

By Senator Diaz de la Portilla

36-1742-04

See HB 303

1                                   A bill to be entitled  
2           An act relating to access to postsecondary  
3           education; amending s. 1000.21, F.S.; revising  
4           the names of certain community colleges;  
5           amending s. 1007.33, F.S., relating to  
6           site-determined baccalaureate degree access;  
7           providing intent; providing the process for  
8           community college submission of proposals to  
9           deliver baccalaureate degree programs and the  
10          approval of such proposals; providing mission  
11          and policies of community colleges, including  
12          those approved to grant baccalaureate degrees;  
13          providing for the reporting of students and the  
14          establishment of tuition and fees for approved  
15          baccalaureate degree programs; providing  
16          responsibilities of community college boards of  
17          trustees; providing requirements relating to  
18          employees; providing for facility standards,  
19          funding, and acquisition; providing  
20          requirements relating to state funding;  
21          specifying colleges authorized to grant  
22          baccalaureate degrees; authorizing rulemaking;  
23          amending ss. 288.8175, 1002.35, and 1004.76,  
24          F.S.; conforming provisions; providing an  
25          effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1. Paragraphs (d), (o), and (q) of subsection  
30           (3) of section 1000.21, Florida Statutes, are amended to read:  
31

1           1000.21 Systemwide definitions.--As used in the  
2 Florida K-20 Education Code:

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

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

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

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

10          Section 2. Section 1007.33, Florida Statutes, is  
11 amended to read:

12          1007.33 Site-determined baccalaureate degree access.--

13          (1) INTENT.--

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

28          (b) The Legislature further intends support for the  
29 following priorities:

30          1. Expand access to postsecondary education,  
31 particularly to serve diverse and nontraditional students and

1 students for whom postsecondary education is not  
2 geographically accessible.

3 2. Support programs that meet critical workforce  
4 needs.

5 3. Encourage innovative alternatives to traditional  
6 baccalaureate degree programs or programs that no longer meet  
7 community needs.

8 4. Evaluate and authorize program options based on  
9 cost efficiency and effectiveness measures through  
10 partnerships with state or private universities and  
11 consideration of state and student costs associated with  
12 comparable baccalaureate degree programs at community  
13 colleges.

14 (2) AUTHORITY.--

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

18 (b)(3) A community college may develop a proposal to  
19 deliver specified baccalaureate degree programs in its  
20 district to meet local workforce needs. The proposal must be  
21 submitted to the State Board of Education for approval. The  
22 community college's proposal must include the following  
23 information:

24 1.(a) Demonstrated demand for the baccalaureate degree  
25 program is identified by the workforce development board,  
26 local businesses and industry, local chambers of commerce, and  
27 potential students.

28 2.(b) Unmet need for graduates of the proposed degree  
29 program is substantiated.

30  
31

1           ~~3.(c)~~ Demonstrated evidence that the community college  
2 has the facilities and academic resources to deliver the  
3 program.

4           (3) PROCESS.--

5           (a) Community colleges must submit proposals to the  
6 Council for Education Policy Research and Improvement and the  
7 State Board of Education in accordance with timelines and  
8 guidelines adopted by the State Board of Education.

9           (b) The proposal must be submitted to the Council for  
10 Education Policy Research and Improvement for review and  
11 comment.

12           (c) The State Board of Education may approve, deny, or  
13 recommend revisions to proposals. Upon approval of the State  
14 Board of Education for the specific degree program or  
15 programs, the community college shall pursue regional  
16 accreditation by the Commission on Colleges of the Southern  
17 Association of Colleges and Schools. Any additional  
18 baccalaureate degree programs the community college wishes to  
19 offer must be approved by the State Board of Education.

20           (d) Implementation of approved programs shall be in  
21 accordance with joint letters of agreement between the State  
22 Board of Education and colleges approved by the state board  
23 pursuant to this section.

24           (4) MISSION; POLICIES.--

25           (a) The intent of the Legislature is that community  
26 colleges, including those approved to grant baccalaureate  
27 degrees pursuant to this section, shall maintain their mission  
28 specified in s. 1004.65, including primary mission  
29 responsibilities and the secondary role of providing  
30 upper-level instruction and awarding baccalaureate degrees as  
31 specifically authorized by s. 1004.65(7).

1           1. The primary mission of a community college is to  
2 provide high-quality undergraduate education at an affordable  
3 price for students and the state. The purpose is to promote  
4 economic development by preparing people for occupations that  
5 require a baccalaureate degree and are in demand by existing  
6 or emerging public and private employers in this state. The  
7 Legislature intends that the primary mission of a community  
8 college, including a community college that offers  
9 baccalaureate degree programs, continues to be the provision  
10 of associate degrees that provide access to a university.

11           2. A community college shall maintain the mission and  
12 policies of a Florida community college, including the  
13 open-door admissions policy for adult education, workforce,  
14 and lower-division college credit programs, and the authority  
15 to offer all programs consistent with a community college's  
16 authority.

