

By the Committees on Appropriations; Education; and Senators
Pruitt and Bullard

309-2374-04

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 requiring that the board of trustees of each
12 community college adopt a policy ensuring that
13 faculty who teach upper-division courses that
14 are a component part of a baccalaureate program
15 adhere to specified classroom contact hours as
16 set forth in law; amending s. 1004.65, F.S.;
17 prohibiting a community college from
18 terminating associate degree programs as a
19 result of offering baccalaureate programs;
20 amending s. 1007.33, F.S.; revising
21 requirements for a proposal by a community
22 college to deliver a baccalaureate degree
23 program; requiring the State Board of Education
24 to assess proposals; requiring a joint letter
25 of agreement to implement a proposed program;
26 requiring the State Board of Education to adopt
27 policies and requirements concerning reporting
28 and performance accountability for
29 upper-division and lower-division programs;
30 prohibiting a community college from offering
31 graduate programs; amending s. 1009.23, F.S.;

1 providing requirements for upper-division
2 tuition and fees; amending s. 1011.83, F.S.;
3 providing for funding a community college
4 authorized to grant baccalaureate degrees;
5 amending s. 1013.60, F.S.; revising
6 requirements for the legislative capital outlay
7 budget request submitted by the Commissioner of
8 Education; providing for recommendations for
9 the expenditure of funds for facilities for
10 baccalaureate degree programs at community
11 colleges; amending ss. 288.8175, 1002.35, and
12 1004.76, F.S.; conforming terminology;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraphs (d), (o), and (q) of subsection
18 (3) of section 1000.21, Florida Statutes, are amended to read:

19 1000.21 Systemwide definitions.--As used in the
20 Florida K-20 Education Code:

21 (3) "Community college," except as otherwise
22 specifically provided, includes the following institutions and
23 any branch campuses, centers, or other affiliates of the
24 institution:

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

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

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

28 Section 2. Subsections (1), (2), and (8) of section
29 1001.64, Florida Statutes, are amended to read:

30 1001.64 Community college boards of trustees; powers
31 and duties.--

1 (1) The boards of trustees shall be responsible for
2 cost-effective policy decisions appropriate to the community
3 college's mission, the implementation and maintenance of
4 high-quality education programs within law and rules of the
5 State Board of Education, the measurement of performance, the
6 reporting of information, and the provision of input regarding
7 state policy, budgeting, and education standards. Community
8 colleges may grant baccalaureate degrees pursuant to s.
9 1007.33 and shall remain under the authority of the State
10 Board of Education for planning, coordination, oversight,
11 budget, and accountability responsibilities.

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

20 (8) Each board of trustees has authority for policies
21 related to students, enrollment of students, student records,
22 student activities, financial assistance, and other student
23 services.

24 (a) Each board of trustees shall govern admission of
25 students pursuant to s. 1007.263 and rules of the State Board
26 of Education. A board of trustees may establish additional
27 admissions criteria, which shall be included in the district
28 interinstitutional articulation agreement developed according
29 to s. 1007.235, to ensure student readiness for postsecondary
30 instruction. Each board of trustees may consider the past
31 actions of any person applying for admission or enrollment and

1 may deny admission or enrollment to an applicant because of
2 misconduct if determined to be in the best interest of the
3 community college.

4 (b) Each board of trustees shall adopt rules
5 establishing student performance standards for the award of
6 degrees and certificates pursuant to s. 1004.68. The board of
7 trustees of a community college authorized to grant a
8 baccalaureate degree pursuant to s. 1007.33 may continue to
9 award degrees, diplomas, and certificates as authorized for
10 the college, and in the name of the college, until the college
11 receives any necessary changes to its accreditation.

12 (c) Each board of trustees shall establish tuition and
13 out-of-state fees for approved baccalaureate degree programs,
14 consistent with law and proviso in the General Appropriations
15 Act.

16 (d)~~(c)~~ Boards of trustees are authorized to establish
17 intrainstitutional and interinstitutional programs to maximize
18 articulation pursuant to s. 1007.22.

19 (e)~~(d)~~ Boards of trustees shall identify their core
20 curricula, which shall include courses required by the State
21 Board of Education, pursuant to the provisions of s.
22 1007.25(6).

23 (f)~~(e)~~ Each board of trustees must adopt a written
24 antihazing policy, provide a program for the enforcement of
25 such rules, and adopt appropriate penalties for violations of
26 such rules pursuant to the provisions of s. 1006.63(1)-(3).

