

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Casas and Lee moved the following amendment:

**Senate Amendment (with title amendment)**

On page 11, between lines 25 and 26,

insert:

Section 4. Effective July 1, 1999, section 364.0252, Florida Statutes, 1998 Supplement, is amended to read:

364.0252 Expansion of consumer information programs; customer assistance; rulemaking authority.--~~By January 1, 1999,~~The Florida Public Service Commission shall expand its current consumer information program to inform consumers of their rights as customers of competitive telecommunications services and shall assist customers in resolving any billing and service disputes that customers are unable to resolve directly with the company. The commission may, pursuant to this program, require all telecommunications companies providing local or long distance telecommunications services to develop and provide information to customers. The commission may specify by rule the types of information to be developed and the manner by which the information will be

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 provided to the customers. The Florida Public Service  
2 Commission shall undertake a comprehensive and ongoing effort  
3 to inform consumers regarding how to protect themselves in a  
4 competitive telecommunications market. Of specific concern  
5 are informing consumers concerning the availability of the  
6 Lifeline and Link-Up Programs for low-income households and  
7 alerting consumers to how they can avoid having their service  
8 changed or unauthorized charges added to their telephone  
9 bills.

10 Section 5. Subsection (2) of section 364.24, Florida  
11 Statutes, is amended to read:

12 364.24 Penalty for making telephone message or  
13 customer account information known.--

14 (2) Any officer or person in the employ of any  
15 telecommunications company shall not intentionally disclose  
16 customer account records except as authorized by the customer  
17 or as necessary for billing purposes, or required by subpoena,  
18 court order, other process of court, or as otherwise allowed  
19 by law. Any person who violates any provision of this section  
20 commits a misdemeanor of the second degree, punishable as  
21 provided in s. 775.082 or s. 775.083. Nothing herein precludes  
22 disclosure of customers' names, addresses, or telephone  
23 numbers to the extent they are otherwise publicly available.  
24 Nothing herein precludes a telecommunications company from  
25 making available to its customers a customer's own customer  
26 account record through telephonic means.

27 Section 6. Subsection (8) is added to section 240.311,  
28 Florida Statutes, 1998 Supplement, to read:

29 240.311 State Board of Community Colleges; powers and  
30 duties.--

31 (8)(a) The State Board of Community Colleges is

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 authorized to develop and produce work products which relate  
2 to mechanisms to provide for consolidated and coordinated  
3 program development and educational endeavors to support  
4 distance learning instruction which are subject to trademark,  
5 copyright, or patent statutes. To this end, the board shall  
6 consider the relative contribution by the personnel employed  
7 in the development of such work products and shall enter into  
8 binding agreements with such personnel, organizations,  
9 corporations, or government entities, which agreements shall  
10 establish the percentage of ownership of such trademarks,  
11 copyrights, or patents. Any other law to the contrary  
12 notwithstanding, the board is authorized in its own name to:  
13 1. Perform all things necessary to secure letters of  
14 patent, copyrights, and trademarks on any such work products  
15 and to enforce its rights therein.  
16 2. License, lease, assign, or otherwise give written  
17 consent to any person, firm, or corporation for the  
18 manufacture or use thereof on a royalty basis or for such  
19 other consideration as the board deems proper.  
20 3. Take any action necessary, including legal action,  
21 to protect the same against improper or unlawful use or  
22 infringement.  
23 4. Enforce the collection of any sums due the board  
24 for the manufacture or use thereof by any other party.  
25 5. Sell any such work products and execute all  
26 instruments necessary to consummate any such sale.  
27 6. Perform all other acts necessary and proper for the  
28 execution of powers and duties provided by this paragraph.  
29  
30 Any proceeds therefrom shall be deposited and expended by a  
31 Florida not-for-profit corporation, incorporated under the

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 provisions of chapter 617 and approved by the Department of  
2 State, to be used as directed by the board to pay the cost of  
3 producing and disseminating educational materials and products  
4 to carry out the intent of this act. Any action taken by the  
5 board in securing or exploiting such trademarks, copyrights,  
6 or patents shall, within 30 days, be reported by the board to  
7 the Department of State.

8 (b) The board is authorized to publish, produce, or  
9 have produced materials and products and shall make them  
10 readily available for appropriate use in the state system of  
11 education. The board is authorized to charge an amount  
12 adequate to cover the essential cost of producing and  
13 disseminating such materials and products in the state system  
14 of education and is authorized to sell copies for educational  
15 use to nonpublic schools in the state and to the public.

