



## II. Present Situation:

### Organization and Governance

In 1996, the State Board of Community Colleges (SBCC) adopted rule 6H-1.046, F.A.C., which established the Florida Community College Distance Learning Consortium (FCCDLC) as an advisory committee to the SBCC<sup>2</sup> for purposes of:

- Advising the SBCC on distance learning and technology policy and fiscal issues;
- Coordinating the establishment of a technology-enhanced delivery system that supported the mission of Florida's community colleges while also increasing access to higher education for all Florida residents; and
- Representing the Community College System on regional and national committees.

The FCCDLC was comprised of one representative from each of the 28 community colleges, two representatives from the Council of Presidents, and two SBCC members.

Also in 1996, the Board of Regents (BOR) and the SBCC created the Institute for Public Postsecondary Distance Learning through a Memorandum of Understanding. The primary purpose of the institute was to encourage and facilitate the cooperative development and delivery of distance learning instruction between the state universities and the community colleges. A board comprised of an equal number of community college and state university presidents governed the institute.

In 1999, the BOR and the SBCC replaced the institute with the Florida Virtual Campus (FVC). The FVC was designed to be a full-service, one-stop shopping source for statewide public postsecondary distance learning activities, courses, programs, and services. Its mission was to assist Florida's public postsecondary institutions in providing affordable access to quality distance learning and to facilitate a seamless distance learning experience for students.

Chapter 2002-387, L.O.F., created s. 1001.28, F.S., which assigned specific distance learning duties to the Department of Education, including the duty to "facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education."

In 2003, the governing bodies of the FCCDLC and the FVC decided to consolidate the two entities and create the Florida Distance Learning Consortium (FDLC). The FDLC was designed to:

- Be responsible for providing strong distance learning leadership for a K-20 educational delivery system;
- Exist as a membership organization open to any Florida accredited school district, community college, state university, or any Independent Colleges and Universities of Florida (ICUF) institution; and

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<sup>2</sup> Section 240.309(1), F.S., authorized the SBCC "to appoint members to such committees as it from time to time shall establish. Members of such committees may include persons who are not members of the board." Additionally, s. 240.311(3)(b), F.S., stated that the SBCC "shall provide, through rule, for the coordination of the Florida Community College System."

- Exist as an advisory body to the SBE in order to support the distance learning process at all educational levels and serve as a catalyst for greater collaboration and coordination.

While the FCCDLC and the FVC were informally consolidated in July 2003, neither the SBE nor the Board of Governors has taken official action to establish and formalize the FDLC. Since the FDLC has not been formally established within the state's postsecondary educational structure, to include the identification of clearly defined roles and responsibilities, institutional participation and use of the FDLC services and activities is voluntary.

### **Postsecondary Distance Learning Catalog**

Given the proliferation of distance learning courses within the community college system, the FCCDLC decided students would benefit from having a single source of distance learning course information. In 1997, the FCCDLC developed the first system-wide online catalog, listing the distance learning courses offered by Florida's public community colleges. All participating community colleges entered their distance learning courses into the catalog and students could search for the availability of distance learning courses by term, college, course number, or course prefix. Once a student located a course of interest, he or she would be linked to the appropriate college's website for course registration and enrollment.

By 2002, the FVC had created a similar online distance learning course catalog for the state universities. When the governing bodies of the FVC and the FCCDLC decided to consolidate, the two online distance learning course catalogs were combined to create a single comprehensive postsecondary distance learning course and degree program catalog.

Currently, the FDLC hosts the online distance learning catalog and includes searchable information on distance learning courses and degree programs available from community colleges, state universities, and participating ICUF institutions. Based on a set of pre-determined data elements, each institution is responsible for entering and updating its own course and degree program information in the catalog. One data element that is not required and therefore not included in the catalog is the cost or fee of the distance learning course. Additionally, some of the course/degree program links are incomplete because they connect students to sections of the offering institutions' websites that do not deal with distance learning.

For 2006-2007, the FDLC reported that approximately 12,800 courses<sup>3</sup> were listed in the catalog. A fall 2007 review of the 39 public postsecondary educational institutions' websites showed that only seven community colleges and one state university had links on their sites to the FDLC's online distance learning catalog. Of these eight sites, only one institution had placed the link along with its description on the section of its website dealing with distance learning; the other seven institutions had placed the link under a "Helpful/Other Links" button. Since the FDLC does not currently advertise the availability of the online distance learning catalog and only a limited number of postsecondary education institutions provide a link/description about the catalog on their websites, it is unclear how students find the catalog and access its courses.

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<sup>3</sup> Florida Distance Learning Consortium, PowerPoint Presentation, March 13, 2008, in the Senate Committee on Higher Education Appropriations Committee.

### **Distance Learning Course Fee**

Part II of ch. 1009, F.S., authorizes and establishes postsecondary student fees. These fees can be categorized into two broad categories: 1) general fees charged to all students, i.e., tuition fee, activity and service fee, financial aid fee, capital improvement fee, etc.; and 2) specific user fees for certain services charged only to those students receiving the service with the fee amount not exceeding the cost of the service, i.e., parking fee, laboratory fee, access or identification card fee, etc.

