

By the Committee on Education; and Senator Pruitt

304-2246-04

1                                   A bill to be entitled  
2           An act relating to baccalaureate degree  
3           programs at community colleges; amending s.  
4           1000.21, F.S.; redesignating specified  
5           community colleges to conform to changes made  
6           by the act; amending s. 1001.64, F.S.;  
7           providing requirements for the board of  
8           trustees of a community college authorized to  
9           grant baccalaureate degrees; authorizing the  
10          establishment of tuition and out-of-state fees;  
11          amending s. 1004.65, F.S.; prohibiting a  
12          community college from terminating associate  
13          degree programs as a result of offering  
14          baccalaureate programs; amending s. 1007.33,  
15          F.S.; revising requirements for a proposal by a  
16          community college to deliver a baccalaureate  
17          degree program; requiring the State Board of  
18          Education to assess proposals; requiring a  
19          joint letter of agreement to implement a  
20          proposed program; requiring the State Board of  
21          Education to adopt policies and requirements  
22          concerning reporting and performance  
23          accountability for upper-division and  
24          lower-division programs; prohibiting a  
25          community college from offering graduate  
26          programs; amending s. 1009.23, F.S.; providing  
27          requirements for upper-division tuition and  
28          fees; amending s. 1011.83, F.S.; providing for  
29          funding a community college authorized to grant  
30          baccalaureate degrees; amending s. 1013.60,  
31          F.S.; revising requirements for the legislative

1 capital outlay budget request submitted by the  
2 Commissioner of Education; providing for  
3 recommendations for the expenditure of funds  
4 for facilities for baccalaureate degree  
5 programs at community colleges; amending ss.  
6 288.8175, 1002.35, and 1004.76, F.S.;  
7 conforming terminology; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraphs (d), (o), and (q) of subsection  
13 (3) of section 1000.21, Florida Statutes, are amended to read:

14 1000.21 Systemwide definitions.--As used in the  
15 Florida K-20 Education Code:

16 (3) "Community college," except as otherwise  
17 specifically provided, includes the following institutions and  
18 any branch campuses, centers, or other affiliates of the  
19 institution:

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

21 (o) Miami Dade ~~Miami-Dade~~ Community College.

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

23 Section 2. Subsections (1), (2), and (8) of section  
24 1001.64, Florida Statutes, are amended to read:

25 1001.64 Community college boards of trustees; powers  
26 and duties.--

27 (1) The boards of trustees shall be responsible for  
28 cost-effective policy decisions appropriate to the community  
29 college's mission, the implementation and maintenance of  
30 high-quality education programs within law and rules of the  
31 State Board of Education, the measurement of performance, the

1 reporting of information, and the provision of input regarding  
2 state policy, budgeting, and education standards. Community  
3 colleges may grant baccalaureate degrees pursuant to s.  
4 1007.33 and shall remain under the authority of the State  
5 Board of Education for planning, coordination, oversight,  
6 budget, and accountability responsibilities.

7 (2) Each board of trustees is vested with the  
8 responsibility to govern its respective community college and  
9 with such necessary authority as is needed for the proper  
10 operation and improvement thereof in accordance with rules of  
11 the State Board of Education. This authority includes serving  
12 as the governing board for purposes of granting baccalaureate  
13 degrees as authorized pursuant to s. 1007.33 and approved by  
14 the State Board of Education.

15 (8) Each board of trustees has authority for policies  
16 related to students, enrollment of students, student records,  
17 student activities, financial assistance, and other student  
18 services.

19 (a) Each board of trustees shall govern admission of  
20 students pursuant to s. 1007.263 and rules of the State Board  
21 of Education. A board of trustees may establish additional  
22 admissions criteria, which shall be included in the district  
23 interinstitutional articulation agreement developed according  
24 to s. 1007.235, to ensure student readiness for postsecondary  
25 instruction. Each board of trustees may consider the past  
26 actions of any person applying for admission or enrollment and  
27 may deny admission or enrollment to an applicant because of  
28 misconduct if determined to be in the best interest of the  
29 community college.

