

Bill No. CS for SB 1008

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	
5	<hr/>		
6			
7			
8			
9			
10	<hr/>		
11	Senator Lee moved the following amendment:		
12			
13	Senate Amendment (with title amendment)		
14	On page 11, between lines 25 and 26,		
15			
16	insert:		
17	Section 4. Effective July 1, 1999, section 364.0252,		
18	Florida Statutes, 1998 Supplement, is amended to read:		
19	364.0252 Expansion of consumer information programs;		
20	customer assistance; rulemaking authority.-- By January 1,		
21	1999, The Florida Public Service Commission shall expand its		
22	current consumer information program to inform consumers of		
23	their rights as customers of competitive telecommunications		
24	services and shall assist customers in resolving any billing		
25	and service disputes that customers are unable to resolve		
26	directly with the company. The commission may, pursuant to		
27	this program, require all telecommunications companies		
28	providing local or long distance telecommunications services		
29	to develop and provide information to customers. The		
30	commission may specify by rule the types of information to be		
31	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. Effective July 1, 1999, subsection (2) of
28 section 364.507, Florida Statutes, is amended to read:

29 364.507 Legislative intent.--

30 (2) It is the intent of the Legislature that all local
31 exchange telecommunications companies, including those with

Bill No. CS for SB 1008

Amendment No. ____

1 less than 100,000 access lines in service which do not elect
2 to be regulated under price regulation pursuant to s. 364.051,
3 should be required to provide advanced telecommunications
4 services to eligible facilities in the absence of a
5 competitive bid to provide such services pursuant to s.
6 364.515(3)~~364.510(3)~~. This obligation arises from the
7 privileges granted such local exchange telecommunications
8 companies under part I of this chapter.

9 Section 7. Effective July 1, 1999, section 364.508,
10 Florida Statutes, is amended to read:

11 364.508 Definitions.--As used in this part:

12 (1) "Commission" means the Public Service Commission.

13 ~~(2) "Network" means the Florida Distance Learning~~
14 ~~Network.~~

15 (2)~~(3)~~ "Telecommunications company" means any entity
16 certified under this chapter to provide telecommunications
17 service.

18 (3)~~(4)~~ "Cable company" means a cable television
19 company providing cable service as defined in 47 U.S.C. s.
20 522.

21 (4)~~(5)~~ "Advanced telecommunications services" are
22 defined as network-based or wireless services that provide
23 additional communications capabilities enabling the use of
24 applications such as distance learning, video conferencing,
25 data communications, and access to Internet.

26 ~~(6) "Plan" means the Education Facilities~~
27 ~~Infrastructure Improvement Plan, a document that includes a~~
28 ~~needs assessment report and identifies telecommunications~~
29 ~~companies', cable companies', and other providers' present and~~
30 ~~projected deployment of technologies necessary for delivery of~~
31 ~~advanced telecommunications services to eligible facilities~~

Bill No. CS for SB 1008

Amendment No. ____

1 ~~who request such services.~~

2 (5)(7) "Eligible facilities" means all approved
3 campuses and instructional centers of all public universities,
4 public community colleges, area technical centers, public
5 elementary schools, middle schools, and high schools,
6 including school administrative offices, public libraries,
7 teaching hospitals, the research institute described in s.
8 240.512, and rural public hospitals as defined in s. 395.602.
9 If no rural public hospital exists in a community, the public
10 health clinic which is responsible for individuals before they
11 can be transferred to a regional hospital shall be considered
12 eligible.

13 Section 8. Effective July 1, 1999, section 364.509,
14 Florida Statutes, is amended to read:

15 (Substantial rewording of section. See
16 s. 364.509, F.S., for present text.)

17 364.509 Duties of the Department of Education.--The
18 duties of the Department of Education concerning distance
19 learning include, but are not limited to:

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

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

Bill No. CS for SB 1008

Amendment No. ____

1 learning network.

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

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

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

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

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

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

31 (9) Hire appropriate staff which may include a

Bill No. CS for SB 1008

Amendment No. ____

1 position that shall be exempt from part II of chapter 110 and
2 is included in the Senior Management Service in accordance
3 with s. 110.205.

