

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 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 1000.21 Systemwide definitions.--As used in the Florida K-
8 20 Education Code:

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

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

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

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

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

Amendment No. (for drafter's use only)

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

18 1001.02 General powers of State Board of Education.--

19 (7) The State Board of Education shall:

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

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

28 1004.65 Community colleges; definition, mission, and
29 responsibilities.--

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

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

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

581755

Amendment No. (for drafter's use only)

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

49 (b) The offering of programs in:

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

52 2. Adult general education.

53 3. Recreational and leisure services.

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

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

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

65 1004.68 Community college; degrees and certificates; tests
66 for certain skills.--

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

Amendment No. (for drafter's use only)

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

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

75 1007.33 Site-determined baccalaureate degree access.--

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

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

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

581755

Amendment No. (for drafter's use only)

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

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

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

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

111 (d) Documentation that alternative attempts were made to
112 meet the identified need, such as distance learning and
113 partnerships with other public or private postsecondary
114 educational institutions, and that the proposed program can be
115 offered and the degree awarded by the community college at a
116 lower cost to the state per FTE than by the community college
117 entering into a partnership with another postsecondary
118 educational institution to provide the instruction and award the
119 degree.

120 (4) Upon receipt of a proposal from a community college,
121 the State Board of Education must make the proposal available to
122 other public and private postsecondary educational institutions
123 for 60 days for review and comment, including the opportunity
124 for such institutions to submit alternative proposals to the
125 State Board of Education for meeting the stated need.

581755

Amendment No. (for drafter's use only)

126 (5) The State Board of Education may approve, deny, or
127 require revisions to proposals. The State Board of Education
128 must consider proposals submitted pursuant to subsection (4) as
129 part of its review. The State Board of Education may only
130 approve community college proposals that fully comply with the
131 requirements of subsection (3) and s. 1004.03(2) and represent
132 the most efficient and cost-effective manner for the state to
133 provide access to the degree.

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

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

147 (8) Any baccalaureate degree programs authorized at
148 community colleges pursuant to the provisions of this section
149 must be reviewed by the State Board of Education every 3 years
150 to document continued compliance with the provisions of
151 subsection (3). The State Board of Education shall terminate
152 degree programs that no longer comply with the provisions of
153 subsection (3).

581755

Amendment No. (for drafter's use only)

154 ~~(9)(4)~~ A community college may not terminate its associate
155 in arts or associate in science degree programs as a result of
156 the authorization provided pursuant to this section ~~in~~
157 ~~subsection (3)~~. The Legislature intends that the primary mission
158 of a community college, including a community college that
159 offers baccalaureate degree programs, continues to be the
160 provision of associate degrees that provide access to a
161 university.

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

164 Section 6. Subsections (1), (3), (4), and (11) of section
165 1009.23, Florida Statutes, are amended to read:

166 1009.23 Community college student fees.--

167 (1) Unless otherwise provided, the provisions of this
168 section apply only to fees charged for college credit
169 instruction leading to an associate in arts degree, an associate
170 in applied science degree, ~~or~~ an associate in science degree, or
171 a baccalaureate degree authorized by the State Board of
172 Education pursuant to s. 1007.33 and noncollege credit college-
173 preparatory courses defined in s. 1004.02.

174 (3) The State Board of Education shall adopt by December
175 31 of each year a resident fee schedule for the following fall
176 for advanced and professional, associate in science degree,
177 baccalaureate degree programs authorized by the State Board of
178 Education pursuant to s. 1007.33, and college-preparatory
179 programs that produce revenues in the amount of 25 percent of
180 the full prior year's cost of these programs. Fees for courses
181 in college-preparatory programs and associate in arts and

581755

Amendment No. (for drafter's use only)

182 associate in science degree programs may be established at the
183 same level. In the absence of a provision to the contrary in an
184 appropriations act, the fee schedule shall take effect and the
185 colleges shall expend the funds on instruction. If the
186 Legislature provides for an alternative fee schedule in an
187 appropriations act, the fee schedule shall take effect the
188 subsequent fall semester.

