

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the awarding of baccalaureate degrees
7 by community colleges; amending s. 1001.64, F.S.;
8 providing that community colleges that grant baccalaureate
9 degrees remain under the authority of the State Board of
10 Education with respect to specified responsibilities;
11 providing that the board of trustees is the governing
12 board for purposes of granting baccalaureate degrees;
13 providing powers of the boards of trustees, including the
14 power to establish tuition and out-of-state fees;
15 providing restrictions; requiring policies relating to
16 minimum faculty teaching hours per week; amending s.
17 1004.65, F.S.; requiring community colleges that offer
18 baccalaureate degrees to maintain their primary mission
19 and prohibiting the termination of associate degree
20 programs; amending s. 1004.73, F.S.; removing
21 authorization for St. Petersburg College to request
22 funding from the Public Education Capital Outlay and Debt
23 Service Trust Fund as a university; amending s. 1007.33,

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24 F.S.; removing requirement that baccalaureate degree
25 program proposals be submitted to the Council for
26 Education Policy Research and Improvement for review and
27 comment; providing requirements for the delivery of
28 specified baccalaureate degree programs by a regionally
29 accredited college or university at a community college
30 site; requiring notification to colleges and universities
31 of intent to offer the degree program; amending s.
32 1009.23, F.S.; providing guidelines and restrictions for
33 setting tuition and out-of-state fees for upper-division
34 courses; requiring the State Board of Education to adopt a
35 resident fee schedule for baccalaureate degree programs
36 offered by community colleges; amending s. 1011.83, F.S.;
37 providing requirements for funding baccalaureate degree
38 programs, including funding nonrecurring and recurring
39 costs associated with such programs; providing state
40 policy to limit state support for recurring operating
41 purposes to no more than a specified percentage of funding
42 for certain state university programs; providing certain
43 reporting and funding requirements; amending s. 1013.60,
44 F.S.; allowing boards of trustees to request funding for
45 all authorized programs; providing that enrollment in
46 baccalaureate degree programs may be computed into the
47 survey of need for facilities under certain conditions;
48 providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:
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52 Section 1. Subsections (1), (2), and (8) of section
53 1001.64, Florida Statutes, are amended to read:

54 1001.64 Community college boards of trustees; powers and
55 duties.--

56 (1) The boards of trustees shall be responsible for cost-
57 effective policy decisions appropriate to the community
58 college's mission, the implementation and maintenance of high-
59 quality education programs within law and rules of the State
60 Board of Education, the measurement of performance, the
61 reporting of information, and the provision of input regarding
62 state policy, budgeting, and education standards. Community
63 colleges may grant baccalaureate degrees pursuant to s. 1007.33
64 and shall remain under the authority of the State Board of
65 Education with respect to planning, coordination, oversight, and
66 budgetary and accountability responsibilities.

67 (2) Each board of trustees is vested with the
68 responsibility to govern its respective community college and
69 with such necessary authority as is needed for the proper
70 operation and improvement thereof in accordance with rules of
71 the State Board of Education. This authority includes serving as
72 the governing board for purposes of granting baccalaureate
73 degrees as authorized in s. 1007.33 and approved by the State
74 Board of Education.

75 (8) Each board of trustees has authority for policies
76 related to students, enrollment of students, student records,
77 student activities, financial assistance, and other student
78 services.

79 (a) Each board of trustees shall govern admission of
 80 students pursuant to s. 1007.263 and rules of the State Board of
 81 Education. A board of trustees may establish additional
 82 admissions criteria, which shall be included in the district
 83 interinstitutional articulation agreement developed according to
 84 s. 1007.235, to ensure student readiness for postsecondary
 85 instruction. Each board of trustees may consider the past
 86 actions of any person applying for admission or enrollment and
 87 may deny admission or enrollment to an applicant because of
 88 misconduct if determined to be in the best interest of the
 89 community college.

90 (b) Each board of trustees shall adopt rules establishing
 91 student performance standards for the award of degrees and
 92 certificates pursuant to s. 1004.68. The board of trustees of a
 93 community college that is authorized to grant a baccalaureate
 94 degree under s. 1007.33 may continue to award degrees, diplomas,
 95 and certificates as authorized for the college, and in the name
 96 of the college, until the college receives any necessary changes
 97 to its accreditation.

98 (c) Each board of trustees shall establish tuition and
 99 out-of-state fees for approved baccalaureate degree programs,
 100 consistent with law and proviso language in the General
 101 Appropriations Act; however, a board of trustees may not vary
 102 tuition and out-of-state fees as provided in s. 1009.23(4).

103 (d)~~(e)~~ Boards of trustees are authorized to establish
 104 intrainstitutional and interinstitutional programs to maximize
 105 articulation pursuant to s. 1007.22.

