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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/06/2009 | . | |
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| | . | |

The Committee on Higher Education (Pruitt) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(a) Division of Florida ~~Community~~ Colleges.



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12 Section 2. Subsection (3) of section 1000.21, Florida
13 Statutes, is amended to read:

14 1000.21 Systemwide definitions.—As used in the Florida K-20
15 Education Code:

16 (3) “Florida college” or “community college,” except as
17 otherwise specifically provided, includes all of the following
18 public postsecondary educational institutions in the Florida
19 College System and any branch campuses, centers, or other
20 affiliates of the institution:

21 (a) Brevard Community College, which serves Brevard County.

22 (b) Broward College, which serves Broward County.

23 (c) Central Florida Community College, which serves Citrus,
24 Levy, and Marion Counties.

25 (d) Chipola College, which serves Calhoun, Holmes, Jackson,
26 Liberty, and Washington Counties.

27 (e) Daytona State ~~Beach~~ College, which serves Flagler and
28 Volusia Counties.

29 (f) Edison State College, which serves Charlotte, Collier,
30 Glades, Hendry, and Lee Counties.

31 (g) Florida State ~~Community~~ College at Jacksonville, which
32 serves Duval and Nassau Counties.

33 (h) Florida Keys Community College, which serves Monroe
34 County.

35 (i) Gulf Coast Community College, which serves Bay,
36 Franklin, and Gulf Counties.

37 (j) Hillsborough Community College, which serves
38 Hillsborough County.

39 (k) Indian River State College, which serves Indian River,
40 Martin, Okeechobee, and St. Lucie Counties.



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- 41 (l) Lake City Community College, which serves Baker,
42 Columbia, Dixie, Gilchrist, and Union Counties.
- 43 (m) Lake-Sumter Community College, which serves Lake and
44 Sumter Counties.
- 45 (n) Manatee Community College, which serves Manatee and
46 Sarasota Counties.
- 47 (o) Miami Dade College, which serves Miami-Dade County.
- 48 (p) North Florida Community College, which serves Hamilton,
49 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- 50 (q) Northwest Florida State ~~Okaloosa-Walton~~ College, which
51 serves Okaloosa and Walton Counties.
- 52 (r) Palm Beach Community College, which serves Palm Beach
53 County.
- 54 (s) Pasco-Hernando Community College, which serves Hernando
55 and Pasco Counties.
- 56 (t) Pensacola Junior College, which serves Escambia and
57 Santa Rosa Counties.
- 58 (u) Polk College, which serves Polk County.
- 59 (v) St. Johns River Community College, which serves Clay,
60 Putnam, and St. Johns Counties.
- 61 (w) St. Petersburg College, which serves Pinellas County.
- 62 (x) Santa Fe College, which serves Alachua and Bradford
63 Counties.
- 64 (y) Seminole Community College, which serves Seminole
65 County.
- 66 (z) South Florida Community College, which serves DeSoto,
67 Hardee, and Highlands Counties.
- 68 (aa) Tallahassee Community College, which serves Gadsden,
69 Leon, and Wakulla Counties.



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70 (bb) Valencia Community College, which serves Orange and
71 Osceola Counties.

72 Section 3. Subsection (2) of section 1001.60, Florida
73 Statutes, is amended to read:

74 1001.60 Florida College System.—

75 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
76 College System comprised of the Florida colleges public
77 ~~postsecondary educational institutions~~ identified in s.
78 1000.21(3) ~~that grant 2-year and 4-year academic degrees as~~
79 ~~provided by law.~~ A ~~An institution within the Florida college~~
80 ~~System~~ may not offer graduate degree programs.

81 (a) The programs and services offered by ~~institutions in~~
82 ~~the Florida colleges College System~~ in providing associate and
83 baccalaureate degrees shall be delivered in a cost-effective
84 manner that demonstrates substantial savings to the student and
85 to the state over the cost of providing the degree at a state
86 university.