16 (c) Any Florida not-for-profit corporation receiving  
17 funds pursuant to this section shall make provisions for an  
18 annual postaudit of its financial accounts to be conducted by  
19 an independent certified public accountant in accordance with  
20 rules to be adopted by the board. The annual audit report  
21 shall be submitted to the Auditor General and the board for  
22 review. The board and the Auditor General shall have the  
23 authority to require and receive from the organization or from  
24 its independent auditor any detail or supplemental data  
25 relative to the operation of the organization.

26 Section 7. Section 241.001, Florida Statutes, is  
27 created to read:

28 241.001 Definitions.--As used in ss. 241.001-241.004,  
29 the term:

30 (1) "Advanced telecommunications services" means  
31 network-based or wireless services that provide additional

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 communications capabilities enabling the use of applications  
2 such as distance learning, video conferencing, data  
3 communications, and access to Internet.

4 (2) "Department" means the Department of Education.

5 (3) "Eligible facilities" includes all approved  
6 campuses and instructional centers of all public universities,  
7 public community colleges, area technical centers, public  
8 elementary schools, middle schools, and high schools,  
9 including school administrative offices, public libraries,  
10 teaching hospitals, the research institute described in s.  
11 240.512, and rural public hospitals as defined in s. 395.602.

12 If no rural public hospital exists in a community, the public  
13 health clinic that is responsible for individuals before they  
14 can be transferred to a regional hospital shall be considered  
15 eligible.

16 Section 8. Section 241.002, Florida Statutes, is  
17 created to read:

18 241.002 Duties of the Department of Education.--The  
19 duties of the Department of Education concerning distance  
20 learning include, but are not limited to, the duty to:

21 (1) Facilitate the implementation of a statewide  
22 coordinated system and resource system for cost-efficient  
23 advanced telecommunications services and distance education  
24 which will increase overall student access to education.

25 (2) Coordinate the use of existing resources,  
26 including, but not limited to, the state's satellite  
27 transponders on the education satellites, the SUNCOM Network,  
28 the Florida Information Resource Network (FIRN), the  
29 Department of Management Services, the Department of  
30 Corrections, and the Department of Children and Family  
31 Services' satellite communication facilities to support a

Bill No. CS for SB 1008

Amendment No.     

1 statewide advanced telecommunications services and distance  
2 learning network.

3 (3) Assist in the coordination of the utilization of  
4 the production and uplink capabilities available through  
5 Florida's public television stations, eligible facilities,  
6 independent colleges and universities, private firms, and  
7 others as needed.

8 (4) Seek the assistance and cooperation of Florida's  
9 cable television providers in the implementation of the  
10 statewide advanced telecommunications services and distance  
11 learning network.

12 (5) Seek the assistance and cooperation of Florida's  
13 telecommunications carriers to provide affordable student  
14 access to advanced telecommunications services and to distance  
15 learning.

16 (6) Coordinate partnerships for development,  
17 acquisition, use, and distribution of distance learning.

18 (7) Secure and administer funding for programs and  
19 activities for distance learning from federal, state, local,  
20 and private sources and from fees derived from services and  
21 materials.

22 (8) Manage the state's satellite transponder resources  
23 and enter into lease agreements to maximize the use of  
24 available transponder time. All net revenue realized through  
25 the leasing of available transponder time, after deducting the  
26 costs of performing the management function, shall be recycled  
27 to support the public education distance learning in this  
28 state based upon an allocation formula of one-third to the  
29 Department of Education, one-third to the State Board of  
30 Community Colleges, and one-third to the State University  
31 System.

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1           (9) Hire appropriate staff which may include a  
2 position that shall be exempt from part II of chapter 110 and  
3 is included in the Senior Management Service in accordance  
4 with s. 110.205.

5  
6 Nothing in ss. 241.001-241.004 shall be construed to abrogate,  
7 supersede, alter, or amend the powers and duties of any state  
8 agency, district school board, community college board of  
9 trustees, the State Board of Community Colleges, or the Board  
10 of Regents.

11           Section 9. Section 241.003, Florida Statutes, is  
12 created to read:

13           241.003 The Florida Distance Learning Network Advisory  
14 Council; creation; membership; organization; meetings.--

15           (1) The Florida Distance Learning Network Advisory  
16 Council is created in the Department of Education to advise  
17 and assist the department in carrying out its duties relating  
18 to distance learning.

