

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  
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; requiring an annual report; requiring the  
 32 community college or state university to assess the fee  
 33 only for courses listed in the catalog; requiring a link  
 34 to the catalog on the institution's website; providing an  
 35 effective date.

36

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

38

39 Section 1. Section 1004.09, Florida Statutes, is created  
 40 to read:

41 1004.09 Florida Distance Learning Consortium.—

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

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

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

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

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

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

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

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

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

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

PCB SLC 08-04

ORIGINAL

2008

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154       (a)1. Recommend the definition of a distance learning  
 155 course.

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

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

167 partnership with the institutions to identify and address the  
 168 applicable administrative, program, and technical issues and  
 169 protocols necessary to ensure the implementation of such a  
 170 system as an alternative to the standard registration process of  
 171 each institution. At a minimum, the system should:

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

176 b. Allow for the automatic 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 standards  
 183 and guidelines established by the Agency for Enterprise  
 184 Information Technology to ensure the secure transmission of  
 185 student information.

186 4. The consortium shall submit its recommended definition,  
 187 models, and plan as required in subparagraphs 1. through 3. to  
 188 the Governor, the President of the Senate, the Speaker of the  
 189 House of Representatives, the State Board of Education, and the  
 190 Board of Governors no later 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, web-based single point of  
 198 access to distance learning courses, degree programs, and  
 199 resources offered by public postsecondary education institutions  
 200 and is intended to assist in the coordination and collaboration  
 201 of 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 is 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 all distance  
 219 learning courses and degree programs comply with the operational  
 220 guidelines and procedures established by the board.



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

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

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

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

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

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

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

237 1009.23 Community college student fees.--

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

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

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

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

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

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

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

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

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

298 1009.24 State university student fees.--

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

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

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

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

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

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

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

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