

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Kyle and Kottkamp offered the following:

2  
3 **Substitute Amendment for Amendment (581755) (with title**  
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraphs (d), (f), (o), and (q) of subsection  
7 (3) of section 1000.21, Florida Statutes, are amended to read:

8 1000.21 Systemwide definitions.--As used in the Florida K-  
9 20 Education Code:

10 (3) "Community college," except as otherwise specifically  
11 provided, includes the following institutions and any branch  
12 campuses, centers, or other affiliates of the institution:

13 (d) Chipola ~~Junior~~ College.

14 (f) Edison ~~Community~~ College.

15 (o) Miami Dade ~~Miami Dade Community~~ College.

16 (q) Okaloosa-Walton ~~Community~~ College.

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17 Section 2. Paragraph (i) is added to subsection (7) of  
18 section 1001.02, Florida Statutes, to read:

19 1001.02 General powers of State Board of Education.--

20 (7) The State Board of Education shall:

21 (i) Adopt by rule policies that address the baccalaureate  
22 degree programs at community colleges approved pursuant to s.  
23 1007.33, including, but not limited to, reporting policies and  
24 performance accountability requirements for both upper-division  
25 and lower-division programs.

26 Section 3. Subsections (1), (7), and (9) of section  
27 1004.65, Florida Statutes, are amended, and subsection (10) is  
28 added to said section, to read:

29 1004.65 Community colleges; definition, mission, and  
30 responsibilities.--

31 (1) Community colleges shall consist of all public  
32 educational institutions identified in s. 1000.21(3). Community  
33 colleges, including colleges that have been approved by the  
34 State Board of Education to offer baccalaureate degree programs  
35 pursuant to s. 1007.33, shall be operated by community college  
36 district boards of trustees under statutory authority and rules  
37 of the State Board of Education. Except as otherwise  
38 specifically provided in law, all laws and rules that relate to  
39 community colleges apply to community colleges authorized to  
40 offer baccalaureate degree programs pursuant to s. 1007.33.

41 (7) A separate and secondary role for community colleges  
42 includes:

43 (a) Providing upper level instruction and awarding  
44 baccalaureate degrees as specifically authorized by law.

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45 Community colleges that are approved to offer baccalaureate  
46 degree programs shall maintain the primary mission pursuant to  
47 subsection (6) and may not terminate associate in arts or  
48 associate in science degree programs as a result of the  
49 authorization to offer baccalaureate degree programs.

50 (b) The offering of programs in:

51 1. Community services that are not directly related to  
52 academic or occupational advancement.

53 2. Adult general education.

54 3. Recreational and leisure services.

55 (9) Community colleges are authorized to offer such  
56 programs and courses as are necessary to fulfill their mission  
57 and are authorized to grant associate in arts degrees, associate  
58 in science degrees, associate in applied science degrees,  
59 certificates, awards, and diplomas. Each community college is  
60 also authorized to make provisions for the General Educational  
61 Development test. Each community college may provide access to  
62 and award baccalaureate degrees in accordance with law.

63 (10) A community college may not offer graduate programs.

64 Section 4. Subsection (3) is added to section 1004.68,  
65 Florida Statutes, to read:

66 1004.68 Community college; degrees and certificates; tests  
67 for certain skills.--

68 (3) The board of trustees of a community college  
69 authorized to grant baccalaureate degrees pursuant to s. 1007.33  
70 may continue to award degrees, diplomas, and certificates as  
71 authorized for the college, and in the name of the college,

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72 | until the college receives any necessary changes to its  
73 | accreditation.

74 | Section 5. Section 1007.33, Florida Statutes, is amended  
75 | to read:

76 | 1007.33 Site-determined baccalaureate degree access.--

77 | (1) The Legislature recognizes that public and private  
78 | postsecondary educational institutions play essential roles in  
79 | improving the quality of life and economic well-being of the  
80 | state and its residents. The Legislature also recognizes that  
81 | economic development needs and the educational needs of place-  
82 | bound, nontraditional students have increased the demand for  
83 | local access to baccalaureate degree programs. In some, but not  
84 | all, geographic regions, baccalaureate degree programs are being  
85 | delivered successfully at the local community college through  
86 | agreements between the community college and 4-year  
87 | postsecondary institutions within or outside of the state. It is  
88 | therefore the intent of the Legislature to further expand access  
89 | to baccalaureate degree programs through the use of community  
90 | colleges to provide programs that meet critical workforce needs.

