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605-05702B-08

Proposed Committee Substitute by the Committee on Higher Education
Appropriations

1 A bill to be entitled

2 An act relating to postsecondary distance learning;
3 creating s. 1004.09, F.S.; establishing the Florida
4 Distance Learning Consortium; requiring the consortium to
5 contract with the Department of Education or a public
6 postsecondary education institution for certain
7 administrative services; providing that a board govern the
8 consortium; providing membership and terms for such board;
9 providing for the reimbursement of per diem and travel
10 expenses; requiring the board to establish procedures
11 governing its operations and responsibilities; providing
12 for meetings to be held a certain number of times each
13 year; providing that a majority of the board members
14 constitutes a quorum; providing for the appointment of an
15 executive director; providing duties and responsibilities;
16 requiring the consortium to submit a report to the
17 Governor, the Legislature, the State Board of Education,
18 and the Board of Governors; requiring that certain
19 information be included in such report; providing for the
20 future expiration of certain provisions; creating s.
21 1004.091, F.S.; establishing the Florida Higher Education
22 Distance Learning Catalog; providing the responsibilities
23 for such catalog; requiring the catalog to establish its
24 operational guidelines and procedures; requiring that the
25 catalog include a web-based analytic tool; amending ss.
26 1009.23 and 1009.24, F.S.; revising provisions relating to
27 community college student fees and state university



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28 student fees; authorizing the State Board of Education to
29 adopt rules; authorizing a community college and a state
30 university to assess a per credit hour distance learning
31 course fee; providing that the fee not exceed a certain
32 percent of the tuition if the student is classified as a
33 resident for tuition purposes; requiring that the
34 community college or state university reduce the fee if
35 such fee exceeded a certain percent during a specified
36 fiscal year; requiring the community college or state
37 university to assess the fee only for courses listed in
38 the catalog; providing an effective date.

39

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

41

42 Section 1. Section 1004.09, Florida Statutes, is created to
43 read:

44 1004.09 Florida Distance Learning Consortium.--

45 (1) (a) The Florida Distance Learning Consortium is
46 established to advocate and facilitate access to distance
47 learning resources that enable public postsecondary education
48 institutions to fulfill their missions while contributing to and
49 sharing in the distance learning resources of the consortium.

50 (b) The consortium is created adjunct to the Department of
51 Education but is not subject to control, supervision, or
52 direction by the department. The consortium shall contract with
53 the department or a public postsecondary education institution
54 for the provision of administrative services to include, but not
55 be limited to, payroll, procurement, and legal counsel.

56 (c) All duties, functions, records, personnel, and
57 property; unexpended balances of appropriations, allocations, and



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58 other funds; pending issues; and existing contracts of the
59 Florida Community College Distance Learning Consortium and the
60 Florida Virtual Campus are transferred by a type two transfer
61 pursuant to s. 20.06(2) to the consortium.

62 (2) (a) The consortium shall be governed by a board
63 comprised of nine members who shall be appointed by the Governor
64 subject to confirmation by the Senate, and who shall be appointed
65 4-year staggered terms. The membership of the board shall consist
66 of:

67 1. Four members from the state university system, with one
68 member being a state university president, one member having
69 experience in academic affairs or student affairs, one member
70 having experience in finance or business services, and one member
71 being from the Chancellor's Office of the Board of Governors and
72 having experience in distance learning policy.

73 2. Four members from the community college system, with one
74 member being a community college president, one member having
75 experience in academic affairs or student affairs, one member
76 having experience in finance or business services, and one member
77 being from the Chancellor's Office of the Division of Community
78 Colleges and having experience in distance learning policy.

79 3. One member who is a private citizen having experience in
80 distance learning education.

81 (b) The board shall appoint a chair and vice chair from
82 among its members to 1-year terms.

83 (c) Members of the board shall serve without compensation,
84 but are entitled to be reimbursed for per diem and travel
85 expenses pursuant to s. 112.061.

86 (d)1. The board shall establish procedures governing its
87 operations and the completion of its responsibilities which shall



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88 comply with the requirements of s. 20.052, unless otherwise
89 authorized by law, and which shall include the establishment of
90 standing committees or work groups comprised of faculty,
91 professional staff, and distance learning students from the
92 postsecondary educational system.

93 2. The board shall meet at least two times each year, upon
94 the call of the chair or at the request of a majority of the
95 members. Meetings of the board may be held via teleconference or
96 other electronic means.

97 3. A majority of the board members constitutes a quorum and
98 the affirmative vote of a majority of a quorum is necessary to
99 take action.

100 4. The board shall appoint an executive director who shall
101 serve at the pleasure of the board.

102 (3) The consortium shall have the following duties and
103 responsibilities:

104 (a) Develop, operate, and promote the Florida Higher
105 Education Distance Learning Catalog to help increase student
106 access to distance learning courses and degree programs and in
107 particular, students seeking accelerated access in order to
108 complete their degrees.

