

By Senator Kirkpatrick

5-1425-98

See HB

1 A bill to be entitled
2 An act relating to distance learning; amending
3 s. 186.022, F.S.; requiring the Florida
4 Distance Learning Council to develop a
5 strategic plan; amending and renumbering ss.
6 364.509-364.514, F.S.; changing the Florida
7 Distance Learning Network to the Florida
8 Distance Learning Council; revising membership;
9 providing for administrative and clerical
10 support; requiring the review and approval of
11 implementation plans; providing Department of
12 Education duties; creating s. 228.67, F.S.;
13 requiring a distance learning component in
14 certain agency strategic plans; requiring
15 implementation plans by entities appropriated
16 distance learning funds; amending ss. 364.507,
17 364.515, F.S.; conforming cross-references;
18 repealing s. 364.508(2), F.S., relating to the
19 Florida Distance Learning Network, to conform;
20 providing for review and repeal; providing an
21 effective date.

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

25 Section 1. Subsection (9) of section 186.022, Florida
26 Statutes, is amended to read:

27 186.022 State agency strategic plans; preparation,
28 form, and review.--

29 (9) By March 1 of each year, the Geographic
30 Information Board, the Financial Management Information Board,
31 the Criminal and Juvenile Justice Information Systems Council,

1 the Florida Distance Learning Council, and the Health
2 Information Systems Council shall each develop a strategic
3 plan following the general statutory requirements that are
4 applicable to agencies pursuant to s. 186.021(1), (2), and
5 (3). The strategic plan shall be subject to the requirements,
6 and the review and approval processes, set forth in
7 subsections (2) through (7), with the following exceptions:

8 (a) The Executive Office of the Governor, after
9 consultation with the President of the Senate and the Speaker
10 of the House of Representatives, may prescribe a specific
11 format and content for the strategic plans of coordinating
12 boards and councils.

13 (b) The time periods for review and return of any
14 required strategic plan revisions, incorporation of such
15 revisions by the boards or councils, and resolution of
16 disputes shall be established by the Executive Office of the
17 Governor, after consultation with the President of the Senate
18 and the Speaker of the House of Representatives.

19 Section 2. Sections 364.509, 364.510, 364.511,
20 364.512, 364.513, and 364.514, Florida Statutes, are
21 renumbered as sections 228.61, 228.62, 228.63, 228.64, 228.65,
22 and 228.66, Florida Statutes, and amended to read:

23 228.61 ~~364.509~~ The Florida Distance Learning Council
24 ~~Network~~; creation; membership; organization; meetings.--

25 (1) It is the intent of the Legislature to establish a
26 coordinated system for cost-efficient advanced
27 telecommunications services and distance education to:

28 (a) Increase student access to education.

29 (b) Maximize the use of advanced telecommunications
30 services and their application to provide affordable distance
31 education.

1 (c) Promote interagency cooperation and promote
2 partnerships.

3 (d) Secure any available federal or private funds and
4 other resources in support of advanced telecommunications
5 services and distance education.

6 (e) Coordinate all advanced telecommunications
7 services and distance education resources to maximize return
8 on investment with the goal of creating a financially
9 independent, self-supporting, statewide resource for advanced
10 telecommunications services and distance education.

11 (2) The Florida Distance Learning Council ~~Network~~ is
12 hereby created for all the purposes created by the provisions
13 of this chapter or laws amendatory hereof.

14 (3) The Florida Distance Learning Council ~~Network~~ is
15 established with the necessary powers to exercise
16 responsibility for statewide leadership in coordinating,
17 enhancing, and serving as a resource center for advanced
18 telecommunications services and distance learning in all
19 public education delivery systems. The Florida Distance
20 Learning Council ~~Network shall be governed by a board of~~
21 ~~directors which~~ shall consist of the following members:

22 (a) The Commissioner of Education or the
23 commissioner's designee.

24 (b) The Chancellor of the State University System or
25 the chancellor's designee.

26 (c) The executive director of the State Community
27 College System or the executive director's designee.

28 (d) The Secretary of Management Services or the
29 secretary's designee, who shall represent the interests of all
30 state agencies.

