

By the Committee on Utilities & Communications and
 Representative Rojas

1 A bill to be entitled
 2 An act relating to telecommunications services;
 3 amending s. 364.0252, F.S.; directing the
 4 Florida Public Service Commission to inform
 5 consumers about specific matters in the
 6 telecommunications services market; amending s.
 7 364.24 F.S.; providing for telephonic customer
 8 account information; amending s. 364.507, F.S.;
 9 changing a cross reference; amending s.
 10 364.508, F.S.; deleting certain definitions;
 11 amending s. 364.509, F.S.; specifying duties of
 12 the Department of Education relating to
 13 distance learning; amending s. 364.510, F.S.;
 14 creating the Florida Distance Learning Network
 15 Advisory Council in the Department of
 16 Education; providing for membership; specifying
 17 representation; providing for organization,
 18 procedures, and compensation of the council;
 19 providing responsibilities of the council;
 20 requiring the department to provide
 21 administrative and support services for the
 22 council; amending s. 364.514, F.S., to conform;
 23 repealing 364.511, F.S., relating to the powers
 24 of the board of directors of the Florida
 25 Distance Learning Network; repealing s.
 26 364.512, F.S., relating to the executive
 27 director of the network; repealing s. 364.513,
 28 F.S., relating to the annual report and audits
 29 of the network; providing an effective date.
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 31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 364.0252, Florida Statutes, 1998
2 Supplement, is amended to read:

3 364.0252 Expansion of consumer information programs;
4 customer assistance; rulemaking authority.--~~By January 1,~~
5 ~~1999,~~The Florida Public Service Commission shall expand its
6 current consumer information program to inform consumers of
7 their rights as customers of competitive telecommunications
8 services and shall assist customers in resolving any billing
9 and service disputes that customers are unable to resolve
10 directly with the company. The commission may, pursuant to
11 this program, require all telecommunications companies
12 providing local or long distance telecommunications services
13 to develop and provide information to customers. The
14 commission may specify by rule the types of information to be
15 developed and the manner by which the information will be
16 provided to the customers. On July 1, 1999, the Florida Public
17 Service Commission shall undertake a comprehensive and ongoing
18 effort to inform consumers regarding how to protect themselves
19 in a competitive telecommunications market. Of specific
20 concern are informing consumers concerning the availability of
21 the Lifeline and Link-Up Programs for low-income households
22 and alerting consumers to how they can avoid having their
23 service changed or unauthorized charges added to their
24 telephone bills.

25 Section 2. Subsection (2) of section 364.24, Florida
26 Statutes, is amended to read:

27 364.24 Penalty for making telephone message or
28 customer account information known.--

29 (2) Any officer or person in the employ of any
30 telecommunications company shall not intentionally disclose
31 customer account records except as authorized by the customer

1 or as necessary for billing purposes, or required by subpoena,
2 court order, other process of court, or as otherwise allowed
3 by law. Any person who violates any provision of this section
4 commits a misdemeanor of the second degree, punishable as
5 provided in s. 775.082 or s. 775.083. Nothing herein precludes
6 disclosure of customers' names, addresses, or telephone
7 numbers to the extent they are otherwise publicly available.
8 Nothing herein precludes a telecommunications company from
9 making available to its customers a customer's own customer
10 account record through telephonic means.

11 Section 3. Subsection (2) of section 364.507, Florida
12 Statutes, is amended to read:

13 364.507 Legislative intent.--

14 (2) It is the intent of the Legislature that all local
15 exchange telecommunications companies, including those with
16 less than 100,000 access lines in service which do not elect
17 to be regulated under price regulation pursuant to s. 364.051,
18 should be required to provide advanced telecommunications
19 services to eligible facilities in the absence of a
20 competitive bid to provide such services pursuant to s.
21 364.515(3)~~364.510(3)~~. This obligation arises from the
22 privileges granted such local exchange telecommunications
23 companies under part I of this chapter.

