

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 for a type two transfer
8 of certain duties, records, personnel, property,
9 unexpended funds, and contracts to the consortium;
10 requiring the consortium to be governed by a board and
11 providing membership and terms thereof; providing for the
12 reimbursement of per diem and travel expenses; requiring
13 the board to establish procedures governing its operations
14 and responsibilities; providing for the appointment of an
15 executive director; providing consortium duties and
16 responsibilities; requiring a report and specifying
17 information be included in such report; providing for
18 future expiration of provisions relating to certain duties
19 of the consortium; creating s. 1004.091, F.S. ;
20 establishing the Florida Higher Education Distance
21 Learning Catalog; requiring the consortium to be
22 responsible for the catalog and to establish operational
23 guidelines and procedures; requiring that the catalog
24 include a tool for data analysis; amending ss. 1009.23 and
25 1009.24, F.S.; revising provisions relating to community
26 college and state university student fees; authorizing the
27 State Board of Education to adopt rules; authorizing a
28 community college and state university to assess a per-

29 credit-hour distance learning course user fee; requiring a
 30 community college or state university to assess the fee
 31 only for courses listed in the catalog; requiring a
 32 website link to the catalog; requiring annual reports;
 33 providing an effective date.

34

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

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37 Section 1. Section 1004.09, Florida Statutes, is created
 38 to read:

39 1004.09 Florida Distance Learning Consortium.--

40 (1) (a) The Florida Distance Learning Consortium is
 41 established to advocate and facilitate access to distance
 42 learning resources that enable public postsecondary education
 43 institutions to fulfill their missions while contributing to and
 44 sharing in the distance learning resources of the consortium.

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

52 (c) All duties, functions, records, personnel, and
 53 property; unexpended balances of appropriations, allocations,
 54 and other funds; pending issues; and existing contracts of the
 55 Florida Community College Distance Learning Consortium and the

HB 7105

2008

56 Florida Virtual Campus are transferred by a type two transfer
57 pursuant to s. 20.06(2) to the consortium.

58 (2) (a) The consortium shall be governed by a board
59 comprised of nine members who shall be appointed by the Governor
60 subject to confirmation by the Senate and who shall be appointed
61 to 4-year staggered terms. The membership of the board shall
62 consist of:

63 1. Four members from the State University System, with one
64 member being a state university president, one member having
65 experience in academic affairs or student affairs, one member
66 having experience in finance or business services, and one
67 member being from the Chancellor's Office of the Board of
68 Governors and having experience in distance learning education.

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

76 3. One member who is a private citizen having experience
77 in distance learning education.

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

80 (c) Members of the board shall serve without compensation
81 but are entitled to be reimbursed for per diem and travel
82 expenses pursuant to s. 112.061.

83 (d)1. The board shall establish procedures governing its
84 operations and the completion of its responsibilities which
85 shall comply with the requirements of s. 20.052, unless
86 otherwise authorized by law, and which shall include the
87 establishment of standing committees or work groups comprised of
88 faculty, professional staff, and distance learning students from
89 the postsecondary educational system.

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

94 3. A majority of the board members constitutes a quorum,
95 and the affirmative vote of a majority of a quorum is necessary
96 to take action.

97 4. The board shall appoint an executive director, who
98 shall serve at the pleasure of the board.

99 (3) The consortium shall have the following duties and
100 responsibilities:

101 (a) Develop, operate, and promote the Florida Higher
102 Education Distance Learning Catalog to help increase student
103 access to distance learning courses and degree programs and, in
104 particular, access for students seeking accelerated completion
105 of their degrees.

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

HB 7105

2008

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

113 (d) Coordinate the evaluation and promotion of new and
114 proven instructional methods, emerging technologies, and quality
115 distance learning courses and degree programs.

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

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

126 (g) Assist in building partnerships among educational
127 institutions, businesses, and communities.