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

581755

Amendment No. (for drafter's use only)

209 in science degree and noncollege credit college-preparatory
210 courses defined in s. 1004.02.

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

233 (b) Capital improvement fee revenues may be pledged by a
234 board of trustees as a dedicated revenue source to the repayment
235 of debt, including lease-purchase agreements with an overall
236 term, including renewals, extensions, and refundings, of not

581755

Amendment No. (for drafter's use only)

237 | more than 7 years, and revenue bonds, with a term not to exceed
238 | 20 annual maturities ~~years~~, and not to exceed the useful life of
239 | the asset being financed, only for the financing or refinancing
240 | of new construction and equipment, renovation, or remodeling of
241 | educational facilities. ~~Community colleges may use the services~~
242 | ~~of the Division of Bond Finance of the State Board of~~
243 | ~~Administration to issue any~~ Bonds authorized through the
244 | provisions of this subsection shall be. ~~Any such bonds~~ issued by
245 | the Division of Bond Finance, upon the request of the community
246 | college board of trustees, ~~shall be~~ in compliance with the
247 | provisions of s. 11(d), Art.VII of the State Constitution and
248 | the State Bond Act. The Division of Bond Finance may pledge fees
249 | collected by one or more community colleges to secure such
250 | bonds. Any project included in the approved educational plant
251 | survey pursuant to chapter 1013 is approved pursuant to the
252 | provisions of s. 11(d), Art.VII of the State Constitution.

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

258 | (d) Any validation of the bonds shall be ~~Bonds issued~~
259 | ~~pursuant to the State Bond Act shall be validated~~ in the manner
260 | provided by chapter 75. Only the initial series of bonds is
261 | required to be validated. The complaint for such validation
262 | shall be filed in the circuit court of the county where the seat
263 | of state government is situated, the notice required to be
264 | published by s. 75.06 shall be published only in the county

581755

Amendment No. (for drafter's use only)

265 where the complaint is filed, and the complaint and order of the
266 circuit court shall be served only on the state attorney of the
267 circuit in which the action is pending.

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

273 Section 7. Section 1011.83, Florida Statutes, is amended
274 to read:

275 1011.83 Financial support of community colleges.--

276 (1) Each community college that has been approved by the
277 Department of Education and meets the requirements of law and
278 rules of the State Board of Education shall participate in the
279 Community College Program Fund. However, funds to support
280 workforce development programs conducted by community colleges
281 shall be provided by the Workforce Development Education Fund
282 pursuant to s. 1011.80.

283 (2) Funds specifically appropriated by the Legislature for
284 baccalaureate degree programs approved pursuant to s. 1007.33
285 may be used only for such programs. A new baccalaureate program
286 may not accept students without a recurring legislative
287 appropriation for this purpose.

288 (3) Community colleges that grant baccalaureate degrees
289 shall maintain reporting and funding distinctions between any
290 baccalaureate degree program approved pursuant to s. 1007.33 and
291 other baccalaureate degree programs involving traditional
292 concurrent-use partnerships.

581755

Amendment No. (for drafter's use only)

293 Section 8. Section 1012.82, Florida Statutes, is amended
294 to read:

295 1012.82 Teaching faculty; minimum teaching hours per
296 week.--Each full-time member of the teaching faculty at any
297 community college, including faculty who teach upper-division
298 courses that are a component part of a baccalaureate degree
299 program approved pursuant to s. 1007.33, who is paid wholly from
300 funds appropriated from the community college program fund shall
301 teach a minimum of 15 classroom contact hours per week at such
302 institution. However, the required classroom contact hours per
303 week may be reduced upon approval of the president of the
304 institution in direct proportion to specific duties and
305 responsibilities assigned the faculty member by his or her
306 departmental chair or other appropriate college administrator.
307 Such specific duties may include specific research duties,
308 specific duties associated with developing television, video
309 tape, or other specifically assigned innovative teaching
310 techniques or devices, or assigned responsibility for off-campus
311 student internship or work-study programs. A "classroom contact
312 hour" consists of a regularly scheduled classroom activity of
313 not less than 50 minutes in a course of instruction which has
314 been approved by the community college board of trustees. Any
315 full-time faculty member who is paid partly from community
316 college program funds and partly from other funds or
317 appropriations shall teach a minimum number of classroom contact
318 hours per week in such proportion to 15 classroom contact hours
319 as his or her salary paid from community college program funds
320 bears to his or her total salary.

