

HB 0167

2005

A bill to be entitled

1 An act relating to postsecondary education; amending s.
2 1001.64, F.S.; providing authority and requirements for
3 community colleges and the boards of trustees of community
4 colleges authorized to grant baccalaureate degrees;
5 providing for the establishment of tuition and out-of-
6 state fees for baccalaureate degree programs; requiring
7 the adoption of a policy relating to faculty adherence to
8 a specified classroom contact-hour requirement; amending
9 s. 1004.65, F.S.; prohibiting community colleges from
10 terminating associate degree programs as a result of
11 offering baccalaureate degree programs; amending s.
12 1007.33, F.S.; revising requirements for a proposal by a
13 community college to deliver a baccalaureate degree
14 program; requiring the Department of Education to assess
15 proposals and the State Board of Education to approve
16 proposals; requiring a joint letter of agreement to
17 implement an approved program; requiring the State Board
18 of Education to adopt policies and requirements concerning
19 reporting and performance accountability for upper-
20 division and lower-division programs; prohibiting a
21 community college from offering graduate programs;
22 authorizing rulemaking; amending s. 1009.23, F.S.;
23 providing requirements for upper-division tuition and
24 fees; revising the amount of the fee for capital
25 improvements, technology enhancements, or equipping
26 student buildings; requiring use of certain services for
27 issuance of bonds; revising the allocation for certain
28 child care centers; amending s. 1011.83, F.S.; providing
29

HB 0167

2005

30 for funding a community college authorized to grant
 31 baccalaureate degrees; specifying requirements for
 32 recurring operational funding; requiring reporting and
 33 funding distinctions between certain programs; amending s.
 34 1013.60, F.S.; revising requirements for the legislative
 35 capital outlay budget request submitted by the
 36 Commissioner of Education; providing for requests for
 37 funding and recommendations for the expenditure of funds
 38 for facilities for baccalaureate degree programs at
 39 community colleges; amending ss. 288.8175, 1002.35, and
 40 1004.76, F.S.; updating terminology; providing an
 41 effective date.

42

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

44

45 Section 1. Subsections (1), (2), and (8) of section
 46 1001.64, Florida Statutes, are amended to read:

47 1001.64 Community college boards of trustees; powers and
 48 duties.--

49 (1) The boards of trustees shall be responsible for cost-
 50 effective policy decisions appropriate to the community
 51 college's mission, the implementation and maintenance of high-
 52 quality education programs within law and rules of the State
 53 Board of Education, the measurement of performance, the
 54 reporting of information, and the provision of input regarding
 55 state policy, budgeting, and education standards. Community
 56 colleges may grant baccalaureate degrees pursuant to s. 1007.33
 57 and shall remain under the authority of the State Board of
 58 Education in accordance with current statutory provisions

HB 0167

2005

59 relating to community colleges as defined in s. 1000.21.

60 (2) Each board of trustees is vested with the
 61 responsibility to govern its respective community college and
 62 with such necessary authority as is needed for the proper
 63 operation and improvement thereof in accordance with rules of
 64 the State Board of Education. This authority includes serving as
 65 the governing board for purposes of granting baccalaureate
 66 degrees as authorized pursuant to s. 1007.33 and approved by the
 67 State Board of Education.

68 (8) Each board of trustees has authority for policies
 69 related to students, enrollment of students, student records,
 70 student activities, financial assistance, and other student
 71 services.

72 (a) Each board of trustees shall govern admission of
 73 students pursuant to s. 1007.263 and rules of the State Board of
 74 Education. A board of trustees may establish additional
 75 admissions criteria, which shall be included in the district
 76 interinstitutional articulation agreement developed according to
 77 s. 1007.235, to ensure student readiness for postsecondary
 78 instruction. Each board of trustees may consider the past
 79 actions of any person applying for admission or enrollment and
 80 may deny admission or enrollment to an applicant because of
 81 misconduct if determined to be in the best interest of the
 82 community college.

83 (b) Each board of trustees shall adopt rules establishing
 84 student performance standards for the award of degrees and
 85 certificates pursuant to s. 1004.68. The board of trustees of a
 86 community college authorized to grant a baccalaureate degree
 87 pursuant to s. 1007.33 may continue to award degrees, diplomas,

HB 0167

2005

88 and certificates as authorized for the college, and in the name
 89 of the college, until the college receives any necessary changes
 90 to its accreditation.