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1 ~~(e) The President of the Independent Colleges and~~
2 ~~universities of Florida or the President's designee.~~

3 ~~(f) The Public Counsel or the Public Counsel's~~
4 ~~designee.~~

5 ~~(e)(g)~~ A member of the Senate ~~and a representative of~~
6 ~~the International Brotherhood of Electrical Workers~~ who shall
7 be appointed by the President of the Senate and serve at the
8 pleasure of the President.

9 ~~(f)(h)~~ A member of the House of Representatives ~~and a~~
10 ~~representative of the Communications Workers of America~~ who
11 shall be appointed by the Speaker of the House of
12 Representatives and serve at the pleasure of the Speaker.

13 ~~(i) Four members of the private sector representing~~
14 ~~the cable telecommunications industry, the local exchange~~
15 ~~telecommunications industry, and the interexchange industry,~~
16 ~~two of whom shall be appointed by the Florida Cable~~
17 ~~Telecommunications Association and two of whom shall be~~
18 ~~appointed by the Florida Telephone Association.~~

19 ~~(j) Two members from the health care community to be~~
20 ~~appointed by the Governor, one member from a teaching hospital~~
21 ~~and the other member from a rural hospital.~~

22 ~~(g)(k)~~ The State Librarian or the State Librarian's
23 designee.

24 (4)(a) The Commissioner of Education or the
25 commissioner's designee shall serve as the ~~initial~~ chairperson
26 of the council ~~board of directors to serve a term of 4 years.~~
27 Administrative and clerical support to the council shall be
28 provided by the Department of Education. ~~Thereafter, the board~~
29 ~~of directors shall biennially elect the chairperson from its~~
30 ~~membership. The board of directors shall designate a~~
31 ~~secretary-treasurer, who need not be a member of the board of~~

1 ~~directors. The secretary-treasurer shall keep a record of the~~
2 ~~proceedings of the board of directors and shall be the~~
3 ~~custodian of all books, documents, and papers filed with the~~
4 ~~board of directors, and the minutes of the board of directors.~~

5 (b) The council ~~board of directors~~ shall meet within
6 ~~30 days after July 1, 1995, and shall continue to meet at~~
7 ~~least 4 times each year, upon the call of the chairperson, or~~
8 ~~at the request of a majority of the membership. The council~~
9 ~~board of directors shall take official action only by a simple~~
10 ~~majority of its members consensus.~~

11 (c) Members of the council ~~board of directors~~ shall
12 ~~serve without compensation, but may be reimbursed for per diem~~
13 ~~and travel expenses.~~

14 ~~228.62 364.510 Duties of the Board of Directors of the~~
15 ~~Florida Distance Learning Council Network.--The duties of the~~
16 ~~Board of Directors of the Florida Distance Learning Council~~
17 ~~Network include, but are not limited to:~~

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

23 (2) Coordinating the use of existing resources,
24 including, but not limited to, the state's satellite
25 transponder on Telestar ~~4 401~~ (the education satellite), ~~the~~
26 ~~Sunstar Network~~, the SUNCOM Network, the Florida Information
27 Resource Network (FIRN), and the satellite communication
28 facilities of the Department of Management Services, the
29 Department of Corrections, and the Department of Children and
30 Family Services, ~~Health and Rehabilitative Services' satellite~~

1 ~~communication facilities~~ to support a statewide advanced
2 telecommunications services and distance learning network.

3 (3) Promoting interagency activities that will provide
4 increased access to advanced telecommunication services and to
5 distance education.

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

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

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

19 (7) Brokering and coordinating partnerships for
20 development, acquisition, use, and distribution of distance
21 learning.

22 ~~(8) By January 1, 1996, the board of directors shall~~
23 ~~assemble appropriate resources from its own technical staff to~~
24 ~~develop a needs assessment report which shall be included in~~
25 ~~the plan describing the overall advanced telecommunications~~
26 ~~services needs of education, libraries, and teaching and rural~~
27 ~~hospitals. The needs assessment report shall take into~~
28 ~~consideration any needs assessment recently conducted by any~~
29 ~~state agency or eligible facility. Such needs assessment~~
30 ~~report shall also consider interoperability of different~~

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1 ~~technologies needed for delivery of advanced~~
2 ~~telecommunications services.~~

3 ~~(8)(9)~~ Developing and maintaining a plan for using
4 technology to improve the delivery of and access to education.
5 The plan shall be developed by March 1 of each year, ~~1996~~, and
6 be submitted to the Governor, the President of the Senate, and
7 the Speaker of the House of Representatives. The plan shall
8 describe what advanced ~~advance~~ telecommunication services
9 shall be delivered, address the needs of all educational and
10 health care delivery systems, and shall include the following:

11 (a) A component on advanced telecommunications
12 services and on distance learning in which education and
13 health care programs, reports of programs, and accountability
14 data are currently delivered to individuals located in diverse
15 settings, including, but not limited to, eligible facilities,
16 state agencies, community facilities, businesses, and homes.
17 This component must consider existing public and private
18 networks and communications systems and their potential in
19 delivering advanced telecommunications services and distance
20 learning applications.

