

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Commerce Committee

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BILL: SB 2304

INTRODUCER: Senator Wilson

SUBJECT: Digital Divide Council

DATE: April 20, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Gordon</u>	<u>Cooper</u>	<u>CM</u>	<b>Favorable</b>
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>EA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill would reestablish and move the currently non-operational Digital Divide Council (DDC or council) from the State Technology Office (STO) to the Department of Education (DOE).

The membership of the DDC is revised and the council would meet every 90 days, instead of the current 60 days. The bill also repeals the requirement that DDC programs be implemented initially as pilot programs and limited to six locations throughout the state.

This bill amends section 445.049 of the Florida Statutes.

**II. Present Situation:**

**The Digital Divide Council**

The DDC was established by the Legislature in 2001 within the State Technology Office (STO)<sup>1</sup> for the purpose of increasing access to information technology for at-risk individuals and members of under-served communities.<sup>2</sup> The STO was statutorily tasked with providing administrative and technical support to the DDC. The 2005 Legislature discontinued funding for the STO, and thereafter, the DDC ceased operations. The statute, however, continues to provide for its existence, powers, and duties.

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<sup>1</sup> The 2005 Legislature discontinued funding for the STO, effectively abolishing the office. Section 20.22, F.S., which provides for the STO, has not been repealed.

<sup>2</sup> Section 445.049, F.S.

When it was operational, the DDC conducted education and training in the use of technology to assist at-risk individuals and members of underserved communities in obtaining skills that were deemed:

- Necessary to meet the technological demands of the workplace;
- Critical to obtaining high-skill, high-wage employment;
- Required to be a productive member of a growing information technology (IT) society;
- Necessary for the state's economy; and
- Essential to bridging the digital divide between people that have the economic resources and access to technology and those that lack the necessary technological resources, access, and training.<sup>3</sup>

The DDC designed and implemented programs, including the establishment of partnerships to provide reasonable opportunities for computer training, education, and internet access for at-risk families in under-served communities.<sup>4</sup> DDC programs were initially required to be implemented as pilot programs in a minimum of six different areas of the state.<sup>5</sup> The DDC selected program locations and pilot programs. Programs were then developed and tested for effectiveness in both rural and urban areas and subsequently implemented by local workforce boards. The DDC was responsible for oversight and monitoring of programs, and was required to submit an annual report to the Governor and the Legislature.

### **Council Membership**

Florida law currently provides that the DDC is to be comprised of the following members:

- The Chief Information Officer in the STO;
- The Director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor;
- The President of Workforce Florida, Inc.;
- The Director of the Agency for Workforce Innovation;
- The Chair of itflorida.com, Inc.;
- The Commissioner of Education;
- The Chair of the Network Access Point of the Americas;
- Two representatives from the technology industry; one appointed by the President of the Senate; one by the Speaker of the House of Representatives and one by the Governor;
- Two ex officio members each from the House of Representatives and the Senate.<sup>6</sup>

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<sup>3</sup> Digital Divide Council, *Legislation Creating the Council*, [http://www.digitaldividecouncil.com/digitaldivide/creating\\_legislation.html](http://www.digitaldividecouncil.com/digitaldivide/creating_legislation.html) (last visited April 18, 2006).

<sup>4</sup> Digital Divide Council, *DDC Partners*, [http://www.digitaldividecouncil.com/digitaldivide/ddc\\_partners.html](http://www.digitaldividecouncil.com/digitaldivide/ddc_partners.html) (last visited April 18, 2006).

<sup>5</sup> In 2002, the council chose Tampa, Miami, West Palm Beach, Gainesville, Orlando, and Tallahassee as the sites for its pilot programs. Digital Divide Council, *Creation of the Pilot Projects/Regional Workforce Boards, DDC 6 Pilot Project Regions*, [http://www.digitaldividecouncil.com/digitaldivide/creation\\_projects.html](http://www.digitaldividecouncil.com/digitaldivide/creation_projects.html) (last visited April 18, 2006).

<sup>6</sup> Section 445.049(6), F.S.

Appointed members of the council served without compensation and met every 60 days. While the council was in operation, the STO provided administrative support services and staff necessary to carry out the DDC's duties as required by statute.<sup>7</sup>

### III. Effect of Proposed Changes:

**Section 1** reestablishes and moves the Digital Divide Council (DDC or council) from the State Technology Office (STO) to the Department of Education (DOE). The bill also revises the list of individuals that comprise the council's membership by replacing the Chief Information Officer of the STO with a representative from the information technology industry in Florida who will be appointed by the Governor. The Chair of the Network Access Point of the Americas is removed as a member.

The bill further provides that appointed members of the DDC will serve a 1-year term beginning July 1, 2007, and ending June 30, 2008. Successor appointees will serve 2-year terms beginning July 1, 2008, and ending June 30, 2010. The DDC must meet every 90 days, instead of every 60 days as required under current law.

The bill requires DOE to perform several duties formerly assigned to the STO, including:

- Providing administrative and technical support to the council;
- Facilitating the design and implementation of the council's programs;
- Submitting a report to the council at least 10 days prior to each meeting which details the implementation of its programs;
- Submitting a report to the Governor, the President of the Senate and the Speaker of the House by March 1, 2008, showing the results of monitoring, reviewing and evaluating the program. The report will also detail the council's recommendations regarding whether its programs should be continued or expanded.

The bill also removes the requirement that DDC programs be implemented, first, as pilot programs and in at least six locations throughout the state. The bill removes the requirement that DDC programs first be developed and tested for effectiveness in both rural and urban areas and removes provisions requiring that DDC programs be implemented by local workforce boards. Without these restrictions, the DDC will be able to implement programs statewide.

**Section 2** provides an effective date of July 1, 2007.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>7</sup> Section 445.049(5), F.S.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires DOE to provide administrative and technical support to the DDC. Additionally, current law permits council members to receive per diem and travel expenses. As the bill does not provide an appropriation, it appears that DOE must pay for these expenses out of existing funds. Estimated travel and meeting expenses for the 12-member board to meet every 90 days would be approximately \$48,000 annually (assuming \$1,000 per meeting).<sup>8</sup>

The bill removes the requirement that DDC programs be implemented initially as pilot programs and limited to six locations throughout the state. This enables the DDC to fully implement its programs on a statewide basis. The financial implications of the council's increased ability to implement statewide programs are, as yet, indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>8</sup> Florida Department of Education Bill Analysis, March 21, 2007.

## **VIII. Summary of Amendments:**

None.

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