

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Education Appropriations offered the  
12 following:

14 **Amendment**

15 On page 3, lines 16 - 20, of the bill delete said lines  
16  
17 and insert in lieu thereof:

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

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

25 241.001 ~~364.508~~ Definitions.--As used in this part:

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

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

29 ~~(2)~~(3) "Telecommunications company" means any entity  
30 certified under this chapter to provide telecommunications  
31 service.

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1           ~~(3)(4)~~ "Cable company" means a cable television  
2 company providing cable service as defined in 47 U.S.C. s.  
3 522.

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

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

16           ~~(5)(7)~~ "Eligible facilities" means all approved  
17 campuses and instructional centers of all public universities,  
18 public community colleges, area technical centers, public  
19 elementary schools, middle schools, and high schools,  
20 including school administrative offices, public libraries,  
21 teaching hospitals, the research institute described in s.  
22 240.512, and rural public hospitals as defined in s. 395.602.  
23 If no rural public hospital exists in a community, the public  
24 health clinic which is responsible for individuals before they  
25 can be transferred to a regional hospital shall be considered  
26 eligible.

27           Section 3. Section 364.509, Florida Statutes, is  
28 transferred, renumbered as section 241.002, and amended to  
29 read:

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

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1           241.002 364.509 Duties of the Department of  
2 Education.--The duties of the Department of Education  
3 concerning distance learning include, but are not limited to:

4           (1) Facilitate the implementation of a statewide  
5 coordinated system and resource system for cost-efficient  
6 advanced telecommunications services and distance education  
7 which will increase overall student access to education.

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

17           (3) Assist in the coordination of the utilization of  
18 the production and uplink capabilities available through  
19 Florida's public television stations, eligible facilities,  
20 independent colleges and universities, private firms, and  
21 others as may be needed.

22           (4) Seek the assistance and cooperation of Florida's  
23 cable television providers in the implementation of the  
24 statewide advanced telecommunications services and distance  
25 learning network.

26           (5) Seek the assistance and cooperation of Florida's  
27 telecommunications carriers to provide affordable student  
28 access to advanced telecommunications services and to distance  
29 learning.

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

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1           (7) Secure and administer funding for programs and  
2 activities for distance learning from federal, state, local,  
3 and private sources and from fees derived from services and  
4 materials.

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

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

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

24           Section 4. Section 364.510, Florida Statutes, is  
25 transferred, renumbered

26           Section 4. Section 364.510, Florida Statutes, is  
27 transferred, renumbered as 241.003, and amended to read:

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

30           241.003 ~~364.510~~ The Florida Distance Learning Network  
31 Advisory Council; creation; membership; organization;

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1 meetings.--

2 (1) The Florida Distance Learning Network Advisory  
3 Council is created in the Department of Education to advise  
4 and assist the department in carrying out its duties relating  
5 to distance learning.

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

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

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

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

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

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1           3. The advisory council shall meet at the call of its  
2 chair, at the request of the majority of its membership, the  
3 commissioner, or at such times as its membership may  
4 prescribe.

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

7           (a) A marketing program statewide, nationally, and  
8 internationally, as deemed appropriate.

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

11           (c) Suggested legislation concerning distance  
12 learning.

13           (d) Any other issue regarding distance learning that  
14 the council deems appropriate.

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

17           Section 5. Subsection (2) of section 364.514, Florida  
18 Statutes, is transferred, renumbered as 241.004, and amended  
19 to read:

20           241.004 ~~364.514~~ Educational Technology Grant  
21 Program.--

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

31           1. Information which describes the educational

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1 significance of the program or service in addressing state  
2 educational priorities.

3           2. The target population for the program.

4           3. The program content to be transmitted.

5           4. The support services to be provided.

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

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

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

24           Section 6. Sections 364.511, 364.512, and 364.513,  
25 Florida Statutes, are repealed.

26           Section 7. This act shall take effect July 1, 1999.

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