91 (c) Each board of trustees shall establish tuition and
 92 out-of-state fees for approved baccalaureate degree programs,
 93 consistent with law and proviso in the General Appropriations
 94 Act.

95 (d)(e) Boards of trustees are authorized to establish
 96 intrainstitutional and interinstitutional programs to maximize
 97 articulation pursuant to s. 1007.22.

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

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

105 (g)(f) Each board of trustees may establish a uniform code
 106 of conduct and appropriate penalties for violation of its rules
 107 by students and student organizations, including rules governing
 108 student academic honesty. Such penalties, unless otherwise
 109 provided by law, may include fines, the withholding of diplomas
 110 or transcripts pending compliance with rules or payment of
 111 fines, and the imposition of probation, suspension, or
 112 dismissal.

113 (h)(g) Each board of trustees pursuant to s. 1006.53 shall
 114 adopt a policy in accordance with rules of the State Board of
 115 Education that reasonably accommodates the religious observance,
 116 practice, and belief of individual students in regard to

HB 0167

2005

117 admissions, class attendance, and the scheduling of examinations
 118 and work assignments.

119 (i) Each board of trustees shall adopt a policy ensuring
 120 that faculty who teach upper-division courses that are a
 121 component part of a baccalaureate degree program must adhere to
 122 the requirements of s. 1012.82.

123 Section 2. Paragraph (a) of subsection (7) and subsection
 124 (9) of section 1004.65, Florida Statutes, are amended to read:

125 1004.65 Community colleges; definition, mission, and
 126 responsibilities.--

127 (7) A separate and secondary role for community colleges
 128 includes:

129 (a) Providing upper level instruction and awarding
 130 baccalaureate degrees as specifically authorized by law.
 131 Community colleges that are approved to offer baccalaureate
 132 degree programs shall maintain the primary mission pursuant to
 133 subsection (6) and may not terminate associate in arts or
 134 associate in science degree programs as a result of the
 135 authorization to offer baccalaureate degree programs.

136 (9) Community colleges are authorized to offer such
 137 programs and courses as are necessary to fulfill their mission
 138 and are authorized to grant associate in arts degrees, associate
 139 in science degrees, associate in applied science degrees,
 140 certificates, awards, and diplomas. Each community college is
 141 also authorized to make provisions for the General Educational
 142 Development test. Each community college may provide access to
 143 and award baccalaureate degrees in accordance with law.

144 Section 3. Section 1007.33, Florida Statutes, is amended
 145 to read:

HB 0167

2005

146 1007.33 Site-determined baccalaureate degree access.--

147 (1) The Legislature recognizes that public and private
 148 postsecondary educational institutions play essential roles in
 149 improving the quality of life and economic well-being of the
 150 state and its residents. The Legislature also recognizes that
 151 economic development needs and the educational needs of place-
 152 bound, nontraditional students have increased the demand for
 153 local access to baccalaureate degree programs. In some, but not
 154 all, geographic regions, baccalaureate degree programs are being
 155 delivered successfully at the local community college through
 156 agreements between the community college and 4-year
 157 postsecondary institutions within or outside of the state. It
 158 is therefore the intent of the Legislature to further expand
 159 access to baccalaureate degree programs through the use of
 160 community colleges to provide programs that meet critical
 161 workforce needs.

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

165 (3) A community college may develop a proposal to deliver
 166 specified baccalaureate degree programs in its district to meet
 167 local workforce needs; expand access to postsecondary education,
 168 particularly to diverse, nontraditional, and geographically
 169 bound students; enhance articulation, particularly in program
 170 areas where articulation is limited; or provide the means of
 171 obtaining a baccalaureate degree in a manner that is most cost-
 172 efficient to the student and the state. The proposal must be
 173 submitted to the State Board of Education, in accordance with
 174 timeframes and guidelines adopted by the state board, for a

HB 0167

2005

175 formal assessment by the Department of Education and final
 176 approval by the state board. The community college's proposal
 177 must include a statement of determination by the community
 178 college that ~~the following information:~~

179 (a) Demand for the baccalaureate degree program is
 180 identified by the workforce development board, local businesses
 181 and industry, local chambers of commerce, and potential
 182 students.

