

By the Committee on Education; and Senators King, Pruitt, Diaz de la Portilla and Bullard

581-1933-05

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

1 baccalaureate degree programs by a regionally
2 accredited college or university at a community
3 college site include certain provisions;
4 requiring that the curriculum for the degree be
5 developed and approved within a specified time;
6 requiring that the degree program be
7 implemented within a specified time; requiring
8 that a proposal to deliver such a degree
9 document that the community college has
10 notified the accredited colleges and
11 universities in the district of its intent to
12 seek approval for delivery of the degree;
13 allowing the colleges and universities to
14 propose an alternative plan for providing the
15 degree; amending s. 1009.23, F.S.; providing
16 guidelines and restrictions for setting tuition
17 and out-of-state fees for upper-division
18 courses; requiring the State Board of
19 Education, annually by a specified date, to
20 adopt a resident fee schedule for baccalaureate
21 degree programs offered by community colleges;
22 amending s. 1011.83, F.S.; providing
23 requirements for funding nonrecurring and
24 recurring costs associated with such programs;
25 limiting per-student funding to a specified
26 percentage of costs associated with
27 baccalaureate degree programs offered in state
28 universities; requiring community colleges to
29 maintain a distinction in reporting and funding
30 between baccalaureate degree programs approved
31 under s. 1007.33, F.S., and those offered under

1 concurrent-use partnerships; amending s.
2 1013.60, F.S.; allowing community college
3 boards of trustees to request funding for all
4 authorized programs; requiring that enrollment
5 in baccalaureate degree programs be computed
6 into the survey of need for facilities;
7 approving a transfer of an endowment from the
8 Appleton Cultural Center, Inc., to the Central
9 Florida Community College Foundation; providing
10 restrictions on the management of the
11 endowment; releasing the foundation from
12 certain trust agreement and statutory
13 requirements; providing an effective date.
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15 Be It Enacted by the Legislature of the State of Florida:
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17 Section 1. Subsections (1), (2), and (8) of section
18 1001.64, Florida Statutes, are amended to read:

19 1001.64 Community college boards of trustees; powers
20 and duties.--

21 (1) The boards of trustees shall be responsible for
22 cost-effective policy decisions appropriate to the community
23 college's mission, the implementation and maintenance of
24 high-quality education programs within law and rules of the
25 State Board of Education, the measurement of performance, the
26 reporting of information, and the provision of input regarding
27 state policy, budgeting, and education standards. Community
28 colleges may grant baccalaureate degrees pursuant to s.
29 1007.33 and shall remain under the authority of the State
30 Board of Education with respect to planning, coordination,
31 oversight, and budgetary and accountability responsibilities.

1 (2) Each board of trustees is vested with the
2 responsibility to govern its respective community college and
3 with such necessary authority as is needed for the proper
4 operation and improvement thereof in accordance with rules of
5 the State Board of Education. This authority includes serving
6 as the governing board for purposes of granting baccalaureate
7 degrees. The board of trustees of a community college that has
8 been authorized pursuant to s. 1007.33(3) to offer a specific
9 baccalaureate degree program approved by the State Board of
10 Education and the Legislature, whose community college has
11 become regionally accredited by the Commission on Colleges of
12 the Southern Association of Colleges and Schools to offer that
13 degree, and which has graduated the first class from the
14 authorized degree program, may approve the community college
15 offering other baccalaureate degree programs that will
16 articulate a specific associate in science degree with a
17 specific bachelor's in applied science degree without having
18 to seek approval of the State Board of Education or the
19 Legislature. This exemption applies only to articulated
20 associate of science to bachelor of applied science degree
21 programs and does not exempt a community college from s.
22 1004.65(7) or s. 1007.33(4) or from the requirement to notify
23 in writing the accredited public and private colleges and
24 universities in the community college's district of its intent
25 to deliver the proposed program. The notified colleges and
26 universities have 90 days to submit in writing to the
27 community college an alternative plan for providing the
28 specified degree program. The alternative plan must include
29 the curriculum for the new degree program and a timeline for
30 implementation which will result in the initiation of the
31 program within 1 year. The board of trustees of the community

1 college must evaluate each proposal received for the new
2 degree to determine the relative merit of each alternative
3 plan versus the community college's own plan. Such an
4 evaluation must consider which proposal is best for the
5 students who would enroll in the new degree program and the
6 cost of each proposal. The board of trustees of the community
7 college shall make the final decision on who will offer each
8 new degree program.

9 (8) Each board of trustees has authority for policies
10 related to students, enrollment of students, student records,
11 student activities, financial assistance, and other student
12 services.

13 (a) Each board of trustees shall govern admission of
14 students pursuant to s. 1007.263 and rules of the State Board
15 of Education. A board of trustees may establish additional
16 admissions criteria, which shall be included in the district
17 interinstitutional articulation agreement developed according
18 to s. 1007.235, to ensure student readiness for postsecondary
19 instruction. Each board of trustees may consider the past
20 actions of any person applying for admission or enrollment and
21 may deny admission or enrollment to an applicant because of
22 misconduct if determined to be in the best interest of the
23 community college.

