

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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**BILL:** CS/SB 236

**INTRODUCER:** Education Committee and Senator Richter

**SUBJECT:** Renaming of Florida College System Institutions

**DATE:** February 4, 2014      **REVISED:** \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Klebacha</u>	<u>ED</u>	<b>Fav/CS</b>
2.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 236 codifies the names of Florida SouthWestern State College and Pasco-Hernando State College.

The bill provides an effective date of July 1, 2014.

**II. Present Situation:**

A Florida College System (FCS) institution is authorized to change the institution's name, with the approval of that FCS institution's district board of trustees, and use the designation "college" or "state college" if the institution:<sup>1</sup>

- Is authorized to grant baccalaureate degrees in accordance with current law,<sup>2</sup> and
- Is accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).

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<sup>1</sup> Section 1001.60(2)(b)1., F.S. The 2008 Legislature provided FCS institutions the authority to use the designation "college." Chapter 2008-52, s. 2, Laws of Fla. In 2009, FCS institutions were also authorized to use the designation "state college." Chapter 2009-228, s. 3, Laws of Fla.

<sup>2</sup> Section 1007.33, F.S.

A FCS institution's district board of trustees that approves a change to the institution's name must seek statutory codification of such name change in law<sup>3</sup> during the next regular legislative session.<sup>4</sup>

Currently, 15 of the 28 FCS institutions use the designation "state college":

1. Daytona State College
2. Eastern Florida State College
3. Edison State College
4. Florida State College at Jacksonville
5. Gulf Coast State College
6. Indian River State College
7. Lake-Sumter State College
8. Northwest Florida State College
9. Palm Beach State College
10. Pensacola State College
11. Polk State College
12. Seminole State College of Florida
13. South Florida State College
14. St. Johns River State College
15. State College of Florida, Manatee-Sarasota

### **Edison State College**

Edison State College is one of 28 FCS institutions, and serves Charlotte, Collier, Glades, Hendry, and Lee Counties.<sup>5</sup> Edison State College was first established as Edison Junior College in 1962. In 1972, Edison Junior College formally became Edison Community College.<sup>6</sup> In 2004, Edison Community College changed to Edison College<sup>7</sup> which became Edison State College in 2009.<sup>8</sup>

The Florida Department of Education (DOE) reported that at least two higher education institutions, which are not related to Edison State College, use the name "Edison" as part of their name:<sup>9</sup>

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<sup>3</sup> Section 1000.21(3), F.S.

<sup>4</sup> Section 1001.60(2)(c), F.S.

<sup>5</sup> Section 1000.21(3), F.S.; see also Florida Department of Education, *Community College Campuses*, <http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=11> (last visited Jan. 23, 2014).

<sup>6</sup> Edison State College, *History of Edison State College*, <http://www.edison.edu/about/historyofedison> (last visited Jan. 23, 2014).

<sup>7</sup> Chapter 2004-271, s. 3, Laws of Fla.

<sup>8</sup> Chapter 2009-228, s. 2, Laws of Fla.

<sup>9</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2.

- Edison Community College located in Ohio,<sup>10</sup> and
- Thomas Edison State College located in New Jersey.<sup>11</sup>

DOE reported that both Edison Community College and Thomas Edison State College, which were founded in the 1970s, may have superior legal rights to use the name "Edison" in certain areas of the United States. According to DOE, to the extent that Edison State College advertises or promotes its educational services or provides educational services through a distance learning program in other states, Edison State College runs a risk of violating the trademark rights of the other institutions that use the name "Edison" as part of their name. In addition, Thomas Edison State College owns a federal registration for the trademark THOMAS EDISON STATE COLLEGE, which was granted prior to 2008. Edison State College faces substantial limits in using the mark EDISON STATE COLLEGE because the district board of trustees for Edison State College did not approve the name Edison State College until 2008.<sup>12</sup>

Edison State College meets the criteria, required under current law, for approval of the name change:

- On April 19, 2005, Edison College (currently named Edison State College) received approval from the State Board of Education (SBE) to grant a Bachelor of Applied Science degree in Public Safety Management.<sup>13</sup>
- On December 10, 2007, Edison College received from SACS, accreditation as a baccalaureate-degree-granting institution.<sup>14</sup>
- On September 24, 2013, Edison State College's district board of trustees approved a name change.<sup>15</sup>

### **Pasco-Hernando Community College**

Established in 1967,<sup>16</sup> Pasco-Hernando Community College is also a FCS institution, serving Hernando and Pasco Counties.<sup>17</sup>

Pasco-Hernando Community College also meets the criteria, required under current law, for approval of the name change:

<sup>10</sup> Edison Community College, *About Us*, <http://www.edisonohio.edu/index.php?page=about-us> (last visited Jan. 23, 2014).