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

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

HB 7105

2008

138 (b) Recommended policies that address ways to increase
139 access to, and cost-effectiveness in the development and
140 delivery of, distance learning courses and degree programs. Such
141 recommendation shall consider the cost variations that exist
142 within the delivery systems and identify best practices that
143 minimize costs of the development and delivery of distance
144 learning courses while enhancing the effectiveness of
145 instruction.

146 (c) Recommendations regarding an accountability mechanism
147 to assess the effectiveness of the services provided by the
148 consortium.

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

151 (5) (a) The consortium, in collaboration with public
152 postsecondary education institutions, shall:

153 1. Recommend the definition of a distance learning course.

154 2. Recommend revenue-sharing models for distance learning
155 fee revenues generated when a student enrolls in a distance
156 learning course that is offered by a public postsecondary
157 education institution that is not the student's degree-granting
158 or home institution.

159 3. Recommend a plan for developing and implementing an
160 online system that streamlines and automates the registration
161 process for students who have been admitted to a public
162 postsecondary education institution and who want to enroll in a
163 course or courses listed in the Florida Higher Education
164 Distance Learning Catalog. The consortium shall work in
165 partnership with the institutions to identify and address the

166 applicable administrative, program, and technical issues and
 167 protocols necessary to ensure that the implementation of such a
 168 system as an alternative to the standard registration process of
 169 each institution complies with the academic policies and
 170 procedures of the institution offering the course. At a minimum,
 171 the system should:

172 a. Allow a qualified student to register for any course
 173 listed in the catalog, including courses offered by an
 174 institution that is not the student's degree-granting or home
 175 institution.

176 b. Allow for the expedited transfer of the distance
 177 learning course credit awarded by the institution offering the
 178 distance learning course to the student's degree-granting or
 179 home institution upon the student's successful completion of the
 180 distance learning course or courses.

181 c. Be accessible from the catalog.

182 d. Comply with all applicable technology security
 183 standards and guidelines established by the Agency for
 184 Enterprise Information Technology to ensure the secure
 185 transmission of student information.

186 4. Submit its recommended definition, models, and plan as
 187 required under this paragraph to the Governor, the President of
 188 the Senate, the Speaker of the House of Representatives, the
 189 State Board of Education, and the Board of Governors no later
 190 than March 1, 2009.

191 (b) This subsection expires July 1, 2009.

192 Section 2. Section 1004.091, Florida Statutes, is created
 193 to read:

194 1004.091 Florida Higher Education Distance Learning
195 Catalog.--

196 (1) The Florida Higher Education Distance Learning Catalog
197 is established as an interactive, central point of access to
198 distance learning courses, degree programs, and resources
199 offered by public postsecondary education institutions and is
200 intended to assist in the coordination and collaboration of
201 articulation and access pursuant to part II of chapter 1007.

202 (2) The Florida Distance Learning Consortium shall be
203 responsible for the catalog and shall establish its operational
204 guidelines and procedures, which shall include, but are not
205 limited to:

206 (a) Requiring participating institutions to be responsible
207 for providing clear, complete, and timely information on the
208 distance learning course and degree program requirements; type
209 of technology and technical equipment requirements; any
210 prerequisite courses or technology competencies and skills;
211 availability of academic support services; identification of
212 financial aid resources; and all cost, fee, and payment
213 information and policies.

214 (b) Requiring that all distance learning courses and
215 degree programs meet all applicable and appropriate
216 accreditation standards and criteria.

217 (c) Requiring that, at a minimum, the catalog is reviewed
218 at the start of each academic semester to ensure that all
219 distance learning courses and degree programs comply with the
220 operational guidelines and procedures established by the
221 governing board of the consortium.

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

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

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

229 (c) Comparison of distance learning course and degree
230 program cost data.

