

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 amending s. 240.311, F.S.; authorizing the
24 State Board of Community Colleges to develop
25 and produce certain work products related to
26 distance learning; authorizing fees for such
27 materials for purposes of educational use;
28 requiring annual postaudits; requiring the
29 adoption of rules; requiring the submission of
30 a report; requiring the State Board of
31 Community Colleges to submit an annual report

1 to the Legislature; repealing 364.511, F.S.,
2 relating to the powers of the board of
3 directors of the Florida Distance Learning
4 Network; repealing s. 364.512, F.S., relating
5 to the executive director of the network;
6 repealing s. 364.513, F.S., relating to the
7 annual report and audits of the network;
8 providing for an appropriation; establishing a
9 task force in the Department of Management
10 Services; providing for representation;
11 providing responsibilities; providing for
12 meetings of the task force; providing for
13 support staff for the task force; requiring
14 reports; providing for the dissolution of the
15 task force; providing an appropriation;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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

22 364.0252 Expansion of consumer information programs;
23 customer assistance; rulemaking authority.--~~By January 1,~~
24 ~~1999,~~The Florida Public Service Commission shall expand its
25 current consumer information program to inform consumers of
26 their rights as customers of competitive telecommunications
27 services and shall assist customers in resolving any billing
28 and service disputes that customers are unable to resolve
29 directly with the company. The commission may, pursuant to
30 this program, require all telecommunications companies
31 providing local or long distance telecommunications services

1 to develop and provide information to customers. The
2 commission may specify by rule the types of information to be
3 developed and the manner by which the information will be
4 provided to the customers. On July 1, 1999, the Florida Public
5 Service Commission shall undertake a comprehensive and ongoing
6 effort to inform consumers regarding how to protect themselves
7 in a competitive telecommunications market. Of specific
8 concern are informing consumers concerning the availability of
9 the Lifeline and Link-Up Programs for low-income households
10 and alerting consumers to how they can avoid having their
11 service changed or unauthorized charges added to their
12 telephone bills.

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

15 364.24 Penalty for making telephone message or
16 customer account information known.--

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

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

1 364.507 Legislative intent.--

2 (2) It is the intent of the Legislature that all local
3 exchange telecommunications companies, including those with
4 less than 100,000 access lines in service which do not elect
5 to be regulated under price regulation pursuant to s. 364.051,
6 should be required to provide advanced telecommunications
7 services to eligible facilities in the absence of a
8 competitive bid to provide such services pursuant to s.
9 364.515(3)~~364.510(3)~~. This obligation arises from the
10 privileges granted such local exchange telecommunications
11 companies under part I of this chapter.

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

14 364.508 Definitions.--As used in this part:

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

16 ~~(2) "Network" means the Florida Distance Learning~~
17 ~~Network.~~

18 (2)~~(3)~~ "Telecommunications company" means any entity
19 certified under this chapter to provide telecommunications
20 service.

21 (3)~~(4)~~ "Cable company" means a cable television
22 company providing cable service as defined in 47 U.S.C. s.
23 522.

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

29 ~~(6) "Plan" means the Education Facilities~~
30 ~~Infrastructure Improvement Plan, a document that includes a~~
31 ~~needs assessment report and identifies telecommunications~~

1 ~~companies', cable companies', and other providers' present and~~
2 ~~projected deployment of technologies necessary for delivery of~~
3 ~~advanced telecommunications services to eligible facilities~~
4 ~~who request such services.~~

5 (5)(7) "Eligible facilities" means 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 which is responsible for individuals before they
14 can be transferred to a regional hospital shall be considered
15 eligible.

16 Section 5. Section 364.509, Florida Statutes, is
17 amended to read:

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

20 364.509 Duties of the Department of Education.--The
21 duties of the Department of Education concerning distance
22 learning include, but are not limited to:

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

27 (2) Coordinate the use of existing resources,
28 including, but not limited to, the state's satellite
29 transponders on the education satellites, the SUNCOM Network,
30 the Florida Information Resource Network (FIRN), the
31 Department of Management Services, the Department of

1 Corrections, and the Department of Children and Family
2 Services' satellite communication facilities to support a
3 statewide advanced telecommunications services and distance
4 learning network.