24 Section 4. Section 364.508, Florida Statutes, is
25 amended to read:

26 364.508 Definitions.--As used in this part:

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

28 ~~(2) "Network" means the Florida Distance Learning~~
29 ~~Network.~~

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1 (2)~~(3)~~ "Telecommunications company" means any entity
2 certified under this chapter to provide telecommunications
3 service.

4 (3)~~(4)~~ "Cable company" means a cable television
5 company providing cable service as defined in 47 U.S.C. s.
6 522.

7 (4)~~(5)~~ "Advanced telecommunications services" are
8 defined as network-based or wireless services that provide
9 additional communications capabilities enabling the use of
10 applications such as distance learning, video conferencing,
11 data communications, and access to Internet.

12 ~~(6) "Plan" means the Education Facilities~~
13 ~~Infrastructure Improvement Plan, a document that includes a~~
14 ~~needs assessment report and identifies telecommunications~~
15 ~~companies', cable companies', and other providers' present and~~
16 ~~projected deployment of technologies necessary for delivery of~~
17 ~~advanced telecommunications services to eligible facilities~~
18 ~~who request such services.~~

19 (5)~~(7)~~ "Eligible facilities" means all approved
20 campuses and instructional centers of all public universities,
21 public community colleges, area technical centers, public
22 elementary schools, middle schools, and high schools,
23 including school administrative offices, public libraries,
24 teaching hospitals, the research institute described in s.
25 240.512, and rural public hospitals as defined in s. 395.602.
26 If no rural public hospital exists in a community, the public
27 health clinic which is responsible for individuals before they
28 can be transferred to a regional hospital shall be considered
29 eligible.

30 Section 5. Section 364.509, Florida Statutes, is
31 amended to read:

1 (Substantial rewording of section. See
2 s. 364.509, F.S., for present text.)
3 364.509 Duties of the Department of Education.--The
4 duties of the Department of Education concerning distance
5 learning include, but are not limited to:
6 (1) Facilitate the implementation of a statewide
7 coordinated system and resource system for cost-efficient
8 advanced telecommunications services and distance education
9 which will increase overall student access to education.
10 (2) Coordinate the use of existing resources,
11 including, but not limited to, the state's satellite
12 transponders on the education satellites, the SUNCOM Network,
13 the Florida Information Resource Network (FIRN), the
14 Department of Management Services, the Department of
15 Corrections, and the Department of Children and Family
16 Services' satellite communication facilities to support a
17 statewide advanced telecommunications services and distance
18 learning network.
19 (3) Assist in the coordination of the utilization of
20 the production and uplink capabilities available through
21 Florida's public television stations, eligible facilities,
22 independent colleges and universities, private firms, and
23 others as may be needed.
24 (4) Seek the assistance and cooperation of Florida's
25 cable television providers in the implementation of the
26 statewide advanced telecommunications services and distance
27 learning network.
28 (5) Seek the assistance and cooperation of Florida's
29 telecommunications carriers to provide affordable student
30 access to advanced telecommunications services and to distance
31 learning.

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

3 (7) Secure and administer funding for programs and
4 activities for distance learning from federal, state, local,
5 and private sources and from fees derived from services and
6 materials.

7 (8) Manage the state's satellite transponder resources
8 and enter into lease agreements to maximize the use of
9 available transponder time. All net revenue realized through
10 the leasing of available transponder time, after deducting the
11 costs of performing the management function, shall be recycled
12 to support the public education distance learning in this
13 state.

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

18 (10) Nothing in ss. 364.506-364.514 shall be construed
19 to abrogate, supersede, alter, or amend the powers and duties
20 of any state agency, district school board, community college
21 board of trustees, the State Board of Community Colleges, or
22 the Board of Regents.

