

By Senators King and Pruitt

8-445B-05

1                                   A bill to be entitled  
2           An act relating to the awarding of  
3           baccalaureate degrees by community colleges;  
4           amending s. 1001.64, F.S.; providing that  
5           community colleges that grant baccalaureate  
6           degrees pursuant to s. 1007.33, F.S., remain  
7           under the authority of the State Board of  
8           Education with respect to specified  
9           responsibilities; providing that, subject to  
10          specified conditions, the board of trustees of  
11          such a community college is the governing board  
12          for purposes of granting baccalaureate degrees;  
13          providing powers of the boards of trustees,  
14          including the power to establish tuition and  
15          out-of-state fees; providing restrictions;  
16          requiring such boards to adopt a policy  
17          requiring teachers who teach certain  
18          upper-division courses to teach a specified  
19          minimum number of hours; amending s. 1004.65,  
20          F.S.; requiring community colleges that offer  
21          baccalaureate degrees to maintain their primary  
22          purpose and not terminate associate in arts  
23          programs because they offer baccalaureate  
24          degrees; amending s. 1007.33, F.S.; requiring  
25          that a formal agreement for the delivery of  
26          specified baccalaureate degree programs by a  
27          regionally accredited college or university at  
28          a community college site include certain  
29          provisions; requiring that the curriculum for  
30          the degree be developed and approved within a  
31          specified time; requiring that a proposal to

1 deliver such a degree document that the  
2 community college has notified the accredited  
3 colleges and universities in the district of  
4 its intent to seek approval for delivery of the  
5 degree; allowing the colleges and universities  
6 to propose an alternative plan for providing  
7 the degree; amending s. 1009.23, F.S.;  
8 providing guidelines and restrictions for  
9 setting tuition and out-of-state fees for  
10 upper-division courses; requiring the State  
11 Board of Education, annually by a specified  
12 date, to adopt a resident fee schedule for  
13 baccalaureate degree programs offered by  
14 community colleges; amending s. 1011.83, F.S.;  
15 providing requirements for funding nonrecurring  
16 and recurring costs associated with such  
17 programs; limiting per-student funding to a  
18 specified percentage of costs associated with  
19 baccalaureate degree programs offered in state  
20 universities; requiring community colleges to  
21 maintain a distinction in reporting and funding  
22 between baccalaureate degree programs approved  
23 under s. 1007.33, F.S., and those offered under  
24 concurrent-use partnerships; amending s.  
25 1013.60, F.S.; allowing community college  
26 boards of trustees to request funding for all  
27 authorized programs; requiring that enrollment  
28 in baccalaureate degree programs be computed  
29 into the survey of need for facilities;  
30 providing an effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

2  
3 Section 1. Subsections (1), (2), and (8) of section  
4 1001.64, Florida Statutes, are amended to read:

5 1001.64 Community college boards of trustees; powers  
6 and duties.--

7 (1) The boards of trustees shall be responsible for  
8 cost-effective policy decisions appropriate to the community  
9 college's mission, the implementation and maintenance of  
10 high-quality education programs within law and rules of the  
11 State Board of Education, the measurement of performance, the  
12 reporting of information, and the provision of input regarding  
13 state policy, budgeting, and education standards. Community  
14 colleges may grant baccalaureate degrees pursuant to s.  
15 1007.33 and shall remain under the authority of the State  
16 Board of Education with respect to planning, coordination,  
17 oversight, and budgetary and accountability responsibilities.

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

26 (8) Each board of trustees has authority for policies  
27 related to students, enrollment of students, student records,  
28 student activities, financial assistance, and other student  
29 services.

30 (a) Each board of trustees shall govern admission of  
31 students pursuant to s. 1007.263 and rules of the State Board

1 of Education. A board of trustees may establish additional  
2 admissions criteria, which shall be included in the district  
3 interinstitutional articulation agreement developed according  
4 to s. 1007.235, to ensure student readiness for postsecondary  
5 instruction. Each board of trustees may consider the past  
6 actions of any person applying for admission or enrollment and  
7 may deny admission or enrollment to an applicant because of  
8 misconduct if determined to be in the best interest of the  
9 community college.

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

18 (c) Each board of trustees shall establish tuition and  
19 out-of-state fees for approved baccalaureate degree programs,  
20 consistent with law and proviso language in the General  
21 Appropriations Act. However, a board of trustees may not  
22 increase tuition and out-of-state fees as provided in s.  
23 1009.23(4).

24 ~~(d)(e)~~ Boards of trustees are authorized to establish  
25 intrainstitutional and interinstitutional programs to maximize  
26 articulation pursuant to s. 1007.22.

