

1 A bill to be entitled
2 An act relating to community college distance
3 learning; amending s. 240.311, F.S.;
4 authorizing the State Board of Community
5 Colleges to develop and produce certain work
6 products related to distance learning;
7 authorizing fees for such materials for
8 purposes of educational use; requiring annual
9 postaudits; requiring the adoption of rules;
10 requiring the submission of a report; requiring
11 each community college to submit a summary;
12 providing sanctions for failure to submit the
13 summary; requiring the State Board of Community
14 Colleges to submit an annual report to the
15 Legislature; providing an effective date.

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

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19 Section 1. Subsection (8) is added to section 240.311,
20 Florida Statutes, 1998 Supplement, to read:

21 240.311 State Board of Community Colleges; powers and
22 duties.--

23 (8)(a) The State Board of Community Colleges is
24 authorized to develop and produce work products which relate
25 to mechanisms to provide for consolidated and coordinated
26 program development and educational endeavors to support
27 distance learning instruction which are subject to trademark,
28 copyright, or patent statutes. To this end, the board shall
29 consider the relative contribution by the personnel employed
30 in the development of such work products and shall enter into
31 binding agreements with such personnel, organizations,

1 corporations, or government entities, which agreements shall
2 establish the percentage of ownership of such trademarks,
3 copyrights, or patents. Any other law to the contrary
4 notwithstanding, the board is authorized in its own name to:

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

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

12 3. Take any action necessary, including legal action,
13 to protect the same against improper or unlawful use or
14 infringement.

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

17 5. Sell any such work products and execute all
18 instruments necessary to consummate any such sale.

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

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22 Any proceeds therefrom shall be deposited and expended by a
23 Florida not-for-profit corporation, incorporated under the
24 provisions of chapter 617 and approved by the Department of
25 State, to be used as directed by the board to pay the cost of
26 producing and disseminating educational materials and products
27 to carry out the intent of this act. Any action taken by the
28 board in securing or exploiting such trademarks, copyrights,
29 or patents shall, within 30 days, be reported by the board to
30 the Department of State.

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1 (b) The board is authorized to publish, produce, or
2 have produced materials and products and shall make them
3 readily available for appropriate use in the state system of
4 education. The board is authorized to charge an amount
5 adequate to cover the essential cost of producing and
6 disseminating such materials and products in the state system
7 of education and is authorized to sell copies for educational
8 use to nonpublic schools in the state and to the public.

9 (c) Any Florida not-for-profit corporation receiving
10 funds pursuant to this section shall make provisions for an
11 annual postaudit of its financial accounts to be conducted by
12 an independent certified public accountant in accordance with
13 rules to be adopted by the board. The annual audit report
14 shall be submitted to the Auditor General and the board for
15 review. The board and the Auditor General shall have the
16 authority to require and receive from the organization or from
17 its independent auditor any detail or supplemental data
18 relative to the operation of the organization.

19 (d) The State Board of Community Colleges shall report
20 on the implementation of this subsection, by December 31, 1999
21 and annually thereafter, to the Speaker of the House of
22 Representatives and the President of the Senate.

23 Section 2. Section 364.508, Florida Statutes, is
24 transferred, renumbered as Section 241.001, and amended to
25 read:

26 241.001 ~~364.508~~ Definitions.--As used in this part:

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

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

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

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

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

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

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

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1 Section 3. Section 364.509, Florida Statutes, is
2 transferred, renumbered as section 241.002, and amended to
3 read:

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

6 241.002 ~~364.509~~ Duties of the Department of
7 Education.--The duties of the Department of Education
8 concerning distance learning include, but are not limited to:

9 (1) Facilitate the implementation of a statewide
10 coordinated system and resource system for cost-efficient
11 advanced telecommunications services and distance education
12 which will increase overall student access to education.

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

22 (3) Assist in the coordination of the utilization of
23 the production and uplink capabilities available through
24 Florida's public television stations, eligible facilities,
25 independent colleges and universities, private firms, and
26 others as may be needed.

27 (4) Seek the assistance and cooperation of Florida's
28 cable television providers in the implementation of the
29 statewide advanced telecommunications services and distance
30 learning network.

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1 (5) Seek the assistance and cooperation of Florida's
2 telecommunications carriers to provide affordable student
3 access to advanced telecommunications services and to distance
4 learning.

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

7 (7) Secure and administer funding for programs and
8 activities for distance learning from federal, state, local,
9 and private sources and from fees derived from services and
10 materials.

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

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

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

30 Section 4. Section 364.510, Florida Statutes, is
31 transferred, renumbered

1 Section 5. Section 364.510, Florida Statutes, is
2 transferred, renumbered as 241.003, and amended to read:

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

5 241.003 ~~364.510~~ The Florida Distance Learning Network
6 Advisory Council; creation; membership; organization;
7 meetings.--

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

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

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

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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 6. Subsection (2) of section 364.514, Florida
25 Statutes, is transferred, renumbered as 241.004, and amended
26 to read:

27 241.004 ~~364.514~~ Educational Technology Grant
28 Program.--

29 (2)(a) The Department of Education ~~Florida Distance~~
30 ~~Learning Network~~ shall annually award grants to school
31 districts, area technical centers, community colleges, state

1 universities, and independent institutions eligible to
2 participate in state student assistance programs established
3 in part IV of chapter 240. The department ~~board of directors~~
4 ~~of the corporation~~ shall give priority to cooperative
5 proposals submitted by two or more institutions or delivery
6 systems. The proposals shall include:

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

10 2. The target population for the program.

11 3. The program content to be transmitted.

12 4. The support services to be provided.

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

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

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

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1 Section 7. Sections 364.511, 364.512, and 364.513,
2 Florida Statutes, are repealed.

3 Section 8. Each community college through the Division
4 of Community Colleges must submit to the Executive Office of
5 the Governor, with copies to the President of the Senate, the
6 Speaker of the House of Representatives, the Auditor General,
7 and the Office of Program Policy Analysis and Government
8 Accountability, a one-page summary of all moneys that were
9 expended or encumbered by the community college, or for which
10 the community college was otherwise responsible, during the
11 preceding fiscal year and an estimate of such moneys projected
12 by the community college for the current fiscal year. All such
13 expenditures and estimates of such expenditures must be
14 divided by program and expressed in line items by unit costs
15 for each output measure approved pursuant to s. 216.0166(3),
16 Florida Statutes. Unit-cost totals must equal the total amount
17 of moneys that were expended or projected to be expended by
18 each community college and must include expenditures or
19 projected expenditures of state funds by subordinate
20 governmental entities and contractors, as applicable. Moneys
21 that community colleges receive but are not responsible for,
22 such as reversions or pass-throughs to entities over which the
23 community college has no authority or responsibility, shall be
24 shown in separate line items and expressed in total amounts
25 only. At the regular session immediately following the
26 submission of the summary, the Legislature shall reduce in the
27 General Appropriations Act for the ensuing fiscal year, by an
28 amount equal to at least 10 percent of the allocation for the
29 fiscal year preceding the current fiscal year, the funding of
30 each community college that fails to submit the information
31 required by this section.

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