

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; amending s.  
2 364.025, F.S.; extending the interim mechanism  
3 for maintaining universal service objectives  
4 and funding carrier-of-last-resort obligations  
5 until a specified date; amending s. 364.052,  
6 F.S.; extending carrier-of-last-resort  
7 obligations for small local exchange  
8 telecommunications companies until a specified  
9 date; amending s. 364.051, F.S.; extending  
10 price caps on certain telecommunications  
11 services; establishing a task force in the  
12 Department of Management Services; providing  
13 for representation; providing responsibilities;  
14 providing for meetings of the task force;  
15 providing for support staff for the task force;  
16 requiring reports; providing for the  
17 dissolution of the task force; providing an  
18 appropriation; amending s. 337.401, F.S.;  
19 specifying that specified provisions do not  
20 apply to the provision of pay telephone service  
21 on public or municipal roads or rights-of-way;  
22 providing an effective date.

23

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

25

26 Section 1. Section 364.0252, Florida Statutes, 1998  
27 Supplement, is amended to read:28 364.0252 Expansion of consumer information programs;  
29 customer assistance; rulemaking authority. ~~--By January 1,~~  
30 ~~1999,~~The Florida Public Service Commission shall expand its  
31 current consumer information program to inform consumers of

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

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

21 364.24 Penalty for making telephone message or  
22 customer account information known.--

23 (2) Any officer or person in the employ of any  
24 telecommunications company shall not intentionally disclose  
25 customer account records except as authorized by the customer  
26 or as necessary for billing purposes, or required by subpoena,  
27 court order, other process of court, or as otherwise allowed  
28 by law. Any person who violates any provision of this section  
29 commits a misdemeanor of the second degree, punishable as  
30 provided in s. 775.082 or s. 775.083. Nothing herein precludes  
31 disclosure of customers' names, addresses, or telephone

1 numbers to the extent they are otherwise publicly available.  
2 Nothing in this subsection precludes a telecommunications  
3 company from making available to its customers a customer's  
4 own customer account record through telephonic means.

5 Section 3. Section 364.508, Florida Statutes, is  
6 transferred, renumbered as section 241.001, and amended to  
7 read:

8 241.001 ~~364.508~~ Definitions.--As used in this part:

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

10 ~~(2) "Network" means the Florida Distance Learning~~  
11 ~~Network.~~

12 (2)(3) "Telecommunications company" means any entity  
13 certified under this chapter to provide telecommunications  
14 service.

15 (3)(4) "Cable company" means a cable television  
16 company providing cable service as defined in 47 U.S.C. s.  
17 522.

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

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

30 (5)(7) "Eligible facilities" means all approved  
31 campuses and instructional centers of all public universities,

1 public community colleges, area technical centers, public  
2 elementary schools, middle schools, and high schools,  
3 including school administrative offices, public libraries,  
4 teaching hospitals, the research institute described in s.  
5 240.512, and rural public hospitals as defined in s. 395.602.  
6 If no rural public hospital exists in a community, the public  
7 health clinic which is responsible for individuals before they  
8 can be transferred to a regional hospital shall be considered  
9 eligible.

10 Section 4. Section 364.509, Florida Statutes, is  
11 transferred, renumbered as section 241.002, and amended to  
12 read:

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

15 241.002 Duties of the Department of Education.--The  
16 duties of the Department of Education concerning distance  
17 learning include, but are not limited to:

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

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

31

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

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

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

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

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

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

30           (9) Hire appropriate staff which may include a  
31 position that shall be exempt from part II of chapter 110 and

1 is included in the Senior Management Service in accordance  
2 with s. 110.205.

3 (10) Nothing in ss. 241.001-241.004 shall be construed  
4 to abrogate, supersede, alter, or amend the powers and duties  
5 of any state agency, district school board, community college  
6 board of trustees, the State Board of Community Colleges, or  
7 the Board of Regents.

8 Section 5. Section 364.510, Florida Statutes, is  
9 transferred, renumbered as section 241.003, and amended to  
10 read:

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

13 241.003 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

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. 241.004.

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



1           241.004 ~~364.514~~ Educational Technology Grant

2 Program.--

3           (1) The Educational Technology Grant Program is  
4 created to support the development of and provide incentives  
5 for technologically delivered educational courses and  
6 programs.

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

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

19           2. The target population for the program.

20           3. The program content to be transmitted.

21           4. The support services to be provided.

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

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

31

1 be determined by formal agreement between the department ~~board~~  
2 ~~of directors~~ and the developing system or institution.

