

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 847 Florida Postsecondary Academic Library Network

**SPONSOR(S):** Education & Employment Committee, Byrd

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education & Lifelong Learning Subcommittee	14 Y, 0 N	Kiner	Kiner
2) Higher Education Appropriations Subcommittee	13 Y, 0 N	Crowley	Smith
3) Education & Employment Committee	19 Y, 0 N, As CS	Kiner	Hassell

### SUMMARY ANALYSIS

The bill establishes the Florida Postsecondary Academic Library Network (Network) under the oversight of the Office of the Board of Governors (BOG) and the Department of Education, and repeals the Complete Florida Plus Program (Complete Florida Plus). The bill retains certain functions from the Complete Florida Plus, with modifications, and adds new functions.

Additionally, the bill:

- Maintains Complete Florida Plus purposes related to distance learning courses and degree programs, and online academic support services, but specifies Network purposes must include providing recommendations on the use and distribution of low cost, no cost, or open-access textbooks and education resources and innovative pricing techniques that comply with all applicable laws, in regards to copyrighted material and statewide accessibility measures, as a method to reduce costs;
- Specifies the Network single library automation system and associated resources and services must include a shared Internet-based catalog and discovery tool, an Internet-based searchable collection of electronic resources, an integrated library management system, and a statewide searchable database that includes an inventory of digital archives and collections that public postsecondary education institutions hold;
- Increases reporting requirements on host entity performance in delivering specified services;
- Maintains an online admissions and computer-assisted student advising system, but removes the Complete Florida Plus requirement that the advising system support K-12 education; and
- Requires, by June 1, 2022, the Commissioner of Education and the Chancellor of the BOG to provide a joint recommendation for a process by which school district career centers and charter technical career centers would access appropriate Network services.

The bill has a negative impact on state revenues.

The bill is effective July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Florida Virtual Campus**

The Florida Virtual Campus (FLVC) was created in 2012 by the Florida Legislature through the consolidation of four statewide organizations: the College Center for Library Automation, the Florida Center for Library Automation, the Florida Center for Advising and Academic Support, and the Florida Distance Learning Consortium.<sup>1</sup>

In 2014, the Legislature amended the FLVC to be a Complete Florida Plus Program (Complete Florida Plus) and in 2015 moved management of the FLVC to the University of West Florida's (UWF's) Division of Research and Strategic Innovation, where its mission and purpose remained the same. The units under FLVC included the Florida Academic Library Services Cooperative, Distance Learning and Student Services.<sup>2</sup>

#### **Complete Florida Plus Program**

Complete Florida Plus was created at UWF to:<sup>3</sup>

- Facilitate degree completion for Florida's adult learners through the Complete Florida Degree Initiative;<sup>4</sup>
- Maintain and manage Florida's online catalog of distance learning courses, degree programs, and resources;
- Provide statewide online student advising services and support;
- Provide information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state;
- Coordinate with the Florida College System (FCS) and the State University System (SUS) to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective; and
- Administer the Florida Academic Library Services Cooperative and consult with the chancellors of the FCS and the SUS regarding the implementation and operations of the cooperative.

Complete Florida Plus is required to make available online student advising services and support, including:<sup>5</sup>

- A streamlined online admissions application process, to be used by all postsecondary institutions, for undergraduate transient students currently enrolled and pursuing a degree at a public postsecondary education institution who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution. UWF is required to work with FCS institutions and state universities as specified in law.
- A K-20 statewide computer-assisted student advising system to support career and education planning for the K-12 system and the process of advising, registering, and certifying postsecondary students for graduation and to include a degree audit and an articulation component. FCS institutions and state universities are to interface institutional advising systems with the statewide computer-assisted student advising system that meets minimum specified requirements.

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<sup>1</sup> Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited April 13, 2021).

<sup>2</sup> *Id.*

<sup>3</sup> Distance Learning and Student Services, *Complete Florida Plus Program*, <https://dlss.flvc.org/about/legislation-regulation/complete-florida-plus-program> (last visited March 5, 2021). *See also* s. 1006.735(1), F.S.

<sup>4</sup> *See* s. 1006.735(2), F.S.

<sup>5</sup> Section 1006.735(4), F.S.

