

By the Committee on Community Colleges & Career Prep and Representatives Harrington, Detert, Greenstein, Stafford, A. Greene, Wise, Merchant, Goodlette, Kelly, Johnson and Lynn

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 the State Board of Community Colleges to submit
 12 an annual report to the Legislature; providing
 13 an effective date.

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

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

19 240.311 State Board of Community Colleges; powers and
 20 duties.--

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

1 copyrights, or patents. Any other law to the contrary
2 notwithstanding, the board is authorized in its own name to:
3 1. Perform all things necessary to secure letters of
4 patent, copyrights, and trademarks on any such work products
5 and to enforce its rights therein.
6 2. License, lease, assign, or otherwise give written
7 consent to any person, firm, or corporation for the
8 manufacture or use thereof on a royalty basis or for such
9 other consideration as the board deems proper.
10 3. Take any action necessary, including legal action,
11 to protect the same against improper or unlawful use or
12 infringement.
13 4. Enforce the collection of any sums due the board
14 for the manufacture or use thereof by any other party.
15 5. Sell any such work products and execute all
16 instruments necessary to consummate any such sale.
17 6. Perform all other acts necessary and proper for the
18 execution of powers and duties provided by this paragraph.
19
20 Any proceeds therefrom shall be deposited and expended by a
21 Florida not-for-profit corporation, incorporated under the
22 provisions of chapter 617 and approved by the Department of
23 State, to be used as directed by the board to pay the cost of
24 producing and disseminating educational materials and products
25 to carry out the intent of this act. Any action taken by the
26 board in securing or exploiting such trademarks, copyrights,
27 or patents shall, within 30 days, be reported by the board to
28 the Department of State.
29 (b) The board is authorized to publish, produce, or
30 have produced materials and products and shall make them
31 readily available for appropriate use in the state system of

1 education. The board is authorized to charge an amount
2 adequate to cover the essential cost of producing and
3 disseminating such materials and products in the state system
4 of education and is authorized to sell copies for educational
5 use to nonpublic schools in the state and to the public.

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

16 Section 2. The State Board of Community Colleges shall
17 report on the implementation of this bill, by December 31,
18 1999, and annually thereafter, to the Speaker of the House of
19 Representatives and the President of the Senate.

20 Section 3. This act shall take effect July 1, 1999.

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23 HOUSE SUMMARY

24 Authorizes the State Board of Community Colleges to
25 develop and produce certain work products related to
26 distance learning. Authorizes fees for such materials
27 for purposes of educational use. Requires annual
28 postaudits to be conducted by any Florida not-for-profit
29 corporation receiving funds pursuant to this section of
30 law. Requires the submission of a report to the Auditor
31 General and the State Board of Community Colleges for
review. Requires the State Board of Community Colleges to
submit an annual report to the Legislature.