27 ~~(e)(d)~~ Boards of trustees shall identify their core  
28 curricula, which shall include courses required by the State  
29 Board of Education, pursuant to the provisions of s.  
30 1007.25(6).  
31

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

5           ~~(g)(f)~~ Each board of trustees may establish a uniform  
6 code of conduct and appropriate penalties for violation of its  
7 rules by students and student organizations, including rules  
8 governing student academic honesty. Such penalties, unless  
9 otherwise provided by law, may include fines, the withholding  
10 of diplomas or transcripts pending compliance with rules or  
11 payment of fines, and the imposition of probation, suspension,  
12 or dismissal.

13           ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53  
14 shall adopt a policy in accordance with rules of the State  
15 Board of Education that reasonably accommodates the religious  
16 observance, practice, and belief of individual students in  
17 regard to admissions, class attendance, and the scheduling of  
18 examinations and work assignments.

19           (i) Each board of trustees shall adopt a policy  
20 providing that faculty who teach upper-division courses that  
21 are a component part of a baccalaureate program must meet the  
22 requirements of s. 1012.82.

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

26           1004.65 Community colleges; definition, mission, and  
27 responsibilities.--

28           (7) A separate and secondary role for community  
29 colleges includes:

30           (a) Providing upper level instruction and awarding  
31 baccalaureate degrees as specifically authorized by law. A

1 community college that is approved to offer baccalaureate  
2 degree programs shall maintain its primary mission pursuant to  
3 subsection (6) and may not terminate associate in arts or  
4 associate in science degree programs as a result of the  
5 authorization to offer baccalaureate degree programs.

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

15 Section 3. Present subsection (4) of section 1007.33,  
16 Florida Statutes, is redesignated as subsection (6), and new  
17 subsections (4) and (5) are added to that section, to read:

18 1007.33 Site-determined baccalaureate degree access.--

19 (4) A formal agreement for the delivery of specified  
20 baccalaureate degree programs by a regionally accredited  
21 public or private college or university at a community college  
22 site must include:

23 (a) A guarantee that students will be able to complete  
24 the degree in the community college district;

25 (b) A financial commitment to the development,  
26 implementation, and maintenance of the specified degree  
27 program on behalf of the college or university which includes  
28 timelines; and

29 (c) A plan for collaboration in the development and  
30 offering of the curriculum for the specified degree by both  
31 faculty at the community college and at the college or

1 university. The curriculum for the specified degree must be  
2 developed and approved within 6 months after the agreement  
3 between the community college and the college or university is  
4 signed.

5 (5) A community college proposal to deliver a  
6 specified baccalaureate degree program must document that the  
7 community college has notified in writing the accredited  
8 public and private colleges and universities in the community  
9 college's district of its intent to seek approval for delivery  
10 of the proposed program. The notified colleges and  
11 universities have 90 days to submit in writing to the  
12 community college an alternative plan for providing the  
13 specified degree program.

14 Section 4. Subsections (1), (2), and (3) of section  
15 1009.23, Florida Statutes, are amended to read:

16 1009.23 Community college student fees.--

17 (1) Unless otherwise provided, ~~the provisions of this~~  
18 section ~~applies apply~~ only to fees charged for college credit  
19 instruction leading to an associate in arts degree, an  
20 associate in applied science degree, ~~or~~ an associate in  
21 science degree, or a baccalaureate degree authorized by the  
22 State Board of Education pursuant to s. 1007.33, and for  
23 noncollege credit college-preparatory courses defined in s.  
24 1004.02.

25 (2)(a) All students shall be charged fees except  
26 students who are exempt from fees or students whose fees are  
27 waived.

28 (b) Tuition and out-of-state fees for upper-division  
29 courses must reflect the fact that the college has a less  
30 expensive cost structure than that of a state university.  
31 Therefore, the board of trustees shall establish tuition and

1 out-of-state fees for upper-division courses consistent with  
2 law and proviso language in the General Appropriations Act.  
3 However, the board of trustees may not increase tuition and  
4 out-of-state fees as provided in subsection (4). Identical  
5 ~~fees shall be required for all community college resident~~  
6 ~~students within a college who take a specific course,~~  
7 ~~regardless of the program in which they are enrolled.~~

8 (3) The State Board of Education shall adopt by  
9 December 31 of each year a resident fee schedule for the  
10 following fall for advanced and professional programs,  
11 associate in science degree programs, baccalaureate degree  
12 programs authorized by the State Board of Education pursuant  
13 to s. 1007.33, and college-preparatory programs that produce  
14 revenues in the amount of 25 percent of the full prior year's  
15 cost of these programs. Fees for courses in  
16 college-preparatory programs and associate in arts and  
17 associate in science degree programs may be established at the  
18 same level. In the absence of a provision to the contrary in  
19 an appropriations act, the fee schedule shall take effect and  
20 the colleges shall expend the funds on instruction. If the  
21 Legislature provides for an alternative fee schedule in an  
22 appropriations act, the fee schedule shall take effect the  
23 subsequent fall semester.

