

By the Committee on Higher Education; and Senator Oelrich

589-04446-09

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1                   A bill to be entitled  
2           An act relating to postsecondary distance learning;  
3           creating s. 1004.091, F.S.; establishing the Florida  
4           Distance Learning Consortium; requiring that the Board  
5           of Governors and the State Board of Education jointly  
6           oversee the consortium; authorizing the consortium to  
7           enter into contracts for administrative services;  
8           providing duties for the consortium; amending ss.  
9           1009.23 and 1009.24, F.S.; defining the term "distance  
10          learning course" for purposes of assessing a distance  
11          learning course user fee for community college and  
12          state university students; providing an effective  
13          date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 1004.091, Florida Statutes, is created  
18           to read:

19           1004.091 Florida Distance Learning Consortium.—

20           (1) (a) The Florida Distance Learning Consortium is  
21           established to facilitate collaboration among public  
22           postsecondary educational institutions in their use of distance  
23           learning to increase student access to associate and  
24           baccalaureate degree courses and degree programs, to support  
25           institutions in their use of technology, and to help build  
26           partnerships among institutions, businesses, and communities.

27           (b) The Board of Governors and the State Board of Education  
28           shall jointly oversee the consortium and shall establish, in  
29           consultation with the consortium, the administrative and

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30 operational guidelines and processes of the consortium.

31 (c) The consortium may enter into contracts for  
32 administrative services with public postsecondary educational  
33 institutions. The fee charged by the institution for  
34 administrative services may not exceed the actual cost for  
35 providing the services.

36 (2) The Florida Distance Learning Consortium shall:

37 (a) Manage and promote the Florida Higher Education  
38 Distance Learning Catalog, established pursuant to s. 1004.09,  
39 to help increase student access to undergraduate distance  
40 learning courses and degree programs and assist students seeking  
41 accelerated access in order to complete their degrees.

42 (b) Develop, in consultation with the Florida College  
43 System and the State University System, a plan to be submitted  
44 to the Board of Governors, the State Board of Education, the  
45 Governor, the President of the Senate, and the Speaker of the  
46 House of Representatives no later than March 1, 2010. The plan  
47 must address the implementation of a streamlined, automated,  
48 online registration process for undergraduate students who have  
49 been admitted to a public postsecondary educational institution  
50 and who wish to enroll in a course listed in the Florida Higher  
51 Education Distance Learning Catalog, including courses offered  
52 by an institution that is not the student's degree-granting or  
53 home institution. The plan must describe how such a registration  
54 process can be implemented as an alternative to the standard  
55 registration process of each institution. The plan must also  
56 address:

57 1. Fiscal and substantive policy changes needed to address  
58 administrative, academic, and programmatic policies and

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59 procedures.

60 2. A method for the expedited transfer of the distance  
61 learning course credit awarded by the institution offering the  
62 distance learning course to the student's degree-granting or  
63 home institution upon the student's successful completion of the  
64 distance learning course.

65 3. Compliance with applicable technology security standards  
66 and guidelines to ensure the secure transmission of student  
67 information.

68 (c) Coordinate the negotiation of statewide licensing and  
69 preferred pricing agreements for distance learning resources and  
70 enter into agreements with distance learning resource providers  
71 resulting in costs savings from which public postsecondary  
72 educational institutions can benefit.

73 (d)1. Develop and operate a central instructional content  
74 repository that allows faculty to search, locate, and use  
75 instructional resources, including open-access textbooks. In  
76 developing the repository, the consortium shall identify and  
77 seek partnerships with similar national, state, and regional  
78 repositories for the purpose of sharing instructional content.  
79 The consortium shall collaborate with public postsecondary  
80 educational institutions to ensure that the repository:

81 a. Integrates with multiple learning management systems  
82 used by the institutions.

83 b. Allows institutions to set appropriate copyright and  
84 access restrictions and track content usage.

85 c. Allows for appropriate customization.

