

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

16
 17 Be It Enacted by the Legislature of the State of Florida:

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

21 1000.21 Systemwide definitions.--As used in the
 22 Florida K-20 Education Code:

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

- 27 (d) Chipola ~~Junior~~ College.
- 28 (o) Miami Dade ~~Miami Dade Community~~ College.
- 29 (q) Okaloosa-Walton ~~Community~~ College.

30 Section 2. Subsections (1), (2), and (8) of section
 31 1001.64, Florida Statutes, are amended to read:

1 1001.64 Community college boards of trustees; powers
2 and duties.--

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

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

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

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

1 instruction. Each board of trustees may consider the past
2 actions of any person applying for admission or enrollment and
3 may deny admission or enrollment to an applicant because of
4 misconduct if determined to be in the best interest of the
5 community college.

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

14 (c) Each board of trustees shall establish tuition and
15 out-of-state fees for approved baccalaureate degree programs,
16 consistent with law and proviso in the General Appropriations
17 Act. However, each board of trustees shall not increase
18 tuition and out-of-state fees as authorized in s. 1009.23(4).

19 (d)(e) Boards of trustees are authorized to establish
20 intrainstitutional and interinstitutional programs to maximize
21 articulation pursuant to s. 1007.22.

22 (e)(d) Boards of trustees shall identify their core
23 curricula, which shall include courses required by the State
24 Board of Education, pursuant to the provisions of s.
25 1007.25(6).

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

30 (g)(f) Each board of trustees may establish a uniform
31 code of conduct and appropriate penalties for violation of its

1 rules by students and student organizations, including rules
2 governing student academic honesty. Such penalties, unless
3 otherwise provided by law, may include fines, the withholding
4 of diplomas or transcripts pending compliance with rules or
5 payment of fines, and the imposition of probation, suspension,
6 or dismissal.

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

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

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

19 1004.65 Community colleges; definition, mission, and
20 responsibilities.--

21 (7) A separate and secondary role for community
22 colleges includes:

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

30 (b) The offering of programs in:
31

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

3 2. Adult general education.

4 3. Recreational and leisure services.

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

14 Section 4. Section 1007.33, Florida Statutes, is
15 amended to read:

16 1007.33 Site-determined baccalaureate degree access.--

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

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

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

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

22 (b) Unmet need for graduates of the proposed degree
23 program is substantiated.

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

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

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1 The State Board of Education shall review the formal
2 assessment and approve, deny, or require revisions to
3 proposals, in accordance with timeframes and guidelines
4 adopted by the State Board of Education. The State Board of
5 Education may approve only those proposals that fully comply
6 with the requirements of this subsection and s. 1004.03(2) and
7 represent the most efficient and cost-effective manner to
8 provide access to the degree. The proposal must be submitted
9 to the Council for Education Policy Research and Improvement
10 for review and comment.

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

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

28 (6)(4) A community college may not terminate its
29 associate in arts or associate in science degree programs as a
30 result of the authorization provided in subsection (3). The
31 Legislature intends that the primary mission of a community

1 college, including a community college that offers
2 baccalaureate degree programs, continues to be the provision
3 of associate degrees that provide access to a university.

4 (7) A community college may not offer graduate
5 programs.

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

8 Section 5. Subsections (1), (2), (3), and (11) of
9 section 1009.23, Florida Statutes, are amended to read:

10 1009.23 Community college student fees.--

11 (1) Unless otherwise provided, the provisions of this
12 section apply only to fees charged for college credit
13 instruction leading to an associate in arts degree, an
14 associate in applied science degree, ~~or~~ an associate in
15 science degree, or a baccalaureate degree authorized by the
16 State Board of Education pursuant to s. 1007.33, and for
17 noncollege credit college-preparatory courses defined in s.
18 1004.02.

19 (2)(a) All students shall be charged fees except
20 students who are exempt from fees or students whose fees are
21 waived.

22 (b) Tuition and out-of-state fees for upper-division
23 courses must reflect the fact that the college has a less
24 expensive cost structure than that of a state university.
25 Therefore, the board of trustees shall establish tuition and
26 out-of-state fees for upper-division courses consistent with
27 law and proviso in the General Appropriations Act. However,
28 the board of trustees shall not increase tuition and
29 out-of-state fees as authorized in subsection (4).

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 (11)(a) Each community college board of trustees may
15 establish a separate fee for capital improvements, technology
16 enhancements, or equipping student buildings which may not
17 exceed 10 percent of tuition for resident students or 10
18 percent of the sum of tuition and out-of-state fees for
19 nonresident students. The fee for resident students shall be
20 limited to an increase of \$2 per credit hour over the prior
21 year. ~~\$1 per credit hour or credit hour equivalent for~~
22 ~~residents and which equals or exceeds \$3 per credit hour for~~
23 ~~nonresidents.~~ Funds collected by community colleges through
24 these fees may be bonded only as provided in this subsection,
25 for the purpose of financing or refinancing new construction
26 and equipment, renovation, or remodeling of educational
27 facilities. The fee shall be collected as a component part of
28 the tuition and fees, paid into a separate account, and
29 expended only to construct and equip, maintain, improve, or
30 enhance the educational facilities of the community college.
31 Projects funded through the use of the capital improvement fee

1 shall meet the survey and construction requirements of chapter
2 1013. Pursuant to s. 216.0158, each community college shall
3 identify each project, including maintenance projects,
4 proposed to be funded in whole or in part by such fee.

