

1                                   A bill to be entitled  
2           An act relating to information technology;  
3           requiring facilitation of a Network Access  
4           Point by the State Technology Office; requiring  
5           Enterprise Florida, Inc., to create and  
6           implement a marketing and image campaign;  
7           requiring development and maintenance of a  
8           website for information and technology industry  
9           marketing and workforce recruitment; requiring  
10          a study group to explore the use of state  
11          employee pension funds for venture capital  
12          support; providing that certain limitations  
13          expressed in development orders do not preclude  
14          the approval of a Network Access Point (NAP),  
15          if the NAP satisfies specified conditions;  
16          amending s. 212.08, F.S.; providing a sales tax  
17          exemption on certain equipment used to deploy  
18          broadband technologies associated with a  
19          Network Access Point; requiring a study by the  
20          Legislature to identify obstacles related to  
21          the affordable access to consumers by Internet  
22          service providers; requiring a plan for the  
23          establishment of information technology  
24          incubators in the state; prescribing incubator  
25          components; providing an appropriation;  
26          authorizing the State Technology Office to  
27          adopt rules; providing an effective date.

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29           WHEREAS, to maintain economic competitiveness, it is  
30          incumbent upon the state to create an entity that can  
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1 represent, promote, and enhance the information technology  
2 industry in Florida, and

3 WHEREAS, the information technology industry is growing  
4 rapidly and provides high-wage, high-skill jobs, and

5 WHEREAS, Florida can capitalize on its geographic  
6 location and human-resource assets to develop an information  
7 technology sector, and

8 WHEREAS, Florida can be recognized as a global leader  
9 in the information technology industry, particularly in Latin  
10 America, and

11 WHEREAS, it is in the interest of the Legislature and  
12 the State of Florida to encourage and promote new information  
13 technology businesses and to ensure that those businesses have  
14 available to them technical, management, and business  
15 counseling to provide the highest probability of success, NOW,  
16 THEREFORE,

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

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20 Section 1. Short title.--Sections 1 through 6 of this  
21 act may be cited as the "itflorida.com Act of 2000."

22 Section 2. The State Technology Office shall  
23 facilitate the development of a Network Access Point (NAP) in  
24 Florida as needed.

25 Section 3. Creation and implementation of a marketing  
26 and image campaign.--

27 (1) Enterprise Florida, Inc., in collaboration with  
28 the private sector, shall create a marketing campaign to help  
29 attract, retain, and develop information technology businesses  
30 in Florida. The campaign must be coordinated with any existing

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1 Florida economic development promotion efforts and must be  
2 jointly funded from private and public resources.

3 (2) The message of the campaign must be to increase  
4 national and international awareness of Florida as a state  
5 ideally suited for the successful advancement of the  
6 information technology business sector. Marketing strategies  
7 must include development of promotional materials, Internet  
8 and print advertising, public relations and media placement,  
9 trade show attendance at information technology events, and  
10 appropriate follow-up activities. Efforts to promote Florida  
11 as a high-tech business leader must include identification and  
12 coordination of existing business technology resources,  
13 partnerships with economic development organizations and  
14 private sector businesses, continued retention and growth of  
15 Florida-based businesses that produce high-tech products or  
16 use high-tech skills for manufacturing, and recruitment of new  
17 business in such area.

18 Section 4. Development of an Internet-based system for  
19 information technology industry promotion and workforce  
20 recruitment.--

21 (1) The Department of Labor and Employment Security  
22 shall facilitate efforts to ensure the development and  
23 maintenance of a website that promotes and markets the  
24 information technology industry in this state. The website  
25 must be designed to inform the public concerning the scope of  
26 the information technology industry in the state and must also  
27 be designed to address the workforce needs of the industry.  
28 The website must include, through links or actual content,  
29 information concerning information technology businesses in  
30 this state, including links to these businesses; information

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1 concerning employment available at these businesses; and means  
2 by which a jobseeker may post a resume on the website.

3 (2) The Department of Labor and Employment Security  
4 shall coordinate with the State Technology Office, the  
5 Department of Management Services, the Department of Labor and  
6 Employment Security, and the Workforce Development Board of  
7 Enterprise Florida, Inc., to ensure links, where feasible and  
8 appropriate, to existing job-information websites maintained  
9 by the state and its agencies and to ensure that information  
10 technology positions offered by the state and its agencies are  
11 posted on the information technology website.

12 Section 5. Enterprise Florida shall establish a study  
13 group to explore the feasibility of using state-employee  
14 pension funds to support venture-capital funds that are either  
15 domiciled in Florida or regularly invest in technology  
16 companies that are headquartered in this state. If the study  
17 group determines that this concept is feasible, the group  
18 shall prepare a working proposal governing the use of such  
19 funds, including any recommendations for action by the  
20 Legislature. Enterprise Florida shall submit a report on the  
21 findings of the study group and the working proposal, if  
22 prepared, to the Governor, the President of the Senate, and  
23 the Speaker of the House of Representatives by October 1,  
24 2000.

25 Section 6. A limitation on development within a  
26 development order issued under chapter 380 does not preclude  
27 the granting of any local government development approval or  
28 development permit for a Network Access Point (NAP), a  
29 carrier-neutral public-private Internet traffic exchange  
30 point, if:

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1           (a) The NAP is proposed within a community  
2 redevelopment area established pursuant to the Community  
3 Redevelopment Act of 1969;

4           (b) The proposed NAP is consistent with the applicable  
5 local government comprehensive plan; and

6           (c) The NAP is permissible under the local government  
7 land development regulations.