109 (b) Serve as a central content repository for instructional
110 resources that can be used by faculty in their development,
111 evaluation, and enhancement of distance learning courses and
112 degree programs.

113 (c) Assess, in collaboration with public postsecondary
114 education institutions, the potential use of distance learning as
115 a means to address critical educational needs of the state.



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116 (d) Coordinate the evaluation and promotion of new and
117 proven instructional methods, emerging technologies, and quality
118 distance learning courses and degree programs.

119 (e) Coordinate and support educational programs and other
120 training opportunities for faculty and professional staff in
121 developing, evaluating, and enhancing distance learning courses
122 and degree programs.

123 (f) Coordinate on behalf of participating public
124 postsecondary education institutions the negotiation of statewide
125 licensing and pricing agreements for distance learning resources
126 and enter into agreements with distance learning resource
127 providers when such negotiations and agreements result in cost
128 savings for the participating institutions.

129 (g) Assist in building partnerships among education,
130 businesses, and communities.

131 (4) The consortium shall annually submit to the Governor,
132 the President of the Senate, the Speaker of the House of
133 Representatives, the State Board of Education, and the Board of
134 Governors a detailed report that includes, but is not limited to:

135 (a) An operational plan that summarizes the activities and
136 accomplishments of the consortium, identifies opportunities for
137 partnerships, and recommends methods that will improve student
138 access to and completion of distance learning courses and degree
139 programs.

140 (b) Recommended policies that address ways to increase the
141 access and cost effectiveness in the development and delivery of
142 distance learning courses and degree programs.

143 (c) Recommendations regarding an accountability mechanism
144 to assess the effectiveness of the services provided by the
145 consortium.



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146 (d) A detailed summary and analysis of the data collected
147 by the Florida Higher Education Distance Learning Catalog.

148 (5) The consortium, in collaboration with public
149 postsecondary education institutions, shall:

150 (a) Recommend revenue-sharing models for distance learning
151 fee revenues generated when a student enrolls in a distance
152 learning course that is offered by a public postsecondary
153 education institution which is not the student's degree-granting
154 or home institution.

155 (b) Recommend a plan for developing and implementing an on-
156 line system that streamlines and automates the registration
157 process for students who have been admitted to a public
158 postsecondary education institution and who want to enroll in a
159 course or courses listed in the Florida Higher Education Distance
160 Learning Catalog. The consortium shall work in partnership with
161 the institutions to identify and address the applicable
162 administrative, program, and technical issues and protocols
163 necessary to ensure the implementation of such a system as an
164 alternative to the standard registration process of each
165 institution. At a minimum, the system should:

166 1. Allow a qualified student to automatically register for
167 any course listed in the catalog to include courses offered by an
168 institution that is not the student's degree-granting or home
169 institution.

170 2. Allow for the automatic transfer of the distance
171 learning course credit awarded by the institution offering the
172 distance learning course to the student's degree-granting or home
173 institution upon the student's successful completion of the
174 distance learning course or courses.

175 3. Be accessible from the catalog.



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176 4. Comply with all applicable technology security standards
177 and guidelines established by the Agency for Enterprise
178 Information Technology to ensure the secure transmission of
179 student information.

180 (c) The consortium shall submit its recommended models and
181 plan as required in paragraphs (a) and (b) to the Governor, the
182 President of the Senate, the Speaker of the House of
183 Representatives, the State Board of Education, and the Board of
184 Governors no later than March 1, 2009.

185 (d) This subsection expires July 1, 2009.

186 Section 2. Section 1004.091, Florida Statutes, is created
187 to read:

188 1004.091 Florida Higher Education Distance Learning
189 Catalog.--

190 (1) The Florida Higher Education Distance Learning Catalog
191 is established as an interactive, web-based single point of
192 access to distance learning courses, degree programs, and
193 resources offered by public postsecondary education institutions
194 and is intended to assist in the coordination and collaboration
195 of articulation and access pursuant to part II of chapter 1007.

196 (2) The Florida Distance Learning Consortium shall be
197 responsible for the catalog and shall establish its operational
198 guidelines and procedures, which shall include, but is not
199 limited to:

200 (a) Requiring participating institutions to be responsible
201 for providing clear, complete, and timely information on the
202 distance learning course and degree program requirements, type of
203 technology and technical equipment requirements, any prerequisite
204 courses or technology competencies and skills, availability of
205 academic support services, identification of financial aid



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206 resources, and all cost, fee, and payment information and
207 policies.

208 (b) Requiring that all distance learning courses and degree
209 programs meet all applicable and appropriate accreditation
210 standards and criteria.

211 (c) Requiring that, at a minimum, the catalog is reviewed
212 at the start of each academic semester to ensure all distance
213 learning courses and degree programs comply with the operational
214 guidelines and procedures established by the board.

215 (3) The catalog shall include a web-based analytic tool
216 that allows for the collection and analysis of data to include:

217 (a) Number and type of students who use the catalog to
218 search for distance learning courses and degree programs.