- A method for identifying and evaluating new technologies and instructional methods for improving distance learning instruction and development for faculty, student learning outcomes, student access, the efficient delivery of student support services, the alignment of degrees to career needs, and the overall quality of postsecondary distance learning courses and degree programs.
- Help desk support and training and consultation services to institutions and students using Complete Florida Plus services and resources.
- Negotiation of statewide licensing resources and preferred pricing agreements, issuing purchase orders, and entering into contracts for the acquisition of distance learning resources, student and support services, electronic resources, and other goods and services necessary.
- Development and implementation of a plan, in consultation with public postsecondary education institutions, that describes the services and resources available through Complete Florida Plus to encourage current and prospective students' use.

Complete Florida Plus develops and manages a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions which is intended to assist in the coordination and collaboration of articulation and access.<sup>6</sup> Operational procedures for the catalog must:<sup>7</sup>

- Require participating institutions to provide specified information concerning the distance learning course or degree program;
- Require that distance learning courses and degree programs meet applicable accreditation standards and criteria;
- Require that the catalog is reviewed and updated frequently to ensure compliance with operational procedures;
- Define and describe the catalog's search and retrieval options that will allow users to search by specified criteria, at a minimum; and
- Use an Internet-based analytic tool that allows the collection and analysis of specified data.

The UWF is required to submit a report on an annual basis to the President of the Senate and the Speaker of the House of Representatives regarding the implementation and operation of all components of Complete Florida Plus, including, but not limited to, information and associated costs relating to the services and functions of the program.<sup>8</sup>

The Northwest Regional Data Center<sup>9</sup> is required by law to provide all data center services necessary to support the statewide Internet-based catalog established and the statewide online student advising services and support.<sup>10</sup>

In 2020, the Governor vetoed the \$29.4 million in the 2020-2021 budget for Complete Florida Plus.<sup>11</sup> In July 2020, Complete Florida Plus was decommissioned, and the FLVC was moved to a new host organization, the Northwest Regional Data Center at Florida State University.<sup>12</sup> Since that time, Complete Florida Plus has operated on \$9.8 million in carry-forward accounts.<sup>13</sup>

## Florida Academic Library Services Cooperative

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<sup>6</sup> Section 1006.735(3), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 1006.735(5), F.S. See Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report (2019)*, available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>. (last viewed April 13, 2021).

<sup>9</sup> See s. 1004.649, F.S.

<sup>10</sup> Section 1006.735(6), F.S.

<sup>11</sup> Governor Ron DeSantis, *2020 Veto List (2020)*, available at <https://www.flgov.com/wp-content/uploads/2020/06/2020-Veto-List.pdf>, at 5. (last viewed April 13, 2021).

<sup>12</sup> Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited April 13, 2021).

<sup>13</sup> Email from Tim Jones, Vice Chancellor, Finance & Administration/Chief Financial Officer, Florida Board of Governors, dated March 11, 2021.

The Florida Academic Library Services Cooperative (FALSC) provides a single library automation system and associated resources and services for all public postsecondary institutions to use to support learning, teaching, and research needs.<sup>14</sup> The FALSC develops and manages a library information portal and automated library management tools for use by FCS institutions and state universities.<sup>15</sup>

The FALSC is a unit of the FLVC which operates the integrated library system used by public colleges and university libraries statewide. The FALSC also provides more than 150,000 unique, digital archive and collection items and a statewide collection of over 400,000 online journals, e-books, and e-resources, available to assist nearly 1.3 million students, faculty, and staff throughout Florida.<sup>16</sup>

Products and services offered by the FALSC include:<sup>17</sup>

- Management and maintenance of the statewide collection of e-resources available to students at all 40 public colleges and universities;<sup>18</sup>
- A shared catalog of library holdings for students to search for materials owned by any college or university in Florida;
- An integrated library system used by libraries to manage their local collections;
- Collaboration with public post-secondary education institutions to create and support Florida libraries' digital archives and collections;
- Negotiation and procurement of e-resources for individual institutions through a group licensing process;
- In-person training and consultation on the FALSC products and services, in addition to online webinars, instruction, and self-paced training for all college and university libraries;
- A centralized Help Desk providing user and technical support for the FALSC library services; and
- A statewide open education community to promote and support textbook affordability and Open Educational Resources.

