

## CHAMBER ACTION

1 The Committee on Education K-20 recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to postsecondary education; amending s.  
7 1000.21, F.S.; redesignating specified community colleges;  
8 amending s. 1001.64, F.S.; providing authority and  
9 requirements for the board of trustees of a community  
10 college authorized to grant baccalaureate degrees;  
11 providing for the establishment of tuition and out-of-  
12 state fees for baccalaureate degree programs; requiring  
13 the adoption of a policy relating to faculty adherence to  
14 a specified classroom contact-hour requirement; amending  
15 s. 1004.65, F.S.; prohibiting a community college from  
16 terminating associate degree programs as a result of  
17 offering baccalaureate degree programs; amending s.  
18 1007.33, F.S.; revising requirements for a proposal by a  
19 community college to deliver a baccalaureate degree  
20 program; requiring the Department of Education to assess  
21 proposals and the State Board of Education to approve  
22 proposals; requiring a joint letter of agreement to  
23 implement an approved program; requiring the State Board

24 of Education to adopt policies and requirements concerning  
 25 reporting and performance accountability for upper-  
 26 division and lower-division programs; prohibiting a  
 27 community college from offering graduate programs;  
 28 authorizing rulemaking; amending s. 1009.23, F.S.;  
 29 providing requirements for upper-division tuition and  
 30 fees; revising the amount of the fee for capital  
 31 improvements, technology enhancements, or equipping  
 32 student buildings; requiring use of certain services for  
 33 issuance of bonds; revising the allocation for certain  
 34 child care centers; amending s. 1011.83, F.S.; providing  
 35 for funding a community college authorized to grant  
 36 baccalaureate degrees; amending s. 1013.60, F.S.; revising  
 37 requirements for the legislative capital outlay budget  
 38 request submitted by the Commissioner of Education;  
 39 providing for requests for funding and recommendations for  
 40 the expenditure of funds for facilities for baccalaureate  
 41 degree programs at community colleges; amending ss.  
 42 288.8175, 1002.35, and 1004.76, F.S.; conforming  
 43 terminology; providing an effective date.

44

45 Be It Enacted by the Legislature of the State of Florida:

46

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

49 1000.21 Systemwide definitions.--As used in the Florida K-  
 50 20 Education Code:

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

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

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

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

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

58 Section 2. Subsections (1), (2), and (8) of section  
59 1001.64, Florida Statutes, are amended to read:

60 1001.64 Community college boards of trustees; powers and  
61 duties.--

62 (1) The boards of trustees shall be responsible for cost-  
63 effective policy decisions appropriate to the community  
64 college's mission, the implementation and maintenance of high-  
65 quality education programs within law and rules of the State  
66 Board of Education, the measurement of performance, the  
67 reporting of information, and the provision of input regarding  
68 state policy, budgeting, and education standards. Community  
69 colleges may grant baccalaureate degrees pursuant to s. 1007.33  
70 and shall remain under the authority of the State Board of  
71 Education in accordance with current statutory provisions  
72 relating to community colleges as defined in s. 1000.21.

73 (2) Each board of trustees is vested with the  
74 responsibility to govern its respective community college and  
75 with such necessary authority as is needed for the proper  
76 operation and improvement thereof in accordance with rules of  
77 the State Board of Education. This authority includes serving as  
78 the governing board for purposes of granting baccalaureate

79 | degrees as authorized pursuant to s. 1007.33 and approved by the  
80 | State Board of Education.

81 | (8) Each board of trustees has authority for policies  
82 | related to students, enrollment of students, student records,  
83 | student activities, financial assistance, and other student  
84 | services.

85 | (a) Each board of trustees shall govern admission of  
86 | students pursuant to s. 1007.263 and rules of the State Board of  
87 | Education. A board of trustees may establish additional  
88 | admissions criteria, which shall be included in the district  
89 | interinstitutional articulation agreement developed according to  
90 | s. 1007.235, to ensure student readiness for postsecondary  
91 | instruction. Each board of trustees may consider the past  
92 | actions of any person applying for admission or enrollment and  
93 | may deny admission or enrollment to an applicant because of  
94 | misconduct if determined to be in the best interest of the  
95 | community college.