87 (b)1. With the approval of its district ~~the institution's~~
88 ~~local~~ board of trustees, a ~~an institution in the Florida college~~
89 ~~System~~ may change the institution's name set forth in s.
90 1000.21(3) and use the designation "college" or "state college"
91 if it has been authorized to grant baccalaureate degrees
92 pursuant to ~~s. 1004.73~~ or s. 1007.33 and has been accredited as
93 a baccalaureate-degree-granting institution by the Commission on
94 Colleges of the Southern Association of Colleges and Schools ~~or~~
95 ~~if it has received approval from the State Board of Education~~
96 ~~pursuant to this paragraph.~~

97 2. With the approval of its district ~~an institution's local~~
98 board of trustees, a ~~any institution in the Florida college~~ that



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99 does not meet the criteria in subparagraph 1. System may request
100 approval from the State Board of Education to change the
101 institution's name set forth in s. 1000.21(3) and use the
102 designation "college." The State Board of Education may approve
103 the request if the Florida college institution enters into an
104 agreement with the State Board of Education to do the following:

105 a. Maintain as its the institution's primary mission
106 responsibility for responding to community needs for
107 postsecondary academic education and career degree education as
108 prescribed in s. 1004.65(5)(6).

109 b. Maintain an open-door admissions policy for associate-
110 level degree programs and workforce education programs.

111 c. Continue to provide outreach to underserved populations.

112 d. Continue to provide remedial education.

113 e. Comply with all provisions of the statewide articulation
114 agreement that relate to 2-year and 4-year public degree-
115 granting institutions as adopted by the State Board of Education
116 pursuant to s. 1007.23.

117 (c) A district board of trustees that approves a change to
118 the name of an institution under paragraph (b) must seek
119 statutory codification of such name change in s. 1000.21(3)
120 during the next regular legislative session.

121 (d)3. A An institution in the Florida college may System
122 shall not use the designation "university."

123 Section 4. Section 1004.65, Florida Statutes, is amended to
124 read:

125 1004.65 Florida Community colleges; governance definition,
126 mission, and responsibilities.-

127 (1) Each Florida college Community colleges shall be



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128 ~~governed consist of all public educational institutions operated~~
129 by a ~~community college~~ district ~~board~~ ~~boards~~ of trustees under
130 statutory authority and rules of the State Board of Education.

131 (2) Each Florida ~~community~~ college district shall:

132 (a) Consist of the county or counties served by the Florida
133 college pursuant to s. 1000.21(3).

134 (b) Be authorized by law and the Department of Education is
135 an independent, separate, legal entity created for the operation
136 of a Florida ~~community~~ college.

137 (3) ~~A community college may provide adult education~~
138 ~~services, including adult basic education, adult general~~
139 ~~education, adult secondary education, and General Educational~~
140 ~~Development test instruction.~~

141 (3)~~(4)~~ Florida ~~The community~~ colleges are locally based and
142 governed entities with statutory and funding ties to state
143 government. As such, the ~~community colleges'~~ mission for Florida
144 colleges reflects a commitment to be responsive to local
145 educational needs and challenges. In achieving this mission,
146 Florida ~~the community~~ colleges strive to maintain sufficient
147 local authority and flexibility while preserving appropriate
148 legal accountability to the state.

149 (4)~~(5)~~ As comprehensive institutions, Florida ~~the community~~
150 colleges shall provide high-quality, affordable education and
151 training opportunities, shall foster a climate of excellence,
152 and shall provide opportunities to all while combining high
153 standards with an open-door admission policy for lower-division
154 programs. Florida ~~The community~~ colleges shall, as open-access
155 institutions, serve all who can benefit, without regard to age,
156 race, gender, creed, or ethnic or economic background, while



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157 emphasizing the achievement of social and educational equity so
158 that all can be prepared for full participation in society.

159 ~~(5)~~(6) The primary mission and responsibility of Florida
160 ~~community~~ colleges is responding to community needs for
161 postsecondary academic education and career degree education.
162 This mission and responsibility includes being responsible for:

163 (a) Providing lower level undergraduate instruction and
164 awarding associate degrees.