91 | (2) A community college may enter into a formal agreement  
92 | pursuant to the provisions of s. 1007.22 for the delivery of  
93 | specified baccalaureate degree programs.

94 | (3) A community college may develop a proposal to deliver  
95 | specified baccalaureate degree programs in its district to meet  
96 | local workforce needs or to expand access to postsecondary  
97 | education for diverse, nontraditional, and geographically bound  
98 | students. The proposal must be submitted to the State Board of  
99 | Education for approval in accordance with timelines and

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100 guidelines adopted by the State Board of Education. The  
101 community college's proposal must include the following  
102 information:

103 (a) Documentation of the demand for the baccalaureate  
104 degree program as is identified by the workforce development  
105 board, local businesses and industry, local chambers of  
106 commerce, and potential students.

107 (b) Documentation of the unmet need for graduates of the  
108 proposed degree program is substantiated.

109 (c) Documentation that the community college has the  
110 facilities and academic resources to deliver the program within  
111 existing resources.

112 (d) Documentation that attempts were made to meet the  
113 identified need through an alternative approach, such as  
114 distance learning and partnerships with other public or private  
115 postsecondary educational institutions, and that the proposed  
116 program can be offered and the degree awarded by the community  
117 college in a manner that is most cost-effective to the student  
118 and the state.

119 (4) Upon receipt of a proposal from a community college,  
120 the State Board of Education must make the proposal available to  
121 other regionally accredited public and private postsecondary  
122 educational institutions for 60 days for review and comment.

123 (5) The State Board of Education may approve, deny, or  
124 require revisions to a proposal. The State Board of Education  
125 must consider a proposal and comments submitted pursuant to  
126 subsection (4) as part of its review. The State Board of  
127 Education may only approve a community college proposal that

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128 fully complies with the requirements of subsection (3) and s.  
129 1004.03(2) and represents the highest quality, most efficient,  
130 and cost-effective manner to provide access to the degree.

131 (6) Programs approved pursuant to subsection (5) shall be  
132 implemented in accordance with joint letters of agreement  
133 between the State Board of Education and community colleges  
134 approved pursuant to this section.

135 (7) The proposal must be submitted to the Council for  
136 Education Policy Research and Improvement for review and  
137 comment. Upon approval of the State Board of Education for the  
138 specific degree program or programs, the community college shall  
139 pursue regional accreditation by the Commission on Colleges of  
140 the Southern Association of Colleges and Schools. Any additional  
141 baccalaureate degree programs the community college wishes to  
142 offer must be approved by the State Board of Education pursuant  
143 to the process outlined in this section.

144 (8) Any baccalaureate degree programs authorized at  
145 community colleges pursuant to the provisions of this section  
146 shall undergo program reviews pursuant to s. 1001.02(6).

147 (9)(4) A community college may not terminate its associate  
148 in arts or associate in science degree programs as a result of  
149 the authorization provided pursuant to this section ~~in~~  
150 ~~subsection (3)~~. The Legislature intends that the primary mission  
151 of a community college, including a community college that  
152 offers baccalaureate degree programs, continues to be the  
153 provision of associate degrees that provide access to a  
154 university.

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155       (10) The State Board of Education shall adopt rules to  
156 administer this section.

157       Section 6. Subsections (1), (2), (3), (4), and (11) of  
158 section 1009.23, Florida Statutes, are amended to read:

159       1009.23 Community college student fees.--

160       (1) Unless otherwise provided, the provisions of this  
161 section apply only to fees charged for college credit  
162 instruction leading to an associate in arts degree, an associate  
163 in applied science degree, ~~or~~ an associate in science degree, or  
164 a baccalaureate degree authorized by the State Board of  
165 Education pursuant to s. 1007.33 and noncollege credit college-  
166 preparatory courses defined in s. 1004.02.

167       (2)(a) All students shall be charged fees except students  
168 who are exempt from fees or students whose fees are waived.