The overwhelming majority of community colleges and state universities charge some type of distance learning course fee; however, the amount of the fee varies depending upon the institution, the course level, the course subject matter, and resource requirements. In the Community College System, the distance learning course fee ranges from \$5 to \$75 per 3-credit hour course and in the State University System, the distance learning course fee ranges from \$0 to \$299 per 3-credit hour course.<sup>4</sup> There is no specific law that authorizes a distance learning course fee for either the community colleges or the state universities.

#### *Community Colleges*

Section 1009.23(12), F.S., authorizes each community college board of trustees to establish a fee schedule for the statutorily-established user fees and fines listed in this subsection. Additionally, this subsection states that “a community college may not charge any fee except as authorized by law or rules of the State Board of Education.” Section 1001.02(6)(e), F.S., authorizes the SBE to establish rules for the purpose of implementing statutorily-established requirements for student admissions, conduct and discipline, non-classroom activities, and fees. This rule authority, however, is for the purpose of implementing or interpreting the statutorily-established fees; it does not authorize the creation of new ones.

In establishing a fee for distance learning courses, it appears the phrase “or rules of the State Board of Education” has been interpreted to mean that the SBE has the power to expand upon the list of user fees and fines authorized in s. 1009.23(12), F.S., through the adoption of a rule. The Division of Community Colleges cites rule 6A-14.054(6), F.A.C., as its authority for the assessment of a distance learning course fee. This rule states that “each board of trustees may establish user fees in addition to tuition fees for services that incur unusual costs. Such user fees shall not exceed the cost of the goods or services provided and shall only be charged to students or agencies receiving those goods or services.” Section 1009.23(12), F.S., is cited as the authority for this rule. While this section of statute establishes and authorizes certain user fees and fines within the community college system, a distance learning course fee is not specified.

#### *State Universities*

Section 1009.24(13), F.S., authorizes each state university board of trustees to establish certain fees, with subsection (k) authorizing a fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university. The State University System cites this section of statute and rule 6C-7.003 F.A.C., as its authority for the assessment of a distance learning course fee. While it appears that s. 1009.24(13)(k), F.S., was originally intended for traditional classroom-type teaching done at an off-campus site, the university boards of trustees have expanded its applicability to include courses offered through distance learning.

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<sup>4</sup> Fee amounts provided by the Board of Governors and the Division of Community Colleges.

### **III. Effect of Proposed Changes:**

The bill establishes the Florida Distance Learning Task Force. The 9-member task force would consist of the executive director of the Florida Distance Learning Consortium, four members appointed by the Chancellor of the Division of Community Colleges and four members appointed by the Chancellor of the State University System. The task force must submit a report to the Governor, Legislative leaders, the State Board of Education, the Board of Governors, and the university and community college boards of trustees by March 1, 2009, that makes detailed recommendations concerning the management and promotion of the Florida Distance Learning Catalog, the future role of the Florida Distance Learning Consortium, and ways to increase students' access to, and the cost-effectiveness of, distance learning. The task force sunsets on July 1, 2009.

The bill establishes the Florida Higher Education Distance Learning Catalog and requires the Florida Distance Learning Consortium to establish operational guidelines and procedures for the catalog. The catalog is intended to assist in the coordination and collaboration of articulation and access to postsecondary education.

Each community college and each state university is authorized to establish a distance learning course fee. The fee may be assessed to students who enroll in a course listed in the Florida Higher Education Distance Learning Catalog. The distance learning course fee must not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course. If an institution assesses the distance learning course fee, the institution may not assess any other fee to cover the additional costs. Each community college and state university must prominently display the link for the Florida Distance Learning Catalog on the institution's website.

By September 1 of each year, each community college board of trustees must report to the Division of Community Colleges the total amount of revenue generated by the distance learning course user fee for the prior academic year and how the revenue was expended.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Students may, depending on the decisions of the local boards of trustees or the current level of distance learning charges, see a change in fees paid.

**C. Government Sector Impact:**

Community colleges and state universities are authorized to establish a distance learning course fee. The fee must not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Higher Education Committee on April 15, 2008:**

CS for CS for SB 1762:

- Does not establish the Florida Distance Learning Consortium in law;
- Establishes a Florida Distance Learning Task Force to study and provide recommendations on distance learning;
- Removes the 10 percent of tuition cap for assessment of the distance learning fee; and
- Provides that the distance learning fee may not exceed the additional cost of services attributable to the development and delivery of the distance learning course.

**CS by Higher Education Appropriations Committee on April 2, 2008:**

CS for SB 1762:

- Creates the Florida Distance Learning Consortium to advocate and facilitate access to distance learning courses, degree programs, and resources offered by Florida's public postsecondary education institutions;

- Creates the Florida Higher Education Distance Learning Catalog as an interactive, web-based single point of access to the distance learning courses, degree programs, and resources offered by public postsecondary education institutions;
- Authorizes each community college and state university board of trustees to establish a distance learning course fee that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog; and
- Limits the amount of the distance learning course fee assessed to students classified as resident undergraduate students for purposes of tuition to 10 percent of tuition assessed to enroll in the course.

B. Amendments:

None.