165 (b) Preparing students directly for careers requiring less
166 than baccalaureate degrees. This may include preparing for job
167 entry, supplementing of skills and knowledge, and responding to
168 needs in new areas of technology. Career education in a Florida
169 ~~the community~~ college shall consist of career certificates,
170 credit courses leading to associate in science degrees and
171 associate in applied science degrees, and other programs in
172 fields requiring substantial academic work, background, or
173 qualifications. A Florida Community college may offer career
174 education programs in fields having lesser academic or technical
175 requirements.

176 (c) Providing student development services, including
177 assessment, student tracking, support for disabled students,
178 advisement, counseling, financial aid, career development, and
179 remedial and tutorial services, to ensure student success.

180 (d) Promoting economic development for the state within
181 each Florida community college district through the provision of
182 special programs, including, but not limited to, the:

- 183 1. Enterprise Florida-related programs.
- 184 2. Technology transfer centers.
- 185 3. Economic development centers.



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186 4. Workforce literacy programs.

187 (e) Providing dual enrollment instruction.

188 ~~(7) A separate and secondary role for community colleges~~
189 ~~includes:~~

190 ~~(f)(a)~~ Providing upper level instruction and awarding
191 baccalaureate degrees as specifically authorized by law.

192 ~~(6)(b)~~ A separate and secondary role for Florida colleges
193 includes the offering of programs in:

194 ~~(a)1.~~ Community services that are not directly related to
195 academic or occupational advancement.

196 ~~(b)2.~~ Adult general education services, including adult
197 basic education, adult general education, adult secondary
198 education, and General Educational Development test instruction.

199 ~~(c)3.~~ Recreational and leisure services.

200 ~~(7)(8)~~ Funding for Florida ~~community~~ colleges shall reflect
201 their mission as follows:

202 (a) Postsecondary academic and career education programs
203 and adult general education programs shall have first priority
204 in Florida ~~community~~ college funding.

205 (b) Community service programs shall be presented to the
206 Legislature with rationale for state funding. The Legislature
207 may identify priority areas for use of these funds.

208 ~~(8)(9)~~ Florida ~~Community~~ colleges are authorized to:

209 ~~(a)~~ Offer such programs and courses as are necessary to
210 fulfill their mission. ~~and are authorized to~~

211 ~~(b)~~ Grant associate in arts degrees, associate in science
212 degrees, associate in applied science degrees, certificates,
213 awards, and diplomas. ~~Each community college is also authorized~~
214 ~~to~~



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215 (c) Make provisions for the General Educational Development
216 test. ~~Each community college may~~

217 (d) Provide access to and award baccalaureate degrees in
218 accordance with law.

219

220 Authority to offer one or more baccalaureate degree programs
221 does not alter the governance relationship of the Florida
222 college with its district board of trustees or the State Board
223 of Education.

224 Section 5. Sections 1004.73 and 1004.875, Florida Statutes,
225 are repealed.

226 Section 6. Subsection (2) of section 1007.23, Florida
227 Statutes, is amended to read:

228 1007.23 Statewide articulation agreement.—

229 (2) (a) The articulation agreement must specifically provide
230 that every associate in arts graduate of a Florida ~~community~~
231 college shall have met all general education requirements and
232 must be granted admission to the upper division of a:

233 1. State university, except for to a limited access or
234 teacher certification program or a major program requiring an
235 audition.

236 2. Florida college if it offers baccalaureate degree
237 programs, except for a limited access or teacher certification
238 program or a major program requiring an audition.

239 (b) Florida ~~Community~~ college associate in arts graduates
240 shall receive priority for admission to the upper division of a
241 Florida college or to a state university over out-of-state
242 students. Orientation programs, catalogs, and student handbooks
243 provided to freshman enrollees and transfer students at Florida



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244 colleges and state universities must include an explanation of
245 this provision of the articulation agreement.

246 Section 7. Section 1007.33, Florida Statutes, is amended to
247 read:

248 (Substantial rewording of section. See
249 s. 1007.33, F.S., for present text.)