219 (b) Number and type of requests for information on distance
220 learning courses and degree programs not listed in the catalog.

221 (c) Comparison of distance learning course and degree
222 program cost data.

223 (d) Summary of specific requests by course type or course
224 number, delivery method, offering institution, and semester.

225 (e) Other types of data as determined by the consortium.

226 Section 3. Subsections (12) and (16) of section 1009.23,
227 Florida Statutes, are amended to read:

228 1009.23 Community college student fees.--

229 (12) (a) In addition to tuition, out-of-state, financial
230 aid, capital improvement, student activity and service, and
231 technology fees authorized in this section, each community
232 college board of trustees is authorized to establish fee
233 schedules for the following user fees and fines: laboratory fees,
234 which shall not apply to a distance learning course; parking fees
235 and fines; library fees and fines; fees and fines relating to



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236 facilities and equipment use or damage; access or identification
237 card fees; duplicating, photocopying, binding, or microfilming
238 fees; standardized testing fees; diploma replacement fees;
239 transcript fees; application fees; graduation fees; and late fees
240 related to registration and payment. Such user fees and fines
241 shall not exceed the cost of the services provided and shall only
242 be charged to persons receiving the service. A community college
243 may not charge any fee except as authorized by law ~~or rules of~~
244 ~~the State Board of Education~~. Parking fee revenues may be pledged
245 by a community college board of trustees as a dedicated revenue
246 source for the repayment of debt, including lease-purchase
247 agreements and revenue bonds with terms not exceeding 20 years
248 and not exceeding the useful life of the asset being financed.
249 Community colleges shall use the services of the Division of Bond
250 Finance of the State Board of Administration to issue any revenue
251 bonds authorized by the provisions of this subsection. Any such
252 bonds issued by the Division of Bond Finance shall be in
253 compliance with the provisions of the State Bond Act. Bonds
254 issued pursuant to the State Bond Act shall be validated in the
255 manner established in chapter 75. The complaint for such
256 validation shall be filed in the circuit court of the county
257 where the seat of state government is situated, the notice
258 required to be published by s. 75.06 shall be published only in
259 the county where the complaint is filed, and the complaint and
260 order of the circuit court shall be served only on the state
261 attorney of the circuit in which the action is pending.

262 (b) The State Board of Education may adopt rules pursuant
263 to s. 120.536(1) and s. 120.54 to administer this subsection.

264 (16) (a) Each community college may assess a student who
265 enrolls in a course listed in the Florida Higher Education



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266 Distance Learning Catalog established pursuant to s. 1004.091 a
267 per credit hour distance learning course fee.

268 (b) For students who are classified as residents for
269 tuition purposes pursuant to s. 1009.21, the distance learning
270 course fee shall not exceed 10 percent of the tuition the student
271 is assessed in order to enroll in the course. If for the 2007-
272 2008 academic year a community college assessed resident students
273 a fee for a distance learning course which exceeded the amount
274 authorized in this paragraph, the community college shall
275 calculate the difference between the two fee amounts and annually
276 reduce the difference by 33 percent until the community college
277 is in compliance with the provisions of this paragraph.

278 (c) The community college may assess the distance learning
279 course fee only for courses that are listed in the catalog.

280 (d) The State Board of Education shall adopt a rule
281 specifying the definitions and procedures to be used in the
282 calculation of the percentage of cost paid by students. The rule
283 must provide for the calculation of the full cost of educational
284 programs based on the allocation of all funds provided through
285 the general current fund to programs of instruction, and other
286 activities as provided in the annual expenditure analysis. The
287 rule shall be developed in consultation with the Legislature.

288 Section 4. Paragraph (k) of subsection (13) of section
289 1009.24, Florida Statutes, is amended, present subsection (17) of
290 that subsection is redesignated as subsection (18), and a new
291 subsection (17) is added to that section, to read:

292 1009.24 State university student fees.--

293 (13) Each university board of trustees is authorized to
294 establish the following fees:



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295 (k) A fee for off-campus course offerings when the location
296 results in specific, identifiable increased costs to the
297 university, except such a fee shall not apply to a distance
298 learning course.

299 (17) (a) A state university may assess a student who enrolls
300 in a course listed in the Florida Higher Education Distance
301 Learning Catalog established pursuant to s. 1004.091 a per credit
302 hour distance learning course fee.

303 (b) For undergraduate students who are classified as
304 residents for tuition purposes pursuant to s. 1009.21, the
305 distance learning course fee may not exceed 10 percent of the
306 tuition the student is assessed to enroll in the course. If for
307 the 2007-2008 academic year a state university assessed resident
308 undergraduates a distance learning course fee that exceeded the
309 amount authorized in this paragraph, the state university shall
310 calculate the difference between the two fee amounts and annually
311 reduce the difference by 33 percent until the state university is
312 in compliance with the provisions of this paragraph.

313 (c) The state university may assess the distance learning
314 course fee only for courses that are listed in the catalog.

315 Section 5. This act shall take effect July 1, 2008.