581755

Amendment No. (for drafter's use only)

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

323 1013.60 Legislative capital outlay budget request.--

324 (2) The commissioner shall submit to the Governor and to
325 the Legislature an integrated, comprehensive budget request for
326 educational facilities construction and fixed capital outlay
327 needs for school districts, community colleges, and
328 universities, pursuant to the provisions of s. 1013.64 and
329 applicable provisions of chapter 216. Each community college
330 board of trustees and each university board of trustees shall
331 submit to the commissioner a 3-year plan and data required in
332 the development of the annual capital outlay budget. Community
333 college boards of trustees may request funding for all
334 authorized programs, including approved baccalaureate degree
335 programs. Enrollment in approved baccalaureate degree programs
336 shall be computed into the survey of need for facilities. No
337 further disbursements shall be made from the Public Education
338 Capital Outlay and Debt Service Trust Fund to a board of
339 trustees that fails to timely submit the required data until
340 such board of trustees submits the data.

341 Section 10. Paragraph (g) of subsection (5) of section
342 288.8175, Florida Statutes, is amended to read:

343 288.8175 Linkage institutes between postsecondary
344 institutions in this state and foreign countries.--

345 (5) The institutes are:

346 (g) Florida-France Institute (New College of the
347 University of South Florida, Miami Dade ~~Miami Dade Community~~
348 College, and Florida State University).

581755

Amendment No. (for drafter's use only)

349 Section 11. Paragraph (a) of subsection (2) of section
350 1002.35, Florida Statutes, is amended to read:

351 1002.35 New World School of the Arts.--

352 (2)(a) For purposes of governance, the New World School of
353 the Arts is assigned to Miami Dade ~~Miami Dade Community~~ College,
354 the Dade County School District, and one or more universities
355 designated by the State Board of Education. The State Board of
356 Education shall assign to the New World School of the Arts a
357 university partner or partners. In this selection, the State
358 Board of Education shall consider the accreditation status of
359 the core programs. Florida International University, in its
360 capacity as the provider of university services to Dade County,
361 shall be a partner to serve the New World School of the Arts,
362 upon meeting the accreditation criteria. The respective boards
363 shall appoint members to an executive board for administration
364 of the school. The executive board may include community members
365 and shall reflect proportionately the participating
366 institutions. Miami Dade ~~Miami Dade Community~~ College shall
367 serve as fiscal agent for the school.

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

370 1004.76 Florida Martin Luther King, Jr., Institute for
371 Nonviolence.--

372 (2) There is hereby created the Florida Martin Luther
373 King, Jr., Institute for Nonviolence to be established at Miami
374 Dade ~~Miami Dade Community~~ College. The institute shall have an
375 advisory board consisting of 13 members as follows: the Attorney
376 General, the Commissioner of Education, and 11 members to be

581755

Amendment No. (for drafter's use only)

