

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

602-2356-05

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 providing powers of the boards of trustees,

13 including the power to establish tuition and

14 out-of-state fees; providing restrictions;

15 requiring such boards to adopt a policy

16 requiring teachers who teach certain

17 upper-division courses to teach a specified

18 minimum number of hours; amending s. 1004.65,

19 F.S.; requiring community colleges that offer

20 baccalaureate degrees to maintain their primary

21 purpose and not terminate associate in arts

22 programs because they offer baccalaureate

23 degrees; amending s. 1007.33, F.S.; removing a

24 requirement for review and comment by the

25 Council for Education Policy Research and

26 Improvement of a proposal to deliver

27 baccalaureate degree programs; providing for

28 the State Board of Education to adopt rules

29 with respect to the articulation of specified

30 associate degrees with specified bachelor's

31 degrees; providing requirements for such rules;

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

1 under s. 1007.33, F.S., and those offered under  
2 concurrent-use partnerships; amending s.  
3 1013.60, F.S.; allowing community college  
4 boards of trustees to request funding for all  
5 authorized programs; requiring that enrollment  
6 in baccalaureate degree programs be computed  
7 into the survey of need for facilities;  
8 approving a transfer of an endowment from the  
9 Appleton Cultural Center, Inc., to the Central  
10 Florida Community College Foundation; providing  
11 restrictions on the management of the  
12 endowment; releasing the foundation from  
13 certain trust agreement and statutory  
14 requirements; providing an effective date.  
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16 Be It Enacted by the Legislature of the State of Florida:  
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18 Section 1. Subsections (1), (2), and (8) of section  
19 1001.64, Florida Statutes, are amended to read:

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

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

3 (2) Each board of trustees is vested with the  
4 responsibility to govern its respective community college and  
5 with such necessary authority as is needed for the proper  
6 operation and improvement thereof in accordance with rules of  
7 the State Board of Education. This authority includes serving  
8 as the governing board for purposes of granting baccalaureate  
9 degrees.

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

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

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

3 (c) Each board of trustees shall establish tuition and  
4 out-of-state fees for approved baccalaureate degree programs,  
5 consistent with law and proviso language in the General  
6 Appropriations Act. However, a board of trustees may not  
7 increase tuition and out-of-state fees as provided in s.  
8 1009.23(4).

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

12 (e)(d) Boards of trustees shall identify their core  
13 curricula, which shall include courses required by the State  
14 Board of Education, pursuant to the provisions of s.  
15 1007.25(6).

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

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

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

1 regard to admissions, class attendance, and the scheduling of  
2 examinations and work assignments.

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

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

10 1004.65 Community colleges; definition, mission, and  
11 responsibilities.--

12 (7) A separate and secondary role for community  
13 colleges includes:

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

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

30 Section 3. Subsection (3) of section 1007.33, Florida  
31 Statutes, is amended, present subsection (4) is redesignated

1 as subsection (6), and new subsections (4) and (5) are added  
2 to that section, to read:

3 1007.33 Site-determined baccalaureate degree access.--

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

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

14 (b) Unmet need for graduates of the proposed degree  
15 program is substantiated.

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

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19 ~~The proposal must be submitted to the Council for Education~~  
20 ~~Policy Research and Improvement for review and comment.~~ Upon  
21 approval of the State Board of Education for the specific  
22 degree program or programs, the community college shall pursue  
23 regional accreditation by the Commission on Colleges of the  
24 Southern Association of Colleges and Schools. Any additional  
25 baccalaureate degree programs the community college wishes to  
26 offer must be approved by the State Board of Education.  
27 However, the State Board of Education shall adopt rules for a  
28 community college that has been authorized under this  
29 subsection to offer a specific baccalaureate degree program  
30 approved by the State Board of Education, that has become  
31 regionally accredited by the Commission on Colleges of the

1 Southern Association of Colleges and Schools to offer that  
2 degree, and that has graduated the first class from the  
3 authorized degree program to offer other baccalaureate degree  
4 programs that will articulate a specific associate in science  
5 degree with a specific bachelor's in applied science degree.  
6 Such rules must address academic standards, articulation, and  
7 a plan for financial support of the program and may not exempt  
8 a community college from s. 1004.65(7) or subsection (4) or  
9 from the requirement to notify in writing the accredited  
10 public and private colleges and universities in the community  
11 college's district of its intent to deliver the proposed  
12 program.

13 (4) A formal agreement for the delivery of specified  
14 baccalaureate degree programs by a regionally accredited  
15 public or private college or university at a community college  
16 site must include:

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

19 (b) A financial commitment to the development,  
20 implementation, and maintenance of the specified degree  
21 program on behalf of the college or university which includes  
22 timelines; and

23 (c) A plan for collaboration in the development and  
24 offering of the curriculum for the specified degree by both  
25 faculty at the community college and at the college or  
26 university. The curriculum for the specified degree must be  
27 developed and approved within 6 months, and the program shall  
28 be implemented within 12 months, after the agreement between  
29 the community college and the college or university is signed.

