

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; amending s. 1009.23, F.S.;  
15 authorizing each community college board of  
16 trustees to establish a transportation user  
17 fee; limiting such fee to the cost of the  
18 service provided; allowing fines to exceed the  
19 cost of services provided and to apply to  
20 persons other than those receiving specified  
21 services; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsections (1), (2), and (8) of section  
26 1001.64, Florida Statutes, are amended to read:

27 1001.64 Community college boards of trustees; powers  
28 and duties.--

29 (1) The boards of trustees shall be responsible for  
30 cost-effective policy decisions appropriate to the community  
31 college's mission, the implementation and maintenance of

1 high-quality education programs within law and rules of the  
2 State Board of Education, the measurement of performance, the  
3 reporting of information, and the provision of input regarding  
4 state policy, budgeting, and education standards. Community  
5 colleges may grant baccalaureate degrees pursuant to s.  
6 1007.33 and shall remain under the authority of the State  
7 Board of Education with respect to planning, coordination,  
8 oversight, and budgetary and accountability responsibilities.

9 (2) Each board of trustees is vested with the  
10 responsibility to govern its respective community college and  
11 with such necessary authority as is needed for the proper  
12 operation and improvement thereof in accordance with rules of  
13 the State Board of Education. This authority includes serving  
14 as the governing board for purposes of granting baccalaureate  
15 degrees.

16 (8) Each board of trustees has authority for policies  
17 related to students, enrollment of students, student records,  
18 student activities, financial assistance, and other student  
19 services.

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

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

9 (c) Each board of trustees shall establish tuition and  
10 out-of-state fees for approved baccalaureate degree programs,  
11 consistent with law and proviso language in the General  
12 Appropriations Act. However, a board of trustees may not  
13 increase tuition and out-of-state fees as provided in s.  
14 1009.23(4).

15 ~~(d)(e)~~ Boards of trustees are authorized to establish  
16 intrainstitutional and interinstitutional programs to maximize  
17 articulation pursuant to s. 1007.22.

18 ~~(e)(d)~~ Boards of trustees shall identify their core  
19 curricula, which shall include courses required by the State  
20 Board of Education, pursuant to the provisions of s.  
21 1007.25(6).

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

26 ~~(g)(f)~~ Each board of trustees may establish a uniform  
27 code of conduct and appropriate penalties for violation of its  
28 rules by students and student organizations, including rules  
29 governing student academic honesty. Such penalties, unless  
30 otherwise provided by law, may include fines, the withholding  
31 of diplomas or transcripts pending compliance with rules or

1 payment of fines, and the imposition of probation, suspension,  
2 or dismissal.

3 ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53  
4 shall adopt a policy in accordance with rules of the State  
5 Board of Education that reasonably accommodates the religious  
6 observance, practice, and belief of individual students in  
7 regard to admissions, class attendance, and the scheduling of  
8 examinations and work assignments.

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

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

16 1004.65 Community colleges; definition, mission, and  
17 responsibilities.--

18 (7) A separate and secondary role for community  
19 colleges includes:

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

27 (9) Community colleges are authorized to offer such  
28 programs and courses as are necessary to fulfill their mission  
29 and are authorized to grant associate in arts degrees,  
30 associate in science degrees, associate in applied science  
31 degrees, certificates, awards, and diplomas. Each community

1 college is also authorized to make provisions for the General  
2 Educational Development test. Each community college may  
3 provide access to and award baccalaureate degrees in  
4 accordance with law.

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

9 1007.33 Site-determined baccalaureate degree access.--

10 (3) A community college may develop a proposal to  
11 deliver specified baccalaureate degree programs in its  
12 district to meet local workforce needs. The proposal must be  
13 submitted to the State Board of Education for approval. The  
14 community college's proposal must include the following  
15 information:

16 (a) Demand for the baccalaureate degree program is  
17 identified by the workforce development board, local  
18 businesses and industry, local chambers of commerce, and  
19 potential students.

20 (b) Unmet need for graduates of the proposed degree  
21 program is substantiated.

