

By Senator Lynn

7-1025-06

See CS/HB 137

1                                   A bill to be entitled

2           An act relating to the awarding of

3           baccalaureate degrees by community colleges;

4           amending s. 1001.64, F.S.; providing that

5           community colleges that grant baccalaureate

6           degrees remain under the authority of the State

7           Board of Education with respect to specified

8           responsibilities; providing that the board of

9           trustees is the governing board for purposes of

10          granting baccalaureate degrees; providing

11          powers of the boards of trustees, including the

12          power to establish tuition and out-of-state

13          fees; providing restrictions; requiring

14          policies relating to minimum faculty teaching

15          hours per week; amending s. 1004.65, F.S.;

16          requiring community colleges that offer

17          baccalaureate degrees to maintain their primary

18          mission and prohibiting the termination of

19          associate degree programs; amending s. 1004.73,

20          F.S.; removing authorization for St. Petersburg

21          College to request funding from the Public

22          Education Capital Outlay and Debt Service Trust

23          Fund as a university; amending s. 1007.33,

24          F.S.; removing requirement that baccalaureate

25          degree program proposals be submitted to the

26          Council for Education Policy Research and

27          Improvement for review and comment; providing

28          requirements for the delivery of specified

29          baccalaureate degree programs by a regionally

30          accredited college or university at a community

31          college site; requiring notification to

1 colleges and universities of intent to offer  
2 the degree program; amending s. 1009.23, F.S.;  
3 providing guidelines and restrictions for  
4 setting tuition and out-of-state fees for  
5 upper-division courses; requiring the State  
6 Board of Education to adopt a resident fee  
7 schedule for baccalaureate degree programs  
8 offered by community colleges; amending s.  
9 1011.83, F.S.; providing requirements for  
10 funding baccalaureate degree programs,  
11 including funding nonrecurring and recurring  
12 costs associated with such programs; providing  
13 state policy to limit state support for  
14 recurring operating purposes to no more than a  
15 specified percentage of funding for certain  
16 state university programs; providing certain  
17 reporting and funding requirements; amending s.  
18 1013.60, F.S.; allowing boards of trustees to  
19 request funding for all authorized programs;  
20 providing that enrollment in baccalaureate  
21 degree programs may be computed into the survey  
22 of need for facilities under certain  
23 conditions; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsections (1), (2), and (8) of section  
28 1001.64, Florida Statutes, are amended to read:  
29 1001.64 Community college boards of trustees; powers  
30 and duties.--  
31

1           (1) The boards of trustees shall be responsible for  
2 cost-effective policy decisions appropriate to the community  
3 college's mission, the implementation and maintenance of  
4 high-quality education programs within law and rules of the  
5 State Board of Education, the measurement of performance, the  
6 reporting of information, and the provision of input regarding  
7 state policy, budgeting, and education standards. Community  
8 colleges may grant baccalaureate degrees pursuant to s.  
9 1007.33 and shall remain under the authority of the State  
10 Board of Education with respect to planning, coordination,  
11 oversight, and budgetary and accountability responsibilities.

12           (2) Each board of trustees is vested with the  
13 responsibility to govern its respective community college and  
14 with such necessary authority as is needed for the proper  
15 operation and improvement thereof in accordance with rules of  
16 the State Board of Education. This authority includes serving  
17 as the governing board for purposes of granting baccalaureate  
18 degrees as authorized in s. 1007.33 and approved by the State  
19 Board of Education.

20           (8) Each board of trustees has authority for policies  
21 related to students, enrollment of students, student records,  
22 student activities, financial assistance, and other student  
23 services.

24           (a) Each board of trustees shall govern admission of  
25 students pursuant to s. 1007.263 and rules of the State Board  
26 of Education. A board of trustees may establish additional  
27 admissions criteria, which shall be included in the district  
28 interinstitutional articulation agreement developed according  
29 to s. 1007.235, to ensure student readiness for postsecondary  
30 instruction. Each board of trustees may consider the past  
31 actions of any person applying for admission or enrollment and

1 may deny admission or enrollment to an applicant because of  
2 misconduct if determined to be in the best interest of the  
3 community college.

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

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

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

20 ~~(e)(d)~~ Boards of trustees shall identify their core  
21 curricula, which shall include courses required by the State  
22 Board of Education, pursuant to the provisions of s.  
23 1007.25(6).

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

28 ~~(g)(f)~~ Each board of trustees may establish a uniform  
29 code of conduct and appropriate penalties for violation of its  
30 rules by students and student organizations, including rules  
31 governing student academic honesty. Such penalties, unless

1 otherwise provided by law, may include fines, the withholding  
2 of diplomas or transcripts pending compliance with rules or  
3 payment of fines, and the imposition of probation, suspension,  
4 or dismissal.

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

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

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

18 1004.65 Community colleges; definition, mission, and  
19 responsibilities.--

20 (7) A separate and secondary role for community  
21 colleges includes:

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

29 (9) Community colleges are authorized to offer such  
30 programs and courses as are necessary to fulfill their mission  
31 and are authorized to grant associate in arts degrees,

1 | associate in science degrees, associate in applied science  
2 | degrees, certificates, awards, and diplomas. Each community  
3 | college is also authorized to make provisions for the General  
4 | Educational Development test. Each community college may  
5 | provide access to and award baccalaureate degrees in  
6 | accordance with law.

