 procedures, rules, and rates governing administrative and  
15 financial operations of the institute.  
16           (e) Acquire, accept, or administer grants, contracts,  
17 and fees from other organizations to perform activities that  
18 are consistent with the purposes of this section.  
19           (f) Work in partnership with the Spaceport Florida  
20 Authority, Enterprise Florida, Inc., and other organizations  
21 to support their programs to promote the state as a center for  
22 space enterprise, research, and technology development.  
23           ~~(4)(3)~~ The board of the Florida Space Research  
24 Institute shall:  
25           (a) Set the strategic direction for the space-related  
26 research priorities of the state and its space-related  
27 businesses, the scope of research projects for the institute,  
28 and the timeframes for completion.  
29           (b) Invite the participation of public and private  
30 academic institutions ~~universities~~, including, but not limited  
31 to, the University of Central Florida, the University of

1 Florida, the University of South Florida, Florida State  
2 University, Florida Institute of Technology, and the  
3 University of Miami.

4 (c) Select a lead university to:

5 1. Serve as coordinator of research for ~~and as the~~  
6 ~~administrative entity of~~ the institute;

7 2. Support the institute's development of a statewide  
8 space research agenda and programs; and

9 3. Develop, and update as necessary, a report  
10 recommending ways that the state's public and private  
11 universities can work in partnership to support the state's  
12 space-industry requirements, which report must be completed by  
13 December 15, 2000.

14 (d) Establish a partnership with the state Workforce  
15 Development Board, or its successor entity, under which the  
16 institute coordinates the workforce-training requirements  
17 identified by the space industry and supports development of  
18 workforce-training initiatives to meet such requirements,  
19 using training providers approved by the board or its  
20 successor entity.

21 (e) Comanage, with the National Aeronautics and Space  
22 Administration and subject to the terms of an agreement with  
23 NASA, operation of a Space Experiment Research and Processing  
24 Laboratory, if such a facility is constructed on land of the  
25 John F. Kennedy Space Center. The institute shall carry out  
26 such responsibility through a consortium of public and private  
27 universities in the state led by the University of Florida.

28 (f) Develop initiatives to foster the participation of  
29 the state's space industry in the International Space Station  
30 and to help the state maintain and enhance its competitive  
31 position in the commercial space-transportation industry.

1 (g) Pursue partnerships with the National Aeronautics  
2 and Space Administration to coordinate and conduct research in  
3 fields including, but not limited to, environmental  
4 monitoring; agriculture; aquatics; resource reutilization  
5 technologies for long-duration space missions; and spaceport  
6 technologies which support current or next-generation launch  
7 vehicles and range systems.

8 (h) Pursue partnerships with the National Aeronautics  
9 and Space Administration for the conduct of space-related  
10 research using computer technology to connect experts in a  
11 given field of science who are in disparate locations and to  
12 perform research experiments in a real-time, virtual  
13 environment.

14 (i) Appoint or dismiss, as considered necessary by the  
15 board, a person to act as executive director of the institute,  
16 who shall have such title, functions, duties, powers, and  
17 salary as the board prescribes.

18 ~~(5)(4)~~ By December 15 of each year, the institute  
19 shall submit a report of its activities and accomplishments  
20 for the year to the Governor, the President of the Senate, and  
21 the Speaker of the House of Representatives. The report shall  
22 also include recommendations regarding actions the state  
23 should take to enhance the development of space-related  
24 businesses, including:

25 (a) Future research activities.

26 (b) The development of capital and technology  
27 assistance to new and expanding industries.

28 (c) The removal of regulatory impediments.

29 (d) The establishment of business development  
30 incentives.

31

1 (e) The initiation of education and training programs  
2 to ensure a skilled workforce.

3 Section 52. Legislative findings and intent; Digital  
4 Divide Council; powers and duties; program objectives and  
5 goals; review and assessment of program performances; annual  
6 report.