The UWF is tasked with hiring a director for the FALSC to report to and be under the supervision and direction of the director of Complete Florida Plus,<sup>19</sup> and the UWF is required to submit on an annual basis a report to the President of the Senate and the Speaker of the House of Representatives describing the implementation and operation of the FALSC.<sup>20</sup>

## Distance Learning and Student Services

Distance Learning and Student Services (DLSS) provides an array of innovative educational services for students, educators, and administrators in the sunshine state. The DLSS operates several statewide services that impact the success of the state's students, of which one of the more popular is FloridaShines.<sup>21</sup>

## FloridaShines

FloridaShines works with the state's public colleges and universities and other partners as a website where students can check their transcripts, register for online courses, search academic libraries

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<sup>14</sup> Section 1006.73(1), F.S.

<sup>15</sup> Section 1006.73(2), F.S.

<sup>16</sup> Florida Academic Library Services Cooperative, *About FALSC*, <https://libraries.flvc.org/about-falsc> (last visited April 13, 2021).

<sup>17</sup> *Id.*

<sup>18</sup> Students enrolled in Florida public secondary schools are required to have access to state funded electronic library resources licensed by the Florida Academic Library Services Cooperative. Rule 6A-7.077, F.A.C. Public secondary school students enrolled in the articulated acceleration programs are also eligible to use electronic library resources funded by the Florida Center for Library Automation. Board of Governors Regulation 6.012.

<sup>19</sup> Section 1006.73(3), F.S.

<sup>20</sup> Section 1006.73(4), F.S.

<sup>21</sup> Florida Virtual Campus, *Organization Profile*, <https://www.flvc.org/organization-profile> (last visited April 13, 2021).

across the state, and compare colleges and universities, among other activities, at no cost to the student.<sup>22</sup>

## **MyCareerShines**

MyCareerShines provides career education and associated academic advising as a portal for Complete Florida Plus.<sup>23</sup> The FLVC's MyCareerShines career exploration system allows individuals to take skill and interest assessments and match their results to profiles of potential careers, while emphasizing those with high-growth potential in Florida. Cost-free resources available assist in creating an education plan, searching for scholarships, writing a resume, interviewing, and locating available jobs in Florida. MyCareerShines offers specialized modules for PreK-5 students, middle and high school students, college and university students, and adults.<sup>24</sup>

MyCareerShines has registered more than 859,000 users, with more than 1.2 million career assessments completed by middle school, high school, college, and adult users of the system. MyCareerShines is being used in approximately 3,400 middle school, high school and postsecondary institutions throughout Florida.<sup>25</sup>

## **Effect of Proposed Changes**

The bill establishes the Florida Postsecondary Academic Library Network (Network) under the joint oversight of the Office of the Board of Governors (BOG) and the Department of Education (DOE) in place of the Florida Academic Library Services Cooperative, and repeals the Complete Florida Plus Program.

The bill declares the purpose of the Network is to deliver specified services to public postsecondary education institutions in Florida, namely all FCS and SUS institutions. The bill retains the general purpose of Complete Florida Plus, which includes the following services:

- Provision of information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state;
- Coordination with the FCS and SUS to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective; and
- Administration of a single library automation system and associated resources and services that all public postsecondary institutions use to support learning, teaching, and research needs, and development of automated library management tools.

The bill also adds to the Network the following services and functions:

- To the single library automation system:
  - A shared Internet-based catalog and discovery tool that allows a user to search and, if authorized, access the aggregate library holdings of the state's public postsecondary education institutions. The catalog and discovery tool must allow a user to search the library holdings of one institution, selected institutions, or all institutions and, to the extent feasible, must include an

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<sup>22</sup> *Id.*

<sup>23</sup> Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report* (2019), available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>, at 1.

<sup>24</sup> *Id.*, at 3.

<sup>25</sup> Florida Virtual Campus, *Complete Florida Plus Program 2019 Annual Report* (2019), available at <https://www.flvc.org/documents/96858/1300774/CFPP+2019+Annual+Report.pdf/fcdee5fd-f6e4-014d-89c1-0efbc42f9b58>, at 13.

