

By Senator Pruitt

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1 A bill to be entitled
2 An act relating to the Florida College System;
3 amending s. 20.15, F.S.; providing that the Florida
4 College System is a division of the Department of
5 Education in lieu of the community college system;
6 amending s. 1000.21, F.S.; including "junior college"
7 and "state college" within the institutions of the
8 Florida College System; specifying the service areas
9 of the Florida College System; amending s. 1001.60,
10 F.S.; providing that an institution in the Florida
11 College System may change the institution's name and
12 use the designation "state college," in lieu of
13 "community college," "junior college," or "college"
14 under certain circumstances and according to specified
15 preconditions; requiring the board of trustees of a
16 state college that changes the name of an institution
17 to seek statutory codification of the name change
18 during the next regular legislative session; amending
19 s. 1004.65, F.S.; revising the primary mission of the
20 community college to include providing upper level
21 instruction and awarding baccalaureate degrees as
22 specifically authorized by law; repealing s. 1004.875,
23 F.S., relating to the State College Pilot Project;
24 amending s. 1007.23, F.S.; requiring that the
25 statewide articulation agreement provide for the
26 admission of certain graduates to a state college or
27 university; providing for a community college
28 associate in arts graduate to receive priority over
29 out-of-state students for admission to an institution

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30 within the Florida College System offering upper-
31 division programs; reenacting ss. 121.051(2)(c),
32 440.491(6)(a), and 961.06(1)(b), F.S., relating to
33 participation in the Florida Retirement System,
34 reemploying injured employees, and compensation for
35 wrongful incarceration, respectively, to incorporate
36 the amendments made to s. 1000.21, F.S., in references
37 thereto; providing an effective date.

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

40
41 Section 1. Subsection (3) of section 20.15, Florida
42 Statutes, is amended to read:

43 20.15 Department of Education.—There is created a
44 Department of Education.

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

47 (a) Division of the Florida College System ~~Community~~
48 ~~Colleges~~.

49 (b) Division of Public Schools.

50 (c) Division of Workforce Education.

51 (d) Division of Vocational Rehabilitation.

52 (e) Division of Blind Services.

53 (f) Division of Accountability, Research, and Measurement.

54 (g) Division of Finance and Operations.

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

57 1000.21 Systemwide definitions.—As used in the Florida K-20
58 Education Code:

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59 (3) "Community college," "junior college," or "state
60 college," except as otherwise specifically provided, includes
61 all of the following Florida College System institutions and any
62 branch campuses, centers, or other affiliates of the
63 institutions ~~institution~~:

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

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

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

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

70 (e) Daytona Beach College, which serves Flagler and Volusia
71 Counties.

72 (f) Edison College, which serves Charlotte, Collier,
73 Glades, Hendry, and Lee Counties.

74 (g) Florida Community College at Jacksonville, which serves
75 Duval and Nassau Counties.

76 (h) Florida Keys Community College, which serves Monroe
77 County.

78 (i) Gulf Coast Community College, which serves Bay,
79 Franklin, and Gulf Counties.

80 (j) Hillsborough Community College, which serves
81 Hillsborough County.

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

84 (l) Lake City Community College, which serves Baker,
85 Columbia, Dixie, Gilchrist, and Union Counties.

86 (m) Lake-Sumter Community College, which serves Lake and
87 Sumter Counties.

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88 (n) Manatee Community College, which serves Manatee and
89 Sarasota Counties.

90 (o) Miami Dade College, which serves Miami-Dade County.

91 (p) North Florida Community College, which serves Hamilton,
92 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

93 (q) Northwest Florida State ~~Okaloosa-Walton~~ College, which
94 serves Okaloosa and Walton Counties.

95 (r) Palm Beach Community College, which serves Palm Beach
96 County.

97 (s) Pasco-Hernando Community College, which serves Hernando
98 and Pasco Counties.

99 (t) Pensacola Junior College, which serves Escambia and
100 Santa Rosa Counties.

101 (u) Polk College, which serves Polk County.

102 (v) St. Johns River Community College, which serves Clay,
103 Putnam, and St. Johns Counties.

104 (w) St. Petersburg College, which serves Pinellas County.

105 (x) Santa Fe College, which serves Alachua and Bradford
106 Counties.

107 (y) Seminole Community College, which serves Seminole
108 County.

109 (z) South Florida Community College, which serves DeSoto,
110 Hardee, and Highlands Counties.

111 (aa) Tallahassee Community College, which serves Gadsden,
112 Leon, and Wakulla Counties.

113 (bb) Valencia Community College, which serves Orange and
114 Osceola Counties.

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

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117 1001.60 Florida College System.—

118 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
119 College System comprised of the public postsecondary educational
120 institutions identified in s. 1000.21(3) that grant 2-year and
121 4-year academic degrees as provided by law. An institution
122 within the Florida College System may not offer graduate degree
123 programs.

124 (a) The programs and services offered by institutions in
125 the Florida College System in providing associate and
126 baccalaureate degrees shall be delivered in a cost-effective
127 manner that demonstrates substantial savings to the student and
128 to the state over the cost of providing the degree at a state
129 university.