7 (1) Legislative findings and intent.--The Legislature  
8 finds as follows:

9 (a) Frequent access to use of information technology  
10 and possession of the knowledge and skills required to use  
11 information technology productively is becoming increasingly  
12 important to being competitively qualified for high skill/high  
13 wage employment;

14 (b) The availability of reasonable opportunities to  
15 have frequent access to use of information technology and to  
16 obtain the education and training necessary to acquire the  
17 knowledge and skills required to use information technology  
18 productively is critical to becoming competitively qualified  
19 for high skill/high wage employment;

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

26 (d) The absence of such economic resources divides  
27 such families from those who have adequate economic resources  
28 to have such opportunities, places such families at-risk of  
29 never realizing their employment and income earning potential,  
30 and prevents the state's economy from prospering to the extent  
31



1 it could if such families realized their employment and income  
2 earning potential; and

3 (e) The divide between the members of such at-risk  
4 families and those who have adequate economic resources to  
5 have reasonable opportunities to obtain frequent use of  
6 information technology and the education and training  
7 necessary to acquire the knowledge and skills required to  
8 become competitively qualified for high skill/high wage  
9 employment could be reduced, and the economy of the state  
10 could be enhanced, by the design and implementation of  
11 programs that provide such opportunities to members of such  
12 at-risk families.

13  
14 It is the intent of the Legislature to provide the authority  
15 and resources reasonably necessary to facilitate design and  
16 implementation of such programs.

17 (2) Digital Divide Council.--There is created in the  
18 State Technology Office a Digital Divide Council. The Council  
19 shall be constituted as follows:

20 (a) The Chief Information Officer in the State  
21 Technology Office;

22 (b) The Director of the Office of Tourism, Trade and  
23 Economic Development in the Executive Office of the Governor;

24 (c) The President of Workforce Florida, Inc.;

25 (d) The Director of the Agency for Workforce  
26 Innovation;

27 (e) The Chair of itflorida.com, Inc.;

28 (f) The Commissioner of Education;

29 (g) The Executive Director of the State Board of  
30 Community Colleges;

31

1           (h) The Executive Director of the State Board for  
2 Career Education;

3           (i) A representative of the information technology  
4 industry in Florida appointed by the Speaker of the Florida  
5 House of Representatives;

6           (j) A representative of the information technology  
7 industry in Florida appointed by the President of the Florida  
8 Senate.

9           (k) Two members of the Florida House of  
10 Representatives, who shall be ex officio, nonvoting members of  
11 the council, appointed by the Speaker of the House, one of  
12 whom shall be a member of the Republican caucus, and the other  
13 of whom shall be a member of the Democratic caucus; and

14           (l) Two members of the Florida Senate, who shall be ex  
15 officio, nonvoting members of the council, appointed by the  
16 President of the Senate, one of whom shall be a member of the  
17 Republican caucus, and the other of whom shall be a member of  
18 the Democratic caucus.

19           (3) Term of appointed members of Council; vacancies;  
20 compensation of members.--The appointed members of the Council  
21 shall serve an initial term of one year commencing July 1,  
22 2001, and ending June 30, 2002, and successor appointees shall  
23 serve a term of two years, the first of which shall commence  
24 July 1, 2002, and end June 30, 2004. Successive two year  
25 terms shall commence and end on the same schedule in  
26 subsequent years. Any vacancy in the membership of the  
27 Council resulting from resignation, incapacity or death shall  
28 be filled within 30 days from the date the vacancy is  
29 effective. The appointed members of the Council shall serve  
30 without compensation, but such appointees and the other  
31 members of the Council shall be entitled to receive per diem

1 and reimbursement for travel expenses as provided in s.  
2 112.061, Florida Statutes. Payment of such per diem and  
3 reimbursement of such travel expenses may be made from  
4 appropriations authorized to be used for such purposes.

5 (4) Council meetings; election of officers.--The  
6 Council shall conduct its initial meeting by August 1, 2001,  
7 and shall meet thereafter at least once every 60 days. In its  
8 initial meeting, the members of the Council shall elect one of  
9 themselves to serve as Chair and another to serve as  
10 Vice-Chair, each for a term of one year from the date of the  
11 election. Any vacancy in the offices of Chair and Vice-Chair  
12 resulting from resignation, incapacity or death shall be  
13 filled by similar election within 30 days from the date the  
14 vacancy is effective.