4 (10) Nothing in ss. 364.506-364.514 shall be construed
5 to abrogate, supersede, alter, or amend the powers and duties
6 of any state agency, district school board, community college
7 board of trustees, the State Board of Community Colleges, or
8 the Board of Regents.

9 Section 9. Effective July 1, 1999, section 364.510,
10 Florida Statutes, is amended to read:

11 (Substantial rewording of section. See
12 s. 364.510, F.S., for present text.)

13 364.510 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 re-elected.

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 may
17 prescribe.

18 (2) The advisory council may study and recommend to
19 the department on:

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

22 (b) The recipients of the Educational Technology Grant
23 Program provided in s. 364.514.

24 (c) Suggested legislation concerning distance
25 learning.

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

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

30 Section 10. Effective July 1, 1999, subsection (2) of
31 section 364.514, Florida Statutes, is amended to read:

Bill No. CS for SB 1008

Amendment No. ____

1 364.514 Educational Technology Grant Program.--
2 (2)(a) The Department of Education ~~Florida Distance~~
3 ~~Learning Network~~ shall annually award grants to school
4 districts, area technical centers, community colleges, state
5 universities, and independent institutions eligible to
6 participate in state student assistance programs established
7 in part IV of chapter 240. The department ~~board of directors~~
8 ~~of the corporation~~ shall give priority to cooperative
9 proposals submitted by two or more institutions or delivery
10 systems. The proposals shall include:

- 11 1. Information which describes the educational
12 significance of the program or service in addressing state
13 educational priorities.
- 14 2. The target population for the program.
- 15 3. The program content to be transmitted.
- 16 4. The support services to be provided.
- 17 5. Provisions to use at least 20 percent of any funds
18 awarded for training both faculty and student learners in the
19 use and application of the products developed.

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

28 (c) The department ~~board of directors~~ shall identify
29 state educational priorities and issue a request for proposals
30 by June 1 in every year in which funds are available for
31 grants. The department ~~board~~ shall ensure the quality of the

Bill No. CS for SB 1008

Amendment No. ____

1 programs and courses produced through the grants and produce
2 an annual status report by March 1 describing the projects
3 funded and accounting for any proceeds.

4 Section 11. Effective July 1, 1999, sections 364.511,
5 364.512, and 364.513, Florida Statutes, are repealed.

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

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

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

Bill No. CS for SB 1008

Amendment No. ____

1 entertainment industry, a computer or telecommunications
2 manufacturing company, and one member of the Florida Senate.

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

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

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

20 (f) The minority leader of the Senate shall appoint
21 one member of the Senate.

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

28 (3) The task force shall develop overarching
29 principles to guide state policy decisions with respect to the
30 free-market development and beneficial use of advanced
31 communications networks and information technologies, identify

Bill No. CS for SB 1008

Amendment No. ____

1 factors that will affect whether these technologies will
2 flourish in Florida, and develop policy recommendations for
3 each factor.

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

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

16 (6) The task force shall dissolve effective July 1,
17 2001.

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

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

28
29

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. 364.507, F.S.;
10 changing a cross reference; amending s.
11 364.508, F.S.; deleting certain definitions;
12 amending s. 364.509, F.S.; specifying duties of
13 the Department of Education relating to
14 distance learning; amending s. 364.510, F.S.;
15 creating the Florida Distance Learning Network
16 Advisory Council in the Department of
17 Education; providing for membership; specifying
18 representation; providing for organization,
19 procedures, and compensation of the council;
20 providing responsibilities of the council;
21 requiring the department to provide
22 administrative and support services for the
23 council; amending s. 364.514, F.S., to conform;
24 repealing 364.511, F.S., relating to the powers
25 of the board of directors of the Florida
26 Distance Learning Network; repealing s.
27 364.512, F.S., relating to the executive
28 director of the network; repealing s. 364.513,
29 F.S., relating to the annual report and audits
30 of the network; establishing a task force in
31 the Department of Management Services;

Bill No. CS for SB 1008

Amendment No. ____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

providing for representation; providing
responsibilities; providing for meetings of the
task force; providing for support staff for the
task force; requiring reports; providing for
the dissolution of the task force; providing an
appropriation;