

By the Committee on Education; and Senator Villalobos

304-1882-02

1                                   A bill to be entitled  
2           An act relating to education; reenacting and  
3           amending s. 230.64, F.S.; eliminating obsolete  
4           references to "area" with respect to technical  
5           centers operated by school districts;  
6           reenacting and amending s. 241.002, Florida  
7           Statutes, changing the term "distance learning"  
8           to "distance education"; eliminating obsolete  
9           references to the State Board of Community  
10          Colleges and the Board of Regents; requiring  
11          certain allocations to the Division of  
12          Community Colleges and the Division of Colleges  
13          and Universities; reenacting and amending ss.  
14          241.003, 241.004, F.S.; conforming terms to  
15          changes made by the act; reenacting s. 244.01,  
16          F.S.; revising provisions governing state  
17          policy for regional education; reenacting s.  
18          244.02, F.S.; revising provisions governing the  
19          southern regional compact; repealing s. 244.03,  
20          F.S., relating to distribution among certain  
21          states of copies of a 1948 law; providing an  
22          effective date.

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

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26           Section 1. Notwithstanding subsection (7) of section 3  
27 of chapter 2000-321, Laws of Florida, section 230.64, Florida  
28 Statutes, shall not stand repealed January 7, 2003, but that  
29 section is reenacted and amended to read:

30           230.64 ~~Area~~ Technical center part of district school  
31 system; minimum standards.--

1           (1) ~~AREA~~ TECHNICAL CENTER PART OF DISTRICT SCHOOL  
2 SYSTEM DIRECTED BY A DIRECTOR.--~~A~~ An area technical center  
3 established or acquired under provisions of law, is ~~shall~~  
4 ~~comprise~~ a part of the district school system of the state  
5 which offers ~~and shall mean an educational institution~~  
6 offering terminal courses of a technical and vocational  
7 nature, and courses for out-of-school youth and adults, shall  
8 be subject to the general school laws of the state insofar as  
9 such laws are applicable, shall be under the control of the  
10 school board of the district in which it is located and shall  
11 be directed by a director, who shall be responsible through  
12 the superintendent to the school board of the district in  
13 which the center is located.

14           (2) COMMISSIONER SHALL PRESCRIBE MINIMUM  
15 STANDARDS.--The commissioner shall prescribe minimum standards  
16 that must be met before an area technical center is organized,  
17 acquired or operated, and that will assure that the purposes  
18 of the center are attained.

19           Section 2. Notwithstanding subsection (7) of section 3  
20 of chapter 2000-321, Laws of Florida, section 241.002, Florida  
21 Statutes, shall not stand repealed January 7, 2003, but that  
22 section is reenacted and amended to read:

23           241.002 Duties of the Department of Education.--The  
24 duties of the Department of Education concerning distance  
25 education learning ~~learning~~ include, but are not limited to, the duty  
26 to:

27           (1) Facilitate the implementation of a statewide  
28 coordinated system and resource system for cost-efficient  
29 advanced telecommunications services and distance education  
30 which will increase overall student access to education.

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

10           (3) Assist in the coordination of the utilization of  
11 the production and uplink capabilities available through  
12 Florida's public television stations, eligible facilities,  
13 independent colleges and universities, private firms, and  
14 others as needed.

15           (4) Seek the assistance and cooperation of Florida's  
16 cable television providers in the implementation of the  
17 statewide advanced telecommunications services and distance  
18 education ~~learning~~ network.

19           (5) Seek the assistance and cooperation of Florida's  
20 telecommunications carriers to provide affordable student  
21 access to advanced telecommunications services and to distance  
22 education ~~learning~~.

23           (6) Coordinate partnerships for development,  
24 acquisition, use, and distribution of distance education  
25 ~~learning~~.

26           (7) Secure and administer funding for programs and  
27 activities for distance education ~~learning~~ from federal,  
28 state, local, and private sources and from fees derived from  
29 services and materials.

30           (8) Manage the state's satellite transponder resources  
31 and enter into lease agreements to maximize the use of

1 available transponder time. All net revenue realized through  
2 the leasing of available transponder time, after deducting the  
3 costs of performing the management function, shall be recycled  
4 to support the public education distance education learning in  
5 this state based upon an allocation formula of one-third to  
6 the Department of Education, one-third to the Division of  
7 Community Colleges ~~State Board of Community Colleges~~, and  
8 one-third to the Division of Colleges and Universities ~~State~~  
9 ~~University System~~.

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

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15 Nothing in ss. 241.001-241.004 shall be construed to abrogate,  
16 supersede, alter, or amend the powers and duties of any state  
17 agency, district school board, community college board of  
18 trustees, college board of trustees, university board of  
19 trustees ~~the State Board of Community Colleges~~, or the State  
20 Board of Education ~~Board of Regents~~.