27 (g)~~(f)~~ Each board of trustees may establish a uniform
28 code of conduct and appropriate penalties for violation of its
29 rules by students and student organizations, including rules
30 governing student academic honesty. Such penalties, unless
31 otherwise provided by law, may include fines, the withholding

1 of diplomas or transcripts pending compliance with rules or
2 payment of fines, and the imposition of probation, suspension,
3 or dismissal.

4 (h)~~(g)~~ Each board of trustees pursuant to s. 1006.53
5 shall adopt a policy in accordance with rules of the State
6 Board of Education that reasonably accommodates the religious
7 observance, practice, and belief of individual students in
8 regard to admissions, class attendance, and the scheduling of
9 examinations and work assignments.

10 (i) Each board of trustees shall adopt a policy
11 ensuring that faculty who teach upper-division courses that
12 are a component part of a baccalaureate program must adhere to
13 the requirements of s. 1012.82.

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

16 1004.65 Community colleges; definition, mission, and
17 responsibilities.--

18 (7) A separate and secondary role for community
19 colleges includes:

20 (a) Providing upper level instruction and awarding
21 baccalaureate degrees as specifically authorized by law.
22 Community colleges that are approved to offer baccalaureate
23 degree programs shall maintain the primary mission pursuant to
24 subsection (6) and may not terminate associate in arts or
25 associate in science degree programs as a result of the
26 authorization to offer baccalaureate degree programs.

27 (b) The offering of programs in:

28 1. Community services that are not directly related to
29 academic or occupational advancement.

30 2. Adult general education.

31 3. Recreational and leisure services.

1 (9) Community colleges are authorized to offer such
2 programs and courses as are necessary to fulfill their mission
3 and are authorized to grant associate in arts degrees,
4 associate in science degrees, associate in applied science
5 degrees, certificates, awards, and diplomas. Each community
6 college is also authorized to make provisions for the General
7 Educational Development test. Each community college may
8 provide access to and award baccalaureate degrees in
9 accordance with law.

10 Section 4. Section 1007.33, Florida Statutes, is
11 amended to read:

12 1007.33 Site-determined baccalaureate degree access.--

13 (1) The Legislature recognizes that public and private
14 postsecondary educational institutions play essential roles in
15 improving the quality of life and economic well-being of the
16 state and its residents. The Legislature also recognizes that
17 economic development needs and the educational needs of
18 place-bound, nontraditional students have increased the demand
19 for local access to baccalaureate degree programs. In some,
20 but not all, geographic regions, baccalaureate degree programs
21 are being delivered successfully at the local community
22 college through agreements between the community college and
23 4-year postsecondary institutions within or outside of the
24 state. It is therefore the intent of the Legislature to
25 further expand access to baccalaureate degree programs through
26 the use of community colleges to provide programs that meet
27 critical workforce needs.

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

31

1 (3) A community college may develop a proposal to
2 deliver specified baccalaureate degree programs in its
3 district to meet local workforce needs; expand access to
4 postsecondary education particularly to diverse,
5 nontraditional, and geographically bound students; enhance
6 articulation particularly in program areas where articulation
7 is limited; or provide the means of obtaining a baccalaureate
8 degree in a manner that is most cost-efficient to the student
9 and the state. The proposal must be submitted to the State
10 Board of Education requesting a formal assessment by the
11 department and for approval, in accordance with timeframes and
12 guidelines adopted by the State Board of Education. The
13 community college's proposal must include a statement of
14 determination by the college that ~~the following information:~~

15 (a) Demand for the baccalaureate degree program is
16 identified by the workforce development board, local
17 businesses and industry, local chambers of commerce, and
18 potential students.

19 (b) Unmet need for graduates of the proposed degree
20 program is substantiated.

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

23 (d) Innovative and alternative options have been
24 considered, such as distance learning and university
25 partnerships, and found less cost-effective for the student,
26 the community, and the state.

27
28 The State Board of Education shall review the formal
29 assessment and approve, deny, or require revisions to
30 proposals, in accordance with timeframes and guidelines
31 adopted by the State Board of Education. The State Board of

1 Education may approve only those proposals that fully comply
2 with the requirements of this subsection and s. 1004.03(2) and
3 represent the most efficient and cost-effective manner to
4 provide access to the degree.~~The proposal must be submitted~~
5 ~~to the Council for Education Policy Research and Improvement~~
6 ~~for review and comment.~~

7 (4) Upon approval of the State Board of Education for
8 the specific degree program or programs, the community college
9 shall pursue regional accreditation by the Commission on
10 Colleges of the Southern Association of Colleges and Schools.
11 Any additional baccalaureate degree programs the community
12 college wishes to offer must be approved by the State Board of
13 Education pursuant to the process outlined in this section.
14 Approved programs shall be implemented in accordance with
15 joint letters of agreement between the State Board of
16 Education and colleges approved by the State Board pursuant to
17 this section.