169       (b) Tuition and out-of-state fees for upper-division  
170 courses must reflect the fact that the community college has a  
171 less expensive cost structure than that of a state university.  
172 Therefore, the board of trustees shall establish tuition and  
173 out-of-state fees for upper-division courses consistent with law  
174 and proviso in the General Appropriations Act. The board of  
175 trustees shall not increase tuition and out-of state fees as  
176 authorized in subsection (4).

177       (3) The State Board of Education shall adopt by December  
178 31 of each year a resident fee schedule for the following fall  
179 for advanced and professional, associate in science degree,  
180 baccalaureate degree programs authorized by the State Board of  
181 Education pursuant to s. 1007.33, and college-preparatory  
182 programs that produce revenues in the amount of 25 percent of

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183 the full prior year's cost of these programs. Fees for courses  
184 in college-preparatory programs and associate in arts and  
185 associate in science degree programs may be established at the  
186 same level. In the absence of a provision to the contrary in an  
187 appropriations act, the fee schedule shall take effect and the  
188 colleges shall expend the funds on instruction. If the  
189 Legislature provides for an alternative fee schedule in an  
190 appropriations act, the fee schedule shall take effect the  
191 subsequent fall semester.

192 (4) Each community college board of trustees shall  
193 establish tuition and out-of-state fees, which may vary no more  
194 than 10 percent below and 15 percent above the combined total of  
195 the fee schedule adopted by the State Board of Education and the  
196 technology fee adopted by a board of trustees, provided that any  
197 amount from 10 to 15 percent above the fee schedule is used only  
198 to support safety and security purposes. In order to assess an  
199 additional amount for safety and security purposes, a community  
200 college board of trustees must provide written justification to  
201 the State Board of Education based on criteria approved by the  
202 board of trustees, including, but not limited to, criteria such  
203 as local crime data and information, and strategies for the  
204 implementation of local safety plans. Should a college decide to  
205 increase the tuition fee, the funds raised by increasing the  
206 tuition fee must be expended solely for additional safety and  
207 security purposes and shall not supplant funding expended in the  
208 1998-1999 budget for safety and security purposes. The  
209 provisions of this subsection apply only to fees charged for  
210 college credit instruction leading to an associate in arts

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211 degree, an associate in applied science degree, or an associate  
212 in science degree and noncollege credit college-preparatory  
213 courses defined in s. 1004.02.

214 (11)(a) Each community college board of trustees may  
215 establish a separate fee for capital improvements, technology  
216 enhancements, or equipping student buildings which may not  
217 exceed 10 percent of tuition for resident students or 10 percent  
218 of the sum of tuition and out-of-state fees for nonresident  
219 students. The fee for resident students shall be limited to an  
220 increase of \$2 per credit hour over the prior year \$1 per credit  
221 hour or credit-hour equivalent for residents and which equals or  
222 exceeds \$3 per credit hour for nonresidents. Funds collected by  
223 community colleges through these fees may be bonded only as  
224 provided in this subsection for the purpose of financing or  
225 refinancing new construction and equipment, renovation, or  
226 remodeling of educational facilities. The fee shall be collected  
227 as a component part of the tuition and fees, paid into a  
228 separate account, and expended only to construct and equip,  
229 maintain, improve, or enhance the educational facilities of the  
230 community college. Projects funded through the use of the  
231 capital improvement fee shall meet the survey and construction  
232 requirements of chapter 1013. Pursuant to s. 216.0158, each  
233 community college shall identify each project, including  
234 maintenance projects, proposed to be funded in whole or in part  
235 by such fee.