21 Section 3. Notwithstanding subsection (7) of section 3  
22 of chapter 2000-321, Laws of Florida, section 241.003, Florida  
23 Statutes, shall not stand repealed January 7, 2003, but that  
24 section is reenacted.

25 241.003 The Florida Distance Education Learning  
26 Network Advisory Council; creation; membership; organization;  
27 meetings.--

28 (1) The Florida Distance Education Learning Network  
29 Advisory Council is created in the Department of Education to  
30 advise and assist the department in carrying out its duties  
31 relating to distance education learning.

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

9           (b) Representation.--The organizations represented on  
10 the advisory council may include, but are not limited to,  
11 public and private elementary and secondary schools; public  
12 and private postsecondary institutions, including vocational  
13 and technical centers; state agencies; libraries; the health  
14 care community, including urban, rural, and teaching  
15 hospitals; the cable telecommunications industry; the local  
16 exchange telecommunications industry; and the interexchange  
17 industry. Two members shall be the director or director's  
18 designee of the Division of Colleges and Universities and of  
19 the Division of Community Colleges ~~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 prescribes.

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

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

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

7           (c) Suggested legislation concerning distance  
8 education ~~learning~~.

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

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

13           Section 4. Notwithstanding subsection (7) of section 3  
14 of chapter 2000-321, Laws of Florida, section 241.004, Florida  
15 Statutes, shall not stand repealed January 7, 2003, but that  
16 section is reenacted to read:

17           241.004 Educational Technology Grant Program.--

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

26           (a) Information which describes the educational  
27 significance of the program or service in addressing state  
28 educational priorities.

29           (b) The target population for the program.

30           (c) The program content to be transmitted.

31           (d) The support services to be provided.

1 (e) Provisions to use at least 20 percent of any funds  
2 awarded for training both faculty and student learners in the  
3 use and application of the products developed.

4 (2) Programs and courses developed through the grant  
5 program shall be marketed statewide and nationwide with a  
6 portion of any profits from the sale or use of such programs  
7 retained by the developing institutions or systems and a  
8 portion reinvested in the grant program for further program  
9 development. The distribution of any revenues received shall  
10 be determined by formal agreement between the department and  
11 the developing system or institution.

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

19 Section 5. Notwithstanding subsection (7) of section 3  
20 of chapter 2000-321, Laws of Florida, section 244.01, Florida  
21 Statutes, shall not stand repealed January 7, 2003, but that  
22 section is reenacted to read:

23 244.01 Regional education; state policy.--It is hereby  
24 declared to be the policy of the state to promote the  
25 development and maintenance of regional education services and  
26 facilities in the Southern States in the professional,  
27 technological, scientific, literary and other fields so as to  
28 provide greater educational advantages for the citizens of the  
29 state and the citizens in the several states in said region;  
30 and it is found and determined by the Legislature of the state  
31 that greater educational advantages and facilities for the

1 citizens of the state in certain phases of the professional,  
2 technological, scientific, literary and other fields in  
3 education can best be accomplished by the development and  
4 maintenance of regional educational services and facilities,  
5 under the plan embodied in "The Regional Pact" hereinafter  
6 adopted; and this law shall be liberally construed to  
7 accomplish such purposes.

8 Section 6. Notwithstanding subsection (7) of section 3  
9 of chapter 2000-321, Laws of Florida, section 244.02, Florida  
10 Statutes, shall not stand repealed January 7, 2003, but that  
11 section is reenacted to read:

12 244.02 Regional compact.--The compact entered into by  
13 the state and other Southern States by and through their  
14 respective governors on February 8, 1948, as amended, relative  
15 to the development and maintenance of regional education  
16 services and schools in the Southern States in the  
17 professional, technological, scientific, literary and other  
18 fields so as to promote greater educational facilities for the  
19 citizens of the several states who reside in said region, a  
20 copy of said compact, as amended, being as follows:

21  
22 THE REGIONAL COMPACT

23 (as amended)  
24

25 WHEREAS, The States who are parties hereto have during  
26 the past several years conducted careful investigation looking  
27 toward the establishment and maintenance of jointly owned and  
28 operated regional educational institutions in the Southern  
29 States in the professional, technological, scientific,  
30 literary, and other fields, so as to provide greater  
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1 educational advantages and facilities for the citizens of the  
2 several states who reside within such region; and

3           WHEREAS, Meharry Medical College of Nashville,  
4 Tennessee, has proposed that its lands, buildings, equipment,  
5 and the net income from its endowment be turned over to the  
6 Southern States, or to an agency acting in their behalf, to be  
7 operated as a regional institution for medical, dental and  
8 nursing education upon terms and conditions to be hereafter  
9 agreed upon between the Southern States and Meharry Medical  
10 College, which proposal, because of the present financial  
11 condition of the institution, has been approved by the said  
12 states who are parties hereto; and