18 (5) The State Board of Education shall adopt by rule
19 policies that address the baccalaureate degree programs at
20 community colleges approved pursuant to this section,
21 including reporting policies and performance accountability
22 requirements for both upper-division and lower-division
23 programs.

24 (6)~~(4)~~ A community college may not terminate its
25 associate in arts or associate in science degree programs as a
26 result of the authorization provided in subsection (3). The
27 Legislature intends that the primary mission of a community
28 college, including a community college that offers
29 baccalaureate degree programs, continues to be the provision
30 of associate degrees that provide access to a university.

31

1 (7) A community college may not offer graduate
2 programs.

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

5 Section 5. Subsections (1), (2), and (3) of section
6 1009.23, Florida Statutes, are amended to read:

7 1009.23 Community college student fees.--

8 (1) Unless otherwise provided, the provisions of this
9 section apply only to fees charged for college credit
10 instruction leading to an associate in arts degree, an
11 associate in applied science degree, ~~or~~ an associate in
12 science degree, or a baccalaureate degree authorized by the
13 State Board of Education pursuant to s. 1007.33, and for
14 noncollege credit college-preparatory courses defined in s.
15 1004.02.

16 (2)(a) All students shall be charged fees except
17 students who are exempt from fees or students whose fees are
18 waived.

19 (b) Tuition and out-of-state fees for upper-division
20 courses must reflect the fact that the college has a less
21 expensive cost structure than that of a state university.
22 Therefore, the board of trustees shall establish tuition and
23 out-of-state fees for upper-division courses within a range
24 between fees for lower-division credit courses and the local
25 state university tuition and out-of-state fees. A community
26 college board of trustees may not establish any fee for an
27 upper-division course or student unless specifically
28 authorized by this section or the rules of the State Board of
29 Education.

30 (3) The State Board of Education shall adopt by
31 December 31 of each year a resident fee schedule for the

1 following fall for advanced and professional, associate in
2 science degree, baccalaureate degree programs authorized by
3 the State Board of Education pursuant to s. 1007.33,and
4 college-preparatory programs that produce revenues in the
5 amount of 25 percent of the full prior year's cost of these
6 programs. Fees for courses in college-preparatory programs and
7 associate in arts and associate in science degree programs may
8 be established at the same level. In the absence of a
9 provision to the contrary in an appropriations act, the fee
10 schedule shall take effect and the colleges shall expend the
11 funds on instruction. If the Legislature provides for an
12 alternative fee schedule in an appropriations act, the fee
13 schedule shall take effect the subsequent fall semester.

14 Section 6. Section 1011.83, Florida Statutes, is
15 amended to read:

16 1011.83 Financial support of community colleges.--

17 (1) Each community college that has been approved by
18 the Department of Education and meets the requirements of law
19 and rules of the State Board of Education shall participate in
20 the Community College Program Fund. However, funds to support
21 workforce development programs conducted by community colleges
22 shall be provided by the Workforce Development Education Fund
23 pursuant to s. 1011.80. Community colleges shall fund the
24 nonrecurring costs related to the initiation of a new
25 baccalaureate degree program pursuant to s. 1007.33 without
26 new state appropriations, unless special grant funds are
27 designated by the State Board of Education, subject to funding
28 by the Legislature for this purpose. However, a new
29 baccalaureate program may not accept students without a
30 recurring legislative appropriation for this purpose.
31 Recurring operational funding for a community college

1 authorized to grant baccalaureate degrees pursuant to s.
2 1007.33 shall be funded as follows:

3 (a) As a community college for its workforce
4 development education programs and for its lower-division
5 level college credit courses and programs funded in the
6 community college program fund pursuant to this section.

7 (b) As a baccalaureate-degree-level institution for
8 its upper-division level courses and programs. State support
9 for these programs should not exceed 85 percent of the amount
10 of state support per full-time equivalent student in a
11 comparable state university program. Funds appropriated for
12 this purpose may be used only for the baccalaureate degree
13 programs.

14 (2) Community colleges that grant baccalaureate
15 degrees shall maintain reporting and funding distinctions
16 between any baccalaureate degree program approved pursuant to
17 s. 1007.33 and other baccalaureate degree programs involving
18 traditional concurrent-use partnerships.