19           (a) Composition.--The advisory council, to be  
20 appointed by and serve at the pleasure of the Commissioner of  
21 Education, shall not exceed 13 members, selected from the  
22 various entities who have interests in distance learning, and  
23 who are, when possible, leading members of statewide or  
24 regional organizations representing institutional consumers  
25 and providers so as to establish a broadly based and  
26 representative distance learning advisory council.

27           (b) Representation.--The organizations represented on  
28 the advisory council may include, but are not limited to,  
29 public and private elementary and secondary schools; public  
30 and private postsecondary institutions, including vocational  
31 and technical centers; state agencies; libraries; the health

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 care community, including urban, rural, and teaching  
 2 hospitals; the cable telecommunications industry; the local  
 3 exchange telecommunications industry; and the interexchange  
 4 industry. Two members shall be the Chancellor of the State  
 5 University System or the chancellor's designee and the  
 6 Executive Director of the Florida Community College System or  
 7 the executive director's designee. One member may be a lay  
 8 citizen.

9 (c) Organization, procedure, and compensation.--  
 10 1. The advisory council shall meet at least annually.  
 11 2. The advisory council shall elect a chair, a  
 12 vice-chair, and a secretary from its membership for 1-year  
 13 terms. Officers may be reelected.

14 3. The advisory council shall meet at the call of its  
 15 chair, at the request of the majority of its membership, the  
 16 commissioner, or at such times as its membership prescribes.

17 (2) The advisory council may study and recommend to  
 18 the department concerning:

19 (a) A marketing program statewide, nationally, and  
 20 internationally, as deemed appropriate.

21 (b) The recipients of the Educational Technology Grant  
 22 Program provided in s. 241.004.

23 (c) Suggested legislation concerning distance  
 24 learning.

25 (d) Any other issue regarding distance learning that  
 26 the council deems appropriate.

27 (3) The department shall provide administrative and  
 28 support services to the advisory council.

29 Section 10. Section 241.004, Florida Statutes, is  
 30 created to read:

31 241.004 Educational Technology Grant Program.--



Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1           (1) The Department of Education shall annually award  
2 grants to school districts, area technical centers, community  
3 colleges, state universities, and independent institutions  
4 eligible to participate in state student assistance programs  
5 established in part IV of chapter 240. The department shall  
6 give priority to cooperative proposals submitted by two or  
7 more institutions or delivery systems. The proposals shall  
8 include:

9           (a) Information which describes the educational  
10 significance of the program or service in addressing state  
11 educational priorities.

12           (b) The target population for the program.

13           (c) The program content to be transmitted.

14           (d) The support services to be provided.

15           (e) Provisions to use at least 20 percent of any funds  
16 awarded for training both faculty and student learners in the  
17 use and application of the products developed.

18           (2) Programs and courses developed through the grant  
19 program shall be marketed statewide and nationwide with a  
20 portion of any profits from the sale or use of such programs  
21 retained by the developing institutions or systems and a  
22 portion reinvested in the grant program for further program  
23 development. The distribution of any revenues received shall  
24 be determined by formal agreement between the department and  
25 the developing system or institution.

26           (3) The department shall identify state educational  
27 priorities and issue a request for proposals by June 1 in  
28 every year in which funds are available for grants. The  
29 department shall ensure the quality of the programs and  
30 courses produced through the grants and produce an annual  
31 status report by March 1 describing the projects funded and

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 accounting for any proceeds.

2 Section 11. Sections 364.509, 364.510, 364.511,  
3 364.512, 364.513, and 364.514, Florida Statutes, are repealed.

4 Section 12. (1) There is created the Information  
5 Service Technology Development Task Force which shall be  
6 located within the Department of Management Services for the  
7 purpose of developing policies that will benefit residents of  
8 this state by fostering the free-market development and  
9 beneficial use of advanced communications networks and  
10 information technologies within this state. The task force  
11 shall be composed of 34 members as follows:

12 (a) The Attorney General, the executive director of  
13 the Florida Department of Law Enforcement, the Chancellor of  
14 the State University System, the Commissioner of Education,  
15 the executive director of the State Board of Community  
16 Colleges, the director of the Office of Tourism, Trade, and  
17 Economic Development, the executive director of the Department  
18 of Revenue, a representative of the Florida Council of  
19 American Electronics Association, a representative of the  
20 Florida Internet Providers Association, a representative of  
21 the United States Internet Council, the chair of the State  
22 Technology Council, and the secretary of the Department of  
23 Management Services.