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

10 Section 7. Sections 364.506, 364.507, 364.511,  
11 364.512, and 364.513, Florida Statutes, are repealed.

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

17 Section 9. Section 364.025, Florida Statutes, 1998  
18 Supplement, is amended to read:

19 364.025 Universal service.--

20 (1) For the purposes of this section, the term  
21 "universal service" means an evolving level of access to  
22 telecommunications services that, taking into account advances  
23 in technologies, services, and market demand for essential  
24 services, the commission determines should be provided at  
25 just, reasonable, and affordable rates to customers, including  
26 those in rural, economically disadvantaged, and high-cost  
27 areas. It is the intent of the Legislature that universal  
28 service objectives be maintained after the local exchange  
29 market is opened to competitively provided services. It is  
30 also the intent of the Legislature that during this transition  
31 period the ubiquitous nature of the local exchange

1 telecommunications companies be used to satisfy these  
2 objectives. For a period of 6 ~~4~~ years after January 1, 1996,  
3 each local exchange telecommunications company shall be  
4 required to furnish basic local exchange telecommunications  
5 service within a reasonable time period to any person  
6 requesting such service within the company's service  
7 territory.

8 (2) The Legislature finds that each telecommunications  
9 company should contribute its fair share to the support of the  
10 universal service objectives and carrier-of-last-resort  
11 obligations. For a transitional period not to exceed January  
12 1, 2002 ~~2000~~, an interim mechanism for maintaining universal  
13 service objectives and funding carrier-of-last-resort  
14 obligations shall be established by the commission, pending  
15 the implementation of a permanent mechanism. The interim  
16 mechanism shall be applied in a manner that ensures that each  
17 alternative local exchange telecommunications company  
18 contributes its fair share to the support of universal service  
19 and carrier-of-last-resort obligations. The interim mechanism  
20 applied to each alternative local exchange telecommunications  
21 company shall reflect a fair share of the local exchange  
22 telecommunications company's recovery of investments made in  
23 fulfilling its carrier-of-last-resort obligations, and the  
24 maintenance of universal service objectives. The commission  
25 shall ensure that the interim mechanism does not impede the  
26 development of residential consumer choice or create an  
27 unreasonable barrier to competition. In reaching its  
28 determination, the commission shall not inquire into or  
29 consider any factor that is inconsistent with s.  
30 364.051(1)(c). The costs and expenses of any government  
31

1 program or project required in part II of this chapter shall  
2 not be recovered under this section.

3 (3) In the event any party, prior to January 1, 2002  
4 ~~2000~~, believes that circumstances have changed substantially  
5 to warrant a change in the interim mechanism, that party may  
6 petition the commission for a change, but the commission shall  
7 grant such petition only after an opportunity for a hearing  
8 and a compelling showing of changed circumstances, including  
9 that the provider's customer population includes as many  
10 residential as business customers. The commission shall act  
11 on any such petition within 120 days.

12 (4)(a) Prior to January 1, 2002 ~~the expiration of this~~  
13 ~~4-year period~~, the Legislature shall establish a permanent  
14 universal service mechanism upon the effective date of which  
15 any interim recovery mechanism for universal service  
16 objectives or carrier-of-last-resort obligations imposed on  
17 alternative local exchange telecommunications companies shall  
18 terminate.

19 (b) To assist the Legislature in establishing a  
20 permanent universal service mechanism, the commission, by  
21 February 15, 1999, shall determine and report to the President  
22 of the Senate and the Speaker of the House of Representatives  
23 the total forward-looking cost, based upon the most recent  
24 commercially available technology and equipment and generally  
25 accepted design and placement principles, of providing basic  
26 local telecommunications service on a basis no greater than a  
27 wire center basis using a cost proxy model to be selected by  
28 the commission after notice and opportunity for hearing.

29 (c) In determining the cost of providing basic local  
30 telecommunications service for small local exchange  
31 telecommunications companies, which serve less than 100,000

1 access lines, the commission shall not be required to use the  
2 cost proxy model selected pursuant to paragraph (b) until a  
3 mechanism is implemented by the Federal Government for small  
4 companies, but no sooner than January 1, 2001. The commission  
5 shall calculate a small local exchange telecommunications  
6 company's cost of providing basic local telecommunications  
7 services based on one of the following options:

8 1. A different proxy model; or

9 2. A fully distributed allocation of embedded costs,  
10 identifying high-cost areas within the local exchange area the  
11 company serves and including all embedded investments and  
12 expenses incurred by the company in the provision of universal  
13 service. Such calculations may be made using fully distributed  
14 costs consistent with 47 C.F.R. ss. 32, 36, and 64. The  
15 geographic basis for the calculations shall be no smaller than  
16 a census block group.