250 1007.33 Site-determined baccalaureate degree access.-

251 (1) (a) The Legislature recognizes that public and private
252 postsecondary educational institutions play an essential role in
253 improving the quality of life and economic well-being of the
254 state and its residents. The Legislature also recognizes that
255 economic development needs and the educational needs of place-
256 bound, nontraditional students have increased the demand for
257 local access to baccalaureate degree programs. It is therefore
258 the intent of the Legislature to further expand access to
259 baccalaureate degree programs through the use of Florida
260 colleges.

261 (b) For purposes of this section, the term "district"
262 refers to the county or counties served by a Florida college
263 pursuant to s. 1000.21(3).

264 (2) A Florida college, as provided in s. 1001.60, which is
265 not authorized to offer baccalaureate degrees by state law or
266 the State Board of Education before July 1, 2009, may submit an
267 initial proposal for approval to transfer to a state college
268 status and offer a specific baccalaureate degree program to the
269 State Board of Education. When seeking initial approval, a
270 Florida college shall:

271 (a) Ensure adherence to the historical mission of the
272 Florida College System as defined in state law, including the



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273 open-door policy for lower-division admissions and outreach to
274 nontraditional, underserved populations;

275 (b) Document that the proposed program responds to local,
276 regional, or state workforce need, demand, and supply;

277 (c) Submit a budget and enrollment plan detailing financial
278 feasibility, while providing cost-savings to both students and
279 the state when compared to state university costs;

280 (d) Document sufficient institutional resources in terms of
281 classrooms, laboratories, equipment, and library holdings to
282 support the proposed transition;

283 (e) Submit a curriculum plan for the proposed degree which
284 meets all statutory requirements for baccalaureate programs in
285 Florida, including program length, learning outcomes, general
286 education core courses, and common prerequisites; and

287 (f) Provide a plan for achieving Level II accreditation
288 from the Southern Association of Colleges and Schools (SACS) and
289 any specialized accreditations, if available.

290 (3) A Florida college that is authorized to offer
291 baccalaureate degrees by state law or the State Board of
292 Education before July 1, 2009, may develop additional
293 baccalaureate degree programs and submit the proposals for such
294 programs to its local board of trustees for approval.

295 (a) The board of trustees must evaluate proposals based
296 upon the criteria in subsection (2).

297 (b) Baccalaureate degree programs approved by a college's
298 board of trustees shall be submitted to the Division of Florida
299 Colleges and notification made to SACS within 30 days after
300 approval.

301 (c) Within 30 days after receiving the approved



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302 baccalaureate degree programs and after a compliance review
303 based upon the criteria in subsection (2), the Division of
304 Florida Colleges shall notify the college if the proposal meets
305 all of the criteria for implementation.

306 (d) The college may appeal any compliance determinations by
307 the Division of Florida Colleges to the State Board of
308 Education.

309 (4) Before developing or proposing a new baccalaureate
310 degree program, a Florida college shall notify the Chancellor of
311 the Florida College System of its specific intent to offer the
312 new program.

313 (a) To avoid unnecessary duplication of effort, the college
314 shall also engage in need, demand, and impact discussions with
315 other local and regional accredited postsecondary providers in
316 its planning process.

317 (b) Documentation, data, and other information resulting
318 from interinstitutional discussions regarding a program's need,
319 demand, and impact shall be provided to the college's board of
320 trustees and the State Board of Education for the initial
321 program approval process and to the college's board of trustees
322 for subsequent approvals.

323 (5) Any Florida college that offers one or more
324 baccalaureate degree programs must:

325 (a) Maintain as its primary mission:

326 1. Responsibility for responding to community needs for
327 postsecondary academic education and career degree education as
328 prescribed in s. 1004.65(5).

329 2. The provision of associate degrees that provide access
330 to a university.



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331 (b) Maintain an open-door admission policy for associate-
332 level degree programs and workforce education programs.

333 (c) Continue to provide outreach to underserved
334 populations.

335 (d) Continue to provide remedial education.

336 (e) Comply with all provisions of the statewide
337 articulation agreement which relate to 2-year and 4-year public
338 degree-granting institutions as adopted by the State Board of
339 Education pursuant to s. 1007.23.