183 (b) Unmet need for graduates of the proposed degree
 184 program is substantiated.

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

187 (d) Innovative and alternative options have been
 188 considered, such as distance learning and university
 189 partnerships, and found less cost-effective for the student, the
 190 community, and the state.

191
 192 The State Board of Education shall review the formal assessment
 193 and approve, deny, or require revisions to proposals, in
 194 accordance with the adopted timeframes and guidelines. The state
 195 board may approve only those proposals that fully comply with
 196 the requirements of this subsection and s. 1004.03(2) and
 197 represent the most efficient and cost-effective manner to
 198 provide access to the degree. ~~The proposal must be submitted to~~
 199 ~~the Council for Education Policy Research and Improvement for~~
 200 ~~review and comment.~~

201 (4) Upon approval of the State Board of Education for the
 202 specific degree program or programs, the community college shall
 203 pursue regional accreditation by the Commission on Colleges of

HB 0167

2005

204 the Southern Association of Colleges and Schools. Any additional
 205 baccalaureate degree programs the community college wishes to
 206 offer must be approved by the State Board of Education pursuant
 207 to the process outlined in this section. Approved programs shall
 208 be implemented in accordance with joint letters of agreement
 209 between the State Board of Education and community colleges
 210 offering approved programs.

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

216 (6)(4) A community college may not terminate its associate
 217 in arts or associate in science degree programs as a result of
 218 the authorization provided in subsection (3). The Legislature
 219 intends that the primary mission of a community college,
 220 including a community college that offers baccalaureate degree
 221 programs, continues to be the provision of associate degrees
 222 that provide access to a university.

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

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

226 Section 4. Subsections (1), (2), (3), and (11) of section
 227 1009.23, Florida Statutes, are amended to read:

228 1009.23 Community college student fees.--

229 (1) Unless otherwise provided, the provisions of this
 230 section apply only to fees charged for college credit
 231 instruction leading to an associate in arts degree, an associate
 232 in applied science degree, ~~or~~ an associate in science degree, or

HB 0167

2005

233 a baccalaureate degree authorized by the State Board of
 234 Education pursuant to s. 1007.33 and for noncollege credit
 235 college-preparatory courses defined in s. 1004.02.

236 (2)(a) All students shall be charged fees except students
 237 who are exempt from fees or students whose fees are waived.
 238 Identical fees shall be required for all community college
 239 resident students within a college who take a specific course,
 240 regardless of the program in which they are enrolled.

241 (b) Tuition and out-of-state fees for upper-division
 242 courses must reflect the fact that the community college has a
 243 less expensive cost structure than that of a state university.
 244 Therefore, the board of trustees shall establish tuition and
 245 out-of-state fees for upper-division courses within a range
 246 between fees for lower-division credit courses and the local
 247 state university tuition and out-of-state fees. A community
 248 college board of trustees may not establish any fee for an
 249 upper-division course or student unless specifically authorized
 250 by this section or rules of the State Board of Education.

251 (3) The State Board of Education shall adopt by December
 252 31 of each year a resident fee schedule for the following fall
 253 for advanced and professional programs, associate in science
 254 degree programs, baccalaureate degree programs authorized by the
 255 State Board of Education pursuant to s. 1007.33, and college-
 256 preparatory programs that produce revenues in the amount of 25
 257 percent of the full prior year's cost of these programs. Fees
 258 for courses in college-preparatory programs and associate in
 259 arts and associate in science degree programs may be established
 260 at the same level. In the absence of a provision to the contrary
 261 in an appropriations act, the fee schedule shall take effect and

HB 0167

2005

262 the colleges shall expend the funds on instruction. If the
 263 Legislature provides for an alternative fee schedule in an
 264 appropriations act, the fee schedule shall take effect the
 265 subsequent fall semester.