30 (b) Each board of trustees shall adopt rules  
31 establishing student performance standards for the award of

1 degrees and certificates pursuant to s. 1004.68. The board of  
2 trustees of a community college authorized to grant a  
3 baccalaureate degree pursuant to s. 1007.33 may continue to  
4 award degrees, diplomas, and certificates as authorized for  
5 the college, and in the name of the college, until the college  
6 receives any necessary changes to its accreditation.

7 (c) Each board of trustees shall establish tuition and  
8 out-of-state fees for approved baccalaureate degree programs,  
9 consistent with law and proviso in the General Appropriations  
10 Act.

11 (d)(c) Boards of trustees are authorized to establish  
12 intrainstitutional and interinstitutional programs to maximize  
13 articulation pursuant to s. 1007.22.

14 (e)(d) Boards of trustees shall identify their core  
15 curricula, which shall include courses required by the State  
16 Board of Education, pursuant to the provisions of s.  
17 1007.25(6).

18 (f)(e) Each board of trustees must adopt a written  
19 antihazing policy, provide a program for the enforcement of  
20 such rules, and adopt appropriate penalties for violations of  
21 such rules pursuant to the provisions of s. 1006.63(1)-(3).

22 (g)(f) Each board of trustees may establish a uniform  
23 code of conduct and appropriate penalties for violation of its  
24 rules by students and student organizations, including rules  
25 governing student academic honesty. Such penalties, unless  
26 otherwise provided by law, may include fines, the withholding  
27 of diplomas or transcripts pending compliance with rules or  
28 payment of fines, and the imposition of probation, suspension,  
29 or dismissal.

30 (h)(g) Each board of trustees pursuant to s. 1006.53  
31 shall adopt a policy in accordance with rules of the State

1 Board of Education that reasonably accommodates the religious  
2 observance, practice, and belief of individual students in  
3 regard to admissions, class attendance, and the scheduling of  
4 examinations and work assignments.

5 Section 3. Subsections (7) and (9) of section 1004.65,  
6 Florida Statutes, are amended to read:

7 1004.65 Community colleges; definition, mission, and  
8 responsibilities.--

9 (7) A separate and secondary role for community  
10 colleges includes:

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

13 Community colleges that are approved to offer baccalaureate  
14 degree programs shall maintain the primary mission pursuant to  
15 subsection (6) and may not terminate associate in arts or  
16 associate in science degree programs as a result of the  
17 authorization to offer baccalaureate degree programs.

18 (b) The offering of programs in:

19 1. Community services that are not directly related to  
20 academic or occupational advancement.

21 2. Adult general education.

22 3. Recreational and leisure services.

23 (9) Community colleges are authorized to offer such  
24 programs and courses as are necessary to fulfill their mission  
25 and are authorized to grant associate in arts degrees,  
26 associate in science degrees, associate in applied science  
27 degrees, certificates, awards, and diplomas. Each community  
28 college is also authorized to make provisions for the General  
29 Educational Development test. Each community college may  
30 provide access to and award baccalaureate degrees in  
31 accordance with law.

1 Section 4. Section 1007.33, Florida Statutes, is  
2 amended to read:

3 1007.33 Site-determined baccalaureate degree access.--

4 (1) The Legislature recognizes that public and private  
5 postsecondary educational institutions play essential roles in  
6 improving the quality of life and economic well-being of the  
7 state and its residents. The Legislature also recognizes that  
8 economic development needs and the educational needs of  
9 place-bound, nontraditional students have increased the demand  
10 for local access to baccalaureate degree programs. In some,  
11 but not all, geographic regions, baccalaureate degree programs  
12 are being delivered successfully at the local community  
13 college through agreements between the community college and  
14 4-year postsecondary institutions within or outside of the  
15 state. It is therefore the intent of the Legislature to  
16 further expand access to baccalaureate degree programs through  
17 the use of community colleges to provide programs that meet  
18 critical workforce needs.