236 (b) Capital improvement fee revenues may be pledged by a  
237 board of trustees as a dedicated revenue source to the repayment  
238 of debt, including lease-purchase agreements with an overall

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239 term, including renewals, extensions, and refundings, of not  
240 more than 7 years, and revenue bonds, with a term not to exceed  
241 20 annual maturities years, and not to exceed the useful life of  
242 the asset being financed, only for the financing or refinancing  
243 of new construction and equipment, renovation, or remodeling of  
244 educational facilities. ~~Community colleges may use the services~~  
245 of the Division of Bond Finance of the State Board of  
246 Administration to issue any Bonds authorized through the  
247 provisions of this subsection shall be. ~~Any such bonds~~ issued by  
248 the Division of Bond Finance, upon the request of the community  
249 college board of trustees, shall be in compliance with the  
250 provisions of s. 11(d), Art.VII of the State Constitution and  
251 the State Bond Act. ~~The Division of Bond Finance may pledge fees~~  
252 collected by one or more community colleges to secure such  
253 bonds. Any project included in the approved educational plant  
254 survey pursuant to chapter 1013 is approved pursuant to the  
255 provisions of s. 11(d), Art.VII of the State Constitution.

256 (c) The state does hereby covenant with the holders of the  
257 bonds issued pursuant to this subsection that it will not take  
258 any action that will materially and adversely affect the rights  
259 of such holders so long as the bonds authorized by this  
260 subsection are outstanding.

261 (d) Any validation of the bonds shall be ~~Bonds issued~~  
262 pursuant to the State Bond Act shall be validated in the manner  
263 provided by chapter 75. Only the initial series of bonds is  
264 required to be validated. The complaint for such validation  
265 shall be filed in the circuit court of the county where the seat  
266 of state government is situated, the notice required to be

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267 published by s. 75.06 shall be published only in the county  
268 where the complaint is filed, and the complaint and order of the  
269 circuit court shall be served only on the state attorney of the  
270 circuit in which the action is pending.

271 (e) A maximum of 15 percent ~~cents~~ per credit hour may be  
272 allocated from the capital improvement fee for child care  
273 centers conducted by the community college. The use of capital  
274 improvement fees for such purpose shall be subordinate to the  
275 payment of any bonds secured by the fees.

276 Section 7. Section 1011.83, Florida Statutes, is amended  
277 to read:

278 1011.83 Financial support of community colleges.--

279 (1) Each community college that has been approved by the  
280 Department of Education and meets the requirements of law and  
281 rules of the State Board of Education shall participate in the  
282 Community College Program Fund. However, funds to support  
283 workforce development programs conducted by community colleges  
284 shall be provided by the Workforce Development Education Fund  
285 pursuant to s. 1011.80. Community colleges shall fund the  
286 nonrecurring costs related to the initiation of a new  
287 baccalaureate degree program pursuant to s. 1007.33 within  
288 existing resources unless special grant funds are provided by  
289 legislative appropriation for this purpose. Recurring  
290 operational funding for a community college authorized to grant  
291 baccalaureate degrees pursuant to s. 1007.33 shall be funded as  
292 follows:

293 (a) As a community college for its workforce development  
294 education programs and for its lower-level college credit

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295 courses and programs funded in the Community College Program  
296 Fund pursuant to this section.

297 (b) As a baccalaureate-degree-level institution for its  
298 upper-division level courses and programs. State support for  
299 these programs should not exceed 85 percent of the amount of  
300 state support per full-time equivalent student in a comparable  
301 state university program as determined by the annual General  
302 Appropriations Act. Funds appropriated for this purpose may be  
303 used only for the baccalaureate degree programs.

304 (2) Funds specifically appropriated by the Legislature for  
305 baccalaureate degree programs approved pursuant to s. 1007.33  
306 may be used only for such programs. A new baccalaureate program  
307 may not accept students without a recurring legislative  
308 appropriation for this purpose.

309 (3) Community colleges that grant baccalaureate degrees  
310 shall maintain reporting and funding distinctions between any  
311 baccalaureate degree program approved pursuant to s. 1007.33 and  
312 other baccalaureate degree programs involving traditional  
313 concurrent-use partnerships.