13           WHEREAS, the said states desire to enter into a compact  
14 with each other providing for the planning and establishment  
15 of regional educational facilities;

16           NOW, THEREFORE, in consideration of the mutual  
17 agreements, covenants and obligations assumed by the  
18 respective states who are parties hereto (hereinafter referred  
19 to as "states"), the said several states do hereby form a  
20 geographical district or region consisting of the areas lying  
21 within the boundaries of the contracting states which, for the  
22 purposes of this compact, shall constitute an area for  
23 regional education supported by public funds derived from  
24 taxation by the constituent states and derived from other  
25 sources for the establishment, acquisition, operation and  
26 maintenance of regional educational schools and institutions  
27 for the benefit of citizens of the respective states residing  
28 within the region so established as may be determined from  
29 time to time in accordance with the terms and provisions of  
30 this compact.

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1           The states do further hereby establish and create a  
2 joint agency which shall be known as the Board of Control for  
3 Southern Regional Education (hereinafter referred to as the  
4 "board"), the members of which board shall consist of the  
5 governor of each state, ex officio, and four additional  
6 citizens of each state to be appointed by the governor  
7 thereof, at least one of whom shall be selected from the field  
8 of education, and at least one of whom shall be a member of  
9 the legislature of that state. The governor shall continue as  
10 a member of the board during his or her tenure of office as  
11 governor of the state, but the members of the board appointed  
12 by the governor shall hold office for a period of four years  
13 except that in the original appointments one board member so  
14 appointed by the governor shall be designated at the time of  
15 his or her appointment to serve an initial term of two years,  
16 one board member to serve an initial term of three years, and  
17 the remaining board member to serve the full term of four  
18 years, but thereafter the successor of each appointed board  
19 member shall serve the full term of four years. Vacancies on  
20 the board caused by death, resignation, refusal or inability  
21 to serve, shall be filled by appointment by the governor for  
22 the unexpired portion of the term. The officers of the board  
23 shall be a chair, a vice chair, a secretary, a treasurer, and  
24 such additional officers as may be created by the board from  
25 time to time. The board shall meet annually and officers  
26 shall be elected to hold office until the next annual meeting.  
27 The board shall have the right to formulate and establish  
28 bylaws not inconsistent with the provisions of this compact to  
29 govern its own actions in the performance of the duties  
30 delegated to it including the right to create and appoint an  
31 executive committee and a finance committee with such powers

1 and authority as the board may delegate to them from time to  
2 time. The board may, within its discretion, elect as its  
3 chair a person who is not a member of the board, provided such  
4 person resides within a signatory state, and upon such  
5 election such person shall become a member of the board with  
6 all the rights and privileges of such membership. This  
7 paragraph as amended in 1957 shall be effective when eight or  
8 more of the states party to the compact have given legislative  
9 approval to the amendment.

10           It shall be the duty of the board to submit plans and  
11 recommendations to the states from time to time for their  
12 approval and adoption by appropriate legislative action for  
13 the development, establishment, acquisition, operation and  
14 maintenance of educational schools and institutions within the  
15 geographical limits of the regional area of the states, of  
16 such character and type and for such educational purposes,  
17 professional, technological, scientific, literary, or  
18 otherwise, as they may deem and determine to be proper,  
19 necessary or advisable. Title to all such educational  
20 institutions when so established by appropriate legislative  
21 actions of the states and to all properties and facilities  
22 used in connection therewith shall be vested in said board as  
23 the agency of and for the use and benefit of the said states  
24 and the citizens thereof, and all such educational  
25 institutions shall be operated, maintained and financed in the  
26 manner herein set out, subject to any provisions or  
27 limitations which may be contained in the legislative acts of  
28 the states authorizing the creation, establishment and  
29 operation of such educational institutions.

30           In addition to the power and authority heretofore  
31 granted, the board shall have the power to enter into such

1 agreements or arrangements with any of the states and with  
2 educational institutions or agencies, as may be required in  
3 the judgment of the board, to provide adequate services and  
4 facilities for the graduate, professional, and technical  
5 education for the benefit of the citizens of the respective  
6 states residing within the region, and such additional and  
7 general power and authority as may be vested in the board from  
8 time to time by legislative enactment of the said states.

9           Any two or more states who are parties of this compact  
10 shall have the right to enter into supplemental agreements  
11 providing for the establishment, financing and operation of  
12 regional educational institutions for the benefit of citizens  
13 residing within an area which constitutes a portion of the  
14 general region herein created, such institutions to be  
15 financed exclusively by such states and to be controlled  
16 exclusively by the members of the board representing such  
17 states provided such agreement is submitted to and approved by  
18 the board prior to the establishment of such institutions.