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

9 |         1004.73 St. Petersburg College.--

10 |         (7) FACILITIES.--St. Petersburg College may request  
11 | funding from the Public Education Capital Outlay and Debt  
12 | Service Trust Fund as a community college ~~and as a university~~.  
13 | The municipalities in Pinellas County, the Board of County  
14 | Commissioners of Pinellas County, and all other governmental  
15 | entities are authorized to cooperate with the Board of  
16 | Trustees of St. Petersburg College in establishing this  
17 | institution. The acquisition and donation of lands, buildings,  
18 | and equipment for the use of St. Petersburg College are  
19 | authorized as a public purpose. The Board of County  
20 | Commissioners of Pinellas County and all municipalities in  
21 | Pinellas County may exercise the power of eminent domain to  
22 | acquire lands, buildings, and equipment for the use of St.  
23 | Petersburg College, regardless of whether such lands,  
24 | buildings, and equipment are located in a community  
25 | redevelopment area.

26 |         Section 4. Subsection (3) of section 1007.33, Florida  
27 | Statutes, is amended, subsection (4) is renumbered as  
28 | subsection (6), and new subsections (4) and (5) are added to  
29 | that section, to read:

30 |         1007.33 Site-determined baccalaureate degree access.--

31 |

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

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

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

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

15  
16 ~~The proposal must be submitted to the Council for Education~~  
17 ~~Policy Research and Improvement for review and comment.~~ Upon  
18 approval of the State Board of Education for the specific  
19 degree program or programs, the community college shall pursue  
20 regional accreditation by the Commission on Colleges of the  
21 Southern Association of Colleges and Schools. Any additional  
22 baccalaureate degree programs the community college wishes to  
23 offer must be approved by the State Board of Education.

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

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

30           (b) A financial commitment to the development,  
31 implementation, and maintenance of the specified degree

1 program on behalf of the college or university which includes  
2 timelines.

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

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

18 Section 5. Subsections (1), (2), and (3) of section  
19 1009.23, Florida Statutes, are amended to read:

20 1009.23 Community college student fees.--

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

29 (2)(a) All students shall be charged fees except  
30 students who are exempt from fees or students whose fees are  
31 waived.



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

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

28           Section 6. Section 1011.83, Florida Statutes, is  
29 amended to read:

30           1011.83 Financial support of community colleges.--  
31

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

7           (2) Funding for baccalaureate degree programs approved  
8 pursuant to s. 1007.33 shall be specified in the General  
9 Appropriations Act. A student in a baccalaureate degree  
10 program approved pursuant to s. 1007.33 who is not classified  
11 as a resident for tuition purposes pursuant to s. 1009.21  
12 shall not be included in calculations of full-time equivalent  
13 enrollments for state funding purposes.

14           (3) Funds specifically appropriated by the Legislature  
15 for baccalaureate degree programs approved pursuant to s.  
16 1007.33 may be used only for such programs. A community  
17 college shall fund the nonrecurring costs related to the  
18 initiation of a new baccalaureate degree program under s.  
19 1007.33 without new state appropriations unless special grant  
20 funds are appropriated in the General Appropriations Act. A  
21 new baccalaureate degree program may not accept students  
22 without a recurring legislative appropriation for this  
23 purpose.

24           (4) State policy for funding baccalaureate degree  
25 programs approved pursuant to s. 1007.33 shall be to limit  
26 state support for recurring operating purposes to no more than  
27 85 percent of the amount of state expenditures for direct  
28 instruction per credit hour in upper-level state university  
29 programs. A community college may temporarily exceed this  
30 limit due to normal enrollment fluctuations or unforeseeable  
31 circumstances or while phasing in new programs. This

1 subsection does not authorize the Department of Education to  
2 withhold legislative appropriations to any community college.

3 (5) A community college that grants baccalaureate  
4 degrees shall maintain reporting and funding distinctions  
5 between any baccalaureate degree program approved under s.  
6 1007.33 and any other baccalaureate degree programs involving  
7 traditional concurrent-use partnerships.

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

10 1013.60 Legislative capital outlay budget request.--

11 (2) The commissioner shall submit to the Governor and  
12 to the Legislature an integrated, comprehensive budget request  
13 for educational facilities construction and fixed capital  
14 outlay needs for school districts, community colleges, and  
15 universities, pursuant to the provisions of s. 1013.64 and  
16 applicable provisions of chapter 216. Each community college  
17 board of trustees and each university board of trustees shall  
18 submit to the commissioner a 3-year plan and data required in  
19 the development of the annual capital outlay budget. Community  
20 college boards of trustees may request funding for all  
21 authorized programs. Such a request for funding must be  
22 submitted as a part of the 3-year priority list for community  
23 colleges pursuant to s. 1013.64(4)(a). Enrollment in approved  
24 baccalaureate degree programs or baccalaureate degree programs  
25 offered under a formal agreement with a state university  
26 pursuant to s. 1007.33 may be computed into the survey of need  
27 for facilities if the partner is not defraying the cost. No  
28 further disbursements shall be made from the Public Education  
29 Capital Outlay and Debt Service Trust Fund to a board of  
30 trustees that fails to timely submit the required data until  
31 such board of trustees submits the data.

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Section 8. This act shall take effect July 1, 2006.