314 Section 8. Section 1012.82, Florida Statutes, is amended  
315 to read:

316 1012.82 Teaching faculty; minimum teaching hours per  
317 week.--Each full-time member of the teaching faculty at any  
318 community college, including faculty who teach upper-division  
319 courses that are a component part of a baccalaureate degree  
320 program approved pursuant to s. 1007.33, who is paid wholly from  
321 funds appropriated from the community college program fund shall  
322 teach a minimum of 15 classroom contact hours per week at such

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323 institution. However, the required classroom contact hours per  
324 week may be reduced upon approval of the president of the  
325 institution in direct proportion to specific duties and  
326 responsibilities assigned the faculty member by his or her  
327 departmental chair or other appropriate college administrator.  
328 Such specific duties may include specific research duties,  
329 specific duties associated with developing television, video  
330 tape, or other specifically assigned innovative teaching  
331 techniques or devices, or assigned responsibility for off-campus  
332 student internship or work-study programs. A "classroom contact  
333 hour" consists of a regularly scheduled classroom activity of  
334 not less than 50 minutes in a course of instruction which has  
335 been approved by the community college board of trustees. Any  
336 full-time faculty member who is paid partly from community  
337 college program funds and partly from other funds or  
338 appropriations shall teach a minimum number of classroom contact  
339 hours per week in such proportion to 15 classroom contact hours  
340 as his or her salary paid from community college program funds  
341 bears to his or her total salary.

342 Section 9. Subsection (2) of section 1013.60, Florida  
343 Statutes, is amended to read:

344 1013.60 Legislative capital outlay budget request.--

345 (2) The commissioner shall submit to the Governor and to  
346 the Legislature an integrated, comprehensive budget request for  
347 educational facilities construction and fixed capital outlay  
348 needs for school districts, community colleges, and  
349 universities, pursuant to the provisions of s. 1013.64 and  
350 applicable provisions of chapter 216. Each community college

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351 board of trustees and each university board of trustees shall  
352 submit to the commissioner a 3-year plan and data required in  
353 the development of the annual capital outlay budget. Community  
354 college boards of trustees may request funding for all  
355 authorized programs, including approved baccalaureate degree  
356 programs. Enrollment in approved baccalaureate degree programs  
357 shall be computed into the survey of need for facilities. No  
358 further disbursements shall be made from the Public Education  
359 Capital Outlay and Debt Service Trust Fund to a board of  
360 trustees that fails to timely submit the required data until  
361 such board of trustees submits the data.

362 Section 10. Paragraph (g) of subsection (5) of section  
363 288.8175, Florida Statutes, is amended to read:

364 288.8175 Linkage institutes between postsecondary  
365 institutions in this state and foreign countries.--

366 (5) The institutes are:

367 (g) Florida-France Institute (New College of the  
368 University of South Florida, Miami Dade ~~Miami Dade Community~~  
369 College, and Florida State University).

370 Section 11. Paragraph (a) of subsection (2) of section  
371 1002.35, Florida Statutes, is amended to read:

372 1002.35 New World School of the Arts.--

373 (2)(a) For purposes of governance, the New World School of  
374 the Arts is assigned to Miami Dade ~~Miami Dade Community~~ College,  
375 the Dade County School District, and one or more universities  
376 designated by the State Board of Education. The State Board of  
377 Education shall assign to the New World School of the Arts a  
378 university partner or partners. In this selection, the State

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379 Board of Education shall consider the accreditation status of  
380 the core programs. Florida International University, in its  
381 capacity as the provider of university services to Dade County,  
382 shall be a partner to serve the New World School of the Arts,  
383 upon meeting the accreditation criteria. The respective boards  
384 shall appoint members to an executive board for administration  
385 of the school. The executive board may include community members  
386 and shall reflect proportionately the participating  
387 institutions. Miami Dade ~~Miami Dade Community~~ College shall  
388 serve as fiscal agent for the school.

389 Section 12. Subsection (2) of section 1004.76, Florida  
390 Statutes, is amended to read:

391 1004.76 Florida Martin Luther King, Jr., Institute for  
392 Nonviolence.--

393 (2) There is hereby created the Florida Martin Luther  
394 King, Jr., Institute for Nonviolence to be established at Miami  
395 Dade ~~Miami Dade Community~~ College. The institute shall have an  
396 advisory board consisting of 13 members as follows: the Attorney  
397 General, the Commissioner of Education, and 11 members to be  
398 appointed by the Governor, such members to represent the  
399 population of the state based on its ethnic, gender, and  
400 socioeconomic diversity. Of the members appointed by the  
401 Governor, one shall be a member of the Senate appointed by the  
402 Governor on the recommendation of the President of the Senate;  
403 one shall be a member of the Senate appointed by the Governor on  
404 the recommendation of the minority leader; one shall be a member  
405 of the House of Representatives appointed by the Governor on the  
406 recommendation of the Speaker of the House of Representatives;