377 appointed by the Governor, such members to represent the
378 population of the state based on its ethnic, gender, and
379 socioeconomic diversity. Of the members appointed by the
380 Governor, one shall be a member of the Senate appointed by the
381 Governor on the recommendation of the President of the Senate;
382 one shall be a member of the Senate appointed by the Governor on
383 the recommendation of the minority leader; one shall be a member
384 of the House of Representatives appointed by the Governor on the
385 recommendation of the Speaker of the House of Representatives;
386 one shall be a member of the House of Representatives appointed
387 by the Governor on the recommendation of the minority leader;
388 and seven shall be members appointed by the Governor, no more
389 than three of whom shall be members of the same political party.
390 The following groups shall be represented by the seven members:
391 the Florida Sheriffs Association; the Florida Association of
392 Counties; the Florida League of Cities; state universities human
393 services agencies; community relations or human relations
394 councils; and youth. A chairperson shall be elected by the
395 members and shall serve for a term of 3 years. Members of the
396 board shall serve the following terms of office which shall be
397 staggered:

398 (a) A member of the Legislature appointed to the board
399 shall serve for a single term not to exceed 5 years and shall
400 serve as a member only while he or she is a member of the
401 Legislature.

402 (b) Of the seven members who are not members of the
403 Legislature, three shall serve for terms of 4 years, two shall
404 serve for terms of 3 years, and one shall serve for a term of 1

581755

Amendment No. (for drafter's use only)

405 year. Thereafter, each member, except for a member appointed to
406 fill an unexpired term, shall serve for a 5-year term. No member
407 shall serve on the board for more than 10 years.

408
409 In the event of a vacancy occurring in the office of a member of
410 the board by death, resignation, or otherwise, the Governor
411 shall appoint a successor to serve for the balance of the
412 unexpired term.

413 Section 13. This act shall take effect upon becoming a
414 law.

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417
418 ===== T I T L E A M E N D M E N T =====

419 Remove the entire title and insert:

420 A bill to be entitled

421 An act relating to postsecondary education; amending s.
422 1000.21, F.S.; redesignating specified community colleges;
423 amending s. 1001.02, F.S.; requiring State Board of
424 Education rules that address baccalaureate degree programs
425 at community colleges; amending s. 1004.65, F.S.; adding
426 references to community colleges approved by the State
427 Board of Education to offer baccalaureate programs;
428 requiring such institutions to maintain their primary
429 mission; prohibiting the termination of associate
430 programs; prohibiting a community college from offering
431 graduate programs; amending s. 1004.68, F.S.; revising
432 provisions relating to the awarding of degrees, diplomas,

Amendment No. (for drafter's use only)

433 and certificates by community colleges approved to offer
434 baccalaureate degree programs; amending s. 1007.33, F.S.,
435 revising requirements for a proposal by a community
436 college to deliver a baccalaureate degree program;
437 requiring the State Board of Education to make community
438 college proposals available for review and comment by
439 other postsecondary educational institutions; eliminating
440 requirement for review and comment by the Council for
441 Education Policy Research and Improvement; authorizing
442 State Board to approve, deny, or require revisions to
443 proposals; specifying criteria for approval; requiring a
444 joint letter of agreement to implement a proposed program;
445 requiring periodic review of approved programs; providing
446 for termination of certain approved programs; authorizing
447 rulemaking; amending s. 1009.23, F.S.; providing
448 requirements for tuition and fees in approved
449 baccalaureate degree programs offered by community
450 colleges; revising the amount of the fee for capital
451 improvements, technology enhancements, or equipping
452 student buildings; revising provisions relating to bonding
453 of fee revenues; revising the allocation for certain
454 childcare centers; amending s. 1011.83, F.S.; providing
455 for funding of approved baccalaureate programs at
456 community colleges; amending s. 1012.82, F.S.; revising
457 provisions relating to minimum contact hours for community
458 college faculty to include faculty who teach upper-
459 division courses; amending s. 1013.60, F.S.; permitting
460 community colleges to include all authorized programs in

581755

HOUSE AMENDMENT

Bill No.CS/CS/SB 2388

Amendment No. (for drafter's use only)

461 their legislative capital outlay budget request; requiring
462 enrollment in approved baccalaureate degree programs to be
463 computed into the survey of need for facilities; amending
464 ss. 288.8175, 1002.35, and 1004.76, F.S.; conforming
465 terminology; providing an effective date.

581755