24 (b) The President of the Senate shall appoint one  
25 member from each of the following categories: a  
26 facilities-based interexchange telecommunications company, a  
27 wireless telecommunications company, an alternative local  
28 exchange telecommunications company, an internet service  
29 provider with more than one million customers, the  
30 entertainment industry, a computer or telecommunications  
31 manufacturing company, and one member of the Florida Senate.

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1           (c) The Speaker of the House of Representatives shall  
2 appoint one member from each of the following categories: a  
3 cable television provider, a computer software company, the  
4 banking industry, an internet search engine company, a local  
5 exchange telecommunications company, the tourist industry, and  
6 one member of the House of Representatives.

7           (d) The Governor shall name the chair, and appoint  
8 members as follows: one college student who relies on the  
9 Internet for personal or academic use, a representative of a  
10 local government that is an alternative local exchange  
11 telecommunications company or an Internet service provider,  
12 and four members as determined by the Governor to  
13 appropriately represent technology providers, manufacturers,  
14 retailers, and users.

15           (e) The minority leader of the House of  
16 Representatives shall appoint one member of the House of  
17 Representatives.

18           (f) The minority leader of the Senate shall appoint  
19 one member of the Senate.

20           (2) The task force shall exist for 2 years and shall  
21 meet at least four times per year. Failure of a member to  
22 participate in three consecutive meetings shall result in the  
23 member's replacement by the Governor. The task force is  
24 encouraged to implement electronic bulletin boards and other  
25 means for the exchange of ideas throughout the year.

26           (3) The task force shall develop overarching  
27 principles to guide state policy decisions with respect to the  
28 free-market development and beneficial use of advanced  
29 communications networks and information technologies, identify  
30 factors that will affect whether these technologies will  
31 flourish in Florida, and develop policy recommendations for

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 each factor.

2 (4) By February 14 of calendar years 2000 and 2001,  
3 the task force shall submit a report to the Governor, the  
4 President of the Senate, and the Speaker of the House of  
5 Representatives outlining principles, policy recommendations,  
6 and any suggested legislation. The task force may develop and  
7 publish other documents throughout the year.

8 (5) The State Technology Office within the Department  
9 of Management Services shall provide support staff for the  
10 task force and promote public awareness of the development of  
11 principles and policy recommendations by the task force. The  
12 State University System shall assist the task force as  
13 necessary.

14 (6) The task force shall dissolve effective July 1,  
15 2001.

16 Section 13. Effective July 1, 1999, the sum of  
17 \$375,100 is appropriated from the General Revenue Fund to the  
18 State Technology Office in the Department of Management  
19 Services and four positions are created in the department for  
20 the purpose of carrying out section 12 of this act.

21 Section 14. Effective July 1, 1999, there is  
22 appropriated from the Florida Public Service Regulatory Trust  
23 Fund to the Public Service Commission the sum of \$1 million  
24 and two positions for the purpose of carrying out the  
25 provisions of section 4 of this act.

26  
27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1           On page 1, line 14, after the semicolon,  
2  
3 insert:  
4           amending s. 364.0252, F.S.; directing the  
5 Florida Public Service Commission to inform  
6 consumers about specific matters in the  
7 telecommunications services market; amending s.  
8 364.24 F.S.; providing for telephonic customer  
9 account information; amending s. 240.311, F.S.;  
10 authorizing the State Board of Community  
11 Colleges to develop and produce certain work  
12 products related to distance learning;  
13 authorizing fees for such materials for  
14 purposes of educational use; requiring annual  
15 postaudits; requiring the adoption of rules;  
16 requiring the submission of a report; creating  
17 ss. 241.001-241.004, F.S.; defining terms;  
18 prescribing duties of the Department of  
19 Education with respect to distance learning;  
20 creating the Florida Distance Learning Network  
21 Advisory Council and providing for its  
22 membership, meetings, and responsibilities;  
23 creating a grant program to award grants to  
24 certain educational institutions; repealing ss.  
25 364.509, 364.510, 364.511, 364.512, 364.513,  
26 364.514, F.S., relating to the Education  
27 Facilities Infrastructure Improvement Act;  
28 establishing a task force in the Department of  
29 Management Services; providing for  
30 representation; providing responsibilities;  
31 providing for meetings of the task force;

Bill No. CS for SB 1008

Amendment No. \_\_\_\_

1 providing for support staff for the task force;  
2 requiring reports; providing for the  
3 dissolution of the task force; providing an  
4 appropriation;  
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