96 | (b) Each board of trustees shall adopt rules establishing  
97 | student performance standards for the award of degrees and  
98 | certificates pursuant to s. 1004.68. The board of trustees of a  
99 | community college authorized to grant a baccalaureate degree  
100 | pursuant to s. 1007.33 may continue to award degrees, diplomas,  
101 | and certificates as authorized for the college, and in the name  
102 | of the college, until the college receives any necessary changes  
103 | to its accreditation.

104 | (c) Each board of trustees shall establish tuition and  
105 | out-of-state fees for approved baccalaureate degree programs,

106 consistent with law and proviso in the General Appropriations  
107 Act.

108 (d)~~(e)~~ Boards of trustees are authorized to establish  
109 intrainstitutional and interinstitutional programs to maximize  
110 articulation pursuant to s. 1007.22.

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

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

118 (g)~~(f)~~ Each board of trustees may establish a uniform code  
119 of conduct and appropriate penalties for violation of its rules  
120 by students and student organizations, including rules governing  
121 student academic honesty. Such penalties, unless otherwise  
122 provided by law, may include fines, the withholding of diplomas  
123 or transcripts pending compliance with rules or payment of  
124 fines, and the imposition of probation, suspension, or  
125 dismissal.

126 (h)~~(g)~~ Each board of trustees pursuant to s. 1006.53 shall  
127 adopt a policy in accordance with rules of the State Board of  
128 Education that reasonably accommodates the religious observance,  
129 practice, and belief of individual students in regard to  
130 admissions, class attendance, and the scheduling of examinations  
131 and work assignments.

132 (i) Each board of trustees shall adopt a policy ensuring  
133 that faculty who teach upper-division courses that are a

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134 component part of a baccalaureate degree program must adhere to  
135 the requirements of s. 1012.82.

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

138 1004.65 Community colleges; definition, mission, and  
139 responsibilities.--

140 (7) A separate and secondary role for community colleges  
141 includes:

142 (a) Providing upper level instruction and awarding  
143 baccalaureate degrees as specifically authorized by law.  
144 Community colleges that are approved to offer baccalaureate  
145 degree programs shall maintain the primary mission pursuant to  
146 subsection (6) and may not terminate associate in arts or  
147 associate in science degree programs as a result of the  
148 authorization to offer baccalaureate degree programs.

149 (b) The offering of programs in:

- 150 1. Community services that are not directly related to
- 151 academic or occupational advancement.
- 152 2. Adult general education.
- 153 3. Recreational and leisure services.

154 (9) Community colleges are authorized to offer such  
155 programs and courses as are necessary to fulfill their mission  
156 and are authorized to grant associate in arts degrees, associate  
157 in science degrees, associate in applied science degrees,  
158 certificates, awards, and diplomas. Each community college is  
159 also authorized to make provisions for the General Educational  
160 Development test. Each community college may provide access to  
161 and award baccalaureate degrees in accordance with law.

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162 Section 4. Section 1007.33, Florida Statutes, is amended  
163 to read:

164 1007.33 Site-determined baccalaureate degree access.--

165 (1) The Legislature recognizes that public and private  
166 postsecondary educational institutions play essential roles in  
167 improving the quality of life and economic well-being of the  
168 state and its residents. The Legislature also recognizes that  
169 economic development needs and the educational needs of place-  
170 bound, nontraditional students have increased the demand for  
171 local access to baccalaureate degree programs. In some, but not  
172 all, geographic regions, baccalaureate degree programs are being  
173 delivered successfully at the local community college through  
174 agreements between the community college and 4-year  
175 postsecondary institutions within or outside of the state. It  
176 is therefore the intent of the Legislature to further expand  
177 access to baccalaureate degree programs through the use of  
178 community colleges to provide programs that meet critical  
179 workforce needs.

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

183 (3) A community college may develop a proposal to deliver  
184 specified baccalaureate degree programs in its district to meet  
185 local workforce needs; expand access to postsecondary education  
186 particularly to diverse, nontraditional, and geographically  
187 bound students; enhance articulation particularly in program  
188 areas where articulation is limited; or provide the means of  
189 obtaining a baccalaureate degree in a manner that is most cost-

190 efficient to the student and the state. The proposal must be  
 191 submitted to the State Board of Education, in accordance with  
 192 timeframes and guidelines adopted by the state board, for a  
 193 formal assessment by the Department of Education and final  
 194 approval by the state board. The community college's proposal  
 195 must include a statement of determination by the community  
 196 college that ~~the following information:~~

197 (a) Demand for the baccalaureate degree program is  
 198 identified by the workforce development board, local businesses  
 199 and industry, local chambers of commerce, and potential  
 200 students.

