

1 A bill to be entitled
2 An act relating to the awarding of baccalaureate degrees
3 by community colleges; amending s. 1001.64, F.S.;
4 providing that community colleges that grant baccalaureate
5 degrees remain under the authority of the State Board of
6 Education with respect to specified responsibilities;
7 providing that the board of trustees is the governing
8 board for purposes of granting baccalaureate degrees;
9 providing powers of the boards of trustees, including the
10 power to establish tuition and out-of-state fees;
11 providing restrictions; requiring policies relating to
12 minimum faculty teaching hours per week; amending s.
13 1004.65, F.S.; requiring community colleges that offer
14 baccalaureate degrees to maintain their primary mission
15 and prohibiting the termination of associate degree
16 programs; amending s. 1007.33, F.S.; providing
17 requirements for the delivery of specified baccalaureate
18 degree programs by a regionally accredited college or
19 university at a community college site; requiring
20 notification to colleges and universities of intent to
21 offer the degree program; amending s. 1009.23, F.S.;
22 providing guidelines and restrictions for setting tuition
23 and out-of-state fees for upper-division courses;
24 requiring the State Board of Education to adopt a resident
25 fee schedule for baccalaureate degree programs offered by
26 community colleges; amending s. 1011.83, F.S.; providing
27 requirements for funding nonrecurring and recurring costs
28 associated with such programs; limiting per-student

29 funding to a specified percentage of costs associated with
 30 state university baccalaureate degree programs; providing
 31 certain reporting and funding requirements; amending s.
 32 1013.60, F.S.; allowing boards of trustees to request
 33 funding for all authorized programs; requiring that
 34 enrollment in baccalaureate degree programs be computed
 35 into the survey of need for facilities; providing an
 36 effective date.

37

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

39

40 Section 1. Subsections (1), (2), and (8) of section
 41 1001.64, Florida Statutes, are amended to read:

42 1001.64 Community college boards of trustees; powers and
 43 duties.--

44 (1) The boards of trustees shall be responsible for cost-
 45 effective policy decisions appropriate to the community
 46 college's mission, the implementation and maintenance of high-
 47 quality education programs within law and rules of the State
 48 Board of Education, the measurement of performance, the
 49 reporting of information, and the provision of input regarding
 50 state policy, budgeting, and education standards. Community
 51 colleges may grant baccalaureate degrees pursuant to s. 1007.33
 52 and shall remain under the authority of the State Board of
 53 Education with respect to planning, coordination, oversight, and
 54 budgetary and accountability responsibilities.

55 (2) Each board of trustees is vested with the
 56 responsibility to govern its respective community college and

57 with such necessary authority as is needed for the proper
58 operation and improvement thereof in accordance with rules of
59 the State Board of Education. This authority includes serving as
60 the governing board for purposes of granting baccalaureate
61 degrees as authorized in s. 1007.33 and approved by the State
62 Board of Education.

63 (8) Each board of trustees has authority for policies
64 related to students, enrollment of students, student records,
65 student activities, financial assistance, and other student
66 services.

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

78 (b) Each board of trustees shall adopt rules establishing
79 student performance standards for the award of degrees and
80 certificates pursuant to s. 1004.68. The board of trustees of a
81 community college that is authorized to grant a baccalaureate
82 degree under s. 1007.33 may continue to award degrees, diplomas,
83 and certificates as authorized for the college, and in the name
84 of the college, until the college receives any necessary changes

85 to its accreditation.

86 (c) Each board of trustees shall establish tuition and
87 out-of-state fees for approved baccalaureate degree programs,
88 consistent with law and proviso language in the General
89 Appropriations Act. However, a board of trustees may not
90 increase tuition and out-of-state fees as provided in s.
91 1009.23(4).

92 (d)~~(e)~~ Boards of trustees are authorized to establish
93 intrainstitutional and interinstitutional programs to maximize
94 articulation pursuant to s. 1007.22.

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

98 (f)~~(e)~~ Each board of trustees must adopt a written
99 antihazing policy, provide a program for the enforcement of such
100 rules, and adopt appropriate penalties for violations of such
101 rules pursuant to the provisions of s. 1006.63.

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

110 (h)~~(g)~~ Each board of trustees pursuant to s. 1006.53 shall
111 adopt a policy in accordance with rules of the State Board of
112 Education that reasonably accommodates the religious observance,

113 practice, and belief of individual students in regard to
 114 admissions, class attendance, and the scheduling of examinations
 115 and work assignments.

116 (i) Each board of trustees shall adopt a policy providing
 117 that faculty who teach upper-division courses that are a
 118 component part of a baccalaureate degree program must meet the
 119 requirements of s. 1012.82.

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

122 1004.65 Community colleges; definition, mission, and
 123 responsibilities.--

124 (7) A separate and secondary role for community colleges
 125 includes:

126 (a) Providing upper level instruction and awarding
 127 baccalaureate degrees as specifically authorized by law. A
 128 community college that is approved to offer baccalaureate degree
 129 programs shall maintain its primary mission pursuant to
 130 subsection (6) and may not terminate associate in arts or
 131 associate in science degree programs as a result of the
 132 authorization to offer baccalaureate degree programs.

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

141 Section 3. Subsection (4) of section 1007.33, Florida
 142 Statutes, is renumbered as subsection (6) and new subsections
 143 (4) and (5) are added to that section to read:

144 1007.33 Site-determined baccalaureate degree access.--

145 (4) A formal agreement for the delivery of specified
 146 baccalaureate degree programs by a regionally accredited public
 147 or private college or university at a community college site
 148 must include:

149 (a) A guarantee that students will be able to complete the
 150 degree in the community college district.