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

22 (3) A community college may develop a proposal to  
23 deliver specified baccalaureate degree programs in its  
24 district to meet local workforce needs; expand access to  
25 postsecondary education particularly to diverse,  
26 nontraditional, and geographically bound students; enhance  
27 articulation particularly in program areas where articulation  
28 is limited; or provide the means of obtaining a baccalaureate  
29 degree in a manner that is most cost-efficient to the student  
30 and the state. The proposal must be submitted to the State  
31 Board of Education requesting a formal assessment by the

1 department and for approval, in accordance with timeframes and  
2 guidelines adopted by the State Board of Education. The  
3 community college's proposal must include a statement of  
4 determination by the college that the following information:

5 (a) Demand for the baccalaureate degree program is  
6 identified by the workforce development board, local  
7 businesses and industry, local chambers of commerce, and  
8 potential students.

9 (b) Unmet need for graduates of the proposed degree  
10 program is substantiated.

11 (c) The community college has the facilities and  
12 academic resources to deliver the program.

13 (d) Innovative and alternative options have been  
14 considered, such as distance learning and university  
15 partnerships, and found less cost-effective for the student,  
16 the community, and the state.

17  
18 The State Board of Education shall review the formal  
19 assessment and approve, deny, or require revisions to  
20 proposals, in accordance with timeframes and guidelines  
21 adopted by the State Board of Education. The State Board of  
22 Education may approve only those proposals that fully comply  
23 with the requirements of this subsection and s. 1004.03(2) and  
24 represent the most efficient and cost-effective manner to  
25 provide access to the degree.~~The proposal must be submitted~~  
26 ~~to the Council for Education Policy Research and Improvement~~  
27 ~~for review and comment.~~

28 (4) Upon approval of the State Board of Education for  
29 the specific degree program or programs, the community college  
30 shall pursue regional accreditation by the Commission on  
31 Colleges of the Southern Association of Colleges and Schools.

1 Any additional baccalaureate degree programs the community  
2 college wishes to offer must be approved by the State Board of  
3 Education pursuant to the process outlined in this section.  
4 Approved programs shall be implemented in accordance with  
5 joint letters of agreement between the State Board of  
6 Education and colleges approved by the State Board pursuant to  
7 this section.

8 (5) The State Board of Education shall adopt by rule  
9 policies that address the baccalaureate degree programs at  
10 community colleges approved pursuant to this section,  
11 including reporting policies and performance accountability  
12 requirements for both upper-division and lower-division  
13 programs.

14 (6)(4) A community college may not terminate its  
15 associate in arts or associate in science degree programs as a  
16 result of the authorization provided in subsection (3). The  
17 Legislature intends that the primary mission of a community  
18 college, including a community college that offers  
19 baccalaureate degree programs, continues to be the provision  
20 of associate degrees that provide access to a university.

21 (7) A community college may not offer graduate  
22 programs.

23 (8) The State Board of Education may adopt rules to  
24 administer this section.

25 Section 5. Subsections (1), (2), and (3) of section  
26 1009.23, Florida Statutes, are amended to read:

27 1009.23 Community college student fees.--

28 (1) Unless otherwise provided, the provisions of this  
29 section apply only to fees charged for college credit  
30 instruction leading to an associate in arts degree, an  
31 associate in applied science degree, ~~or~~ an associate in



1 science degree, or a baccalaureate degree authorized by the  
2 State Board of Education pursuant to s. 1007.33, and for  
3 noncollege credit college-preparatory courses defined in s.  
4 1004.02.

5 (2)(a) All students shall be charged fees except  
6 students who are exempt from fees or students whose fees are  
7 waived.

8 (b) Tuition and out-of-state fees for upper-division  
9 courses must reflect the fact that the college has a less  
10 expensive cost structure than that of a state university.  
11 Therefore, the board of trustees shall establish tuition and  
12 out-of-state fees for upper-division courses within a range  
13 between fees for lower-division credit courses and the local  
14 state university tuition and out-of-state fees.