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

24           (b) A community college approved to grant a  
25 baccalaureate degree pursuant to this section shall maintain  
26 the distinction between the college and its university  
27 partnerships. The community college is limited to community  
28 college programs and to selected baccalaureate-degree-level  
29 programs that meet community needs and are authorized as  
30 provided by this section. A joint or concurrent-use  
31 partnership may make available more diverse program offerings,

1 but those programs are offered by a participating college or  
2 university and are not to be classified or funded as programs  
3 of the baccalaureate-degree-granting community college.

4 (c) The academic policies of the upper-division  
5 program at a baccalaureate-degree-granting community college  
6 must be in accordance with rules and policies of the State  
7 Board of Education, including all academic and reporting  
8 policies.

9 (d) Performance accountability requirements for both  
10 upper-division and lower-division programs shall be in  
11 accordance with State Board of Education policy, with  
12 upper-division responsibilities aligned with state university  
13 accountability requirements.

14 (5) STUDENTS; FEES.--

15 (a) Community colleges authorized to grant  
16 baccalaureate degrees pursuant to this section shall maintain  
17 separate records for students who are enrolled in courses  
18 classified in the upper division and lower division of a  
19 baccalaureate degree program, according to the statewide  
20 course numbering system. A student shall be reported as a  
21 community college student for enrollment in a lower-division  
22 course and as a baccalaureate degree program student for  
23 enrollment in an upper-division course.

24 (b) Each community college board of trustees shall  
25 establish tuition and out-of-state fees for approved  
26 baccalaureate degree programs.

27 1. Tuition and out-of-state fees for certificate-level  
28 courses or lower-division level college credit courses must be  
29 within the range authorized in law and rule for a community  
30 college student at that level.

31

1           2. Tuition and out-of-state fees for upper-division  
2 students must reflect the fact that the college has a less  
3 expensive cost structure than that of a state university.  
4 Therefore, the board of trustees shall establish tuition and  
5 out-of-state fees for upper-division students within a range  
6 between fees for lower-division credit courses and 85 percent  
7 of the local state university tuition and out-of-state fees.

8           (c) Discretionary fees for upper-division instruction  
9 that is part of a baccalaureate degree program shall be  
10 established by a community college board of trustees as  
11 provided in s. 1009.23.

12           (d) Students in workforce development education  
13 courses maintain the authorized fee exemptions described in s.  
14 1009.25 and may be exempt from local fees imposed by the board  
15 of trustees, at the board's discretion.

16           (6) BOARDS.--

17           (a) The board of trustees of the sponsoring community  
18 college serves as the college's governing board. The Governor  
19 shall appoint members as provided in s. 1001.61, and the board  
20 has the duties and authorities granted in ss. 1001.63 and  
21 1001.64 and by rules of the State Board of Education.

22           (b) Community colleges authorized to grant  
23 baccalaureate degrees pursuant to this section shall remain  
24 under the authority of the State Board of Education for  
25 planning, coordination, oversight, budget, and accountability  
26 responsibilities.

27           (c) The board of trustees may authorize direct-support  
28 organizations for baccalaureate degree programs as authorized  
29 in ss. 1004.28 and 1004.70.

30           (d) The board of trustees of a community college  
31 authorized to grant a baccalaureate degree may continue to

1 award degrees, diplomas, and certificates as authorized for  
2 the college, and in the name of the college, until the college  
3 receives its accreditation.

4 (7) EMPLOYEES.--

5 (a) Employment at community colleges approved to grant  
6 baccalaureate degrees is governed by the same laws that govern  
7 community colleges.

8 (b) Employee records for all personnel shall be  
9 maintained as required by s. 1012.81.

10 (8) FACILITIES.--

11 (a) Sections 1013.39 and 1013.82 apply to community  
12 colleges approved to grant baccalaureate degrees pursuant to  
13 this section.

14 (b) Community colleges approved to grant baccalaureate  
15 degrees may request funding from the Public Education Capital  
16 Outlay and Debt Service Trust Fund for all authorized  
17 programs, including approved baccalaureate degree programs.  
18 Enrollment in approved baccalaureate degree programs shall be  
19 computed in the survey of need for facilities.

20 (c) The municipalities in the counties of the approved  
21 colleges, the board of county commissioners of those  
22 respective counties, and all other governmental entities are  
23 authorized to cooperate with the board of trustees of the  
24 approved college in establishing the institution. The  
25 acquisition and donation of lands, buildings, and equipment  
26 for the use of the approved college are authorized as a public  
27 purpose. The board of county commissioners of the respective  
28 counties and all municipalities in those counties may exercise  
29 the power of eminent domain to acquire lands, buildings, and  
30 equipment for the use of the approved college, regardless of

31



1 whether such lands, buildings, and equipment are located in a  
2 community redevelopment area.

3 (9) STATE FUNDING.--

4 (a) Community colleges shall fund the nonrecurring  
5 costs related to the initiation of a new baccalaureate degree  
6 program without new state appropriations unless special grant  
7 funds are designated by the State Board of Education, subject  
8 to funding by the Legislature for this purpose.

