

Bill No. CS for SB 2296

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

·
·
·
·
·

Senator Horne moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 16, through page 9, line 26, delete those lines

and insert:

Section 3. Subsection (8) is added to section 240.311, Florida Statutes, 1998 Supplement, to read:

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

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

Bill No. CS for SB 2296

Amendment No. ____

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

Bill No. CS for SB 2296

Amendment No. ____

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

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

17 Section 4. Section 241.001, Florida Statutes, is
18 created to read:

19 241.001 Definitions.--As used in ss. 241.001-241.004,
20 the term:

21 (1) "Advanced telecommunications services" means
22 network-based or wireless services that provide additional
23 communications capabilities enabling the use of applications
24 such as distance learning, video conferencing, data
25 communications, and access to Internet.

26 (2) "Department" means the Department of Education.

27 (3) "Eligible facilities" includes all approved
28 campuses and instructional centers of all public universities,
29 public community colleges, area technical centers, public
30 elementary schools, middle schools, and high schools,
31 including school administrative offices, public libraries,

Bill No. CS for SB 2296

Amendment No. ____

1 teaching hospitals, the research institute described in s.
2 240.512, and rural public hospitals as defined in s. 395.602.
3 If no rural public hospital exists in a community, the public
4 health clinic that is responsible for individuals before they
5 can be transferred to a regional hospital shall be considered
6 eligible.

7 Section 5. Section 241.002, Florida Statutes, is
8 created to read:

9 241.002 Duties of the Department of Education.--The
10 duties of the Department of Education concerning distance
11 learning include, but are not limited to, the duty to:

12 (1) Facilitate the implementation of a statewide
13 coordinated system and resource system for cost-efficient
14 advanced telecommunications services and distance education
15 which will increase overall student access to education.

16 (2) Coordinate the use of existing resources,
17 including, but not limited to, the state's satellite
18 transponders on the education satellites, the SUNCOM Network,
19 the Florida Information Resource Network (FIRN), the
20 Department of Management Services, the Department of
21 Corrections, and the Department of Children and Family
22 Services' satellite communication facilities to support a
23 statewide advanced telecommunications services and distance
24 learning network.

25 (3) Assist in the coordination of the utilization of
26 the production and uplink capabilities available through
27 Florida's public television stations, eligible facilities,
28 independent colleges and universities, private firms, and
29 others as needed.

30 (4) Seek the assistance and cooperation of Florida's
31 cable television providers in the implementation of the

Bill No. CS for SB 2296

Amendment No. ____

1 statewide advanced telecommunications services and distance
2 learning network.

3 (5) Seek the assistance and cooperation of Florida's
4 telecommunications carriers to provide affordable student
5 access to advanced telecommunications services and to distance
6 learning.

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

9 (7) Secure and administer funding for programs and
10 activities for distance learning from federal, state, local,
11 and private sources and from fees derived from services and
12 materials.

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

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

27
28 Nothing in ss. 241.001-241.004 shall be construed to abrogate,
29 supersede, alter, or amend the powers and duties of any state
30 agency, district school board, community college board of
31 trustees, the State Board of Community Colleges, or the Board

Bill No. CS for SB 2296

Amendment No. ____

1 of Regents.

2 Section 6. Section 241.003, Florida Statutes, is
3 created to read:

4 241.003 The Florida Distance Learning Network Advisory
5 Council; creation; membership; organization; meetings.--

6 (1) The Florida Distance Learning Network Advisory
7 Council is created in the Department of Education to advise
8 and assist the department in carrying out its duties relating
9 to distance learning.

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

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

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

Bill No. CS for SB 2296

Amendment No. ____

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

2 2. The advisory council shall elect a chair, a
3 vice-chair, and a secretary from its membership for 1-year
4 terms. Officers may be reelected.

5 3. The advisory council shall meet at the call of its
6 chair, at the request of the majority of its membership, the
7 commissioner, or at such times as its membership prescribes.

8 (2) The advisory council may study and recommend to
9 the department concerning:

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

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

14 (c) Suggested legislation concerning distance
15 learning.

16 (d) Any other issue regarding distance learning that
17 the council deems appropriate.

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

20 Section 7. Section 241.004, Florida Statutes, is
21 created to read:

22 241.004 Educational Technology Grant Program.--

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

31 (a) Information which describes the educational

Bill No. CS for SB 2296

Amendment No. ____

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

3 (b) The target population for the program.

4 (c) The program content to be transmitted.

5 (d) The support services to be provided.

6 (e) 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 (2) 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 and
16 the developing system or institution.

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

24 Section 8. Sections 364.509, 364.510, 364.511,
25 364.512, 364.513, and 364.514, Florida Statutes, are repealed.

26
27 (Redesignate subsequent sections.)

28
29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. CS for SB 2296

Amendment No. ____

1 On page 1, lines 8 through 31, delete those lines
2
3 and insert:
4 account information; amending s. 240.311, F.S.;
5 authorizing the State Board of Community
6 Colleges to develop and produce certain work
7 products related to distance learning;
8 authorizing fees for such materials for
9 purposes of educational use; requiring annual
10 postaudits; requiring the adoption of rules;
11 requiring the submission of a report; creating
12 ss. 241.001-241.004, F.S.; defining terms;
13 prescribing duties of the Department of
14 Education with respect to distance learning;
15 creating the Florida Distance Learning Network
16 Advisory Council and providing for its
17 membership, meetings, and responsibilities;
18 creating a grant program to award grants to
19 certain educational institutions; repealing ss.
20 364.509, 364.510, 364.511, 364.512, 364.513,
21 364.514, F.S., relating to the Education
22 Facilities Infrastructure Improvement Act;
23
24
25
26
27
28
29
30
31