

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; providing
10 that certain limitations expressed in
11 development orders do not preclude the approval
12 of a Network Access Point (NAP), if the NAP
13 satisfies specified conditions; amending s.
14 212.08, F.S.; providing a sales tax exemption
15 on certain equipment used to deploy broadband
16 technologies associated with a Network Access
17 Point; requiring a study by the Legislature to
18 identify obstacles related to the affordable
19 access to consumers by Internet service
20 providers; providing an appropriation;
21 authorizing the State Technology Office to
22 adopt rules; providing an effective date.

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24 WHEREAS, to maintain economic competitiveness, it is
25 incumbent upon the state to create an entity that can
26 represent, promote, and enhance the information technology
27 industry in Florida, and

28 WHEREAS, the information technology industry is growing
29 rapidly and provides high-wage, high-skill jobs, and
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1 WHEREAS, Florida can capitalize on its geographic
2 location and human-resource assets to develop an information
3 technology sector, and

4 WHEREAS, Florida can be recognized as a global leader
5 in the information technology industry, particularly in Latin
6 America, and

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

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

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

18 Section 2. The State Technology Office shall
19 facilitate the development of a Network Access Point (NAP) in
20 Florida as needed.

21 Section 3. Creation and implementation of a marketing
22 and image campaign.--

23 (1) Enterprise Florida, Inc., in collaboration with
24 the private sector, shall create a marketing campaign to help
25 attract, retain, and develop information technology businesses
26 in Florida. The campaign must be coordinated with any existing
27 Florida economic development promotion efforts and must be
28 jointly funded from private and public resources.

29 (2) The message of the campaign must be to increase
30 national and international awareness of Florida as a state
31 ideally suited for the successful advancement of the

1 information technology business sector. Marketing strategies
2 must include development of promotional materials, Internet
3 and print advertising, public relations and media placement,
4 trade show attendance at information technology events, and
5 appropriate follow-up activities. Efforts to promote Florida
6 as a high-tech business leader must include identification and
7 coordination of existing business technology resources,
8 partnerships with economic development organizations and
9 private sector businesses, continued retention and growth of
10 Florida-based businesses that produce high-tech products or
11 use high-tech skills for manufacturing, and recruitment of new
12 business in such area.

13 Section 4. Development of an Internet-based system for
14 information technology industry promotion and workforce
15 recruitment.--

16 (1) The Department of Labor and Employment Security
17 shall facilitate efforts to ensure the development and
18 maintenance of a website that promotes and markets the
19 information technology industry in this state. The website
20 must be designed to inform the public concerning the scope of
21 the information technology industry in the state and must also
22 be designed to address the workforce needs of the industry.
23 The website must include, through links or actual content,
24 information concerning information technology businesses in
25 this state, including links to these businesses; information
26 concerning employment available at these businesses; and means
27 by which a jobseeker may post a resume on the website.

28 (2) The Department of Labor and Employment Security
29 shall coordinate with the State Technology Office, the
30 Department of Management Services, the Department of Labor and
31 Employment Security, and the Workforce Development Board of

1 Enterprise Florida, Inc., to ensure links, where feasible and
2 appropriate, to existing job-information websites maintained
3 by the state and its agencies and to ensure that information
4 technology positions offered by the state and its agencies are
5 posted on the information technology website.

6 Section 5. A limitation on development within a
7 development order issued under chapter 380 does not preclude
8 the granting of any local government development approval or
9 development permit for a Network Access Point (NAP), a
10 carrier-neutral public-private Internet traffic exchange
11 point, if:

12 (a) The NAP is proposed within a community
13 redevelopment area established pursuant to the Community
14 Redevelopment Act of 1969;

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

17 (c) The NAP is permissible under the local government
18 land development regulations.

19 Section 6. Paragraph (n) is added to subsection (5) of
20 section 212.08, Florida Statutes, to read:

21 212.08 Sales, rental, use, consumption, distribution,
22 and storage tax; specified exemptions.--The sale at retail,
23 the rental, the use, the consumption, the distribution, and
24 the storage to be used or consumed in this state of the
25 following are hereby specifically exempt from the tax imposed
26 by this chapter.

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

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

29 1. Beginning July 1, 2000, equipment purchased by a
30 communications service provider which is necessary for use in
31 the deployment of broadband technologies in the state as part

1 of the direct participation by the communications service
2 provider in the Network Access Point (NAP), or
3 carrier-neutral, public-private Internet traffic exchange
4 point, in this state shall be exempt from the tax imposed by
5 this chapter. This exemption inures to the communications
6 service provider only through a refund of previously paid
7 taxes. A refund shall be authorized upon an affirmative
8 showing by the taxpayer to the satisfaction of the department
9 that the requirements of this paragraph have been met.

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

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

15 b. A specific description of the property for which
16 the exemption is sought, including its serial number or other
17 permanent identification number.

18 c. The location of the property.

19 d. The sales invoice or other proof of purchase of the
20 property, showing the amount of sales tax paid, the date of
21 purchase, and the name and address of the sales tax dealer
22 from whom the property was purchased.

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

26 4. The provisions of s. 212.095 do not apply to any
27 refund application made pursuant to this paragraph. The
28 department shall adopt rules governing the manner and form of
29 refund applications and may establish guidelines as to the
30 requisites for an affirmative showing of qualification for
31 exemption under this paragraph.

- 1 5. For the purposes of this paragraph, the term:
2 a. "Broadband technology" means packetized technology
3 that has the capability of supporting transmission speeds of
4 at least 1.544 megabits per second in both directions.
5 b. "Communications service provider" means a company
6 that supports or provides individuals and other companies with
7 access to the Internet and other related services.
8 c. "Equipment" includes Asynchronous Transfer Mode
9 switches, Digital Subscriber Line Access Multiplexers,
10 routers, servers, multiplexers, fiber optic connector
11 equipment, database equipment, and other network equipment
12 used to provide broadband technology and information services.
13 6. The provisions of this paragraph expire June 30,
14 2005.

15 Section 7. By October 1, 2000, the Legislature,
16 through its appropriate committee structure, and using the
17 resources of the Governor's Chief Technology Officer and the
18 Information Service Technology Task Force, shall perform a
19 study that identifies obstacles related to the ability of
20 Internet service providers to have affordable access to
21 consumers, including, when appropriate, the identification of
22 solutions that potentially eliminate such obstacles.

23 Section 8. The sum of \$700,000 from non-recurring
24 General Revenue is appropriated for fiscal year 2000-2001 to
25 the State Technology Office to carry out the requirements of
26 this act. Of this appropriation, the Governor shall reserve
27 \$100,000 to implement plans developed under this act. The
28 remaining \$600,000 is to be used to reimburse eligible
29 companies for sales tax payments made on equipment
30 specifically associated with creation of a network access
31 point. The State Technology Office is authorized to adopt

1 rules to implement the sales tax refund provisions of this
2 act.

3 Section 9. This act shall take effect upon becoming a
4 law.

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