

By the Committee on Regulated Industries and Senator Casas

315-2109A-99

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. 364.508, F.S.;
9 deleting certain definitions; amending s.
10 364.509, F.S.; specifying duties of the
11 Department of Education relating to distance
12 learning; amending s. 364.510, F.S.; creating
13 the Florida Distance Learning Network Advisory
14 Council in the Department of Education;
15 providing for membership; specifying
16 representation; providing for organization,
17 procedures, and compensation of the council;
18 providing responsibilities of the council;
19 requiring the department to provide
20 administrative and support services for the
21 council; amending s. 364.514, F.S., to conform;
22 repealing s. 364.506, F.S., relating to the
23 short title to part II, ch. 364, F.S.;
24 repealing s. 364.507, F.S., relating to
25 legislative intent; repealing 364.511, F.S.,
26 relating to the powers of the board of
27 directors of the Florida Distance Learning
28 Network; repealing s. 364.512, F.S., relating
29 to the executive director of the network;
30 repealing s. 364.513, F.S., relating to the
31 annual report and audits of the network;

1 providing an appropriation; providing an
2 effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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

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

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

1 364.24 Penalty for making telephone message or
2 customer account information known.--

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

16 Section 3. Section 364.508, Florida Statutes, is
17 transferred, renumbered as section 241.001, and amended to
18 read:

19 241.001 ~~364.508~~ Definitions.--As used in this part:

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

21 ~~(2) "Network" means the Florida Distance Learning~~
22 ~~Network.~~

23 (2)~~(3)~~ "Telecommunications company" means any entity
24 certified under this chapter to provide telecommunications
25 service.

26 (3)~~(4)~~ "Cable company" means a cable television
27 company providing cable service as defined in 47 U.S.C. s.
28 522.

29 (4)~~(5)~~ "Advanced telecommunications services" are
30 defined as network-based or wireless services that provide
31 additional communications capabilities enabling the use of

1 applications such as distance learning, video conferencing,
2 data communications, and access to Internet.

3 ~~(6) "Plan" means the Education Facilities~~
4 ~~Infrastructure Improvement Plan, a document that includes a~~
5 ~~needs assessment report and identifies telecommunications~~
6 ~~companies', cable companies', and other providers' present and~~
7 ~~projected deployment of technologies necessary for delivery of~~
8 ~~advanced telecommunications services to eligible facilities~~
9 ~~who request such services.~~

10 (5)(7) "Eligible facilities" means all approved
11 campuses and instructional centers of all public universities,
12 public community colleges, area technical centers, public
13 elementary schools, middle schools, and high schools,
14 including school administrative offices, public libraries,
15 teaching hospitals, the research institute described in s.
16 240.512, and rural public hospitals as defined in s. 395.602.
17 If no rural public hospital exists in a community, the public
18 health clinic which is responsible for individuals before they
19 can be transferred to a regional hospital shall be considered
20 eligible.

21 Section 4. Section 364.509, Florida Statutes, is
22 transferred, renumbered as section 241.002, and amended to
23 read:

24 (Substantial rewording of section. See
25 s. 364.509, F.S., for present text.)
26 241.002 Duties of the Department of Education.--The
27 duties of the Department of Education concerning distance
28 learning include, but are not limited to:

29 (1) Facilitate the implementation of a statewide
30 coordinated system and resource system for cost-efficient
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1 advanced telecommunications services and distance education
2 which will increase overall student access to education.
3 (2) Coordinate the use of existing resources,
4 including, but not limited to, the state's satellite
5 transponders on the education satellites, the SUNCOM Network,
6 the Florida Information Resource Network (FIRN), the
7 Department of Management Services, the Department of
8 Corrections, and the Department of Children and Family
9 Services' satellite communication facilities to support a
10 statewide advanced telecommunications services and distance
11 learning network.
12 (3) Assist in the coordination of the utilization of
13 the production and uplink capabilities available through
14 Florida's public television stations, eligible facilities,
15 independent colleges and universities, private firms, and
16 others as may be needed.
17 (4) Seek the assistance and cooperation of Florida's
18 cable television providers in the implementation of the
19 statewide advanced telecommunications services and distance
20 learning network.
21 (5) Seek the assistance and cooperation of Florida's
22 telecommunications carriers to provide affordable student
23 access to advanced telecommunications services and to distance
24 learning.
25 (6) Coordinate partnerships for development,
26 acquisition, use, and distribution of distance learning.
27 (7) Secure and administer funding for programs and
28 activities for distance learning from federal, state, local,
29 and private sources and from fees derived from services and
30 materials.
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1 (8) Manage the state's satellite transponder resources
2 and enter into lease agreements to maximize the use of
3 available transponder time. All net revenue realized through
4 the leasing of available transponder time, after deducting the
5 costs of performing the management function, shall be recycled
6 to support the public education distance learning in this
7 state, based upon an allocation formula of one-third to the
8 Department of Education, one-third to the State Board of
9 Community Colleges, and one-third to the State University
10 System.

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

15 (10) Nothing in ss. 241.001-241.004 shall be construed
16 to abrogate, supersede, alter, or amend the powers and duties
17 of any state agency, district school board, community college
18 board of trustees, the State Board of Community Colleges, or
19 the Board of Regents.

20 Section 5. Section 364.510, Florida Statutes, is
21 transferred, renumbered as section 241.003, and amended to
22 read:

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

25 241.003 The Florida Distance Learning Network Advisory
26 Council; creation; membership; organization; meetings.--

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

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

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

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

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

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

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

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

3 (a) A marketing program statewide, nationally, and
4 internationally, as deemed appropriate.

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

7 (c) Suggested legislation concerning distance
8 learning.

9 (d) Any other issue regarding distance learning that
10 the council deems appropriate.

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

13 Section 6. Section 364.514, Florida Statutes, is
14 transferred, renumbered as 241.004, and amended to read:

15 241.004 ~~364.514~~ Educational Technology Grant
16 Program.--

17 (1) The Educational Technology Grant Program is
18 created to support the development of and provide incentives
19 for technologically delivered educational courses and
20 programs.

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

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1 1. Information which describes the educational
2 significance of the program or service in addressing state
3 educational priorities.

4 2. The target population for the program.

5 3. The program content to be transmitted.

6 4. The support services to be provided.

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

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

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

25 Section 7. Sections 364.506, 364.507, 364.511,
26 364.512, and 364.513, Florida Statutes, are repealed.

27 Section 8. There is appropriated from the Florida
28 Public Service Regulatory Trust Fund to the Public Service
29 Commission the sum of \$1 million, and two additional positions
30 are authorized, for the purpose of carrying out the provisions
31 of Section 1 of this act for Fiscal Year 1999-2000.

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 SB 2296

6

6 Amends existing laws regarding distance learning by putting
7 distance learning directly within the duties of the Department
of Education.

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8 Replaces the Florida Distance Learning Network corporation and
9 its board of directors with the Florida Distance Learning
Network Advisory Council as a part of the Department of
Education to advise and assist the department in its duties.

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10 Transfers responsibility for awarding Education Technology
11 Grants from the Florida Distance Learning Network to the
Department of Education.

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12 Allows telecommunications companies to make available to
13 customers their own account records through telephonic means.

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