30 (5) A community college proposal to deliver a  
31 specified baccalaureate degree program must document that the



1 community college has notified in writing the accredited  
2 public and private colleges and universities in the community  
3 college's district of its intent to seek approval for delivery  
4 of the proposed program. The notified colleges and  
5 universities have 90 days to submit in writing to the  
6 community college an alternative plan for providing the  
7 specified degree program.

8 Section 4. Subsections (1), (2), and (3) of section  
9 1009.23, Florida Statutes, are amended to read:

10 1009.23 Community college student fees.--

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

19 (2)(a) All students shall be charged fees except  
20 students who are exempt from fees or students whose fees are  
21 waived.

22 (b) Tuition and out-of-state fees for upper-division  
23 courses must reflect the fact that the college has a less  
24 expensive cost structure than that of a state university.  
25 Therefore, the board of trustees shall establish tuition and  
26 out-of-state fees for upper-division courses consistent with  
27 law and proviso language in the General Appropriations Act.  
28 However, the board of trustees may not increase tuition and  
29 out-of-state fees as provided in subsection (4). ~~Identical~~  
30 fees shall be required for all community college resident  
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1 ~~students within a college who take a specific course,~~  
2 ~~regardless of the program in which they are enrolled.~~

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

19 Section 5. Section 1011.83, Florida Statutes, is  
20 amended to read:

21 1011.83 Financial support of community colleges.--

22 (1) Each community college that has been approved by  
23 the Department of Education and meets the requirements of law  
24 and rules of the State Board of Education shall participate in  
25 the Community College Program Fund. However, funds to support  
26 workforce education programs conducted by community colleges  
27 shall be provided pursuant to s. 1011.80. A community college  
28 may request funds from the Legislature in the State Board of  
29 Education legislative budget request for costs related to the  
30 initiation of a new baccalaureate degree program. The request  
31 for such funds may recognize the costs expected to be incurred

1 until the Legislature provides full-time equivalent recurring  
2 funding based on actual FTE enrollment after the program has  
3 served both a junior and senior class in the new baccalaureate  
4 degree program. A community college that is authorized to  
5 grant baccalaureate degrees under s. 1007.33 must receive  
6 recurring operational funding:

7       (a) As a community college for its workforce  
8 development education programs and for its  
9 lower-division-level college credit courses and programs  
10 funded by the Community College Program Fund under this  
11 section.

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

18       (2) A community college that grants baccalaureate  
19 degrees shall maintain reporting and funding distinctions  
20 between any baccalaureate degree program approved under s.  
21 1007.33 and any other baccalaureate degree programs involving  
22 traditional concurrent-use partnerships.

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

25       1013.60 Legislative capital outlay budget request.--

26       (2) The commissioner shall submit to the Governor and  
27 to the Legislature an integrated, comprehensive budget request  
28 for educational facilities construction and fixed capital  
29 outlay needs for school districts, community colleges, and  
30 universities, pursuant to the provisions of s. 1013.64 and  
31 applicable provisions of chapter 216. Each community college

1 board of trustees and each university board of trustees shall  
2 submit to the commissioner a 3-year plan and data required in  
3 the development of the annual capital outlay budget. Community  
4 college boards of trustees may request funding for all  
5 authorized programs, including approved baccalaureate degree  
6 programs. Notwithstanding s. 1004.73(7) or any other provision  
7 of law, such a request for funding must be submitted as a part  
8 of the 3-year priority list for community colleges pursuant to  
9 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree  
10 programs must be computed into the survey of need for  
11 facilities. ~~No~~ Further disbursements may not ~~shall~~ be made  
12 from the Public Education Capital Outlay and Debt Service  
13 Trust Fund to a board of trustees that fails to timely submit  
14 the required data until such board of trustees submits the  
15 data.

16 Section 7. Approval is granted for the endowment for  
17 the Appleton Museum of Art, currently held by the Appleton  
18 Cultural Center, Inc., to be transferred to the Central  
19 Florida Community College Foundation. The endowment to be  
20 transferred, which includes state matching funds, was  
21 established in 1987 through the Cultural Arts Endowment  
22 Program. By this provision, the Central Florida Community  
23 College Foundation is authorized to manage the endowment only  
24 for the support of the educational program at the Appleton  
25 Museum of Art and is released from all other provisions of the  
26 Trust Agreement dated July 17, 1987, by and between the State  
27 of Florida and the Appleton Cultural Center, Inc., and  
28 sections 265.601 through 265.607, Florida Statutes.

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

The committee substitute for committee substitute for SB 2254 requires the State Board of Education to adopt rules under which community colleges that have been authorized to offer a specific baccalaureate degree program, and which meet other specified conditions, are authorized to offer other baccalaureate degree programs that will articulate a specific associate in science degree with a specific bachelor's in applied science degree.