24 (b) Each board of trustees shall adopt rules
25 establishing student performance standards for the award of
26 degrees and certificates pursuant to s. 1004.68. The board of
27 trustees of a community college that is authorized to grant a
28 baccalaureate degree under s. 1007.33 may continue to award
29 degrees, diplomas, and certificates as authorized for the
30 college, and in the name of the college, until the college
31 receives any necessary changes to its accreditation.

1 (c) Each board of trustees shall establish tuition and
2 out-of-state fees for approved baccalaureate degree programs,
3 consistent with law and proviso language in the General
4 Appropriations Act. However, a board of trustees may not
5 increase tuition and out-of-state fees as provided in s.
6 1009.23(4).

7 ~~(d)(e)~~ Boards of trustees are authorized to establish
8 intrainstitutional and interinstitutional programs to maximize
9 articulation pursuant to s. 1007.22.

10 ~~(e)(d)~~ Boards of trustees shall identify their core
11 curricula, which shall include courses required by the State
12 Board of Education, pursuant to the provisions of s.
13 1007.25(6).

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

18 ~~(g)(f)~~ Each board of trustees may establish a uniform
19 code of conduct and appropriate penalties for violation of its
20 rules by students and student organizations, including rules
21 governing student academic honesty. Such penalties, unless
22 otherwise provided by law, may include fines, the withholding
23 of diplomas or transcripts pending compliance with rules or
24 payment of fines, and the imposition of probation, suspension,
25 or dismissal.

26 ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53
27 shall adopt a policy in accordance with rules of the State
28 Board of Education that reasonably accommodates the religious
29 observance, practice, and belief of individual students in
30 regard to admissions, class attendance, and the scheduling of
31 examinations and work assignments.

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

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

8 1004.65 Community colleges; definition, mission, and
9 responsibilities.--

10 (7) A separate and secondary role for community
11 colleges includes:

12 (a) Providing upper level instruction and awarding
13 baccalaureate degrees as specifically authorized by law. A
14 community college that is approved to offer baccalaureate
15 degree programs shall maintain its primary mission pursuant to
16 subsection (6) and may not terminate associate in arts or
17 associate in science degree programs as a result of the
18 authorization to offer baccalaureate degree programs.

19 (9) Community colleges are authorized to offer such
20 programs and courses as are necessary to fulfill their mission
21 and are authorized to grant associate in arts degrees,
22 associate in science degrees, associate in applied science
23 degrees, certificates, awards, and diplomas. Each community
24 college is also authorized to make provisions for the General
25 Educational Development test. Each community college may
26 provide access to and award baccalaureate degrees in
27 accordance with law.

28 Section 3. Subsection (3) of section 1007.33, Florida
29 Statutes, is amended, present subsection (4) is redesignated
30 as subsection (6), and new subsections (4) and (5) are added
31 to that section, to read:

1 1007.33 Site-determined baccalaureate degree access.--

2 (3) A community college may develop a proposal to
3 deliver specified baccalaureate degree programs in its
4 district to meet local workforce needs. The proposal must be
5 submitted to the State Board of Education for approval. The
6 community college's proposal must include the following
7 information:

8 (a) Demand for the baccalaureate degree program is
9 identified by the workforce development board, local
10 businesses and industry, local chambers of commerce, and
11 potential students.

12 (b) Unmet need for graduates of the proposed degree
13 program is substantiated.

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

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17 ~~The proposal must be submitted to the Council for Education~~
18 ~~Policy Research and Improvement for review and comment.~~ Upon
19 approval of the State Board of Education for the specific
20 degree program or programs, the community college shall pursue
21 regional accreditation by the Commission on Colleges of the
22 Southern Association of Colleges and Schools. Any additional
23 baccalaureate degree programs the community college wishes to
24 offer must be approved by the State Board of Education.

25 (4) A formal agreement for the delivery of specified
26 baccalaureate degree programs by a regionally accredited
27 public or private college or university at a community college
28 site must include:

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

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1 (b) A financial commitment to the development,
2 implementation, and maintenance of the specified degree
3 program on behalf of the college or university which includes
4 timelines; and

5 (c) A plan for collaboration in the development and
6 offering of the curriculum for the specified degree by both
7 faculty at the community college and at the college or
8 university. The curriculum for the specified degree must be
9 developed and approved within 6 months, and the program shall
10 be implemented within 12 months, after the agreement between
11 the community college and the college or university is signed.

12 (5) A community college proposal to deliver a
13 specified baccalaureate degree program must document that the
14 community college has notified in writing the accredited
15 public and private colleges and universities in the community
16 college's district of its intent to seek approval for delivery
17 of the proposed program. The notified colleges and
18 universities have 90 days to submit in writing to the
19 community college an alternative plan for providing the
20 specified degree program.