19           Each state agrees that, when authorized by the  
20 legislature, it will from time to time make available and pay  
21 over to said board such funds as may be required for the  
22 establishment, acquisition, operation and maintenance of such  
23 regional educational institutions as may be authorized by the  
24 states under the terms of this compact, the contribution of  
25 each state at all times to be in the proportion that its  
26 population bears to the total combined population of the  
27 states who are parties hereto as shown from time to time by  
28 the most recent official published report of the bureau of the  
29 census of the United States of America; or upon such other  
30 basis as may be agreed upon.

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1           This compact shall not take effect or be binding upon  
2 any state unless and until it shall be approved by proper  
3 legislative action of as many as six or more of the states  
4 whose governors have subscribed hereto within a period of  
5 eighteen months from the date hereof. When and if six or more  
6 states shall have given legislative approval to this compact  
7 within said eighteen months period, it shall be and become  
8 binding upon such six or more states sixty days after the date  
9 of legislative approval by the sixth state and the governors  
10 of such six or more states shall forthwith name the members of  
11 the board from their states as hereinabove set out, and the  
12 board shall then meet on call of the governor of any state  
13 approving this compact, at which time the board shall elect  
14 officers, adopt bylaws, appoint committees and otherwise fully  
15 organize. Other states whose names are subscribed hereto  
16 shall thereafter become parties hereto upon approval of this  
17 compact by legislative action within two years from the date  
18 hereof, upon such conditions as may be agreed upon at the  
19 time. Provided, however, that with respect to any state whose  
20 constitution may require amendment in order to permit  
21 legislative approval of the compact, such state or states  
22 shall become parties hereto upon approval of this compact by  
23 legislative action within seven years from the date hereof,  
24 upon such conditions as may be agreed upon at the time.

25           After becoming effective this compact shall thereafter  
26 continue without limitation of time; provided, however, that  
27 it may be terminated at any time by unanimous action of the  
28 states and provided further that any state may withdraw from  
29 this compact if such withdrawal is approved by its  
30 legislature, such withdrawal to become effective two years  
31 after written notice thereof to the board accompanied by a

1 certified copy of the requisite legislative action, but such  
2 withdrawal shall not relieve the withdrawing state from its  
3 obligations hereunder accruing up to the effective date of  
4 such withdrawal. Any state so withdrawing shall ipso facto  
5 cease to have any claim to or ownership of any of the property  
6 held or vested in the board or to any of the funds of the  
7 board held under the terms of this compact.

8           If any state shall at any time become in default in the  
9 performance of any of its obligations assumed herein or with  
10 respect to any obligation imposed upon said state as  
11 authorized by and in compliance with the terms and provisions  
12 of this compact, all rights, privileges and benefits of such  
13 defaulting state, its members on the board and its citizens  
14 shall ipso facto be and become suspended from and after the  
15 date of such default. Unless such default shall be remedied  
16 and made good within a period of one year immediately  
17 following the date of such default this compact may be  
18 terminated with respect to such defaulting state by an  
19 affirmative vote of three-fourths of the members of the board  
20 (exclusive of the members representing the state in default),  
21 from and after which time such state shall cease to be a party  
22 to this compact and shall have no further claim to or  
23 ownership of any of the property held by or vested in the  
24 board or to any of the funds of the board held under the terms  
25 of this compact, but such termination shall in no manner  
26 release such defaulting state from any accrued obligation or  
27 otherwise affect this compact or the rights, duties,  
28 privileges or obligations of the remaining states thereunder.

29           IN WITNESS WHEREOF this compact has been approved and  
30 signed by governors of the several states, subject to the  
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1 approval of their respective legislatures in the manner  
2 hereinabove set out, as of the 8th day of February, 1948.

3 STATE OF FLORIDA BY Millard F. Caldwell, Governor.  
4 STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE  
5 OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA  
6 BY J. H. Davis, Governor. STATE OF ALABAMA BY James E.  
7 Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright,  
8 Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE  
9 OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA  
10 BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg  
11 Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom  
12 Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester,  
13 Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE  
14 OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

15  
16 be and the same is hereby approved and the State of Florida is  
17 hereby declared to be a party to said compact and the  
18 agreements, covenants and obligations contained therein are  
19 hereby declared to be binding upon the State of Florida.

20 Section 7. Section 244.03, Florida Statutes, is  
21 repealed.

22 Section 8. This act shall take effect January 7, 2003.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1590

The bill reenacts certain statutes with technical amendments changing the names to conform with education governance reorganization enacted in 1998, 2000, and 2001. The names changed are:

Area Technical Center to Technical Center

Distance learning to distance education

Board of Regents to Division of Colleges and Universities

Chancellor to Director

State Board of Community Colleges to Division of Community Colleges

Executive Director to Director