5 (b) Capital improvement fee revenues may be pledged by
6 a board of trustees as a dedicated revenue source to the
7 repayment of debt, including lease-purchase agreements with an
8 overall term, including renewals, extensions, and refundings,
9 of not more than 7 years and revenue bonds, with a term not to
10 exceed 20 annual maturities ~~years~~, and not to exceed the
11 useful life of the asset being financed, only for the
12 financing or refinancing or new construction and equipment,
13 renovation, or remodeling of educational facilities. ~~Community~~
14 ~~colleges may use the services of the Division of Bond Finance~~
15 ~~of the State Board of Administration to issue any~~ Bonds
16 authorized through the provisions of this subsection shall be-
17 ~~Any such bonds~~ issued by the Division of Bond Finance upon the
18 request of the community college board of trustees shall be in
19 compliance with the provisions of s. 11(d), Art. VII of the
20 State Constitution and the State Bond Act. The Division of
21 State Bond Finance may pledge fees collected by one or more
22 community colleges to secure such bonds. Any project included
23 in the approved educational plant survey pursuant to chapter
24 1013 is approved pursuant to s. 11(d), Art. VII of the State
25 Constitution.

26 (c) The state does hereby covenant with the holders of
27 the bonds issued under this subsection that it will not take
28 any action that will materially and adversely affect the
29 rights of such holders so long as the bonds authorized by this
30 subsection are outstanding.

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1 ~~(d) Any validation of the bonds Bonds issued pursuant~~
2 ~~to the State Bond Act~~ shall be ~~validated~~ in the manner
3 provided by chapter 75. Only the initial series of bonds is
4 required to be validated. The complaint for such validation
5 shall be filed in the circuit court of the county where the
6 seat of state government is situated, the notice required to
7 be published by s. 75.06 shall be published only in the county
8 where the complaint is filed, and the complaint and order of
9 the circuit court shall be served only on the state attorney
10 of the circuit in which the action is pending.

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

16 Section 6. Section 1011.83, Florida Statutes, is
17 amended to read:

18 1011.83 Financial support of community colleges.--

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

1 recurring legislative appropriation for this purpose.

2 Recurring operational funding for a community college

3 authorized to grant baccalaureate degrees pursuant to s.

4 1007.33 shall be funded as follows:

5 (a) As a community college for its workforce

6 development education programs and for its lower-division

7 level college credit courses and programs funded in the

8 community college program fund pursuant to this section.

9 (b) As a baccalaureate-degree-level institution for

10 its upper-division level courses and programs. State support

11 for these programs should not exceed 85 percent of the amount

12 of state support per full-time equivalent student in a

13 comparable state university program. Funds appropriated for

14 this purpose may be used only for the baccalaureate degree

15 programs.

16 (2) Community colleges that grant baccalaureate

17 degrees shall maintain reporting and funding distinctions

18 between any baccalaureate degree program approved pursuant to

19 s. 1007.33 and other baccalaureate degree programs involving

20 traditional concurrent-use partnerships.

21 Section 7. Subsection (2) of section 1013.60, Florida

22 Statutes, is amended to read:

23 1013.60 Legislative capital outlay budget request.--

24 (2) The commissioner shall submit to the Governor and

25 to the Legislature an integrated, comprehensive budget request

26 for educational facilities construction and fixed capital

27 outlay needs for school districts, community colleges, and

28 universities, pursuant to the provisions of s. 1013.64 and

29 applicable provisions of chapter 216. Each community college

30 board of trustees and each university board of trustees shall

31 submit to the commissioner a 3-year plan and data required in

1 the development of the annual capital outlay budget. Community
 2 college boards of trustees may request funding for all
 3 authorized programs, including approved baccalaureate degree
 4 programs. Enrollment in approved baccalaureate degree programs
 5 shall be computed into the survey of need for facilities. No
 6 further disbursements shall be made from the Public Education
 7 Capital Outlay and Debt Service Trust Fund to a board of
 8 trustees that fails to timely submit the required data until
 9 such board of trustees submits the data.

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

12 288.8175 Linkage institutes between postsecondary
 13 institutions in this state and foreign countries.--

14 (5) The institutes are:

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

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

20 1002.35 New World School of the Arts.--

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

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

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

9 1004.76 Florida Martin Luther King, Jr., Institute for
10 Nonviolence.--

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

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

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

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

16
17 In the event of a vacancy occurring in the office of a member
18 of the board by death, resignation, or otherwise, the Governor
19 shall appoint a successor to serve for the balance of the
20 unexpired term.

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