21 Section 4. Subsections (1), (2), and (3) of section
22 1009.23, Florida Statutes, are amended to read:

23 1009.23 Community college student fees.--

24 (1) Unless otherwise provided, ~~the provisions of this~~
25 section ~~applies apply~~ only to fees charged for college credit
26 instruction leading to an associate in arts degree, an
27 associate in applied science degree, ~~or~~ an associate in
28 science degree, or a baccalaureate degree authorized by the
29 State Board of Education pursuant to s. 1007.33, and for
30 noncollege credit college-preparatory courses defined in s.
31 1004.02.

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

4 (b) Tuition and out-of-state fees for upper-division
5 courses must reflect the fact that the college has a less
6 expensive cost structure than that of a state university.
7 Therefore, the board of trustees shall establish tuition and
8 out-of-state fees for upper-division courses consistent with
9 law and proviso language in the General Appropriations Act.
10 However, the board of trustees may not increase tuition and
11 out-of-state fees as provided in subsection (4). ~~Identical~~
12 ~~fees shall be required for all community college resident~~
13 ~~students within a college who take a specific course,~~
14 ~~regardless of the program in which they are enrolled.~~

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

1 Section 5. Section 1011.83, Florida Statutes, is
2 amended to read:

3 1011.83 Financial support of community colleges.--

4 (1) Each community college that has been approved by
5 the Department of Education and meets the requirements of law
6 and rules of the State Board of Education shall participate in
7 the Community College Program Fund. However, funds to support
8 workforce education programs conducted by community colleges
9 shall be provided pursuant to s. 1011.80. A community college
10 may request funds from the Legislature in the State Board of
11 Education legislative budget request for costs related to the
12 initiation of a new baccalaureate degree program. The request
13 for such funds may recognize the costs expected to be incurred
14 until the Legislature provides full-time equivalent recurring
15 funding based on actual FTE enrollment after the program has
16 served both a junior and senior class in the new baccalaureate
17 degree program. A community college that is authorized to
18 grant baccalaureate degrees under s. 1007.33 must receive
19 recurring operational funding:

20 (a) As a community college for its workforce
21 development education programs and for its
22 lower-division-level college credit courses and programs
23 funded by the Community College Program Fund under this
24 section.

25 (b) As a baccalaureate-degree-level institution for
26 its upper-division-level courses and programs. State support
27 for these programs may not exceed 85 percent of the amount of
28 state support per full-time equivalent student in a comparable
29 state university program. Funds appropriated for this purpose
30 may be used only for the baccalaureate degree programs.
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1 (2) A community college that grants baccalaureate
2 degrees shall maintain reporting and funding distinctions
3 between any baccalaureate degree program approved under s.
4 1007.33 and any other baccalaureate degree programs involving
5 traditional concurrent-use partnerships.

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

8 1013.60 Legislative capital outlay budget request.--

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

30 Section 7. Approval is granted for the endowment for
31 the Appleton Museum of Art, currently held by the Appleton

1 Cultural Center, Inc., to be transferred to the Central
2 Florida Community College Foundation. The endowment to be
3 transferred, which includes state matching funds, was
4 established in 1987 through the Cultural Arts Endowment
5 Program. By this provision, the Central Florida Community
6 College Foundation is authorized to manage the endowment only
7 for the support of the educational program at the Appleton
8 Museum of Art and is released from all other provisions of the
9 Trust Agreement dated July 17, 1987, by and between the State
10 of Florida and the Appleton Cultural Center, Inc., and
11 sections 265.601 through 265.607, Florida Statutes.

12 Section 8. This act shall take effect July 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2254

4 The Committee Substitute authorizes a community college board
5 of trustees to approve a bachelor of applied science degree
6 program under certain conditions. Those conditions include:

6 The State Board of Education and the Legislature must
7 have previously approved a baccalaureate degree program
8 for the college.

8 The college has become regionally accredited by the
9 Commission on Colleges of the Southern Association of
10 Colleges and Schools to offer that degree.

10 The college has graduated the first class from the
11 authorized degree program.

11 The board of trustees of a community college:

12 May only authorize a new specific bachelor of applied
13 science degree program which is articulated with a
14 specific associate of science degree program.

14 May not stop offering the associate of science degree
15 program.

16 Must notify in writing each accredited public and private
17 college and university in its service area of the
18 college's intent to offer the new degree program and
19 provide those institutions 90 days to submit an alternate
20 plan to provide the service to the college.

19 Evaluate each alternate plan against the college's own
20 plan with respect to which program would be best for the
21 student and the cost of each proposal.

21 Shall make the final decision determining which plan will
22 be implemented.

22 The current statutory requirement that a proposal by a
23 community college to offer a baccalaureate degree must be
24 submitted to the Council for Education Policy Research and
25 Improvement for review and comment is repealed.

25 A college or university partner that has been approved to
26 offer a baccalaureate degree at a community college site must
27 implement the degree program within 12 months of approval.

27 The proposed language related to how community colleges must
28 be funded is replaced with more permissive language. A
29 community college may request funds from the Legislature for
30 the initiation of a new baccalaureate degree program through
31 the State Board of Education's legislative budget request.