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

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

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

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

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

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

1 Community Colleges, and one-third to the State University
2 System.

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

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

12 Section 6. Section 364.510, Florida Statutes, is
13 amended to read:

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

16 364.510 The Florida Distance Learning Network Advisory
17 Council; creation; membership; organization; meetings.--

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

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

30 (b) Representation.--The organizations represented on
31 the advisory council may include, but are not limited to,

1 public and private elementary and secondary schools; public
2 and private postsecondary institutions, including vocational
3 and technical centers; state agencies; libraries; the health
4 care community, including urban, rural, and teaching
5 hospitals; the cable telecommunications industry; the local
6 exchange telecommunications industry; and the interexchange
7 industry. Two members shall be the Chancellor of the State
8 University System or the chancellor's designee and the
9 Executive Director of the Florida Community College System or
10 the executive director's designee. One member may be a lay
11 citizen.

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

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

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

17 3. The advisory council shall meet at the call of its
18 chair, at the request of the majority of its membership, the
19 commissioner, or at such times as its membership may
20 prescribe.

21 (2) The advisory council may study and recommend to
22 the department on:

23 (a) A marketing program statewide, nationally, and
24 internationally, as deemed appropriate.

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

27 (c) Suggested legislation concerning distance
28 learning.

29 (d) Any other issue regarding distance learning that
30 the council deems appropriate.

31

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

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

5 364.514 Educational Technology Grant Program.--

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

15 1. Information which describes the educational
16 significance of the program or service in addressing state
17 educational priorities.

18 2. The target population for the program.

19 3. The program content to be transmitted.

20 4. The support services to be provided.

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

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

1 (c) The department ~~board of directors~~ shall identify
2 state educational priorities and issue a request for proposals
3 by June 1 in every year in which funds are available for
4 grants. The department ~~board~~ shall ensure the quality of the
5 programs and courses produced through the grants and produce
6 an annual status report by March 1 describing the projects
7 funded and accounting for any proceeds.

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

10 240.311 State Board of Community Colleges; powers and
11 duties.--

12 (8)(a) The State Board of Community Colleges is
13 authorized to develop and produce work products which relate
14 to mechanisms to provide for consolidated and coordinated
15 program development and educational endeavors to support
16 distance learning instruction which are subject to trademark,
17 copyright, or patent statutes. To this end, the board shall
18 consider the relative contribution by the personnel employed
19 in the development of such work products and shall enter into
20 binding agreements with such personnel, organizations,
21 corporations, or government entities, which agreements shall
22 establish the percentage of ownership of such trademarks,
23 copyrights, or patents. Any other law to the contrary
24 notwithstanding, the board is authorized in its own name to:

25 1. Perform all things necessary to secure letters of
26 patent, copyrights, and trademarks on any such work products
27 and to enforce its rights therein.

28 2. License, lease, assign, or otherwise give written
29 consent to any person, firm, or corporation for the
30 manufacture or use thereof on a royalty basis or for such
31 other consideration as the board deems proper.

1 3. Take any action necessary, including legal action,
2 to protect the same against improper or unlawful use or
3 infringement.

4 4. Enforce the collection of any sums due the board
5 for the manufacture or use thereof by any other party.

6 5. Sell any such work products and execute all
7 instruments necessary to consummate any such sale.

8 6. Perform all other acts necessary and proper for the
9 execution of powers and duties provided by this paragraph.

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11 Any proceeds therefrom shall be deposited and expended by a
12 Florida not-for-profit corporation, incorporated under the
13 provisions of chapter 617 and approved by the Department of
14 State, to be used as directed by the board to pay the cost of
15 producing and disseminating educational materials and products
16 to carry out the intent of this act. Any action taken by the
17 board in securing or exploiting such trademarks, copyrights,
18 or patents shall, within 30 days, be reported by the board to
19 the Department of State.

20 (b) The board is authorized to publish, produce, or
21 have produced materials and products and shall make them
22 readily available for appropriate use in the state system of
23 education. The board is authorized to charge an amount
24 adequate to cover the essential cost of producing and
25 disseminating such materials and products in the state system
26 of education and is authorized to sell copies for educational
27 use to nonpublic schools in the state and to the public.