<sup>11</sup> Thomas Edison State College, *About Thomas Edison State College*, <http://www.tesc.edu/academics/catalog/About-Thomas-Edison-State-College.cfm> (last visited Jan. 23, 2014).

<sup>12</sup> Edison State College, *Minutes – August 18, 2008*, at 1, available at <http://www.edison.edu/viewdoc.php?id=7401> (last visited Jan. 23, 2014); DOE Analysis, *supra* note 9, at 2-3.

<sup>13</sup> State Board of Education, *Minutes of Meeting held April 19, 2005*, available at [http://www.fldoe.org/board/meetings/2005\\_05\\_17/Minutes\\_2005\\_04\\_19.pdf](http://www.fldoe.org/board/meetings/2005_05_17/Minutes_2005_04_19.pdf), at 3 of 4; DOE Analysis, *supra* note 9, at 2.

<sup>14</sup> Commission on Colleges, *2007-2008 Annual Report and Proceedings*, available at <http://www.sacscoc.org/pdf/Annual%20Reports/AnnualReport2007-2008.pdf>, at 40 of 92; DOE Analysis, *supra* note 11.

<sup>15</sup> The name approved was from Edison State College to "Florida Southwestern State College." Edison State College, *District Board of Trustees Meeting Minutes*, Sep. 24, 2013, available at <http://www.edison.edu/viewdoc.php?id=294383>, at 3.

<sup>16</sup> Pasco-Hernando Community College, *History of the College*, <http://www.phcc.edu/discover-phcc/history-college> (last visited Jan. 23, 2014).

<sup>17</sup> Section 1000.21(3)(s), F.S.

- On June 18, 2013, Pasco-Hernando Community College received approval from the SBE to grant a Bachelor of Applied Science in Supervision and Management and a Bachelor of Science in Nursing.<sup>18</sup>
- On December 9, 2013, Pasco-Hernando Community College received from SACS, accreditation as a baccalaureate-degree-granting institution.<sup>19</sup>
- On April 16, 2013, Pasco-Hernando Community College's district board of trustees approved the name change from Pasco-Hernando Community College to Pasco-Hernando State College.

### III. Effect of Proposed Changes:

The bill codifies the names of Florida SouthWestern State College and Pasco-Hernando State College.

As a result of the name change from Edison State College to Florida SouthWestern State College, Florida SouthWestern State College, could avoid potential challenges from other institutions, regarding using the name "Edison" as part of its name.

The bill provides an effective date of July 1, 2014.

### 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:

None.

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<sup>18</sup> State Board of Education, *Approval of Minutes of May 21, June 18, July 16, and August 2, 2013*, available at [http://www.fldoe.org/board/meetings/2013\\_09\\_17/minutes.pdf](http://www.fldoe.org/board/meetings/2013_09_17/minutes.pdf), at 14 of 19.

<sup>19</sup> Southern Association of Colleges and Schools Commission on Colleges, *Actions Taken by the SACSCOC Board of Trustees* (Dec. 9, 2013), available at <http://www.sacscoc.org/2013decemberActionsandDisclosureStatements/13cractdecember.pdf>, at 3 of 7.

**C. Government Sector Impact:**

Florida SouthWestern State College may incur costs related to the name change from Edison State College. Such costs may be associated with signage, publications, documentation, and other related items.<sup>20</sup> Payment of such costs, if any, shall be the responsibility of the Florida SouthWestern State College.

Edison State College estimates that the college will incur \$300,000 to implement the name change from Edison State College to Florida SouthWestern State College. No tax dollars will be used.<sup>21</sup>

Pasco-Hernando State College may also incur costs related to the name change from Pasco-Hernando Community College. Payment of such costs, if any, shall be the responsibility of the Pasco-Hernando State College.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1000.21.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education on January 14, 2014:**

Adds a provision to codify the name of Pasco-Hernando State College.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>20</sup> Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 4.

<sup>21</sup> *Id.*