86 2. Develop, in consultation with the Florida College System  
87 and the State University System, a plan for promoting and

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88 increasing the use of open-access textbooks as a method for  
89 reducing textbook costs. The plan shall be submitted to the  
90 Board of Governors, the State Board of Education, the Governor's  
91 Office of Policy and Budget, the chair of the Senate Policy and  
92 Steering Committee on Ways and Means, and the chair of the House  
93 Full Appropriations Council on Education and Economic  
94 Development no later than March 1, 2010, and shall include:

95 a. An inventory of existing open-access textbooks.

96 b. A listing of undergraduate courses, in particular the  
97 general education courses, which would be recommended for the  
98 use of open-access textbooks.

99 c. A standardized process for the review and approval of  
100 open-access textbooks.

101 d. Recommendations for encouraging and promoting faculty  
102 development and use of open-access textbooks.

103 e. Identification of barriers to the implementation of  
104 open-access textbooks.

105 f. Strategies for the production and distribution of open-  
106 access textbooks to ensure such textbooks may be easily  
107 accessed, downloaded, printed, or obtained as a bound version by  
108 students at reduced or no cost.

109 g. Identification of the necessary technology security  
110 standards and guidelines to safeguard the use of open-access  
111 textbooks.

112 (e) Identify and evaluate new technologies and  
113 instructional methods that can be used for improving distance  
114 learning instruction, student learning, and the overall quality  
115 of undergraduate distance learning courses and degree programs.

116 (f) Identify methods that will improve student access to

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117 and completion of undergraduate distance learning courses and  
118 degree programs.

119 Section 2. Subsection (16) of section 1009.23, Florida  
120 Statutes, is amended to read:

121 1009.23 Community college student fees.—

122 (16) (a) Each community college may assess a student who  
123 enrolls in a course listed in the Florida Higher Education  
124 Distance Learning Catalog established pursuant to s. 1004.09 a  
125 per-credit-hour distance learning course user fee. For purposes  
126 of assessing this fee, the term "distance learning course" means  
127 a course in which at least 80 percent of the direct instruction  
128 of the course is delivered using some form of technology when  
129 the student and instructor are separated by time, space, or  
130 both.

131 (b) The amount of the distance learning course user fee may  
132 not exceed the additional costs of the services provided which  
133 are attributable to the development and delivery of the distance  
134 learning course. If a community college assesses the distance  
135 learning course user fee, the institution may not assess any  
136 other fees to cover the additional costs. By September 1 of each  
137 year, each board of trustees shall report to the Division of  
138 Community Colleges the total amount of revenue generated by the  
139 distance learning course user fee for the prior academic year  
140 and how the revenue was expended.

141 (c) The link for the catalog must be prominently displayed  
142 within the advising and distance learning sections of ~~on~~ the  
143 institution's website using a graphic and description provided  
144 by the Florida Distance Learning Consortium to inform students  
145 of the catalog.

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146 Section 3. Subsection (17) of section 1009.24, Florida  
147 Statutes, is amended to read:

148 1009.24 State university student fees.—

149 (17) (a) A state university may assess a student who enrolls  
150 in a course listed in the Florida Higher Education Distance  
151 Learning Catalog established pursuant to s. 1004.09 a per-  
152 credit-hour distance learning course fee. For purposes of  
153 assessing this fee, the term "distance learning course" means a  
154 course in which at least 80 percent of the direct instruction of  
155 the course is delivered using some form of technology when the  
156 student and instructor are separated by time, space, or both.

157 (b) The amount of the distance learning course fee may not  
158 exceed the additional costs of the services provided which are  
159 attributable to the development and delivery of the distance  
160 learning course. If the distance learning course fee is assessed  
161 by a state university, the institution may not assess  
162 duplicative fees to cover the additional costs.

163 (c) The link for the catalog must be prominently displayed  
164 within the advising and distance learning sections of ~~on~~ the  
165 institution's website using a graphic and description provided  
166 by the Florida Distance Learning Consortium informing students  
167 of the catalog.

168 Section 4. This act shall take effect upon becoming a law.