

By Senator Horne

6-992-99

1 A bill to be entitled
2 An act relating to community college distance
3 learning education; 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; providing
11 an effective date.

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

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

17 240.311 State Board of Community Colleges; powers and
18 duties.--

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

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

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

8 3. Take any action necessary, including legal action,
9 to protect the same against improper or unlawful use or
10 infringement.

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

13 5. Sell any such work products and execute all
14 instruments necessary to consummate any such sale.

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

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

27 (b) The board is authorized to publish, produce, or
28 have produced materials and products and shall make them
29 readily available for appropriate use in the state system of
30 education. The board is authorized to charge an amount
31 adequate to cover the essential cost of producing and

1 disseminating such materials and products in the state system
2 of education and is authorized to sell copies for educational
3 use to nonpublic schools in the state and to the public.

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

14 Section 2. This act shall take effect July 1, 1999.

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17 LEGISLATIVE SUMMARY

18 Authorizes the State Board of Community Colleges to
19 develop and produce certain work products related to
20 distance learning. Authorizes fees for such materials
21 for purposes of educational use. Requires annual
22 postaudits to be conducted by any Florida not-for-profit
23 corporation receiving funds pursuant to this section of
24 law. Requires the submission of a report to the Auditor
25 General and the State Board of Community Colleges for
26 review.
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