17 (d) The commission, by February 15, 1999, shall  
18 determine and report to the President of the Senate and the  
19 Speaker of the House of Representatives the amount of support  
20 necessary to provide residential basic local  
21 telecommunications service to low-income customers. For  
22 purposes of this section, low-income customers are customers  
23 who qualify for Lifeline service as defined in s. 364.10(2).

24 (5) After January 1, 2002 ~~2000~~, an alternative local  
25 exchange telecommunications company may petition the  
26 commission to become the universal service provider and  
27 carrier of last resort in areas requested to be served by that  
28 alternative local exchange telecommunications company. Upon  
29 petition of an alternative local exchange telecommunications  
30 company, the commission shall have 120 days to vote on  
31 granting in whole or in part or denying the petition of the

1 alternative local exchange company. The commission may  
2 establish the alternative local exchange telecommunications  
3 company as the universal service provider and carrier of last  
4 resort, provided that the commission first determines that the  
5 alternative local exchange telecommunications company will  
6 provide high-quality, reliable service. In the order  
7 establishing the alternative local exchange telecommunications  
8 company as the universal service provider and carrier of last  
9 resort, the commission shall set the period of time in which  
10 such company must meet those objectives and obligations and  
11 shall set up any mechanism needed to aid such company in  
12 carrying out these duties.

13 Section 10. Subsection (5) of section 364.052, Florida  
14 Statutes, is amended to read:

15 364.052 Regulatory methods for small local exchange  
16 telecommunications companies.--

17 (5) Any company subject to this section shall continue  
18 to function as the universal service provider and carrier of  
19 last resort in the territory in which such company was  
20 certificated to provide service on July 1, 1995; provided,  
21 however, that after January 1, 2002 ~~2001~~, such company shall  
22 only be required to act as the universal service provider and  
23 carrier of last resort if the commission finds that it is  
24 economically feasible for such company to remain the universal  
25 service provider and carrier of last resort. If the commission  
26 finds that it is not economically feasible for a small local  
27 exchange telecommunications company to remain the carrier of  
28 last resort, the commission shall establish a funding  
29 mechanism to permit such company to fulfill its obligations as  
30 the carrier of last resort.

31

1           Section 11. Subsections (2), (4), and (6) of section  
2 364.051, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           364.051 Price regulation.--

5           (2) BASIC LOCAL TELECOMMUNICATIONS SERVICE.--Price  
6 regulation of basic local telecommunications service shall  
7 consist of the following:

8           (a) Effective January 1, 1996, the rates for basic  
9 local telecommunications service of each company subject to  
10 this section shall be capped at the rates in effect on July 1,  
11 1995, and such rates shall not be increased prior to the  
12 effective date of a permanent universal service funding  
13 mechanism established pursuant to s. 364.025 January 1, 2000.

14 ~~However, the basic local telecommunications service rates of a~~  
15 ~~local exchange telecommunications company with more than 3~~  
16 ~~million basic local telecommunications service access lines in~~  
17 ~~service on July 1, 1995, shall not be increased prior to~~  
18 ~~January 1, 2001.~~

19           (b) Upon the date of filing its election with the  
20 commission, the rates for basic local telecommunications  
21 service of a company that elects to become subject to this  
22 section shall be capped at the rates in effect on that date  
23 and shall remain capped as stated in paragraph (a).

24           (c) There shall be a flat-rate pricing option for  
25 basic local telecommunications services, and mandatory  
26 measured service for basic local telecommunications services  
27 shall not be imposed.

28           (4) In the event that it is determined that the level  
29 of competition justifies the elimination of price caps in an  
30 exchange served by a local exchange telecommunications company  
31 with less than 3 million basic local telecommunications

1 service access lines in service, or after the effective date  
2 of a permanent universal service funding mechanism established  
3 pursuant to s. 364.025 ~~at the end of 5 years~~ for any local  
4 exchange telecommunications company, the local exchange  
5 telecommunications company may thereafter on 30 days' notice  
6 adjust its basic service prices once in any 12-month period in  
7 an amount not to exceed the change in inflation less 1  
8 percent. Inflation shall be measured by the changes in the  
9 Gross Domestic Product Fixed 1987 Weights Price Index, or  
10 successor fixed weight price index, published in the Survey of  
11 Current Business or a publication, by the United States  
12 Department of Commerce. In the event any local exchange  
13 telecommunications company, after January 1, 2001, believes  
14 that the level of competition justifies the elimination of any  
15 form of price regulation the company may petition the  
16 Legislature.