28 (c) Any Florida not-for-profit corporation receiving
29 funds pursuant to this section shall make provisions for an
30 annual postaudit of its financial accounts to be conducted by
31 an independent certified public accountant in accordance with

1 rules to be adopted by the board. The annual audit report
2 shall be submitted to the Auditor General and the board for
3 review. The board and the Auditor General shall have the
4 authority to require and receive from the organization or from
5 its independent auditor any detail or supplemental data
6 relative to the operation of the organization.

7 Section 9. The State Board of Community Colleges shall
8 report on the implementation of this bill, by December 31,
9 1999, and annually thereafter, to the Speaker of the House of
10 Representatives and the President of the Senate.

11 Section 10. Sections 364.511, 364.512, and 364.513,
12 Florida Statutes, are repealed.

13 Section 11. There is hereby appropriated from the
14 Florida Public Service Regulatory Trust Fund to the Public
15 Service Commission the sum of \$1,000,000 and 2 positions for
16 the purpose of carrying out the provisions of section 1 of
17 this act.

18 Section 12. (1) There is hereby created the
19 Information Service Technology Development Task Force which
20 shall be located within the Department of Management Services
21 for the purpose of developing policies that will benefit
22 residents of this state by fostering the free-market
23 development and beneficial use of advanced communications
24 networks and information technologies within this state. The
25 task force shall be composed of 34 members as follows:

26 (a) The Attorney General, the executive director of
27 the Florida Department of Law Enforcement, the Chancellor of
28 the State University System, the Commissioner of Education,
29 the executive director of the State Board of Community
30 Colleges, the director of the Office of Tourism, Trade, and
31 Economic Development, the executive director of the Department

1 of Revenue, a representative of the Florida Council of
2 American Electronics Association, a representative of the
3 Florida Internet Providers Association, a representative of
4 the United States Internet Council, the chair of the State
5 Technology Council, and the secretary of the Department of
6 Management Services.

7 (b) The President of the Senate shall appoint one
8 member from each of the following categories: a
9 facilities-based interexchange telecommunications company, a
10 wireless telecommunications company, an alternative local
11 exchange telecommunications company, an internet service
12 provider with more than one million customers, the
13 entertainment industry, a computer or telecommunications
14 manufacturing company, and one member of the Florida Senate.

15 (c) The Speaker of the House of Representatives shall
16 appoint one member from each of the following categories: a
17 cable television provider, a computer software company, the
18 banking industry, an internet search engine company, a local
19 exchange telecommunications company, the tourist industry, and
20 one member of the House of Representatives.

21 (d) The Governor shall name the chair, and appoint
22 members as follows: one college student who relies on the
23 Internet for personal or academic use, a representative of a
24 local government that is an alternative local exchange
25 telecommunications company or an Internet service provider,
26 and four members as determined by the Governor to
27 appropriately represent technology providers, manufacturers,
28 retailers, and users.

29 (e) The minority leader of the House of
30 Representatives shall appoint one member of the House of
31 Representatives.

1 (f) The minority leader of the Senate shall appoint
2 one member of the Senate.

3 (2) The task force shall exist for 2 years and shall
4 meet at least four times per year. Failure of a member to
5 participate in three consecutive meetings shall result in the
6 member's replacement by the Governor. The task force is
7 encouraged to implement electronic bulletin boards and other
8 means for the exchange of ideas throughout the year.

9 (3) The task force shall develop overarching
10 principles to guide state policy decisions with respect to the
11 free-market development and beneficial use of advanced
12 communications networks and information technologies, identify
13 factors that will affect whether these technologies will
14 flourish in Florida, and develop policy recommendations for
15 each factor.

16 (4) By February 14 of calendar years 2000 and 2001,
17 the task force shall submit a report to the Governor, the
18 President of the Senate, and the Speaker of the House of
19 Representatives outlining principles, policy recommendations,
20 and any suggested legislation. The task force may develop and
21 publish other documents throughout the year.

22 (5) The State Technology Office within the Department
23 of Management Services shall provide support staff for the
24 task force and promote public awareness of the development of
25 principles and policy recommendations by the task force. The
26 State University System shall assist the task force as
27 necessary.

28 (6) The task force shall dissolve effective July 1,
29 2001.

30 Section 13. The sum of \$375,100 is hereby appropriated
31 from the General Revenue Fund to the State Technology Office

1 in the Department of Management Services and four positions
2 are created in the department for the purpose of carrying out
3 the provisions of section 12 of this act.

4 Section 14. This act shall take effect July 1, 1999.
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