

Bill No. SB 1288

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Kirkpatrick moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 3, between lines 13 and 14,

15

16 insert:

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

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

24 241.001 ~~364.508~~ Definitions.--As used in this part:

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

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

28 ~~(2)~~<sup>(3)</sup> "Telecommunications company" means any entity  
 29 certified under this chapter to provide telecommunications  
 30 service.

31 ~~(3)~~<sup>(4)</sup> "Cable company" means a cable television

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1 company providing cable service as defined in 47 U.S.C. s.  
2 522.

3 ~~(4)(5)~~ "Advanced telecommunications services" are  
4 defined as network-based or wireless services that provide  
5 additional communications capabilities enabling the use of  
6 applications such as distance learning, video conferencing,  
7 data communications, and access to Internet.

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

15 ~~(5)(7)~~ "Eligible facilities" means all approved  
16 campuses and instructional centers of all public universities,  
17 public community colleges, area technical centers, public  
18 elementary schools, middle schools, and high schools,  
19 including school administrative offices, public libraries,  
20 teaching hospitals, the research institute described in s.  
21 240.512, and rural public hospitals as defined in s. 395.602.  
22 If no rural public hospital exists in a community, the public  
23 health clinic which is responsible for individuals before they  
24 can be transferred to a regional hospital shall be considered  
25 eligible.

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

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

31 241.002 Duties of the Department of Education.--The

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1 duties of the Department of Education concerning distance  
2 learning include, but are not limited to:

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

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

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

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

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

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

31 (7) Secure and administer funding for programs and

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1 activities for distance learning from federal, state, local,  
2 and private sources and from fees derived from services and  
3 materials.

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

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

18 (10) Nothing in ss. 241.001-241.004 shall be construed  
19 to abrogate, supersede, alter, or amend the powers and duties  
20 of any state agency, district school board, community college  
21 board of trustees, the State Board of Community Colleges, or  
22 the Board of Regents.

23 Section 4. Section 364.510, Florida Statutes, is  
24 transferred, renumbered as section 241.003, and amended to  
25 read:

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

28 241.003 The Florida Distance Learning Network Advisory  
29 Council; creation; membership; organization; meetings.--

30 (1) The Florida Distance Learning Network Advisory  
31 Council is created in the Department of Education to advise

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1 and assist the department in carrying out its duties relating  
2 to distance learning.

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

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

24 (c) Organization, procedure, and compensation.--  
25 1. The advisory council shall meet at least annually.  
26 2. The advisory council shall elect a chair, a vice  
27 chair, and a secretary from its membership for 1-year terms.  
28 Officers may be reelected.

29 3. The advisory council shall meet at the call of its  
30 chair, at the request of the majority of its membership, the  
31 commissioner, or at such times as its membership may

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1 prescribe.

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

4 (a) A marketing program statewide, nationally, and  
5 internationally, as deemed appropriate.

6 (b) The recipients of the Educational Technology Grant  
7 Program provided in s. 241.004.

8 (c) Suggested legislation concerning distance  
9 learning.

10 (d) Any other issue regarding distance learning that  
11 the council deems appropriate.

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

14 Section 5. Section 364.514, Florida Statutes, is  
15 transferred, renumbered as 241.004, and amended to read:

16 241.004 ~~364.514~~ Educational Technology Grant  
17 Program.--

18 (1) The Educational Technology Grant Program is  
19 created to support the development of and provide incentives  
20 for technologically delivered educational courses and  
21 programs.

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  
27 (Redesignate subsequent sections.)

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30 ===== T I T L E   A M E N D M E N T =====

31 And the title is amended as follows:

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1           On page 1, line 10, after the semicolon,  
2  
3 insert:  
4           amending s. 364.508, F.S.; deleting certain  
5           definitions; amending s. 364.509, F.S.;  
6           specifying duties of the Department of  
7           Education relating to distance learning;  
8           amending s. 364.510, F.S.; creating the Florida  
9           Distance Learning Network Advisory Council in  
10          the Department of Education; providing for  
11          membership; specifying representation;  
12          providing for organization, procedures, and  
13          compensation of the council; providing  
14          responsibilities of the council; requiring the  
15          department to provide administrative and  
16          support services for the council; amending s.  
17          364.514, F.S., to conform; repealing 364.511,  
18          F.S., relating to the powers of the board of  
19          directors of the Florida Distance Learning  
20          Network; repealing s. 364.512, F.S., relating  
21          to the executive director of the network;  
22          repealing s. 364.513, F.S., relating to the  
23          annual report and audits of the network;  
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