- interlibrary loan function that ensures an authorized user can access the required library holding.
- An Internet-based searchable collection of electronic resources which must include, but not be limited to, full-text journals, articles, databases, and electronic books licensed as specified.
- An integrated library management system and its associated services that all public postsecondary education institution academic libraries must use for purposes of acquiring, cataloging, circulating, and tracking library material.
- A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.
- Coordination, with FCS institutions' and state universities' library staff, of the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and entering into contracts for the acquisition of library support services, electronic resources, and other goods and services necessary to carry out its authorized duties.
- Promotion and provide recommendations concerning the use and distribution of low cost, no cost, or open-access textbooks and education resources and innovative pricing techniques that comply with all applicable laws, in regards to copyrighted material and statewide accessibility measures, as a method for reducing costs.
- Provision of appropriate help desk support and training and consultation services to institutions and students.

The bill maintains from Complete Florida Plus a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions, intended to assist in the coordination and collaboration of articulation and access specified in law.<sup>26</sup>

In addition, the bill expands on functions in the Complete Florida Plus catalog of distance learning courses, to specify that the host entity is responsible for developing and disseminating operational procedures and technical guidelines for the catalog, to be followed by all participating institutions, which guidelines must address the following:

- Specific information concerning the distance learning course or degree program, including but not limited to course number, classification of instructional programs number, and information on the availability of the course or degree program; any prerequisite course or technology competency or skill; the availability of academic support services and financial aid resources; and course costs, fees, and payment policies;
- Definitions and descriptions of the catalog's search and retrieval options that will at a minimum allow users to search by academic term or course start date; institution, multiple institutions, or all institutions; and course or program delivery methods, course type, course availability, subject or discipline, and course number or classification of instructional programs number;
- An Internet-based analytic tool that allows for the collection and analysis of data as to usage of resources accessed or interaction with constituent institutions whose courses and programs are listed in the catalog; and
- Frequent review and updates to institution catalogs to ensure that distance learning courses and degree programs comply with operational procedures.

The bill retains Complete Florida Plus student advising and support, with some modifications. Specifically, the bill requires the student advising services to provide:

- A streamlined online admissions application process, to be used by all public postsecondary institutions, for undergraduate transient students currently enrolled and pursuing a degree at a public postsecondary education institution who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution, which must:

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<sup>26</sup> Sections 1007.01 - 1007.273, F.S.  
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- Use the transient student admissions application available through the statewide computer-assisted student advising system as specified. This admissions application is the only application required for enrollment of a transient student as described.
- Implement the financial aid procedures required by the transient student admissions application process.
- Transfer credit awarded by the institution offering the course to the transient student's degree-granting institution.
- Provide an interface between the institutional advising system and the statewide computer-assisted student advising system established, in order to electronically send, receive, and process the transient student admissions application.
- A statewide computer-assisted student advising system to support the process of advising, registering, and capturing student progression toward a degree and career and which must include a degree audit and an articulation component. The bill removes from the Complete Florida Plus student advising system a requirement for K-12 support. FCS institutions and state universities are required to interface institutional advising systems with the statewide computer-assisted student advising system, which must, at a minimum:
  - Allow a student to access the system at any time;
  - Allow a student to search public postsecondary education institutions and identify course options that will meet the requirements of a selected path toward a degree;
  - Audit transcripts of students enrolled in a public postsecondary education institution to assess current academic standing, the requirements for a student to transfer to another institution, and all requirements necessary for graduation;
  - Serve as the official statewide repository for the common prerequisite manual, admissions information for transferring programs, foreign language requirements, residency requirements, and statewide articulation agreements;
  - Provide information relating to career descriptions and corresponding educational requirements, admissions requirements, and available student financial assistance sources; and
  - Provide the admissions application for transient students as specified, which must include the electronic transfer and receipt of information and records for admissions and readmissions, financial aid, and transfer of credit awarded by the institution offering the course to the transient student's degree-granting institution using the Florida Automated System for Transferring Educational Records (the "FASTER System").
- A method for identifying and evaluating new technologies and instructional methods for improving distance learning instruction and development for faculty, student learning outcomes, student access, the efficient delivery of student support services, and the overall quality of postsecondary distance learning courses and degree programs.
- Negotiation of statewide licensing resources and preferred pricing agreements, issuing purchase orders, and entering into contracts for the acquisition of distance learning resources, student and support services, electronic resources, and other goods and services necessary.

The bill changes the host from the UWF but retains a reporting requirement similar to Complete Florida Plus. The bill requires the host entity, beginning December 31, 2021 and each year thereafter, to submit a report to the Chancellors of the SUS and FCS regarding the implementation and operation of all components described, including but not limited to usage information collected, information and associated costs relating to the services and functions of the program, and the implementation and operation of the automated library services. The chancellors are required to provide an annual report on the performance of the host entity in delivering the services and any recommendations for changes needed to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the State Board of Education.