15 (5) Administrative and technical support; payment of  
16 support costs.--The State Technology Office shall provide such  
17 administrative and technical support to the Council as is  
18 reasonably necessary for the Council to effectively and timely  
19 carry out its duties and responsibilities. All direct and  
20 indirect costs of providing such support and performing the  
21 other duties imposed on the State Technology Office related to  
22 design and implementation of the programs authorized above may  
23 be paid from appropriations authorized to be used for such  
24 purposes.

25 (6) Powers and duties of Council.--The Digital Divide  
26 Council, through the State Technology Office, is authorized  
27 and empowered to facilitate the design and implementation of  
28 programs that are aimed at achieving the objectives and goals  
29 stated in this section. The State Technology Office shall  
30 present and demonstrate to the Council the design  
31 characteristics and functional elements of each program

1 proposed to be implemented to achieve the objectives and goals  
2 stated in this section, and each such program shall be  
3 reviewed and approved by the Council before being  
4 implemented. Such programs shall initially be implemented as  
5 pilot programs in a minimum of six different areas of the  
6 state to develop model programs that are likely to be  
7 successful if deployed throughout the state. The areas of the  
8 state where the pilot programs are implemented shall be  
9 selected by the Digital Divide Council with the objectives of  
10 testing the merits of the programs in each geographic region  
11 of the state and providing equal exposure of the programs to  
12 urban and rural communities alike. Implementation of all such  
13 pilot and model programs shall be administered by and through  
14 the local workforce development boards, and each such board  
15 shall coordinate and confirm the ready availability and timely  
16 delivery of all elements of such programs to ensure the  
17 highest probability of such programs achieving their intended  
18 results.

19 (7) Program objectives and goals.--The programs  
20 authorized by this section shall have the following objectives  
21 and goals:

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

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

29 (c) Developing viable partnerships between public  
30 agencies and private persons and entities based on mutual  
31 commitment to responsible and dedicated participation in

1 designing and implementing the programs authorized by this  
2 section;

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

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

12 (f) Reducing the number of underemployed and  
13 unemployed members of at-risk families;

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

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

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

30 (j) Bridging the digital divide in developing a  
31 competitive workforce to meet the employment needs of Florida

1 based information technology businesses and establishing  
2 Florida as having the most information technology ready  
3 workforce in the western hemisphere.

4 (8) Monitoring, reviewing and evaluating program  
5 performances; reporting results.--The Digital Divide Council,  
6 through the State Technology Office, shall continually  
7 monitor, review and evaluate the progress of performances  
8 realized from implementation of the programs authorized by  
9 this section. The State Technology Office shall prepare and  
10 submit a report to the Council at least 10 days in advance of  
11 each of its meetings subsequent to its initial meeting and  
12 each such report shall, at a minimum, identify and describe  
13 the functional elements of each program being implemented, and  
14 identify and describe the facilities, equipment, personnel,  
15 programs and funds used to design and implement the  
16 program. For each such program, the report shall also  
17 identify by name, address, age and sex the school-age  
18 children, and their older siblings and parents who are  
19 enrolled in the program, state the educational level achieved  
20 by each enrollee as of the date he or she enrolled in the  
21 program, state the attendance and achievement level recorded  
22 for each enrollee in the program, evaluate the progress each  
23 enrollee is making toward successful completion of the  
24 program, and identify by name, address, age and sex each  
25 enrollee who successfully completes the program. For each  
26 such program that is designed to prepare enrollees for high  
27 skill/high wage employment, the report shall identify each  
28 enrollee who successfully completes the program, describe each  
29 such employment position for which each enrollee has applied,  
30 identify by name, address and nature of business each Florida  
31 based employer to whom each such application for employment

1 has been addressed, state the results each enrollee obtained  
2 from making each such application, and describe the nature of  
3 any employment obtained and terms of compensation being earned  
4 from such employment by each enrollee as a result of making  
5 such applications.

6 (9) Annual report.--By March 1, 2002, the Digital  
7 Divide Council, through the State Technology Office, shall  
8 report to the Executive Office of the Governor, the Speaker of  
9 the Florida House of Representatives, and the President of the  
10 Florida Senate the results of the Council's monitoring,  
11 reviewing and evaluating such programs since their inception,  
12 and the Council's recommendations as to whether such programs  
13 should be continued and expanded to achieve the objectives and  
14 goals stated in this section.

15 Section 53. Except as otherwise provided, this act  
16 shall take effect July 1, 2001.

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