21 (b) A component on existing rules and statutes related
22 to the use of technology, including recommendations for
23 consolidation and any modifications necessary to provide a
24 statewide policy framework for using technology and
25 telecommunications in education and health care.

26 (c) A statewide inventory of state-owned
27 telecommunications receiving and transmitting equipment that
28 could be used to assist with the distance learning network.

29 (9) Reviewing and approving the implementation plans
30 prepared each year pursuant to s. 228.67.

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1 228.63 ~~364.511~~ Powers of the ~~Board of Directors of the~~
2 Florida Distance Learning Council Network.--

3 (1) In order to enable it to carry out the purposes of
4 ss. 228.61-228.67 ~~364.506-364.514~~, the ~~Board of Directors of~~
5 ~~the~~ Florida Distance Learning Council Network has the power of
6 a body corporate and shall have the power to:

7 (a) Secure and administer funding for programs and
8 activities relating to ~~of the Florida~~ distance learning
9 ~~Network~~, from federal, state, local, and private sources and
10 from fees derived from services and materials. The council
11 ~~board of directors~~ shall also have the power to solicit,
12 receive, hold, invest, and administer any grant, payment, or
13 gift of funds or property and make expenditures consistent
14 with the powers set forth in ss. 228.61-228.67
15 ~~364.506-364.514~~.

16 (b) Make and enter into contracts and other
17 instruments necessary or convenient for the exercise of its
18 powers and functions.

19 (c) Sue and be sued, and appear and defend in all
20 actions and proceedings, in its corporate name to the same
21 extent as a natural person.

22 (d) Adopt, use, and alter a common corporate seal.

23 (e) Elect or appoint such officers and agents as its
24 affairs require and allow them reasonable compensation.

25 (f) Adopt, amend, and repeal bylaws, not inconsistent
26 with ss. 228.61-228.67 ~~364.506-364.514~~, for the administration
27 of the affairs of the Florida Distance Learning Council
28 ~~Network~~, and the exercise of its corporate powers.

29 (g) In formal agreement with distance learning
30 providers, acquire, enjoy, use, and dispose of patents,
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1 copyrights, and trademarks and any licenses and other rights
2 or interests thereunder or therein.

3 (h) Do all acts and things necessary or convenient to
4 carry out the powers expressly granted in ss. 228.61-228.67
5 ~~364.506-364.514~~.

6 (i) In conjunction with distance learning providers,
7 recommend to the Legislature policy regarding distance
8 learning program funding and the protection of intellectual
9 property rights.

10 (j) Coordinate a marketing program statewide,
11 nationally, and internationally, as deemed appropriate.

12 ~~(k)(1)~~ Promote the development of multimedia courses
13 and educational programs to be delivered through distance
14 learning.

15 ~~(l)(m)~~ Provide incentives for development of
16 multimedia courses and programs to be delivered through
17 distance learning.

18 ~~(2)(k)~~ The Department of Education Management Services
19 shall manage the state's satellite transponder resources and
20 enter into lease agreements to maximize the use of available
21 transponder time. All net revenue realized through the
22 leasing of available transponder time, after deducting the
23 costs of performing the management function, shall be recycled
24 to support the Florida Distance Learning Council Network.

25 ~~(3)(2)~~ Under no circumstances may the credit of the
26 state be pledged on behalf of the Florida Distance Learning
27 Council Network.

28 ~~(4)(3)~~ Nothing in ss. 228.61-228.67 ~~364.506-364.514~~
29 shall be construed to abrogate, supersede, alter, or amend the
30 powers and duties of any state agency, district school boards,
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1 community college boards of trustees, the State Board of
2 Community Colleges, or the Board of Regents.