9 (b) Recurring operational funding for a community  
10 college authorized to grant baccalaureate degrees pursuant to  
11 this section shall be funded as follows:

12 1. As a community college for its workforce  
13 development education programs and for its  
14 lower-division-level college credit courses and programs  
15 funded in the community college program fund.

16 2. As a baccalaureate-degree-level institution for its  
17 upper-division level courses and programs. State support for  
18 these programs should fund enrollment growth, comparable to  
19 how enrollment growth at state universities is considered,  
20 with not more than 85 percent of the amount per full-time  
21 equivalent student in a comparable state university program  
22 provided to community colleges that grant baccalaureate  
23 degrees, as recommended by the State Board of Education. Funds  
24 appropriated for this purpose are restricted to use for the  
25 baccalaureate degree programs only.

26 (c) Funding for a baccalaureate degree program at a  
27 community college shall be requested by the State Board of  
28 Education as a separate line item outside the community  
29 college and state university budgets.

30 (d) Baccalaureate-degree-granting community colleges  
31 shall maintain reporting and funding distinctions between any

1 baccalaureate degree program approved pursuant to this section  
2 and other baccalaureate degree programs involving traditional  
3 concurrent-use partnerships.

4 (e) Students enrolled in approved baccalaureate degree  
5 programs at community colleges are eligible for financial aid  
6 as upper-division students.

7 (10) COLLEGES AND DEGREES.--In addition to the  
8 certificates, diplomas, and degrees authorized in s. 1004.65,  
9 the following community colleges are approved to grant  
10 baccalaureate degrees for only the degree programs approved by  
11 the State Board of Education in accordance with the provisions  
12 of this section:

13 (a) Chipola College.

14 (b) Miami-Dade College.

15 (c) Okaloosa-Walton College.

16 (11) RULES.--The State Board of Education is  
17 authorized to adopt rules pursuant to ss. 120.536(1) and  
18 120.54 necessary to implement the provisions of this section.

19 Section 3. Paragraph (g) of subsection (5) of section  
20 288.8175, Florida Statutes, is amended to read:

21 288.8175 Linkage institutes between postsecondary  
22 institutions in this state and foreign countries.--

23 (5) The institutes are:

24 (g) Florida-France Institute (New College of the  
25 University of South Florida, Miami-Dade ~~Community~~ College, and  
26 Florida State University).

27 Section 4. Paragraph (a) of subsection (2) of section  
28 1002.35, Florida Statutes, is amended to read:

29 1002.35 New World School of the Arts.--

30 (2)(a) For purposes of governance, the New World  
31 School of the Arts is assigned to Miami-Dade ~~Community~~

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

16 Section 5. Subsection (2) of section 1004.76, Florida  
17 Statutes, is amended to read:

18 1004.76 Florida Martin Luther King, Jr., Institute for  
19 Nonviolence.--

20 (2) There is hereby created the Florida Martin Luther  
21 King, Jr., Institute for Nonviolence to be established at  
22 Miami-Dade ~~Community~~ College. The institute shall have an  
23 advisory board consisting of 13 members as follows: the  
24 Attorney General, the Commissioner of Education, and 11  
25 members to be appointed by the Governor, such members to  
26 represent the population of the state based on its ethnic,  
27 gender, and socioeconomic diversity. Of the members appointed  
28 by the Governor, one shall be a member of the Senate appointed  
29 by the Governor on the recommendation of the President of the  
30 Senate; one shall be a member of the Senate appointed by the  
31 Governor on the recommendation of the minority leader; one

1 shall be a member of the House of Representatives appointed by  
2 the Governor on the recommendation of the Speaker of the House  
3 of Representatives; one shall be a member of the House of  
4 Representatives appointed by the Governor on the  
5 recommendation of the minority leader; and seven shall be  
6 members appointed by the Governor, no more than three of whom  
7 shall be members of the same political party. The following  
8 groups shall be represented by the seven members: the Florida  
9 Sheriffs Association; the Florida Association of Counties; the  
10 Florida League of Cities; state universities human services  
11 agencies; community relations or human relations councils; and  
12 youth. A chairperson shall be elected by the members and shall  
13 serve for a term of 3 years. Members of the board shall serve  
14 the following terms of office which shall be staggered:

15       (a) A member of the Legislature appointed to the board  
16 shall serve for a single term not to exceed 5 years and shall  
17 serve as a member only while he or she is a member of the  
18 Legislature.

19       (b) Of the seven members who are not members of the  
20 Legislature, three shall serve for terms of 4 years, two shall  
21 serve for terms of 3 years, and one shall serve for a term of  
22 1 year. Thereafter, each member, except for a member appointed  
23 to fill an unexpired term, shall serve for a 5-year term. No  
24 member shall serve on the board for more than 10 years.

25  
26 In the event of a vacancy occurring in the office of a member  
27 of the board by death, resignation, or otherwise, the Governor  
28 shall appoint a successor to serve for the balance of the  
29 unexpired term.

30       Section 6. This act shall take effect July 1, 2004.

31