

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 for an appropriation;
30 establishing a task force in the Department of
31 Management Services; providing for

1 representation; providing responsibilities;
2 providing for meetings of the task force;
3 providing for support staff for the task force;
4 requiring reports; providing for the
5 dissolution of the task force; providing an
6 appropriation; providing an effective date.
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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Section 364.0252, Florida Statutes, 1998
11 Supplement, is amended to read:

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

1 service changed or unauthorized charges added to their
2 telephone bills.

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

5 364.24 Penalty for making telephone message or
6 customer account information known.--

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

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

22 364.507 Legislative intent.--

23 (2) It is the intent of the Legislature that all local
24 exchange telecommunications companies, including those with
25 less than 100,000 access lines in service which do not elect
26 to be regulated under price regulation pursuant to s. 364.051,
27 should be required to provide advanced telecommunications
28 services to eligible facilities in the absence of a
29 competitive bid to provide such services pursuant to s.
30 364.515(3)~~364.510(3)~~. This obligation arises from the

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1 privileges granted such local exchange telecommunications
2 companies under part I of this chapter.

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

5 364.508 Definitions.--As used in this part:

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

7 ~~(2) "Network" means the Florida Distance Learning~~
8 ~~Network.~~

9 (2)(3) "Telecommunications company" means any entity
10 certified under this chapter to provide telecommunications
11 service.

12 (3)(4) "Cable company" means a cable television
13 company providing cable service as defined in 47 U.S.C. s.
14 522.

15 (4)(5) "Advanced telecommunications services" are
16 defined as network-based or wireless services that provide
17 additional communications capabilities enabling the use of
18 applications such as distance learning, video conferencing,
19 data communications, and access to Internet.

20 ~~(6) "Plan" means the Education Facilities~~
21 ~~Infrastructure Improvement Plan, a document that includes a~~
22 ~~needs assessment report and identifies telecommunications~~
23 ~~companies', cable companies', and other providers' present and~~
24 ~~projected deployment of technologies necessary for delivery of~~
25 ~~advanced telecommunications services to eligible facilities~~
26 ~~who request such services.~~

27 (5)(7) "Eligible facilities" means all approved
28 campuses and instructional centers of all public universities,
29 public community colleges, area technical centers, public
30 elementary schools, middle schools, and high schools,
31 including school administrative offices, public libraries,

1 teaching hospitals, the research institute described in s.
2 240.512, and rural public hospitals as defined in s. 395.602.
3 If no rural public hospital exists in a community, the public
4 health clinic which is responsible for individuals before they
5 can be transferred to a regional hospital shall be considered
6 eligible.

7 Section 5. Section 364.509, Florida Statutes, is
8 amended to read:

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

11 364.509 Duties of the Department of Education.--The
12 duties of the Department of Education concerning distance
13 learning include, but are not limited to:

14 (1) Facilitate the implementation of a statewide
15 coordinated system and resource system for cost-efficient
16 advanced telecommunications services and distance education
17 which will increase overall student access to education.

18 (2) Coordinate the use of existing resources,
19 including, but not limited to, the state's satellite
20 transponders on the education satellites, the SUNCOM Network,
21 the Florida Information Resource Network (FIRN), the
22 Department of Management Services, the Department of
23 Corrections, and the Department of Children and Family
24 Services' satellite communication facilities to support a
25 statewide advanced telecommunications services and distance
26 learning network.

27 (3) Assist in the coordination of the utilization of
28 the production and uplink capabilities available through
29 Florida's public television stations, eligible facilities,
30 independent colleges and universities, private firms, and
31 others as may be needed.

1 (4) Seek the assistance and cooperation of Florida's
2 cable television providers in the implementation of the
3 statewide advanced telecommunications services and distance
4 learning network.

5 (5) Seek the assistance and cooperation of Florida's
6 telecommunications carriers to provide affordable student
7 access to advanced telecommunications services and to distance
8 learning.

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

11 (7) Secure and administer funding for programs and
12 activities for distance learning from federal, state, local,
13 and private sources and from fees derived from services and
14 materials.

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

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

29 (10) Nothing in ss. 364.506-364.514 shall be construed
30 to abrogate, supersede, alter, or amend the powers and duties
31 of any state agency, district school board, community college

1 board of trustees, the State Board of Community Colleges, or
2 the Board of Regents.

3 Section 6. Section 364.510, Florida Statutes, is
4 amended to read:

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

7 364.510 The Florida Distance Learning Network Advisory
8 Council; creation; membership; organization; meetings.--

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

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

21 (b) Representation.--The organizations represented on
22 the advisory council may include, but are not limited to,
23 public and private elementary and secondary schools; public
24 and private postsecondary institutions, including vocational
25 and technical centers; state agencies; libraries; the health
26 care community, including urban, rural, and teaching
27 hospitals; the cable telecommunications industry; the local
28 exchange telecommunications industry; and the interexchange
29 industry. Two members shall be the Chancellor of the State
30 University System or the chancellor's designee and the
31 Executive Director of the Florida Community College System or

1 the executive director's designee. One member may be a lay
2 citizen.

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

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

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

8 3. The advisory council shall meet at the call of its
9 chair, at the request of the majority of its membership, the
10 commissioner, or at such times as its membership may
11 prescribe.

12 (2) The advisory council may study and recommend to
13 the department on:

14 (a) A marketing program statewide, nationally, and
15 internationally, as deemed appropriate.

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

18 (c) Suggested legislation concerning distance
19 learning.

20 (d) Any other issue regarding distance learning that
21 the council deems appropriate.

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

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

26 364.514 Educational Technology Grant Program.--

27 (2)(a) The Department of Education ~~Florida Distance~~
28 ~~Learning Network~~ shall annually award grants to school
29 districts, area technical centers, community colleges, state
30 universities, and independent institutions eligible to
31 participate in state student assistance programs established

1 in part IV of chapter 240. The department ~~board of directors~~
2 ~~of the corporation~~ shall give priority to cooperative
3 proposals submitted by two or more institutions or delivery
4 systems. The proposals shall include:

5 1. Information which describes the educational
6 significance of the program or service in addressing state
7 educational priorities.

8 2. The target population for the program.

9 3. The program content to be transmitted.

10 4. The support services to be provided.

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

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

22 (c) The department ~~board of directors~~ shall identify
23 state educational priorities and issue a request for proposals
24 by June 1 in every year in which funds are available for
25 grants. The department ~~board~~ shall ensure the quality of the
26 programs and courses produced through the grants and produce
27 an annual status report by March 1 describing the projects
28 funded and accounting for any proceeds.

29 Section 8. Sections 364.511, 364.512, and 364.513,
30 Florida Statutes, are repealed.

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1 Section 9. There is hereby appropriated from the
2 Florida Public Service Regulatory Trust Fund to the Public
3 Service Commission the sum of \$1,000,000 and 2 positions for
4 the purpose of carrying out the provisions of section 1 of
5 this act.

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

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

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 11. The sum of \$375,100 is hereby appropriated
19 from the General Revenue Fund to the State Technology Office
20 in the Department of Management Services and four positions
21 are created in the department for the purpose of carrying out
22 the provisions of this act.

23 Section 12. This act shall take effect July 1, 1999.
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