The bill assigns the Office of the BOG and the DOE joint responsibility for determining the host entity for the services described and sharing in the receipt and administration of an associated appropriation as described in the General Appropriations Act. The Chancellors of the FCS and BOG are required to provide oversight for successful delivery by the host entity of the services described. The bill also removes the requirement under Complete Florida Plus that the Northwest Regional Data Center support the Network.

The bill adds a new requirement that the Commissioner of Education and the Chancellor of the SUS must, by June 1, 2022, provide a joint recommendation for a process by which school district career centers operated pursuant to state law and charter technical career centers operated pursuant to state law would access appropriate postsecondary distance learning, student support services, and library assets described. The recommendation must include an analysis of the resources necessary to expand access and assets to centers and their students.

Where applicable, the bill updates statutory references to specified services provided by the Network to read Florida Postsecondary Academic Library Network.

In accordance with the repeal of Complete Florida Plus, the bill removes statutory references to Complete Florida Plus and to the Complete Florida Degree Initiative, removes statutory requirements to use a graphic and description provided by Complete Florida Plus to inform students of the catalog, and removes a directive in law that encouraged veterans, if appropriate, to participate in the Complete Florida Degree Program.

The bill takes effect July 1, 2021.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 25702, F.S., conforming provisions to changes made by the act.

**Section 2.** Amends s. 295.22, F.S., conforming provisions to changes made by the act.

**Section 3.** Amends s. 1004.013, F.S., revising provisions relating to the awareness of certain postsecondary education programs and initiatives.

**Section 4.** Amends s. 1006.73, F.S., deleting provisions relating to the Florida Academic Library Services Cooperative; providing responsibilities for the Florida Postsecondary Academic Library Network; providing that the Board of Governors and the Department of Education will oversee a host entity chosen to deliver certain services; providing the services to be provided by the host entity; transferring responsibility for the statewide Internet-based catalog of distance learning courses to the host entity; providing requirements for such catalog; transferring responsibility for certain statewide online student advising services to the host entity; providing requirements for such services; requiring the host entity to submit a certain report by a specified date, annually; providing requirements for such report; requiring the Chancellors of the State University System and the Florida College System to provide a certain report; providing that specified entities have responsibility for the governance and administration of the provided services; requiring specified entities to issue a recommendation and report on expanding organizations who may access the provided services.

**Section 5.** Repeals s. 1006.735, F.S., relating to the Complete Florida Plus Program.

**Section 6.** Amends s. 1007.01, F.S., conforming a cross-reference.

**Section 7.** Amends s. 1007.27, F.S., conforming a provision to changes made by the act.

**Section 8.** Amends s. 1009.23, F.S., revising a requirement to include a certain graphic on specified websites.

**Section 9.** Amends s. 1009.24, F.S., conforming a cross reference.

**Section 10.** Provides an effective date of July 1, 2021.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

None.

2. Expenditures:

Expected expenditures include \$9,076,322 for FCS institutions and \$11,836,500 for SUS institutions for the administration of a single library automation system, a statewide computer-assisted student advising system, and other related purposes. These expenditures are consistent the Governor's recommendations.<sup>27</sup> Funding would be considered as part of the appropriations process for Fiscal Year 2021-2022.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to impact county or municipal governments.

2. Other:

None.

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<sup>27</sup> Governor Ron DeSantis, *Fiscal Year 2021-2022 Governor's Recommended General Appropriations Act (2021)*, available at <http://www.bolderbrighterbetterfuture.com/content/Current/reports/Governors-Bill.pdf>, Section 1, at 4 and 5.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 15, 2021, the Education & Employment Committee adopted one amendment and subsequently reported the bill favorably as a committee substitute. The amendment does the following:

- Revises the services the host entity will provide to public postsecondary education institutions to include promoting and providing recommendations concerning the use and distribution of low cost, no cost, or open-access textbooks and education resources and innovative pricing techniques that comply with all applicable laws, in regards to copyrighted material and statewide accessibility measures, as a method for reducing costs.

The bill analysis is drafted to the committee substitute as adopted by the Education & Employment Committee.