15 (3) The State Board of Education shall adopt by  
16 December 31 of each year a resident fee schedule for the  
17 following fall for advanced and professional, associate in  
18 science degree, baccalaureate degree programs authorized by  
19 the State Board of Education pursuant to s. 1007.33, and  
20 college-preparatory programs that produce revenues in the  
21 amount of 25 percent of the full prior year's cost of these  
22 programs. Fees for courses in college-preparatory programs and  
23 associate in arts and associate in science degree programs may  
24 be established at the same level. In the absence of a  
25 provision to the contrary in an appropriations act, the fee  
26 schedule shall take effect and the colleges shall expend the  
27 funds on instruction. If the Legislature provides for an  
28 alternative fee schedule in an appropriations act, the fee  
29 schedule shall take effect the subsequent fall semester.

30 Section 6. Section 1011.83, Florida Statutes, is  
31 amended to read:

1           1011.83 Financial support of community colleges.--  
2           (1) Each community college that has been approved by  
3 the Department of Education and meets the requirements of law  
4 and rules of the State Board of Education shall participate in  
5 the Community College Program Fund. However, funds to support  
6 workforce development programs conducted by community colleges  
7 shall be provided by the Workforce Development Education Fund  
8 pursuant to s. 1011.80. Community colleges shall fund the  
9 nonrecurring costs related to the initiation of a new  
10 baccalaureate degree program pursuant to s. 1007.33 without  
11 new state appropriations, unless special grant funds are  
12 designated by the State Board of Education, subject to funding  
13 by the Legislature for this purpose. However, a new  
14 baccalaureate program may not accept students without a  
15 recurring legislative appropriation for this purpose.  
16 Recurring operational funding for a community college  
17 authorized to grant baccalaureate degrees pursuant to s.  
18 1007.33 shall be funded as follows:  
19           (a) As a community college for its workforce  
20 development education programs and for its lower-division  
21 level college credit courses and programs funded in the  
22 community college program fund pursuant to this section.  
23           (b) As a baccalaureate-degree-level institution for  
24 its upper-division level courses and programs. State support  
25 for these programs should not exceed 85 percent of the amount  
26 of state support per full-time equivalent student in a  
27 comparable state university program. Funds appropriated for  
28 this purpose may be used only for the baccalaureate degree  
29 programs.  
30           (2) Community colleges that grant baccalaureate  
31 degrees shall maintain reporting and funding distinctions

1 between any baccalaureate degree program approved pursuant to  
2 s. 1007.33 and other baccalaureate degree programs involving  
3 traditional concurrent-use partnerships.

4 Section 7. Paragraph (c) is added to subsection (3) of  
5 section 1013.60, Florida Statutes, to read:

6 1013.60 Legislative capital outlay budget request.--

7 (3) The commissioner shall submit an integrated,  
8 comprehensive budget request to the Executive Office of the  
9 Governor and to the Legislature each fiscal year by the  
10 submission date specified in s. 216.023(1). Notwithstanding  
11 the provisions of s. 216.043, the integrated, comprehensive  
12 budget request shall include:

13 (c) Recommendations for the priority expenditure of  
14 funds for facilities for baccalaureate degree programs at  
15 community colleges pursuant to s. 1007.33, provided the  
16 projects are identified in a college's capital improvement  
17 plan. Such projects shall not be considered a component of the  
18 3-year priority list of the community college or state  
19 university system pursuant to s. 1013.64(4)(a). Community  
20 colleges approved to grant baccalaureate degrees may request  
21 funding from the Public Education Capital Outlay and Debt  
22 Service Trust Fund for all authorized programs, including  
23 approved baccalaureate degree programs pursuant to this  
24 paragraph. Enrollment in approved baccalaureate degree  
25 programs shall be computed into the survey of need for  
26 facilities.

27 Section 8. Paragraph (g) of subsection (5) of section  
28 288.8175, Florida Statutes, is amended to read:

29 288.8175 Linkage institutes between postsecondary  
30 institutions in this state and foreign countries.--

31 (5) The institutes are:

1 (g) Florida-France Institute (New College of the  
2 University of South Florida, Miami Dade ~~Miami-Dade Community~~  
3 College, and Florida State University).