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

109 (f)~~(e)~~ Each board of trustees must adopt a written
110 anti-hazing policy, provide a program for the enforcement of such
111 rules, and adopt appropriate penalties for violations of such
112 rules pursuant to the provisions of s. 1006.63.

113 (g)~~(f)~~ Each board of trustees may establish a uniform code
114 of conduct and appropriate penalties for violation of its rules
115 by students and student organizations, including rules governing
116 student academic honesty. Such penalties, unless otherwise
117 provided by law, may include fines, the withholding of diplomas
118 or transcripts pending compliance with rules or payment of
119 fines, and the imposition of probation, suspension, or
120 dismissal.

121 (h)~~(g)~~ Each board of trustees pursuant to s. 1006.53 shall
122 adopt a policy in accordance with rules of the State Board of
123 Education that reasonably accommodates the religious observance,
124 practice, and belief of individual students in regard to
125 admissions, class attendance, and the scheduling of examinations
126 and work assignments.

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

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

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133 1004.65 Community colleges; definition, mission, and
134 responsibilities.--

135 (7) A separate and secondary role for community colleges
136 includes:

137 (a) Providing upper level instruction and awarding
138 baccalaureate degrees as specifically authorized by law. A
139 community college that is approved to offer baccalaureate degree
140 programs shall maintain its primary mission pursuant to
141 subsection (6) and may not terminate associate in arts or
142 associate in science degree programs as a result of the
143 authorization to offer baccalaureate degree programs.

144 (9) Community colleges are authorized to offer such
145 programs and courses as are necessary to fulfill their mission
146 and are authorized to grant associate in arts degrees, associate
147 in science degrees, associate in applied science degrees,
148 certificates, awards, and diplomas. Each community college is
149 also authorized to make provisions for the General Educational
150 Development test. Each community college may provide access to
151 and award baccalaureate degrees in accordance with law.

152 Section 3. Subsection (7) of section 1004.73, Florida
153 Statutes, is amended to read:

154 1004.73 St. Petersburg College.--

155 (7) FACILITIES.--St. Petersburg College may request
156 funding from the Public Education Capital Outlay and Debt
157 Service Trust Fund as a community college ~~and as a university~~.
158 The municipalities in Pinellas County, the Board of County
159 Commissioners of Pinellas County, and all other governmental
160 entities are authorized to cooperate with the Board of Trustees

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161 of St. Petersburg College in establishing this institution. The
 162 acquisition and donation of lands, buildings, and equipment for
 163 the use of St. Petersburg College are authorized as a public
 164 purpose. The Board of County Commissioners of Pinellas County
 165 and all municipalities in Pinellas County may exercise the power
 166 of eminent domain to acquire lands, buildings, and equipment for
 167 the use of St. Petersburg College, regardless of whether such
 168 lands, buildings, and equipment are located in a community
 169 redevelopment area.

170 Section 4. Subsection (3) of section 1007.33, Florida
 171 Statutes, is amended, subsection (4) is renumbered as subsection
 172 (6), and new subsections (4) and (5) are added to that section,
 173 to read:

174 1007.33 Site-determined baccalaureate degree access.--

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

180 (a) Demand for the baccalaureate degree program is
 181 identified by the workforce development board, local businesses
 182 and industry, local chambers of commerce, and potential
 183 students.

184 (b) Unmet need for graduates of the proposed degree
 185 program is substantiated.

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

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189 ~~The proposal must be submitted to the Council for Education~~
190 ~~Policy Research and Improvement for review and comment.~~ Upon
191 approval of the State Board of Education for the specific degree
192 program or programs, the community college shall pursue regional
193 accreditation by the Commission on Colleges of the Southern
194 Association of Colleges and Schools. Any additional
195 baccalaureate degree programs the community college wishes to
196 offer must be approved by the State Board of Education.

197 (4) A formal agreement for the delivery of specified
198 baccalaureate degree programs by a regionally accredited public
199 or private college or university at a community college site
200 must include:

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

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

206 (c) A plan for collaboration in the development and
207 offering of the curriculum for the specified degree by faculty
208 at both the community college and the college or university. The
209 curriculum for the specified degree must be developed and
210 approved within 6 months after the agreement between the
211 community college and the college or university is signed.

212 (5) A community college proposal to deliver a specified
213 baccalaureate degree program must document that the community
214 college has notified in writing the accredited public and
215 private colleges and universities in the community college's
216 district of its intent to seek approval for delivery of the

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217 proposed program. The notified colleges and universities have 90
 218 days to submit in writing to the community college an
 219 alternative plan for providing the specified degree program.

220 Section 5. Subsections (1), (2), and (3) of section
 221 1009.23, Florida Statutes, are amended to read:

222 1009.23 Community college student fees.--

223 (1) Unless otherwise provided, ~~the provisions of this~~
 224 section applies apply only to fees charged for college credit
 225 instruction leading to an associate in arts degree, an associate
 226 in applied science degree, ~~or~~ an associate in science degree, or
 227 a baccalaureate degree authorized by the State Board of
 228 Education pursuant to s. 1007.33 and for noncollege credit
 229 college-preparatory courses defined in s. 1004.02.