201 (b) Unmet need for graduates of the proposed degree  
 202 program is substantiated.

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

205 (d) Innovative and alternative options have been  
 206 considered, such as distance learning and university  
 207 partnerships, and found less cost-effective for the student, the  
 208 community, and the state.

209  
 210 The State Board of Education shall review the formal assessment  
 211 and approve, deny, or require revisions to proposals, in  
 212 accordance with the adopted timeframes and guidelines. The state  
 213 board may approve only those proposals that fully comply with  
 214 the requirements of this subsection and s. 1004.03(2) and  
 215 represent the most efficient and cost-effective manner to  
 216 provide access to the degree. ~~The proposal must be submitted to~~



217 ~~the Council for Education Policy Research and Improvement for~~  
218 ~~review and comment.~~

219 (4) Upon approval of the State Board of Education for the  
220 specific degree program or programs, the community college shall  
221 pursue regional accreditation by the Commission on Colleges of  
222 the Southern Association of Colleges and Schools. Any additional  
223 baccalaureate degree programs the community college wishes to  
224 offer must be approved by the State Board of Education pursuant  
225 to the process outlined in this section. Approved programs shall  
226 be implemented in accordance with joint letters of agreement  
227 between the State Board of Education and community colleges  
228 offering approved programs.

229 (5) The State Board of Education shall adopt by rule  
230 policies that address the baccalaureate degree programs at  
231 community colleges approved pursuant to this section, including  
232 reporting policies and performance accountability requirements  
233 for both upper-division and lower-division programs.

234 (6)(4) A community college may not terminate its associate  
235 in arts or associate in science degree programs as a result of  
236 the authorization provided in subsection (3). The Legislature  
237 intends that the primary mission of a community college,  
238 including a community college that offers baccalaureate degree  
239 programs, continues to be the provision of associate degrees  
240 that provide access to a university.

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

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

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244 Section 5. Subsections (1), (2), (3), and (11) of section  
245 1009.23, Florida Statutes, are amended to read:

246 1009.23 Community college student fees.--

247 (1) Unless otherwise provided, the provisions of this  
248 section apply only to fees charged for college credit  
249 instruction leading to an associate in arts degree, an associate  
250 in applied science degree, ~~or~~ an associate in science degree, or  
251 a baccalaureate degree authorized by the State Board of  
252 Education pursuant to s. 1007.33 and for noncollege credit  
253 college-preparatory courses defined in s. 1004.02.

254 (2)(a) All students shall be charged fees except students  
255 who are exempt from fees or students whose fees are waived.

256 (b) Tuition and out-of-state fees for upper-division  
257 courses must reflect the fact that the community college has a  
258 less expensive cost structure than that of a state university.  
259 Therefore, the board of trustees shall establish tuition and  
260 out-of-state fees for upper-division courses within a range  
261 between fees for lower-division credit courses and the local  
262 state university tuition and out-of-state fees. A community  
263 college board of trustees may not establish any fee for an  
264 upper-division course or student unless specifically authorized  
265 by this section or rules of the State Board of Education.

266 (3) The State Board of Education shall adopt by December  
267 31 of each year a resident fee schedule for the following fall  
268 for advanced and professional, associate in science degree,  
269 baccalaureate degree programs authorized by the State Board of  
270 Education pursuant to s. 1007.33, and college-preparatory  
271 programs that produce revenues in the amount of 25 percent of

272 | the full prior year's cost of these programs. Fees for courses  
 273 | in college-preparatory programs and associate in arts and  
 274 | associate in science degree programs may be established at the  
 275 | same level. In the absence of a provision to the contrary in an  
 276 | appropriations act, the fee schedule shall take effect and the  
 277 | colleges shall expend the funds on instruction. If the  
 278 | Legislature provides for an alternative fee schedule in an  
 279 | appropriations act, the fee schedule shall take effect the  
 280 | subsequent fall semester.