4 Section 9. Paragraph (a) of subsection (2) of section  
5 1002.35, Florida Statutes, is amended to read:

6 1002.35 New World School of the Arts.--

7 (2)(a) For purposes of governance, the New World  
8 School of the Arts is assigned to Miami Dade ~~Miami-Dade~~  
9 ~~Community~~ College, the Dade County School District, and one or  
10 more universities designated by the State Board of Education.  
11 The State Board of Education shall assign to the New World  
12 School of the Arts a university partner or partners. In this  
13 selection, the State Board of Education shall consider the  
14 accreditation status of the core programs. Florida  
15 International University, in its capacity as the provider of  
16 university services to Dade County, shall be a partner to  
17 serve the New World School of the Arts, upon meeting the  
18 accreditation criteria. The respective boards shall appoint  
19 members to an executive board for administration of the  
20 school. The executive board may include community members and  
21 shall reflect proportionately the participating institutions.  
22 Miami Dade ~~Miami-Dade Community~~ College shall serve as fiscal  
23 agent for the school.

24 Section 10. Subsection (2) of section 1004.76, Florida  
25 Statutes, is amended to read:

26 1004.76 Florida Martin Luther King, Jr., Institute for  
27 Nonviolence.--

28 (2) There is hereby created the Florida Martin Luther  
29 King, Jr., Institute for Nonviolence to be established at  
30 Miami Dade ~~Miami-Dade Community~~ College. The institute shall  
31 have an advisory board consisting of 13 members as follows:

1 the Attorney General, the Commissioner of Education, and 11  
2 members to be appointed by the Governor, such members to  
3 represent the population of the state based on its ethnic,  
4 gender, and socioeconomic diversity. Of the members appointed  
5 by the Governor, one shall be a member of the Senate appointed  
6 by the Governor on the recommendation of the President of the  
7 Senate; one shall be a member of the Senate appointed by the  
8 Governor on the recommendation of the minority leader; one  
9 shall be a member of the House of Representatives appointed by  
10 the Governor on the recommendation of the Speaker of the House  
11 of Representatives; one shall be a member of the House of  
12 Representatives appointed by the Governor on the  
13 recommendation of the minority leader; and seven shall be  
14 members appointed by the Governor, no more than three of whom  
15 shall be members of the same political party. The following  
16 groups shall be represented by the seven members: the Florida  
17 Sheriffs Association; the Florida Association of Counties; the  
18 Florida League of Cities; state universities human services  
19 agencies; community relations or human relations councils; and  
20 youth. A chairperson shall be elected by the members and shall  
21 serve for a term of 3 years. Members of the board shall serve  
22 the following terms of office which shall be staggered:

23 (a) A member of the Legislature appointed to the board  
24 shall serve for a single term not to exceed 5 years and shall  
25 serve as a member only while he or she is a member of the  
26 Legislature.

27 (b) Of the seven members who are not members of the  
28 Legislature, three shall serve for terms of 4 years, two shall  
29 serve for terms of 3 years, and one shall serve for a term of  
30 1 year. Thereafter, each member, except for a member appointed  
31

1 to fill an unexpired term, shall serve for a 5-year term. No  
2 member shall serve on the board for more than 10 years.

3  
4 In the event of a vacancy occurring in the office of a member  
5 of the board by death, resignation, or otherwise, the Governor  
6 shall appoint a successor to serve for the balance of the  
7 unexpired term.

8 Section 11. This act shall take effect July 1, 2004.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 2388

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13 The Committee Substitute requires the State Board of Education  
14 to review the assessment of the baccalaureate degree proposal  
conducted by the Department of Education.

15 The Committee Substitute clarifies that tuition and fees are  
16 charged for community college upper-division courses at not  
more than 85 percent of the rate charged at a state  
17 university.

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18 The Committee Substitute conforms the name change for  
19 Miami-Dade Community College to Miami Dade College in other  
sites in the statutes.

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