8           Section 7. Paragraph (n) is added to subsection (5) of  
9 section 212.08, Florida Statutes, to read:

10           212.08 Sales, rental, use, consumption, distribution,  
11 and storage tax; specified exemptions.--The sale at retail,  
12 the rental, the use, the consumption, the distribution, and  
13 the storage to be used or consumed in this state of the  
14 following are hereby specifically exempt from the tax imposed  
15 by this chapter.

16           (5) EXEMPTIONS; ACCOUNT OF USE.--

17           (n) Equipment used to deploy broadband technologies.--

18           1. Beginning July 1, 2000, equipment purchased by a  
19 communications service provider which is necessary for use in  
20 the deployment of broadband technologies in the state as part  
21 of the direct participation by the communications service  
22 provider in the Network Access Point (NAP), or  
23 carrier-neutral, public-private Internet traffic exchange  
24 point, in this state shall be exempt from the tax imposed by  
25 this chapter. This exemption inures to the communications  
26 service provider only through a refund of previously paid  
27 taxes. A refund shall be authorized upon an affirmative  
28 showing by the taxpayer to the satisfaction of the department  
29 that the requirements of this paragraph have been met.

1           2. To be entitled to a refund, an eligible  
2 communications service provider must file under oath with the  
3 department an application that includes:

4           a. The name and address of the communications service  
5 provider claiming to be entitled to the refund.

6           b. A specific description of the property for which  
7 the exemption is sought, including its serial number or other  
8 permanent identification number.

9           c. The location of the property.

10           d. The sales invoice or other proof of purchase of the  
11 property, showing the amount of sales tax paid, the date of  
12 purchase, and the name and address of the sales tax dealer  
13 from whom the property was purchased.

14           3. An application for a refund pursuant to this  
15 paragraph must be submitted to the department within 6 months  
16 after the eligible property is purchased.

17           4. The provisions of s. 212.095 do not apply to any  
18 refund application made pursuant to this paragraph. The  
19 department shall adopt rules governing the manner and form of  
20 refund applications and may establish guidelines as to the  
21 requisites for an affirmative showing of qualification for  
22 exemption under this paragraph.

23           5. For the purposes of this paragraph, the term:

24           a. "Broadband technology" means packetized technology  
25 that has the capability of supporting transmission speeds of  
26 at least 1.544 megabits per second in both directions.

27           b. "Communications service provider" means a company  
28 that supports or provides individuals and other companies with  
29 access to the Internet and other related services.

30           c. "Equipment" includes Asynchronous Transfer Mode  
31 switches, Digital Subscriber Line Access Multiplexers,

1 routers, servers, multiplexers, fiber optic connector  
2 equipment, database equipment, and other network equipment  
3 used to provide broadband technology and information services.

4 6. The provisions of this paragraph expire June 30,  
5 2005.

6 Section 8. By October 1, 2000, the Legislature,  
7 through its appropriate committee structure, and using the  
8 resources of the Governor's Chief Technology Officer and the  
9 Information Service Technology Task Force, shall perform a  
10 study that identifies obstacles related to the ability of  
11 Internet service providers to have affordable access to  
12 consumers, including, when appropriate, the identification of  
13 solutions that potentially eliminate such obstacles.

14 Section 9. Establishment of information technology  
15 business incubators.--

16 (1) To foster the growth of the information technology  
17 industry in this state, Enterprise Florida shall review the  
18 state's existing business incubators to determine whether they  
19 are meeting the needs of the industry. If Enterprise Florida  
20 finds that additional incubators are needed to fill an unmet  
21 need, it must develop a plan to establish information  
22 technology business incubators in this state. The plan may  
23 include recommendations for consideration by the Legislature  
24 which promote the location of private information technology  
25 business incubators in the state, or it may include  
26 recommendations to establish or promote information technology  
27 business incubators associated with public or private  
28 universities or colleges in this state. If the plan recommends  
29 the establishment of an incubator that would be associated  
30 with a university or college, the plan must provide for the  
31 financial self-sufficiency of the incubator within 2 years.

1 The review and the plan, if developed, must be presented to  
2 the Governor, the President of the Senate, and the Speaker of  
3 the House of Representatives by December 1, 2000.

4 (2) For the purposes of this section, an information  
5 technology business incubator is a facility that allows new  
6 businesses engaged in information technology to increase their  
7 probability of success through sharing needed equipment,  
8 services, and facilities, including substantially all of the  
9 following:

10 (a) Reception and meeting areas.

11 (b) Secretarial services.

12 (c) Accounting and bookkeeping services.

13 (d) Research libraries.

14 (e) Onsite financial, management, legal, and technical  
15 counseling.

16 (f) Flexible lease arrangements for flexible space.

17 (g) Computer and word-processing facilities.

18 (h) Office furniture rentals.

19 (i) Management and entrepreneurial training programs.

20 Section 10. The sum of \$700,000 from non-recurring  
21 General Revenue is appropriated for fiscal year 2000-2001 to  
22 the State Technology Office to carry out the requirements of  
23 this act. Of this appropriation, the Governor shall reserve  
24 \$100,000 to implement plans developed under this act. The  
25 remaining \$600,000 is to be used to reimburse eligible  
26 companies for sales tax payments made on equipment  
27 specifically associated with creation of a network access  
28 point. The State Technology Office is authorized to adopt  
29 rules to implement the sales tax refund provisions of this  
30 act.

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1           Section 11. This act shall take effect upon becoming a  
2 law.  
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