340 (f) Not award graduate credit.

341 (g) Not participate in intercollegiate athletics beyond the
342 2-year level.

343 (6) A Florida college may not terminate its associate in
344 arts or associate in science degree programs as a result of
345 being authorized to offer one or more baccalaureate degree
346 programs. The Legislature intends that the primary
347 responsibility of a Florida college, including a Florida college
348 that offers baccalaureate degree programs, continues to be the
349 provision of associate degrees that provide access to a
350 university.

351 (7) The State Board of Education shall adopt rules to
352 prescribe format and content requirements and submission
353 procedures for notices of intent, proposals, and alternative
354 proposals under subsection (3).

355 Section 8. Subsection (11) of section 120.65, Florida
356 Statutes, is amended to read:

357 120.65 Administrative law judges.—

358 (11) The division shall be reimbursed for administrative
359 law judge services and travel expenses by the following



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360 entities: water management districts, regional planning
361 councils, school districts, community colleges, the Division of
362 Florida Community Colleges, state universities, the Board of
363 Governors of the State University System, the State Board of
364 Education, the Florida School for the Deaf and the Blind, and
365 the Commission for Independent Education. These entities shall
366 contract with the division to establish a contract rate for
367 services and provisions for reimbursement of administrative law
368 judge travel expenses and video teleconferencing expenses
369 attributable to hearings conducted on behalf of these entities.
370 The contract rate must be based on a total-cost-recovery
371 methodology.

372 Section 9. Paragraphs (c) and (i) of subsection (5) of
373 section 288.8175, Florida Statutes, are amended to read:

374 288.8175 Linkage institutes between postsecondary
375 institutions in this state and foreign countries.—

376 (5) The institutes are:

377 (c) Florida Caribbean Institute (Florida International
378 University and Daytona State Beach College).

379 (i) Florida-West Africa Institute (Florida Agricultural and
380 Mechanical University, University of North Florida, and Florida
381 State Community College at Jacksonville).

382 Section 10. Subsection (1) of section 1001.61, Florida
383 Statutes, is amended to read:

384 1001.61 Community college boards of trustees; membership.—

385 (1) Community college boards of trustees shall be comprised
386 of five members when a community college district is confined to
387 one school board district; seven members when a community
388 college district is confined to one school board district and



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389 the board of trustees so elects; and not more than nine members
390 when the district contains two or more school board districts,
391 as provided by rules of the State Board of Education. However,
392 Florida State ~~Community~~ College at Jacksonville shall have an
393 odd number of trustees.

394 Section 11. Paragraph (e) of subsection (4) of section
395 1004.70, Florida Statutes, is amended to read:

396 1004.70 Community college direct-support organizations.—

397 (4) ACTIVITIES; RESTRICTIONS.—

398 (e) A community college board of trustees must authorize
399 all debt, including lease-purchase agreements, incurred by a
400 direct-support organization. Authorization for approval of
401 short-term loans and lease-purchase agreements for a term of not
402 more than 5 years, including renewals, extensions, and
403 refundings, for goods, materials, equipment, and services may be
404 delegated by the board of trustees to the board of directors of
405 the direct-support organization. Trustees shall evaluate
406 proposals for debt according to guidelines issued by the
407 Division of Florida ~~Community~~ Colleges. Revenues of the
408 community college may not be pledged to debt issued by direct-
409 support organizations.

410 Section 12. Subsections (1) and (5) of section 1004.87,
411 Florida Statutes, are amended to read:

412 1004.87 Florida College System Task Force.—

413 (1) The Florida College System Task Force is established
414 within the Division of Florida ~~Community~~ Colleges of the
415 Department of Education for the purpose of developing findings
416 and issuing recommendations regarding the transition of
417 community colleges to baccalaureate-degree-granting colleges and



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418 the criteria for establishing and funding state colleges.

419 (5) The task force shall be staffed by existing employees
420 of the Division of Florida Community Colleges.