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

232 (b) Tuition and out-of-state fees for upper-division
 233 courses must reflect the fact that the community college has a
 234 less expensive cost structure than that of a state university.
 235 Therefore, the board of trustees shall establish tuition and
 236 out-of-state fees for upper-division courses consistent with law
 237 and proviso language in the General Appropriations Act; however,
 238 the board of trustees may not vary tuition and out-of-state fees
 239 as provided in subsection (4). ~~Identical fees shall be required~~
 240 ~~for all community college resident students within a college who~~
 241 ~~take a specific course, regardless of the program in which they~~
 242 ~~are enrolled.~~

243 (3) The State Board of Education shall adopt by December
 244 31 of each year a resident fee schedule for the following fall

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245 for advanced and professional programs, associate in science
 246 degree programs, baccalaureate degree programs authorized by the
 247 State Board of Education pursuant to s. 1007.33, and college-
 248 preparatory programs that produce revenues in the amount of 25
 249 percent of the full prior year's cost of these programs. Fees
 250 for courses in college-preparatory programs and associate in
 251 arts and associate in science degree programs may be established
 252 at the same level. In the absence of a provision to the contrary
 253 in an appropriations act, the fee schedule shall take effect and
 254 the colleges shall expend the funds on instruction. If the
 255 Legislature provides for an alternative fee schedule in an
 256 appropriations act, the fee schedule shall take effect the
 257 subsequent fall semester.

258 Section 6. Section 1011.83, Florida Statutes, is amended
 259 to read:

260 1011.83 Financial support of community colleges.--

261 (1) Each community college that has been approved by the
 262 Department of Education and meets the requirements of law and
 263 rules of the State Board of Education shall participate in the
 264 Community College Program Fund. However, funds to support
 265 workforce education programs conducted by community colleges
 266 shall be provided pursuant to s. 1011.80.

267 (2) Funding for baccalaureate degree programs approved
 268 pursuant to s. 1007.33 shall be specified in the General
 269 Appropriations Act. A student in a baccalaureate degree program
 270 approved pursuant to s. 1007.33 who is not classified as a
 271 resident for tuition purposes pursuant to s. 1009.21 shall not

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272 be included in calculations of full-time equivalent enrollments
273 for state funding purposes.

274 (3) Funds specifically appropriated by the Legislature for
275 baccalaureate degree programs approved pursuant to s. 1007.33
276 may be used only for such programs. A community college shall
277 fund the nonrecurring costs related to the initiation of a new
278 baccalaureate degree program under s. 1007.33 without new state
279 appropriations unless special grant funds are appropriated in
280 the General Appropriations Act. A new baccalaureate degree
281 program may not accept students without a recurring legislative
282 appropriation for this purpose.

283 (4) State policy for funding baccalaureate degree programs
284 approved pursuant to s. 1007.33 shall be to limit state support
285 for recurring operating purposes to no more than 85 percent of
286 the amount of state expenditures for direct instruction per
287 credit hour in upper-level state university programs. A
288 community college may temporarily exceed this limit due to
289 normal enrollment fluctuations or unforeseeable circumstances or
290 while phasing in new programs. This subsection does not
291 authorize the Department of Education to withhold legislative
292 appropriations to any community college.

293 (5) A community college that grants baccalaureate degrees
294 shall maintain reporting and funding distinctions between any
295 baccalaureate degree program approved under s. 1007.33 and any
296 other baccalaureate degree programs involving traditional
297 concurrent-use partnerships.

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

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300 1013.60 Legislative capital outlay budget request.--
301 (2) The commissioner shall submit to the Governor and to
302 the Legislature an integrated, comprehensive budget request for
303 educational facilities construction and fixed capital outlay
304 needs for school districts, community colleges, and
305 universities, pursuant to the provisions of s. 1013.64 and
306 applicable provisions of chapter 216. Each community college
307 board of trustees and each university board of trustees shall
308 submit to the commissioner a 3-year plan and data required in
309 the development of the annual capital outlay budget. Community
310 college boards of trustees may request funding for all
311 authorized programs. Such a request for funding must be
312 submitted as a part of the 3-year priority list for community
313 colleges pursuant to s. 1013.64(4)(a). Enrollment in approved
314 baccalaureate degree programs or baccalaureate degree programs
315 offered under a formal agreement with a state university
316 pursuant to s. 1007.33 may be computed into the survey of need
317 for facilities if the partner is not defraying the cost. No
318 further disbursements shall be made from the Public Education
319 Capital Outlay and Debt Service Trust Fund to a board of
320 trustees that fails to timely submit the required data until
321 such board of trustees submits the data.
322 Section 8. This act shall take effect July 1, 2006.