17 (6) NONBASIC SERVICES.--Price regulation of nonbasic  
18 services shall consist of the following:

19 (a) Each company subject to this section shall  
20 maintain tariffs with the commission containing the terms,  
21 conditions, and rates for each of its nonbasic services, and  
22 may set or change, on 15 days' notice, the rate for each of  
23 its nonbasic services, except that a price increase for any  
24 nonbasic service category shall not exceed 6 percent within a  
25 12-month period until there is another provider providing  
26 local telecommunications service in an exchange area at which  
27 time the price for any nonbasic service category may be  
28 increased in an amount not to exceed 20 percent within a  
29 12-month period, and the rate shall be presumptively valid.  
30 However, for purposes of this subsection, the prices of:  
31



1           1. A voice-grade, flat-rate, multi-line business local  
2 exchange service, including multiple individual lines, centrex  
3 lines, private branch exchange trunks, and any associated  
4 hunting services, that provides dial tone and local usage  
5 necessary to place a call within a local exchange calling  
6 area; and

7           2. Telecommunications services provided under contract  
8 service arrangements to the SUNCOM Network, as defined in  
9 chapter 282,

10  
11 shall be capped at the rates in effect on July 1, 1995, and  
12 such rates shall not be increased prior to the effective date  
13 of a permanent universal service funding mechanism established  
14 pursuant to s. 364.025 January 1, 2000; provided, however,  
15 that a petition to increase such rates may be filed pursuant  
16 to subsection (5) utilizing the standards set forth therein.  
17 There shall be a flat-rate pricing option for multi-line  
18 business local exchange service, and mandatory measured  
19 service for multi-line business local exchange service shall  
20 not be imposed. Nothing contained in this section shall  
21 prevent the local exchange telecommunications company from  
22 meeting offerings by any competitive provider of the same, or  
23 functionally equivalent, nonbasic services in a specific  
24 geographic market or to a specific customer by deaveraging the  
25 price of any nonbasic service, packaging nonbasic services  
26 together or with basic services, using volume discounts and  
27 term discounts, and offering individual contracts. However,  
28 the local exchange telecommunications company shall not engage  
29 in any anticompetitive act or practice, nor unreasonably  
30 discriminate among similarly situated customers.

31

1 (b) The commission shall have continuing regulatory  
2 oversight of nonbasic services for purposes of ensuring  
3 resolution of service complaints, preventing  
4 cross-subsidization of nonbasic services with revenues from  
5 basic services, and ensuring that all providers are treated  
6 fairly in the telecommunications market. The cost standard  
7 for determining cross-subsidization is whether the total  
8 revenue from a nonbasic service is less than the total  
9 long-run incremental cost of the service. Total long-run  
10 incremental cost means service-specific volume and  
11 nonvolume-sensitive costs.

12 (c) The price charged to a consumer for a nonbasic  
13 service shall cover the direct costs of providing the service  
14 and shall, to the extent a cost is not included in the direct  
15 cost, include as an imputed cost the price charged by the  
16 company to competitors for any monopoly component used by a  
17 competitor in the provision of its same or functionally  
18 equivalent service.

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

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

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

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

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

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

30

31

1           (e) The minority leader of the House of  
2 Representatives shall appoint one member of the House of  
3 Representatives.

4           (f) The minority leader of the Senate shall appoint  
5 one member of the Senate.

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

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

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

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

31

1           (6) The task force shall dissolve effective July 1,  
2 2001.

3           Section 13. Effective July 1, 1999, the sum of  
4 \$375,100 is appropriated from the General Revenue Fund to the  
5 State Technology Office in the Department of Management  
6 Services and four positions are created in the department for  
7 the purpose of carrying out section 12 of this act.

8           Section 14. Subsection (10) is added to section  
9 337.401, Florida Statutes, 1998 Supplement, to read:

10           337.401 Use of right-of-way for utilities subject to  
11 regulation; permit; fees.--

12           (10) This section, except subsections (1), (2), and  
13 (6), does not apply to the provision of pay telephone service  
14 on public or municipal roads or rights-of-way.

15           Section 15. This act shall take effect July 1, 1999.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31