421 Section 13. Subsection (1) and paragraph (b) of subsection
422 (16) of section 1009.23, Florida Statutes, are amended to read:
423 1009.23 Community college student fees.—

424 (1) Unless otherwise provided, this section applies only to
425 fees charged for college credit instruction leading to an
426 associate in arts degree, an associate in applied science
427 degree, an associate in science degree, or a baccalaureate
428 degree authorized pursuant to s. 1007.33 ~~or s. 1004.73~~, for
429 noncollege credit college-preparatory courses defined in s.
430 1004.02, and for educator preparation institute programs defined
431 in s. 1004.85.

432 (16)

433 (b) The amount of the distance learning course user fee may
434 not exceed the additional costs of the services provided which
435 are attributable to the development and delivery of the distance
436 learning course. If a community college assesses the distance
437 learning course user fee, the institution may not assess any
438 other fees to cover the additional costs. By September 1 of each
439 year, each board of trustees shall report to the Division of
440 Florida Community Colleges the total amount of revenue generated
441 by the distance learning course user fee for the prior academic
442 year and how the revenue was expended.

443 Section 14. This act shall take effect July 1, 2009.

444
445 ===== T I T L E A M E N D M E N T =====

446 And the title is amended as follows:



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447 Delete everything before the enacting clause
448 and insert:

449 A bill to be entitled
450 An act relating to the Florida College System;
451 amending s. 20.15, F.S.; renaming the Division of
452 Community Colleges as the Division of Florida
453 Colleges; amending s. 1000.21, F.S.; defining the
454 terms "Florida college" and "community college";
455 specifying the counties served by each Florida
456 college; renaming specified Florida colleges; amending
457 s. 1001.60, F.S.; providing that the Florida College
458 System consists of specified Florida colleges;
459 authorizing a Florida college to change the
460 institution's name to include "college" or "state
461 college" under specified circumstances; requiring the
462 district board of trustees to seek statutory
463 codification of name changes; conforming provisions to
464 changes made by the act; amending s. 1004.65, F.S.;
465 providing that each Florida college shall be governed
466 by a district board of trustees; defining a Florida
467 college district; providing that the open-door
468 admission policy of Florida colleges applies to lower-
469 division programs; providing that the primary mission
470 of Florida colleges includes the provision of upper-
471 level instruction and baccalaureate degrees as
472 authorized by law; conforming provisions to changes
473 made by the act; repealing s. 1004.73, F.S., relating
474 to St. Petersburg College; repealing s. 1004.875,
475 F.S., relating to the State College Pilot Project;



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476 amending s. 1007.23, F.S.; providing that associate in
477 arts graduates of Florida colleges must be granted
478 admission to the upper division of a Florida college
479 and shall receive priority for such admission over
480 out-of-state students; requiring specified
481 publications of Florida colleges and state
482 universities to include certain information;
483 conforming provisions to changes made by the act;
484 amending s. 1007.33, F.S.; providing a definition for
485 the term "district"; authorizing Florida colleges,
486 which were not authorized to offer baccalaureate
487 degree programs before July 1, 2009, to submit an
488 initial proposal for approval to transition to state
489 college status and offer such programs to the State
490 Board of Education; providing requirements for such
491 approval; authorizing Florida colleges, which were
492 authorized to offer baccalaureate degrees before July
493 1, 2009, to develop additional degree programs and
494 submit proposals for such programs to their local
495 Board of Trustees; providing requirements for such
496 proposals; providing for appeal to the State Board of
497 Education; requiring that a Florida college notify the
498 Chancellor of the Florida College System in advance of
499 its intent to develop or propose additional programs;
500 requiring that the college engage in need, demand, and
501 impact discussions with other local and regional
502 accredited postsecondary providers; specifying
503 requirements for Florida colleges offering
504 baccalaureate degree programs; requiring that the



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505 State Board of Education adopt specified rules;
506 conforming provisions to changes made by the act;
507 amending ss. 120.65, 288.8175, 1001.61, 1004.70,
508 1004.87, and 1009.23, F.S.; conforming provisions to
509 changes made by the act; providing an effective date.