3 228.64 ~~364.512~~ ~~Board of Directors of the Florida~~
4 Distance Learning Council Network; executive director.--The
5 executive director of the ~~Board of Directors of the Florida~~
6 Distance Learning Council Network, who may also be designated
7 as secretary-treasurer, shall be appointed by the Commissioner
8 of Education. The executive director is the chief
9 administrative and operational officer of the council board of
10 ~~directors~~ and shall direct and supervise its ~~the~~
11 administrative affairs ~~of the board of directors~~. The
12 executive director:

13 (1) May contract with or employ legal and technical
14 experts and such other employees, both permanent and
15 temporary, as authorized by the council board of directors.

16 (2) Shall attend all meetings of the council board of
17 ~~directors~~.

18 (3) Shall cause copies to be made of all minutes and
19 other records and documents of the council board of directors
20 and shall certify that such copies are true copies. All
21 persons dealing with the council board of directors may rely
22 upon such certifications.

23 (4) Shall perform other duties as assigned by the
24 council board of directors.

25 228.65 ~~364.513~~ Annual report of the Florida Distance
26 Learning Council Network; audits.--

27 (1) By September ~~Prior to December 1~~ of each year, the
28 Florida Distance Learning Council Network, shall submit to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives an annual ~~a complete and detailed~~
31 report setting forth:

1 (a) Its operations and accomplishments during the
2 pervious fiscal year.

3 (b) Its marketing and operational plan, including
4 recommendations on methods for implementing and funding
5 distance learning initiatives.

6 (c) Its assets and liabilities at the end of its most
7 recent fiscal year.

8 (d) A copy of an annual financial and compliance audit
9 of its accounts and records conducted by an independent
10 certified public accountant and performed in accordance with
11 rules adopted by the Auditor General.

12 (2) The Auditor General may, pursuant to his or her
13 own authority or at the direction of the Joint Legislative
14 Auditing Committee, conduct an audit of the Florida Distance
15 Learning Council Network.

16 228.66 ~~364.514~~ Educational Technology Grant Program.--

17 (1) The Educational Technology Grant Program is
18 created to support the educational courses and programs.

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

28 1. Information which describes the educational
29 significance of the program or service in addressing state
30 educational priorities.

31 2. The target population for the program.

1 3. The program content to be transmitted.

2 4. The support services to be provided.

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

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

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

22 Section 3. Section 228.67, Florida Statutes, is
23 created to read:

24 228.67 Distance learning components; implementation
25 plans.--A distance learning component shall be included in the
26 state agency strategic plans required by law of the
27 Commissioner of Education for the K-12 public school system,
28 of the Board of Regents for the State University System, and
29 of the State Board of Community Colleges for the State
30 Community College System. An implementation plan shall be
31 prepared by each entity appropriated distance learning funds

1 in any given year. Such implementation plans shall be reviewed
2 and approved by the Florida Distance Learning Council prior to
3 the release of any funds appropriated specifically for
4 distance learning purposes.

5 Section 4. Subsection (2) of section 364.507, Florida
6 Statutes, is amended to read:

7 364.507 Legislative intent.--

8 (2) It is the intent of the Legislature that all local
9 exchange telecommunications companies, including those with
10 less than 100,000 access lines in service which do not elect
11 to be regulated under price regulation pursuant to s. 364.051,
12 should be required to provide advanced telecommunications
13 services to eligible facilities in the absence of a
14 competitive bid to provide such services pursuant to s.
15 ~~228.62(3)~~~~364.510(3)~~. This obligation arises from the
16 privileges granted such local exchange telecommunications
17 companies under part I of this chapter.

18 Section 5. Subsection (1) of section 364.515, Florida
19 Statutes, is amended to read:

20 364.515 Infrastructure investment.--

21 (1) Notwithstanding ss. ~~228.61-228.67~~ ~~364.509-364.514~~,
22 advanced telecommunications services shall be provided to
23 eligible facilities in accordance with the provisions of this
24 section.

25 Section 6. Subsection (2) of section 364.508, Florida
26 Statutes, is repealed.

27 Section 7. Sections 228.61, 228.62, 228.63, 228.64,
28 228.65, 228.66, and 228.67, Florida Statutes, are repealed on
29 October 1, 2001, and must be reviewed by the Legislature prior
30 to that date.

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