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

21 1013.60 Legislative capital outlay budget request.--

22 (3) The commissioner shall submit an integrated,
23 comprehensive budget request to the Executive Office of the
24 Governor and to the Legislature each fiscal year by the
25 submission date specified in s. 216.023(1). Notwithstanding
26 the provisions of s. 216.043, the integrated, comprehensive
27 budget request shall include:

28 (c) Recommendations for the priority expenditure of
29 funds for facilities for baccalaureate degree programs at
30 community colleges pursuant to s. 1007.33, provided the
31 projects are identified in a college's capital improvement

1 plan. Such projects shall not be considered a component of the
2 3-year priority list of the community college or state
3 university system pursuant to s. 1013.64(4)(a). Community
4 colleges approved to grant baccalaureate degrees may request
5 funding from the Public Education Capital Outlay and Debt
6 Service Trust Fund for all authorized programs, including
7 approved baccalaureate degree programs pursuant to this
8 paragraph. Enrollment in approved baccalaureate degree
9 programs shall be computed into the survey of need for
10 facilities.

11 Section 8. Paragraph (g) of subsection (5) of section
12 288.8175, Florida Statutes, is amended to read:

13 288.8175 Linkage institutes between postsecondary
14 institutions in this state and foreign countries.--

15 (5) The institutes are:

16 (g) Florida-France Institute (New College of the
17 University of South Florida, Miami Dade ~~Miami-Dade Community~~
18 College, and Florida State University).

19 Section 9. Paragraph (a) of subsection (2) of section
20 1002.35, Florida Statutes, is amended to read:

21 1002.35 New World School of the Arts.--

22 (2)(a) For purposes of governance, the New World
23 School of the Arts is assigned to Miami Dade ~~Miami-Dade~~
24 ~~Community~~ College, the Dade County School District, and one or
25 more universities designated by the State Board of Education.
26 The State Board of Education shall assign to the New World
27 School of the Arts a university partner or partners. In this
28 selection, the State Board of Education shall consider the
29 accreditation status of the core programs. Florida
30 International University, in its capacity as the provider of
31 university services to Dade County, shall be a partner to

1 serve the New World School of the Arts, upon meeting the
2 accreditation criteria. The respective boards shall appoint
3 members to an executive board for administration of the
4 school. The executive board may include community members and
5 shall reflect proportionately the participating institutions.
6 Miami Dade ~~Miami-Dade Community~~ College shall serve as fiscal
7 agent for the school.

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

10 1004.76 Florida Martin Luther King, Jr., Institute for
11 Nonviolence.--

12 (2) There is hereby created the Florida Martin Luther
13 King, Jr., Institute for Nonviolence to be established at
14 Miami Dade ~~Miami-Dade Community~~ College. The institute shall
15 have an advisory board consisting of 13 members as follows:
16 the Attorney General, the Commissioner of Education, and 11
17 members to be appointed by the Governor, such members to
18 represent the population of the state based on its ethnic,
19 gender, and socioeconomic diversity. Of the members appointed
20 by the Governor, one shall be a member of the Senate appointed
21 by the Governor on the recommendation of the President of the
22 Senate; one shall be a member of the Senate appointed by the
23 Governor on the recommendation of the minority leader; one
24 shall be a member of the House of Representatives appointed by
25 the Governor on the recommendation of the Speaker of the House
26 of Representatives; one shall be a member of the House of
27 Representatives appointed by the Governor on the
28 recommendation of the minority leader; and seven shall be
29 members appointed by the Governor, no more than three of whom
30 shall be members of the same political party. The following
31 groups shall be represented by the seven members: the Florida

1 Sheriffs Association; the Florida Association of Counties; the
2 Florida League of Cities; state universities human services
3 agencies; community relations or human relations councils; and
4 youth. A chairperson shall be elected by the members and shall
5 serve for a term of 3 years. Members of the board shall serve
6 the following terms of office which shall be staggered:

7 (a) A member of the Legislature appointed to the board
8 shall serve for a single term not to exceed 5 years and shall
9 serve as a member only while he or she is a member of the
10 Legislature.

11 (b) Of the seven members who are not members of the
12 Legislature, three shall serve for terms of 4 years, two shall
13 serve for terms of 3 years, and one shall serve for a term of
14 1 year. Thereafter, each member, except for a member appointed
15 to fill an unexpired term, shall serve for a 5-year term. No
16 member shall serve on the board for more than 10 years.

17
18 In the event of a vacancy occurring in the office of a member
19 of the board by death, resignation, or otherwise, the Governor
20 shall appoint a successor to serve for the balance of the
21 unexpired term.

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

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 Senate Bill CS for SB 2388

27 The committee substitute provides that full time faculty who
28 teach upper division courses relating to community college
29 baccalaureate programs teach a minimum of 15 classroom contact
30 hours per week. The committee substitute further clarifies
31 that community college boards of trustees' ability to
establish fees for baccalaureate programs are limited to the
authority specifically granted in statute or in rules of the
State Board of Education.