281 |       (11) Each community college board of trustees may  
 282 | establish a separate fee for capital improvements, technology  
 283 | enhancements, or equipping student buildings which may not  
 284 | exceed 10 percent of tuition for resident students or 10 percent  
 285 | of the sum of tuition and out-of-state fees for nonresident  
 286 | students. The fee for resident students shall be limited to an  
 287 | increase of \$2 per credit hour over the prior year ~~\$1 per credit~~  
 288 | ~~hour or credit-hour equivalent for residents and which equals or~~  
 289 | ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected by  
 290 | community colleges through these fees may be bonded only for the  
 291 | purpose of financing or refinancing new construction and  
 292 | equipment, renovation, or remodeling of educational facilities.  
 293 | The fee shall be collected as a component part of the tuition  
 294 | and fees, paid into a separate account, and expended only to  
 295 | construct and equip, maintain, improve, or enhance the  
 296 | educational facilities of the community college. Projects funded  
 297 | through the use of the capital improvement fee shall meet the  
 298 | survey and construction requirements of chapter 1013. Pursuant  
 299 | to s. 216.0158, each community college shall identify each

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300 project, including maintenance projects, proposed to be funded  
 301 in whole or in part by such fee. Capital improvement fee  
 302 revenues may be pledged by a board of trustees as a dedicated  
 303 revenue source to the repayment of debt, including lease-  
 304 purchase agreements and revenue bonds, with a term not to exceed  
 305 20 years, and not to exceed the useful life of the asset being  
 306 financed, only for the new construction and equipment,  
 307 renovation, or remodeling of educational facilities. Community  
 308 colleges shall ~~may~~ use the services of the Division of Bond  
 309 Finance of the State Board of Administration to issue any bonds  
 310 authorized through the provisions of this subsection. Any such  
 311 bonds issued by the Division of Bond Finance shall be in  
 312 compliance with the provisions of the State Bond Act. Bonds  
 313 issued pursuant to the State Bond Act shall be validated in the  
 314 manner provided by chapter 75. The complaint for such validation  
 315 shall be filed in the circuit court of the county where the seat  
 316 of state government is situated, the notice required to be  
 317 published by s. 75.06 shall be published only in the county  
 318 where the complaint is filed, and the complaint and order of the  
 319 circuit court shall be served only on the state attorney of the  
 320 circuit in which the action is pending. A maximum of 15 percent  
 321 ~~cents per credit hour~~ may be allocated from the capital  
 322 improvement fee for child care centers conducted by the  
 323 community college.

324 Section 6. Section 1011.83, Florida Statutes, is amended  
 325 to read:

326 1011.83 Financial support of community colleges.--

327       (1) Each community college that has been approved by the  
 328 Department of Education and meets the requirements of law and  
 329 rules of the State Board of Education shall participate in the  
 330 Community College Program Fund. However, funds to support  
 331 workforce development programs conducted by community colleges  
 332 shall be provided by the Workforce Development Education Fund  
 333 pursuant to s. 1011.80. Community colleges shall fund the  
 334 nonrecurring costs related to the initiation of a new  
 335 baccalaureate degree program pursuant to s. 1007.33 without new  
 336 state appropriations unless special grant funds are designated  
 337 by the State Board of Education, subject to funding by the  
 338 Legislature for this purpose. However, a new baccalaureate  
 339 degree program may not accept students without a recurring  
 340 legislative appropriation for this purpose. Recurring  
 341 operational funding for a community college authorized to grant  
 342 baccalaureate degrees pursuant to s. 1007.33 shall be funded as  
 343 follows:

344       (a) As a community college for its workforce development  
 345 education programs and for its lower-division level college  
 346 credit courses and programs funded in the community college  
 347 program fund pursuant to this section.

348       (b) As a baccalaureate-degree-level institution for its  
 349 upper-division level courses and programs. State support for  
 350 these programs should not exceed 85 percent of the amount of  
 351 state support per full-time equivalent student in a comparable  
 352 state university program. Funds appropriated for this purpose  
 353 may be used only for the baccalaureate degree programs.

354       (2) Community colleges that grant baccalaureate degrees  
 355 shall maintain reporting and funding distinctions between any  
 356 baccalaureate degree program approved pursuant to s. 1007.33 and  
 357 other baccalaureate degree programs involving traditional  
 358 concurrent-use partnerships.