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

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

234 Section 3. Subsection (12) of section 1009.23, Florida
235 Statutes, is amended, subsection (16) is renumbered as
236 subsection (17), and a new subsection (16) is added to that
237 section, to read:

238 1009.23 Community college student fees.--

239 (12) (a) In addition to tuition, out-of-state, financial
240 aid, capital improvement, student activity and service, and
241 technology fees authorized in this section, each community
242 college board of trustees is authorized to establish fee
243 schedules for the following user fees and fines: laboratory
244 fees, which shall not apply to a distance learning course;
245 parking fees and fines; library fees and fines; fees and fines
246 relating to facilities and equipment use or damage; access or
247 identification card fees; duplicating, photocopying, binding, or
248 microfilming fees; standardized testing fees; diploma
249 replacement fees; transcript fees; application fees; graduation

HB 7105

2008

250 fees; and late fees related to registration and payment. Such
251 user fees and fines shall not exceed the cost of the services
252 provided and shall only be charged to persons receiving the
253 service. A community college may not charge any fee except as
254 authorized by law ~~or rules of the State Board of Education.~~
255 Parking fee revenues may be pledged by a community college board
256 of trustees as a dedicated revenue source for the repayment of
257 debt, including lease-purchase agreements and revenue bonds with
258 terms not exceeding 20 years and not exceeding the useful life
259 of the asset being financed. Community colleges shall use the
260 services of the Division of Bond Finance of the State Board of
261 Administration to issue any revenue bonds authorized by the
262 provisions of this subsection. Any such bonds issued by the
263 Division of Bond Finance shall be in compliance with the
264 provisions of the State Bond Act. Bonds issued pursuant to the
265 State Bond Act shall be validated in the manner established in
266 chapter 75. The complaint for such validation shall be filed in
267 the circuit court of the county where the seat of state
268 government is situated, the notice required to be published by
269 s. 75.06 shall be published only in the county where the
270 complaint is filed, and the complaint and order of the circuit
271 court shall be served only on the state attorney of the circuit
272 in which the action is pending.

273 (b) The State Board of Education may adopt rules pursuant
274 to ss. 120.536(1) and 120.54 to administer this subsection.

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

277 Distance Learning Catalog, established pursuant to s. 1004.091,
 278 a per-credit-hour distance learning course user fee.

279 (b) The amount of the distance learning course user fee
 280 shall not exceed the additional costs of the services provided
 281 that are attributable exclusively to the development and
 282 delivery of the distance learning course or program. In the
 283 event that the distance learning course user fee is assessed by
 284 a community college, the institution shall not assess any other
 285 fees to cover the same additional costs. By September 1 of each
 286 year, each board of trustees shall report to the Division of
 287 Community Colleges the total amount of revenue generated by the
 288 distance learning course user fee for the prior academic year
 289 and how the revenue was expended.

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

292 (d) The link for the catalog shall be prominently
 293 displayed on the institution's website informing students of the
 294 catalog.

295 Section 4. Paragraph (k) of subsection (13) of section
 296 1009.24, Florida Statutes, is amended, subsection (17) is
 297 renumbered as subsection (18), and a new subsection (17) is
 298 added to that section, to read:

299 1009.24 State university student fees.--

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

302 (k) A fee for off-campus course offerings when the
 303 location results in specific, identifiable increased costs to

HB 7105

2008

304 the university, except that such a fee shall not apply to a
305 distance learning course.

306 (17) (a) A state university may assess a student who
307 enrolls in a course listed in the Florida Higher Education
308 Distance Learning Catalog, established pursuant to s. 1004.091,
309 a per-credit-hour distance learning course user fee.

310 (b) The amount of the distance learning course user fee
311 shall not exceed the additional costs of the services provided
312 that are attributable exclusively to the development and
313 delivery of the distance learning course or program. In the
314 event that the distance learning course user fee is assessed by
315 a state university, the institution shall not assess any other
316 fees to cover the same additional costs. By September 1 of each
317 year, each board of trustees shall report to the Board of
318 Governors the total amount of revenue generated by the distance
319 learning course user fee for the prior academic year and how the
320 revenue was expended.

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

323 (d) The link for the catalog shall be prominently
324 displayed on the institution's website informing students of the
325 catalog.

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