24 Section 5. Section 1011.83, Florida Statutes, is  
25 amended to read:

26 1011.83 Financial support of community colleges.--

27 (1) Each community college that has been approved by  
28 the Department of Education and meets the requirements of law  
29 and rules of the State Board of Education shall participate in  
30 the Community College Program Fund. However, funds to support  
31 workforce education programs conducted by community colleges



1 shall be provided pursuant to s. 1011.80. A community college  
2 shall fund the nonrecurring costs related to the initiation of  
3 a new baccalaureate degree program under s. 1007.33 without  
4 new state appropriations unless special grant funds are  
5 designated by the State Board of Education, subject to funding  
6 by the Legislature for this purpose. However, a new  
7 baccalaureate program may not accept students unless there is  
8 a recurring legislative appropriation for this purpose. A  
9 community college that is authorized to grant baccalaureate  
10 degrees under s. 1007.33 must receive recurring operational  
11 funding:

12       (a) 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 by the Community College Program Fund under this  
16 section.

17       (b) As a baccalaureate-degree-level institution for  
18 its upper-division-level courses and programs. State support  
19 for these programs may not exceed 85 percent of the amount of  
20 state support per full-time equivalent student in a comparable  
21 state university program. Funds appropriated for this purpose  
22 may be used only for the baccalaureate degree programs.

23       (2) A community college that grants baccalaureate  
24 degrees shall maintain reporting and funding distinctions  
25 between any baccalaureate degree program approved under s.  
26 1007.33 and any other baccalaureate degree programs involving  
27 traditional concurrent-use partnerships.

28       Section 6. Subsection (2) of section 1013.60, Florida  
29 Statutes, is amended to read:

30       1013.60 Legislative capital outlay budget request.--  
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1           (2) The commissioner shall submit to the Governor and  
2 to the Legislature an integrated, comprehensive budget request  
3 for educational facilities construction and fixed capital  
4 outlay needs for school districts, community colleges, and  
5 universities, pursuant to the provisions of s. 1013.64 and  
6 applicable provisions of chapter 216. Each community college  
7 board of trustees and each university board of trustees shall  
8 submit to the commissioner a 3-year plan and data required in  
9 the development of the annual capital outlay budget. Community  
10 college boards of trustees may request funding for all  
11 authorized programs, including approved baccalaureate degree  
12 programs. Notwithstanding s. 1004.73(7) or any other provision  
13 of law, such a request for funding must be submitted as a part  
14 of the 3-year priority list for community colleges pursuant to  
15 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree  
16 programs must be computed into the survey of need for  
17 facilities. ~~No~~ Further disbursements may not ~~shall~~ be made  
18 from the Public Education Capital Outlay and Debt Service  
19 Trust Fund to a board of trustees that fails to timely submit  
20 the required data until such board of trustees submits the  
21 data.

22           Section 7. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

1 Provides conditions relating to community colleges that  
2 grant baccalaureate degrees under s. 1007.33, F.S.  
3 Provides that such community colleges remain under the  
4 authority of the State Board of Education with respect to  
5 specified responsibilities. Provides that, subject to  
6 specified conditions, the board of trustees of such a  
7 community college is the governing board for purposes of  
8 granting baccalaureate degrees. Provides powers of the  
9 boards of trustees, including the power to establish  
10 tuition and out-of-state fees, with restrictions.  
11 Requires that such boards adopt a policy requiring  
12 teachers who teach certain upper-division courses to  
13 teach a specified minimum number of hours. Requires  
14 community colleges that offer baccalaureate degrees to  
15 maintain their primary purpose and not terminate  
16 associate in arts programs because they offer the  
17 baccalaureate degrees. Requires that a formal agreement  
18 for the delivery of specified baccalaureate degree  
19 programs by a regionally accredited college or university  
20 at a community college site include certain provisions.  
21 Requires that the curriculum for the degree be developed  
22 and approved within a specified time period. Requires  
23 that a proposal to deliver such a degree document that  
24 the community college has, in writing, notified the  
25 accredited colleges and universities in the district of  
26 its intent to seek approval for delivery of the degree.  
27 Allows the colleges and universities to propose an  
28 alternative plan for providing the degree. Provides  
29 guidelines and restrictions for setting tuition and  
30 out-of-state fees for upper-division courses. Requires  
31 the State Board of Education, annually by a specified  
date, to adopt a resident fee schedule for baccalaureate  
degree programs offered by community colleges. Provides  
requirements for funding nonrecurring and recurring costs  
associated with such programs. Limits per-student funding  
to 85 percent of costs associated with baccalaureate  
degree programs offered in state universities. Requires  
community colleges to maintain a distinction in reporting  
and funding between baccalaureate degree programs  
approved under s. 1007.33, F.S., and those offered under  
concurrent-use partnerships. Allows community college  
boards of trustees to request funding for all authorized  
programs. Provides that enrollment in baccalaureate  
degree programs must be computed into the survey of need  
for facilities.