23 Section 6. Section 364.510, Florida Statutes, is
24 amended to read:

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

27 364.510 The Florida Distance Learning Network Advisory
28 Council; creation; membership; organization; meetings.--

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

3 (a) Composition.--The advisory council, to be
4 appointed by and serve at the pleasure of the Commissioner of
5 Education, shall not exceed 13 members, selected from the
6 various entities who have interests in distance learning, and
7 who are, when possible, leading members of statewide or
8 regional organizations representing institutional consumers
9 and providers so as to establish a broadly based and
10 representative distance learning advisory council.

11 (b) Representation.--The organizations represented on
12 the advisory council may include, but are not limited to,
13 public and private elementary and secondary schools; public
14 and private postsecondary institutions, including vocational
15 and technical centers; state agencies; libraries; the health
16 care community, including urban, rural, and teaching
17 hospitals; the cable telecommunications industry; the local
18 exchange telecommunications industry; and the interexchange
19 industry. Two members shall be the Chancellor of the State
20 University System or the chancellor's designee and the
21 Executive Director of the Florida Community College System or
22 the executive director's designee. One member may be a lay
23 citizen.

24 (c) Organization, procedure, and compensation.--

25 1. The advisory council shall meet at least annually.

26 2. The advisory council shall elect a chair, a
27 vice-chair, and a secretary from its membership for 1-year
28 terms. Officers may be re-elected.

29 3. The advisory council shall meet at the call of its
30 chair, at the request of the majority of its membership, the
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1 commissioner, or at such times as its membership may
2 prescribe.

3 (2) The advisory council may study and recommend to
4 the department on:

5 (a) A marketing program statewide, nationally, and
6 internationally, as deemed appropriate.

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

9 (c) Suggested legislation concerning distance
10 learning.

11 (d) Any other issue regarding distance learning that
12 the council deems appropriate.

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

15 Section 7. Subsection (2) of section 364.514, Florida
16 Statutes, is amended to read:

17 364.514 Educational Technology Grant Program.--

18 (2)(a) The Department of Education ~~Florida Distance~~
19 ~~Learning Network~~ shall annually award grants to school
20 districts, area technical centers, community colleges, state
21 universities, and independent institutions eligible to
22 participate in state student assistance programs established
23 in part IV of chapter 240. The department ~~board of directors~~
24 ~~of the corporation~~ shall give priority to cooperative
25 proposals submitted by two or more institutions or delivery
26 systems. The proposals shall include:

27 1. Information which describes the educational
28 significance of the program or service in addressing state
29 educational priorities.

30 2. The target population for the program.

31 3. The program content to be transmitted.

1 4. The support services to be provided.

2 5. Provisions to use at least 20 percent of any funds
3 awarded for training both faculty and student learners in the
4 use and application of the products developed.

5 (b) Programs and courses developed through the grant
6 program shall be marketed statewide and nationwide with a
7 portion of any profits from the sale or use of such programs
8 retained by the developing institutions or systems and a
9 portion reinvested in the grant program for further program
10 development. The distribution of any revenues received shall
11 be determined by formal agreement between the department board
12 ~~of directors~~ and the developing system or institution.

13 (c) The department board of directors shall identify
14 state educational priorities and issue a request for proposals
15 by June 1 in every year in which funds are available for
16 grants. The department board shall ensure the quality of the
17 programs and courses produced through the grants and produce
18 an annual status report by March 1 describing the projects
19 funded and accounting for any proceeds.

20 Section 8. Sections 364.511, 364.512, and 364.513,
21 Florida Statutes, are repealed.

22 Section 9. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Directs the Florida Public Service Commission to inform consumers about specific matters in the telecommunications services market. Specifies duties of the Department of Education relating to distance learning. Creates the Florida Distance Learning Network Advisory Council in the department to advise and assist the department in carrying out its duties related to distance learning and to study and make recommendations to the department on a statewide, national, and international marketing program, recipients of grants under the educational technology grant program, suggested legislation concerning distance learning, and other issues regarding distance learning. Repeals provisions relating to the powers of the board of directors of the Florida Distance Learning Network, the executive director of the network, and the annual report and audits of the network. See bill for details.