

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 for community colleges that grant baccalaureate
5 degrees to remain under the authority of the State Board
6 of 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. 1004.73, F.S.; removing
17 authorization for St. Petersburg College to request
18 funding from the Public Education Capital Outlay and Debt
19 Service Trust Fund as a university; amending s. 1007.33,
20 F.S.; removing a requirement that proposals for a
21 baccalaureate degree program be submitted to the Council
22 for Education Policy Research and Improvement for review
23 and comment; providing requirements for the delivery of
24 specified baccalaureate degree programs by a regionally
25 accredited college or university at a community college
26 site; requiring notification to colleges and universities
27 of intent to offer the degree program; amending s.
28 1009.23, F.S.; providing guidelines and restrictions for

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29 setting tuition and out-of-state fees for upper-division
30 courses; requiring the State Board of Education to adopt a
31 resident fee schedule for baccalaureate degree programs
32 offered by community colleges; amending s. 1011.83, F.S.;
33 providing requirements for funding baccalaureate degree
34 programs, including funding nonrecurring and recurring
35 costs associated with such programs; providing that it is
36 state policy to limit state support for recurring
37 operating purposes to no more than a specified percentage
38 of funding for certain state university programs;
39 providing certain reporting and funding requirements;
40 amending s. 1013.60, F.S.; allowing boards of trustees to
41 request funding for all authorized programs; providing
42 that enrollment in baccalaureate degree programs may be
43 computed into the survey of need for facilities under
44 certain conditions; providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

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48 Section 1. Subsections (1), (2), and (8) of section
49 1001.64, Florida Statutes, are amended to read:

50 1001.64 Community college boards of trustees; powers and
51 duties.--

52 (1) The boards of trustees shall be responsible for cost-
53 effective policy decisions appropriate to the community
54 college's mission, the implementation and maintenance of high-
55 quality education programs within law and rules of the State
56 Board of Education, the measurement of performance, the

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57 reporting of information, and the provision of input regarding
58 state policy, budgeting, and education standards. Community
59 colleges may grant baccalaureate degrees pursuant to s. 1007.33
60 and shall remain under the authority of the State Board of
61 Education with respect to planning, coordination, oversight, and
62 budgetary and accountability responsibilities.

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

71 (8) Each board of trustees has authority for policies
72 related to students, enrollment of students, student records,
73 student activities, financial assistance, and other student
74 services.

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

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85 community college.

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

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

99 (d)~~(e)~~ Boards of trustees are authorized to establish
100 intrainstitutional and interinstitutional programs to maximize
101 articulation pursuant to s. 1007.22.

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

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

109 (g)~~(f)~~ Each board of trustees may establish a uniform code
110 of conduct and appropriate penalties for violation of its rules
111 by students and student organizations, including rules governing
112 student academic honesty. Such penalties, unless otherwise

113 provided by law, may include fines, the withholding of diplomas
 114 or transcripts pending compliance with rules or payment of
 115 fines, and the imposition of probation, suspension, or
 116 dismissal.

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

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

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

129 1004.65 Community colleges; definition, mission, and
 130 responsibilities.--

131 (7) A separate and secondary role for community colleges
 132 includes:

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

140 (9) Community colleges are authorized to offer such

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141 programs and courses as are necessary to fulfill their mission
 142 and are authorized to grant associate in arts degrees, associate
 143 in science degrees, associate in applied science degrees,
 144 certificates, awards, and diplomas. Each community college is
 145 also authorized to make provisions for the General Educational
 146 Development test. Each community college may provide access to
 147 and award baccalaureate degrees in accordance with law.

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

150 1004.73 St. Petersburg College.--

151 (7) FACILITIES.--St. Petersburg College may request
 152 funding from the Public Education Capital Outlay and Debt
 153 Service Trust Fund as a community college ~~and as a university~~.
 154 The municipalities in Pinellas County, the Board of County
 155 Commissioners of Pinellas County, and all other governmental
 156 entities are authorized to cooperate with the Board of Trustees
 157 of St. Petersburg College in establishing this institution. The
 158 acquisition and donation of lands, buildings, and equipment for
 159 the use of St. Petersburg College are authorized as a public
 160 purpose. The Board of County Commissioners of Pinellas County
 161 and all municipalities in Pinellas County may exercise the power
 162 of eminent domain to acquire lands, buildings, and equipment for
 163 the use of St. Petersburg College, regardless of whether such
 164 lands, buildings, and equipment are located in a community
 165 redevelopment area.

166 Section 4. Subsection (3) of section 1007.33, Florida
 167 Statutes, is amended, subsection (4) is renumbered as subsection
 168 (6), and new subsections (4) and (5) are added to that section,

169 to read:

170 1007.33 Site-determined baccalaureate degree access.--

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

176 (a) Demand for the baccalaureate degree program is
 177 identified by the workforce development board, local businesses
 178 and industry, local chambers of commerce, and potential
 179 students.

