

STORAGE NAME: h1581.ccc

DATE: March 21, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY COLLEGES AND CAREER PREP
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1581 (formerly PCB CCCP 97-02)

RELATING TO: Postsecondary Distance Learning

SPONSOR(S): Committee on Community Colleges and Career Prep and Representatives
Sindler, Fasano, and others

STATUTE(S) AFFECTED: Creates new sections of law, ss. 240.65 and 240.66, F.S.

COMPANION BILL(S): SB 1538 by Senator Kirkpatrick and SB 1702 by Senator Grant

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY COLLEGES AND CAREER PREP YEAS 8 NAYS 2
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill establishes two postsecondary distance learning entities in statute: (1) the Institute of Public Postsecondary Distance Learning, and (2) the Florida Community College Distance Learning Consortium, which are currently operational due to existing agreement or rule.

The bill provides for a governing board of the Institute, and requires membership of the Consortium to be appointed by the State Board of Community Colleges. It provides duties for each postsecondary distance learning entity.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida Distance Learning Network (FDLN)

Section 364.509, F.S, creates the Florida Distance Learning Network (FDLN) and authorizes it to be responsible for statewide leadership in coordinating, enhancing, and serving as a resource center for advanced telecommunications services and distance learning in all public education delivery systems, libraries, teaching and rural hospitals. FDLN is governed by a board of directors that is a body corporate. The Commissioner of Education or designee serves as the initial chairperson of the board for a term of four years. The FDLN board is served by an executive director that is appointed by the Commissioner of Education. The board takes official action only by consensus. For the purposes of administration, FDLN has been assigned to Tallahassee Community College in Leon County, Florida.

Institute on Public Postsecondary Distance Learning

In July 1996, the Institute on Public Postsecondary Distance Learning was formally established by a Memorandum of Understanding. This was a joint agreement adopted by the Board of Regents and the State Board of Community Colleges that addresses the purpose, governing board, administrative assignment, and duties of the Institute. The main objective of the Institute is to provide coordination and facilitate collaborative efforts between the State University System and the State Community College system in the development and delivery of distance learning instruction. The Institute is governed by a board of directors. Pursuant to by-laws, the board of directors elects a chairperson to serve a one year term. The board of directors takes official action by consensus only, which is defined in the Memorandum of Understanding as general agreement. For administrative purposes, the Institute is assigned to Florida Gulf Coast University, located in Lee County, Florida.

Florida Community College Distance Learning Consortium

The Florida Community College Distance Learning Consortium was formally established by the State Board of Community Colleges through the promulgation of Rule 6H-1046, F.A.C. This rule was promulgated under the authority of the State Board of Education. The main objective of the Consortium is to provide coordination between the twenty-eight community colleges in the development, delivery, marketing and purchasing or leasing of distance learning instruction. The Consortium serves as an advisory committee to the State Board of Community Colleges. The State Board of Community Colleges appoints the membership of the Consortium.

B. EFFECT OF PROPOSED CHANGES:

Institute on Public Postsecondary Distance Learning

The bill would codify in statute, the July 1996 Memorandum of Understanding, approved by the Board of Regents and the State Board of Community Colleges, that formally established the Institute on Public Postsecondary Distance Learning. Community

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colleges and state universities would be required by law, rather than agreement, to coordinate distance learning efforts. This would provide greater stability related to the existence and operations of the Institute, rather than the current short-term Memorandum of Understanding.

The bill would require the Commissioner of Education or the commissioner's designee, and the Secretary of State or the secretary's designee, to serve with others already designated to serve on the board of directors. The Board of Directors would take action by consensus only. Consensus would be defined as agreement by the Chancellor of the State University System and the Executive Director of the State Community College System.

The responsibility of the Institute would be developing and recommending policies and procedures, for review and adoption, by the Board of Regents and the State Board of Community Colleges which would include:

Ensuring cooperation and coordination between the State University System and the State Community College System in the development and delivery of distance learning;

The cooperative development and distribution of postsecondary distance learning programs and courses;

Maximizing the most efficient access to courses and programs;

Addressing the funding and cost of distance learning credit and non-credit courses and programs; including, but not limited to, recommended fees for distance learning courses and programs, subject to Legislative approval;

Recommendations by the Institute to each respective board, including specific issues to be included in each systems' legislative budget request;

Specifying that the Board of Regents, the State Board of Community Colleges, and the Institute, will mutually agree on expending funds appropriated by the Legislature, to the State University System, and Community College System, for the specific purpose to support collaborative postsecondary distance learning.

The Institute would monitor the implementation and effectiveness of policies and procedures, and would identify emerging needs and issues in postsecondary education distance learning. The Institute would also evaluate the success of public postsecondary education institutions in meeting system wide and institutional goals and objectives established by FDLN, the Board of Regents, and the State Board of Community Colleges. A report of findings and recommendations would be submitted by the Institute to FDLN, the State Board of Education, the Board of Regents, and the State Board of Community Colleges.

Florida Community College Distance Learning Consortium

The bill would codify a State Board of Community Colleges Rule 6H-1046, F.A.C, which was authorized by the State Board of Education. This rule was adopted in July 1996 to formally establish the Florida Community College Distance Learning Consortium as an

advisory committee of the Board. The rule requires membership of the Consortium to be appointed by the State Board of Community Colleges. Duties of the Consortium are provided in the proposed bill. A major function of the Consortium would be to develop plans for the Community College System for distance learning.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The Institute on Public Postsecondary Distance Learning would be created to facilitate collaborative efforts, and coordinate issues about distance learning between the State University System and the State Community College System. The Institute would provide policy recommendations to the Board, which is comprised of representatives from both delivery systems. The Board may or may not approve any policy recommendations.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA.

(2) what is the cost of such responsibility at the new level/agency?

NA.

(3) how is the new agency accountable to the people governed?

NA.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Collaborative efforts from both distance learning entities should increase options for individuals and others to conduct their own affairs by: providing a coordinated effort to increase student access to education through distance learning; allowing more freedom for a student when scheduling courses; reducing time to obtain a degree by allowing students to take courses by distance learning which might not always be available to the student.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

NA.

- (2) Who makes the decisions?

NA.

- (3) Are private alternatives permitted?

NA.

- (4) Are families required to participate in a program?

NA.

- (5) Are families penalized for not participating in a program?

NA.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority.

- (1) parents and guardians?

NA.

- (2) service providers?

NA.

(3) government employees/agencies?

NA.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates section 240.65, F.S., regarding the Institute on Public Postsecondary Distance Learning.

Section 2. Creates section 240.66, F.S., regarding the Florida Community College Distance Learning Consortium.

Section 3. Provides an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS

SB 2870, similar to this bill, was filed and passed in the Senate during the 1996 Legislative Session. SB 2870 died in House messages.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON EDUCATIONAL SERVICES:

Prepared by:

Legislative Research Director:

Kathy Dunnigan

Theresa A. Klebacha, Ph.D.