266 (11) Each community college board of trustees may
 267 establish a separate fee for capital improvements, technology
 268 enhancements, or equipping student buildings which may not
 269 exceed 10 percent of tuition for resident students or 10 percent
 270 of the sum of tuition and out-of-state fees for nonresident
 271 students. The fee for resident students shall be limited to an
 272 increase of \$2 per credit hour over the prior year ~~\$1 per credit~~
 273 ~~hour or credit-hour equivalent for residents and which equals or~~
 274 ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected by
 275 community colleges through these fees may be bonded only for the
 276 purpose of financing or refinancing new construction and
 277 equipment, renovation, or remodeling of educational facilities.
 278 The fee shall be collected as a component part of the tuition
 279 and fees, paid into a separate account, and expended only to
 280 construct and equip, maintain, improve, or enhance the
 281 educational facilities of the community college. Projects funded
 282 through the use of the capital improvement fee shall meet the
 283 survey and construction requirements of chapter 1013. Pursuant
 284 to s. 216.0158, each community college shall identify each
 285 project, including maintenance projects, proposed to be funded
 286 in whole or in part by such fee. Capital improvement fee
 287 revenues may be pledged by a board of trustees as a dedicated
 288 revenue source to the repayment of debt, including lease-
 289 purchase agreements and revenue bonds, with a term not to exceed
 290 20 years, and not to exceed the useful life of the asset being

HB 0167

2005

291 financed, only for the new construction and equipment,
 292 renovation, or remodeling of educational facilities. Community
 293 colleges shall ~~may~~ use the services of the Division of Bond
 294 Finance of the State Board of Administration to issue any bonds
 295 authorized through the provisions of this subsection. Any such
 296 bonds issued by the Division of Bond Finance shall be in
 297 compliance with the provisions of the State Bond Act. Bonds
 298 issued pursuant to the State Bond Act shall be validated in the
 299 manner provided by chapter 75. The complaint for such validation
 300 shall be filed in the circuit court of the county where the seat
 301 of state government is situated, the notice required to be
 302 published by s. 75.06 shall be published only in the county
 303 where the complaint is filed, and the complaint and order of the
 304 circuit court shall be served only on the state attorney of the
 305 circuit in which the action is pending. A maximum of 15 percent
 306 ~~cents per credit hour~~ may be allocated from the capital
 307 improvement fee for child care centers conducted by the
 308 community college.

309 Section 5. Section 1011.83, Florida Statutes, is amended
 310 to read:

311 1011.83 Financial support of community colleges.--

312 (1) Each community college that has been approved by the
 313 Department of Education and meets the requirements of law and
 314 rules of the State Board of Education shall participate in the
 315 Community College Program Fund. However, funds to support
 316 workforce education programs conducted by community colleges
 317 shall be provided pursuant to s. 1011.80. Community colleges
 318 shall fund the nonrecurring costs related to the initiation of a
 319 new baccalaureate degree program pursuant to s. 1007.33 without

HB 0167

2005

320 new state appropriations unless special grant funds are
 321 designated by the State Board of Education, subject to funding
 322 by the Legislature for this purpose. However, a new
 323 baccalaureate degree program may not accept students without a
 324 recurring legislative appropriation for this purpose. Recurring
 325 operational funding for a community college authorized to grant
 326 baccalaureate degrees pursuant to s. 1007.33 shall be funded as
 327 follows:

328 (a) As a community college for its workforce education
 329 programs and for its lower-division level college credit courses
 330 and programs funded in the Community College Program Fund
 331 pursuant to this section.

332 (b) As a baccalaureate-degree-level institution for its
 333 upper-division level courses and programs. State support for
 334 these programs should not exceed 85 percent of the amount of
 335 state support per full-time equivalent student in a comparable
 336 state university program. Funds appropriated for this purpose
 337 may be used only for the baccalaureate degree programs.

338 (2) Community colleges that grant baccalaureate degrees
 339 shall maintain reporting and funding distinctions between any
 340 baccalaureate degree program approved pursuant to s. 1007.33 and
 341 other baccalaureate degree programs involving traditional
 342 concurrent-use partnerships.