180 (b) Unmet need for graduates of the proposed degree
 181 program is substantiated.

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

184
 185 ~~The proposal must be submitted to the Council for Education~~
 186 ~~Policy Research and Improvement for review and comment.~~ Upon
 187 approval of the State Board of Education for the specific degree
 188 program or programs, the community college shall pursue regional
 189 accreditation by the Commission on Colleges of the Southern
 190 Association of Colleges and Schools. Any additional
 191 baccalaureate degree programs the community college wishes to
 192 offer must be approved by the State Board of Education.

193 (4) A formal agreement for the delivery of specified
 194 baccalaureate degree programs by a regionally accredited public
 195 or private college or university at a community college site
 196 must include:

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

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

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

208 (5) A community college proposal to deliver a specified
 209 baccalaureate degree program must document that the community
 210 college has notified in writing the accredited public and
 211 private colleges and universities in the community college's
 212 district of its intent to seek approval for delivery of the
 213 proposed program. The notified colleges and universities have 90
 214 days to submit in writing to the community college an
 215 alternative plan for providing the specified degree program.

216 Section 5. Subsections (1), (2), and (3) of section
 217 1009.23, Florida Statutes, are amended to read:

218 1009.23 Community college student fees.--

219 (1) Unless otherwise provided, ~~the provisions of this~~
 220 section applies apply only to fees charged for college credit
 221 instruction leading to an associate in arts degree, an associate
 222 in applied science degree, ~~or~~ an associate in science degree, or
 223 a baccalaureate degree authorized by the State Board of
 224 Education pursuant to s. 1007.33 and for noncollege credit

225 college-preparatory courses defined in s. 1004.02.

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

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

239 (3) The State Board of Education shall adopt by December
240 31 of each year a resident fee schedule for the following fall
241 for advanced and professional programs, associate in science
242 degree programs, baccalaureate degree programs authorized by the
243 State Board of Education pursuant to s. 1007.33, and college-
244 preparatory programs that produce revenues in the amount of 25
245 percent of the full prior year's cost of these programs. Fees
246 for courses in college-preparatory programs and associate in
247 arts and associate in science degree programs may be established
248 at the same level. In the absence of a provision to the contrary
249 in an appropriations act, the fee schedule shall take effect and
250 the colleges shall expend the funds on instruction. If the
251 Legislature provides for an alternative fee schedule in an
252 appropriations act, the fee schedule shall take effect the

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253 subsequent fall semester.

254 Section 6. Section 1011.83, Florida Statutes, is amended
255 to read:

256 1011.83 Financial support of community colleges.--

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

263 (2) Funding for baccalaureate degree programs approved
264 pursuant to s. 1007.33 shall be specified in the General
265 Appropriations Act. A student in a baccalaureate degree program
266 approved pursuant to s. 1007.33 who is not classified as a
267 resident for tuition purposes pursuant to s. 1009.21 may not be
268 included in calculations of full-time equivalent enrollments for
269 state funding purposes.

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

279 (4) State policy for funding baccalaureate degree programs
280 approved pursuant to s. 1007.33 shall be to limit state support

281 for recurring operating purposes to no more than 85 percent of
 282 the amount of state expenditures for direct instruction per
 283 credit hour in upper-level state university programs. A
 284 community college may temporarily exceed this limit due to
 285 normal enrollment fluctuations or unforeseeable circumstances or
 286 while phasing in new programs. This subsection does not
 287 authorize the Department of Education to withhold legislative
 288 appropriations to any community college.

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

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

296 1013.60 Legislative capital outlay budget request.--

297 (2) The commissioner shall submit to the Governor and to
 298 the Legislature an integrated, comprehensive budget request for
 299 educational facilities construction and fixed capital outlay
 300 needs for school districts, community colleges, and
 301 universities, pursuant to the provisions of s. 1013.64 and
 302 applicable provisions of chapter 216. Each community college
 303 board of trustees and each university board of trustees shall
 304 submit to the commissioner a 3-year plan and data required in
 305 the development of the annual capital outlay budget. Community
 306 college boards of trustees may request funding for all
 307 authorized programs. Such a request for funding must be
 308 submitted as a part of the 3-year priority list for community

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309 colleges pursuant to s. 1013.64(4)(a). Enrollment in approved
310 baccalaureate degree programs or baccalaureate degree programs
311 offered under a formal agreement with a state university
312 pursuant to s. 1007.33 may be computed into the survey of need
313 for facilities if the partner is not defraying the cost. No
314 further disbursements shall be made from the Public Education
315 Capital Outlay and Debt Service Trust Fund to a board of
316 trustees that fails to timely submit the required data until
317 such board of trustees submits the data.

318 Section 8. This act shall take effect July 1, 2007.