151 (b) A financial commitment to the development,
 152 implementation, and maintenance of the specified degree program
 153 on behalf of the college or university which includes timelines.

154 (c) A plan for collaboration in the development and
 155 offering of the curriculum for the specified degree by faculty
 156 at both the community college and the college or university. The
 157 curriculum for the specified degree must be developed and
 158 approved within 6 months after the agreement between the
 159 community college and the college or university is signed.

160 (5) A community college proposal to deliver a specified
 161 baccalaureate degree program must document that the community
 162 college has notified in writing the accredited public and
 163 private colleges and universities in the community college's
 164 district of its intent to seek approval for delivery of the
 165 proposed program. The notified colleges and universities have 90
 166 days to submit in writing to the community college an
 167 alternative plan for providing the specified degree program.

168 Section 4. Subsections (1), (2), and (3) of section

169 1009.23, Florida Statutes, are amended to read:

170 1009.23 Community college student fees.--

171 (1) Unless otherwise provided, ~~the provisions of this~~
 172 section applies ~~apply~~ only to fees charged for college credit
 173 instruction leading to an associate in arts degree, an associate
 174 in applied science degree, ~~or~~ an associate in science degree, or
 175 a baccalaureate degree authorized by the State Board of
 176 Education pursuant to s. 1007.33 and for noncollege credit
 177 college-preparatory courses defined in s. 1004.02.

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

180 (b) Tuition and out-of-state fees for upper-division
 181 courses must reflect the fact that the community college has a
 182 less expensive cost structure than that of a state university.
 183 Therefore, the board of trustees shall establish tuition and
 184 out-of-state fees for upper-division courses consistent with law
 185 and proviso language in the General Appropriations Act. However,
 186 the board of trustees may not increase tuition and out-of-state
 187 fees as provided in subsection (4). ~~Identical fees shall be~~
 188 ~~required for all community college resident students within a~~
 189 ~~college who take a specific course, regardless of the program in~~
 190 ~~which they are enrolled.~~

191 (3) The State Board of Education shall adopt by December
 192 31 of each year a resident fee schedule for the following fall
 193 for advanced and professional programs, associate in science
 194 degree programs, baccalaureate degree programs authorized by the
 195 State Board of Education pursuant to s. 1007.33, and college-
 196 preparatory programs that produce revenues in the amount of 25

197 percent of the full prior year's cost of these programs. Fees
 198 for courses in college-preparatory programs and associate in
 199 arts and associate in science degree programs may be established
 200 at the same level. In the absence of a provision to the contrary
 201 in an appropriations act, the fee schedule shall take effect and
 202 the colleges shall expend the funds on instruction. If the
 203 Legislature provides for an alternative fee schedule in an
 204 appropriations act, the fee schedule shall take effect the
 205 subsequent fall semester.

206 Section 5. Section 1011.83, Florida Statutes, is amended
 207 to read:

208 1011.83 Financial support of community colleges.--

209 (1) Each community college that has been approved by the
 210 Department of Education and meets the requirements of law and
 211 rules of the State Board of Education shall participate in the
 212 Community College Program Fund. However, funds to support
 213 workforce education programs conducted by community colleges
 214 shall be provided pursuant to s. 1011.80. A community college
 215 shall fund the nonrecurring costs related to the initiation of a
 216 new baccalaureate degree program under s. 1007.33 without new
 217 state appropriations unless special grant funds are designated
 218 by the State Board of Education, subject to funding by the
 219 Legislature for this purpose. However, a new baccalaureate
 220 degree program may not accept students unless there is a
 221 recurring legislative appropriation for this purpose. A
 222 community college that is authorized to grant baccalaureate
 223 degrees under s. 1007.33 must receive recurring operational
 224 funding:

225 (a) As a community college for its workforce education
 226 programs and for its lower-division-level college credit courses
 227 and programs funded by the Community College Program Fund under
 228 this section.

229 (b) As a baccalaureate-degree-level institution for its
 230 upper-division-level courses and programs. State support for
 231 these programs may not exceed 85 percent of the amount of state
 232 support per full-time equivalent student in a comparable state
 233 university program. Funds appropriated for this purpose may be
 234 used only for the baccalaureate degree programs.

235 (2) A community college that grants baccalaureate degrees
 236 shall maintain reporting and funding distinctions between any
 237 baccalaureate degree program approved under s. 1007.33 and any
 238 other baccalaureate degree programs involving traditional
 239 concurrent-use partnerships.

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

242 1013.60 Legislative capital outlay budget request.--

243 (2) The commissioner shall submit to the Governor and to
 244 the Legislature an integrated, comprehensive budget request for
 245 educational facilities construction and fixed capital outlay
 246 needs for school districts, community colleges, and
 247 universities, pursuant to the provisions of s. 1013.64 and
 248 applicable provisions of chapter 216. Each community college
 249 board of trustees and each university board of trustees shall
 250 submit to the commissioner a 3-year plan and data required in
 251 the development of the annual capital outlay budget. Community
 252 college boards of trustees may request funding for all

HB 137

2006

253 authorized programs, including approved baccalaureate degree
254 programs. Notwithstanding s. 1004.73(7) or any other provision
255 of law, such a request for funding must be submitted as a part
256 of the 3-year priority list for community colleges pursuant to
257 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree
258 programs must be computed into the survey of need for
259 facilities. ~~No~~ Further disbursements may not ~~shall~~ be made from
260 the Public Education Capital Outlay and Debt Service Trust Fund
261 to a board of trustees that fails to timely submit the required
262 data until such board of trustees submits the data.

263 Section 7. This act shall take effect July 1, 2006.