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

361       1013.60 Legislative capital outlay budget request.--

362       (3) The commissioner shall submit an integrated,  
 363 comprehensive budget request to the Executive Office of the  
 364 Governor and to the Legislature each fiscal year by the  
 365 submission date specified in s. 216.023(1). Notwithstanding the  
 366 provisions of s. 216.043, the integrated, comprehensive budget  
 367 request shall include:

368       (c) Recommendations for the priority expenditure of funds  
 369 for facilities for baccalaureate degree programs at community  
 370 colleges pursuant to s. 1007.33, provided the projects are  
 371 identified in a community college's capital improvement plan.  
 372 Such projects shall not be considered a component of the 3-year  
 373 priority list of the community college or state university  
 374 system pursuant to s. 1013.64(4)(a). Community colleges approved  
 375 to grant baccalaureate degrees may request funding from the  
 376 Public Education Capital Outlay and Debt Service Trust Fund for  
 377 all authorized programs, including approved baccalaureate degree  
 378 programs pursuant to this paragraph. Enrollment in approved  
 379 baccalaureate degree programs shall be computed into the survey  
 380 of need for facilities.

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381 Section 8. Paragraph (g) of subsection (5) of section  
382 288.8175, Florida Statutes, is amended to read:

383 288.8175 Linkage institutes between postsecondary  
384 institutions in this state and foreign countries.--

385 (5) The institutes are:

386 (g) Florida-France Institute (New College of the  
387 University of South Florida, Miami Dade ~~Miami Dade Community~~  
388 College, and Florida State University).

389 Section 9. Paragraph (a) of subsection (2) of section  
390 1002.35, Florida Statutes, is amended to read:

391 1002.35 New World School of the Arts.--

392 (2)(a) For purposes of governance, the New World School of  
393 the Arts is assigned to Miami Dade ~~Miami Dade Community~~ College,  
394 the Dade County School District, and one or more universities  
395 designated by the State Board of Education. The State Board of  
396 Education shall assign to the New World School of the Arts a  
397 university partner or partners. In this selection, the State  
398 Board of Education shall consider the accreditation status of  
399 the core programs. Florida International University, in its  
400 capacity as the provider of university services to Dade County,  
401 shall be a partner to serve the New World School of the Arts,  
402 upon meeting the accreditation criteria. The respective boards  
403 shall appoint members to an executive board for administration  
404 of the school. The executive board may include community members  
405 and shall reflect proportionately the participating  
406 institutions. Miami Dade ~~Miami Dade Community~~ College shall  
407 serve as fiscal agent for the school.

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

410 1004.76 Florida Martin Luther King, Jr., Institute for  
411 Nonviolence.--

412 (2) There is hereby created the Florida Martin Luther  
413 King, Jr., Institute for Nonviolence to be established at Miami  
414 Dade ~~Miami-Dade Community~~ College. The institute shall have an  
415 advisory board consisting of 13 members as follows: the Attorney  
416 General, the Commissioner of Education, and 11 members to be  
417 appointed by the Governor, such members to represent the  
418 population of the state based on its ethnic, gender, and  
419 socioeconomic diversity. Of the members appointed by the  
420 Governor, one shall be a member of the Senate appointed by the  
421 Governor on the recommendation of the President of the Senate;  
422 one shall be a member of the Senate appointed by the Governor on  
423 the recommendation of the minority leader; one shall be a member  
424 of the House of Representatives appointed by the Governor on the  
425 recommendation of the Speaker of the House of Representatives;  
426 one shall be a member of the House of Representatives appointed  
427 by the Governor on the recommendation of the minority leader;  
428 and seven shall be members appointed by the Governor, no more  
429 than three of whom shall be members of the same political party.  
430 The following groups shall be represented by the seven members:  
431 the Florida Sheriffs Association; the Florida Association of  
432 Counties; the Florida League of Cities; state universities human  
433 services agencies; community relations or human relations  
434 councils; and youth. A chairperson shall be elected by the  
435 members and shall serve for a term of 3 years. Members of the



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436 board shall serve the following terms of office which shall be  
437 staggered:

438 (a) A member of the Legislature appointed to the board  
439 shall serve for a single term not to exceed 5 years and shall  
440 serve as a member only while he or she is a member of the  
441 Legislature.

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

448  
449 In the event of a vacancy occurring in the office of a member of  
450 the board by death, resignation, or otherwise, the Governor  
451 shall appoint a successor to serve for the balance of the  
452 unexpired term.

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