343 Section 6. Paragraph (c) is added to subsection (3) of
 344 section 1013.60, Florida Statutes, to read:

345 1013.60 Legislative capital outlay budget request.--

346 (3) The commissioner shall submit an integrated,
 347 comprehensive budget request to the Executive Office of the
 348 Governor and to the Legislature each fiscal year by the

HB 0167

2005

349 submission date specified in s. 216.023(1). Notwithstanding the
 350 provisions of s. 216.043, the integrated, comprehensive budget
 351 request shall include:

352 (c) Recommendations for the priority expenditure of funds
 353 for facilities for baccalaureate degree programs at community
 354 colleges pursuant to s. 1007.33, provided the projects are
 355 identified in a community college's capital improvement plan.
 356 Such projects shall not be considered a component of the 3-year
 357 priority list of the community college or state university
 358 system pursuant to s. 1013.64(4)(a). Community colleges approved
 359 to grant baccalaureate degrees may request funding from the
 360 Public Education Capital Outlay and Debt Service Trust Fund for
 361 all authorized programs, including approved baccalaureate degree
 362 programs pursuant to this paragraph. Enrollment in approved
 363 baccalaureate degree programs shall be computed into the survey
 364 of need for facilities.

365 Section 7. Paragraph (g) of subsection (5) of section
 366 288.8175, Florida Statutes, is amended to read:

367 288.8175 Linkage institutes between postsecondary
 368 institutions in this state and foreign countries.--

369 (5) The institutes are:

370 (g) Florida-France Institute (New College of the
 371 University of South Florida, Miami Dade ~~Miami Dade Community~~
 372 College, and Florida State University).

373 Section 8. Paragraph (a) of subsection (2) of section
 374 1002.35, Florida Statutes, is amended to read:

375 1002.35 New World School of the Arts.--

376 (2)(a) For purposes of governance, the New World School of
 377 the Arts is assigned to Miami Dade ~~Miami Dade Community~~ College,

HB 0167

2005

378 the Dade County School District, and one or more universities
 379 designated by the State Board of Education. The State Board of
 380 Education shall assign to the New World School of the Arts a
 381 university partner or partners. In this selection, the State
 382 Board of Education shall consider the accreditation status of
 383 the core programs. Florida International University, in its
 384 capacity as the provider of university services to Dade County,
 385 shall be a partner to serve the New World School of the Arts,
 386 upon meeting the accreditation criteria. The respective boards
 387 shall appoint members to an executive board for administration
 388 of the school. The executive board may include community members
 389 and shall reflect proportionately the participating
 390 institutions. Miami Dade ~~Miami Dade Community~~ College shall
 391 serve as fiscal agent for the school.

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

394 1004.76 Florida Martin Luther King, Jr., Institute for
 395 Nonviolence.--

396 (2) There is hereby created the Florida Martin Luther
 397 King, Jr., Institute for Nonviolence to be established at Miami
 398 Dade ~~Miami Dade Community~~ College. The institute shall have an
 399 advisory board consisting of 13 members as follows: the Attorney
 400 General, the Commissioner of Education, and 11 members to be
 401 appointed by the Governor, such members to represent the
 402 population of the state based on its ethnic, gender, and
 403 socioeconomic diversity. Of the members appointed by the
 404 Governor, one shall be a member of the Senate appointed by the
 405 Governor on the recommendation of the President of the Senate;
 406 one shall be a member of the Senate appointed by the Governor on

HB 0167

2005

407 the recommendation of the minority leader; one shall be a member
 408 of the House of Representatives appointed by the Governor on the
 409 recommendation of the Speaker of the House of Representatives;
 410 one shall be a member of the House of Representatives appointed
 411 by the Governor on the recommendation of the minority leader;
 412 and seven shall be members appointed by the Governor, no more
 413 than three of whom shall be members of the same political party.
 414 The following groups shall be represented by the seven members:
 415 the Florida Sheriffs Association; the Florida Association of
 416 Counties; the Florida League of Cities; state universities human
 417 services agencies; community relations or human relations
 418 councils; and youth. A chairperson shall be elected by the
 419 members and shall serve for a term of 3 years. Members of the
 420 board shall serve the following terms of office which shall be
 421 staggered:

422 (a) A member of the Legislature appointed to the board
 423 shall serve for a single term not to exceed 5 years and shall
 424 serve as a member only while he or she is a member of the
 425 Legislature.

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

432
 433 In the event of a vacancy occurring in the office of a member of
 434 the board by death, resignation, or otherwise, the Governor
 435 shall appoint a successor to serve for the balance of the

HB 0167

2005

436 unexpired term.

437 Section 10. This act shall take effect July 1, 2005.