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

24  
25 ~~The proposal must be submitted to the Council for Education~~  
26 ~~Policy Research and Improvement for review and comment.~~ Upon  
27 approval of the State Board of Education for the specific  
28 degree program or programs, the community college shall pursue  
29 regional accreditation by the Commission on Colleges of the  
30 Southern Association of Colleges and Schools. Any additional  
31 baccalaureate degree programs the community college wishes to

1 offer must be approved by the State Board of Education.  
2 However, the State Board of Education shall adopt rules for a  
3 community college that has been authorized under this  
4 subsection to offer a specific baccalaureate degree program  
5 approved by the State Board of Education, that has become  
6 regionally accredited by the Commission on Colleges of the  
7 Southern Association of Colleges and Schools to offer that  
8 degree, and that has graduated the first class from the  
9 authorized degree program to offer other baccalaureate degree  
10 programs that will articulate a specific associate in science  
11 degree with a specific bachelor's in applied science degree.  
12 Such rules must address academic standards, articulation, and  
13 a plan for financial support of the program and may not exempt  
14 a community college from s. 1004.65(7) or subsection (4) or  
15 from the requirement to notify in writing the accredited  
16 public and private colleges and universities in the community  
17 college's district of its intent to deliver the proposed  
18 program.

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, and the program shall  
3 be implemented within 12 months, after the agreement between  
4 the community college and the college or university is 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 may request funds from the Legislature in the State Board of  
3 Education legislative budget request for costs related to the  
4 initiation of a new baccalaureate degree program. The request  
5 for such funds may recognize the costs expected to be incurred  
6 until the Legislature provides full-time equivalent recurring  
7 funding based on actual FTE enrollment after the program has  
8 served both a junior and senior class in the new baccalaureate  
9 degree program. A community college that is authorized to  
10 grant baccalaureate degrees under s. 1007.33 must receive  
11 recurring operational 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. Approval is granted for the endowment for  
23 the Appleton Museum of Art, currently held by the Appleton  
24 Cultural Center, Inc., to be transferred to the Central  
25 Florida Community College Foundation. The endowment to be  
26 transferred, which includes state matching funds, was  
27 established in 1987 through the Cultural Arts Endowment  
28 Program. By this provision, the Central Florida Community  
29 College Foundation is authorized to manage the endowment only  
30 for the support of the educational program at the Appleton  
31 Museum of Art and is released from all other provisions of the

1 Trust Agreement dated July 17, 1987, by and between the State  
2 of Florida and the Appleton Cultural Center, Inc., and  
3 sections 265.601 through 265.607, Florida Statutes.

4 Section 8. Subsection (12) of section 1009.23, Florida  
5 Statutes, is amended to read:

6 1009.23 Community college student fees.--

7 (12) In addition to tuition, out-of-state, financial  
8 aid, capital improvement, student activity and service, and  
9 technology fees authorized in this section, each community  
10 college board of trustees is authorized to establish fee  
11 schedules for the following user fees and fines: laboratory  
12 fees; parking fees and fines; transportation fees; library  
13 fees and fines; fees and fines relating to facilities and  
14 equipment use or damage; access or identification card fees;  
15 duplicating, photocopying, binding, or microfilming fees;  
16 standardized testing fees; diploma replacement fees;  
17 transcript fees; application fees; graduation fees; and late  
18 fees related to registration and payment. Such user fees ~~and~~  
19 ~~fines~~ shall not exceed the cost of the services provided and  
20 shall only be charged to persons receiving the service. A  
21 community college may not charge any fee except as authorized  
22 by law or rules of the State Board of Education. Parking fee  
23 revenues may be pledged by a community college board of  
24 trustees as a dedicated revenue source for the repayment of  
25 debt, including lease-purchase agreements and revenue bonds  
26 with terms not exceeding 20 years and not exceeding the useful  
27 life of the asset being financed. Community colleges shall use  
28 the services of the Division of Bond Finance of the State  
29 Board of Administration to issue any revenue bonds authorized  
30 by the provisions of this subsection. Any such bonds issued by  
31 the Division of Bond Finance shall be in compliance with the

1 provisions of the State Bond Act. Bonds issued pursuant to the  
2 State Bond Act shall be validated in the manner established in  
3 chapter 75. The complaint for such validation shall be filed  
4 in the circuit court of the county where the seat of state  
5 government is situated, the notice required to be published by  
6 s. 75.06 shall be published only in the county where the  
7 complaint is filed, and the complaint and order of the circuit  
8 court shall be served only on the state attorney of the  
9 circuit in which the action is pending.

10           Section 9. This act shall take effect July 1, 2005.

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