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407 one shall be a member of the House of Representatives appointed  
408 by the Governor on the recommendation of the minority leader;  
409 and seven shall be members appointed by the Governor, no more  
410 than three of whom shall be members of the same political party.  
411 The following groups shall be represented by the seven members:  
412 the Florida Sheriffs Association; the Florida Association of  
413 Counties; the Florida League of Cities; state universities human  
414 services agencies; community relations or human relations  
415 councils; and youth. A chairperson shall be elected by the  
416 members and shall serve for a term of 3 years. Members of the  
417 board shall serve the following terms of office which shall be  
418 staggered:

419 (a) A member of the Legislature appointed to the board  
420 shall serve for a single term not to exceed 5 years and shall  
421 serve as a member only while he or she is a member of the  
422 Legislature.

423 (b) Of the seven members who are not members of the  
424 Legislature, three shall serve for terms of 4 years, two shall  
425 serve for terms of 3 years, and one shall serve for a term of 1  
426 year. Thereafter, each member, except for a member appointed to  
427 fill an unexpired term, shall serve for a 5-year term. No member  
428 shall serve on the board for more than 10 years.

429  
430 In the event of a vacancy occurring in the office of a member of  
431 the board by death, resignation, or otherwise, the Governor  
432 shall appoint a successor to serve for the balance of the  
433 unexpired term.

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434 Section 13. This act shall take effect upon becoming a  
435 law.

436  
437 ===== T I T L E A M E N D M E N T =====

438 Remove the entire title and insert:

439 A bill to be entitled  
440 An act relating to postsecondary education; amending s.  
441 1000.21, F.S.; redesignating specified community colleges;  
442 amending s. 1001.02, F.S.; requiring State Board of  
443 Education rules that address baccalaureate degree programs  
444 at community colleges; amending s. 1004.65, F.S.; adding  
445 references to community colleges approved by the State  
446 Board of Education to offer baccalaureate programs;  
447 requiring such institutions to maintain their primary  
448 mission; prohibiting the termination of associate  
449 programs; prohibiting a community college from offering  
450 graduate programs; amending s. 1004.68, F.S.; revising  
451 provisions relating to the awarding of degrees, diplomas,  
452 and certificates by community colleges approved to offer  
453 baccalaureate degree programs; amending s. 1007.33, F.S.,  
454 revising requirements for a proposal by a community  
455 college to deliver a baccalaureate degree program;  
456 requiring the State Board of Education to make community  
457 college proposals available for review and comment by  
458 other regionally accredited postsecondary educational  
459 institutions; eliminating requirement for review and  
460 comment by the Council for Education Policy Research and  
461 Improvement; authorizing State Board to approve, deny, or

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462 require revisions to a proposal; specifying criteria for  
463 approval; requiring a joint letter of agreement to  
464 implement a proposed program; requiring program reviews;  
465 authorizing rulemaking; amending s. 1009.23, F.S.;  
466 providing requirements for tuition and fees in approved  
467 baccalaureate degree programs offered by community  
468 colleges; revising the amount of the fee for capital  
469 improvements, technology enhancements, or equipping  
470 student buildings; revising provisions relating to bonding  
471 of fee revenues; revising the allocation for certain  
472 childcare centers; amending s. 1011.83, F.S.; providing  
473 for funding of approved baccalaureate programs at  
474 community colleges; amending s. 1012.82, F.S.; revising  
475 provisions relating to minimum contact hours for community  
476 college faculty to include faculty who teach upper-  
477 division courses; amending s. 1013.60, F.S.; permitting  
478 community colleges to include all authorized programs in  
479 their legislative capital outlay budget request; requiring  
480 enrollment in approved baccalaureate degree programs to be  
481 computed into the survey of need for facilities; amending  
482 ss. 288.8175, 1002.35, and 1004.76, F.S.; conforming  
483 terminology; providing an effective date.  
484

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