130 (b)~~1.~~ With the approval of its ~~the institution's~~ local
131 board of trustees, an institution in the Florida College System
132 may change the institution's name and use the designation:

133 1. "State college," in lieu of "community college," "junior
134 college," or "college," if it has been authorized to grant
135 baccalaureate degrees pursuant to s. 1004.73 or s. 1007.33 and
136 has been accredited as a baccalaureate-degree-granting program
137 by the Commission on Colleges of the Southern Association of
138 Colleges and Schools; or

139 2. "College," in lieu of "community college," or "junior
140 college," if it receives ~~has received~~ approval from the State
141 Board of Education and ~~pursuant to this paragraph.~~

142 ~~2. With the approval of an institution's local board of~~
143 ~~trustees, any institution in the Florida College System may~~
144 ~~request approval from the State Board of Education to change the~~
145 ~~institution's name and use the designation "college." The State~~

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146 ~~Board of Education may approve the request if the institution~~
147 enters into an agreement with the State Board of Education to do
148 the following:

149 a. Maintain as its ~~the institution's~~ primary mission
150 responsibility for responding to community needs for
151 postsecondary academic education and career degree education as
152 prescribed in s. 1004.65(6).

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

155 c. Continue to provide outreach to underserved populations.

156 d. Continue to provide remedial education.

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

161 (c) A board of trustees that changes the name of an
162 institution under paragraph (b) shall seek statutory
163 codification of the name change in s. 1000.21(3) during the next
164 regular legislative session.

165 (d)3- An institution in the Florida College System shall
166 not use the designation "university."

167 Section 4. Subsections (6) and (7) of section 1004.65,
168 Florida Statutes, are amended to read:

169 1004.65 Community colleges; definition, mission, and
170 responsibilities.-

171 (6) The primary mission and responsibility of community
172 colleges is responding to community needs for postsecondary
173 academic education and career degree education. This mission and
174 responsibility includes being responsible for:

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175 (a) Providing lower level undergraduate instruction and
176 awarding associate degrees.

177 (b) Preparing students directly for careers requiring less
178 than baccalaureate degrees. This may include preparing for job
179 entry, supplementing of skills and knowledge, and responding to
180 needs in new areas of technology. Career education in the
181 community college shall consist of career certificates, credit
182 courses leading to associate in science degrees and associate in
183 applied science degrees, and other programs in fields requiring
184 substantial academic work, background, or qualifications. A
185 community college may offer career education programs in fields
186 having lesser academic or technical requirements.

187 (c) Providing student development services, including
188 assessment, student tracking, support for disabled students,
189 advisement, counseling, financial aid, career development, and
190 remedial and tutorial services, to ensure student success.

191 (d) Promoting economic development for the state within
192 each community college district through the provision of special
193 programs, including, but not limited to, the:

- 194 1. Enterprise Florida-related programs.
- 195 2. Technology transfer centers.
- 196 3. Economic development centers.
- 197 4. Workforce literacy programs.

198 (e) Providing dual enrollment instruction.

199 (f) Providing upper level instruction and awarding
200 baccalaureate degrees as specifically authorized by law.

201 (7) A separate and secondary role for community colleges
202 includes:

203 ~~(a) Providing upper level instruction and awarding~~

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204 ~~baccalaureate degrees as specifically authorized by law.~~

205 ~~(b)~~ the offering of programs in:

206 (a)1. Community services that are not directly related to
207 academic or occupational advancement.

208 (b)2. Adult general education.

209 (c)3. Recreational and leisure services.

210 Section 5. Section 1004.875, Florida Statutes, is repealed.

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

213 1007.23 Statewide articulation agreement.—

214 (2) The articulation agreement must specifically provide
215 that every associate in arts graduate of a community college
216 shall have met all general education requirements and must be
217 granted admission to the upper division of a state college or
218 university, except for ~~to~~ a limited access or teacher
219 certification program or a major program requiring an audition.
220 Community college associate in arts graduates shall receive
221 priority for admission to an institution within the Florida
222 College System which offers upper division programs or a state
223 university over out-of-state students. Orientation programs and
224 student handbooks provided to freshman enrollees and transfer
225 students at state universities must include an explanation of
226 this provision of the articulation agreement.

227 Section 7. For the purpose of incorporating the amendment
228 made by this act to section 1000.21, Florida Statutes, in a
229 reference thereto, paragraph (c) of subsection (2) of section
230 121.051, Florida Statutes, is reenacted to read:

231 121.051 Participation in the system.—

232 (2) OPTIONAL PARTICIPATION.—

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233 (c) Employees of public community colleges or charter
234 technical career centers sponsored by public community colleges,
235 as designated in s. 1000.21(3), who are members of the Regular
236 Class of the Florida Retirement System and who comply with the
237 criteria set forth in this paragraph and in s. 1012.875 may
238 elect, in lieu of participating in the Florida Retirement
239 System, to withdraw from the Florida Retirement System
240 altogether and participate in an optional retirement program
241 provided by the employing agency under s. 1012.875, to be known
242 as the State Community College System Optional Retirement
243 Program. Pursuant thereto:

244 1. Through June 30, 2001, the cost to the employer for such
245 annuity shall equal the normal cost portion of the employer
246 retirement contribution which would be required if the employee
247 were a member of the Regular Class defined benefit program, plus
248 the portion of the contribution rate required by s. 112.363(8)
249 that would otherwise be assigned to the Retiree Health Insurance
250 Subsidy Trust Fund. Effective July 1, 2001, each employer shall
251 contribute on behalf of each participant in the optional program
252 an amount equal to 10.43 percent of the participant's gross
253 monthly compensation. The employer shall deduct an amount to
254 provide for the administration of the optional retirement
255 program. The employer providing the optional program shall
256 contribute an additional amount to the Florida Retirement System
257 Trust Fund equal to the unfunded actuarial accrued liability
258 portion of the Regular Class contribution rate.

259 2. The decision to participate in such an optional
260 retirement program shall be irrevocable for as long as the
261 employee holds a position eligible for participation, except as

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262 provided in subparagraph 3. Any service creditable under the
263 Florida Retirement System shall be retained after the member
264 withdraws from the Florida Retirement System; however,
265 additional service credit in the Florida Retirement System shall
266 not be earned while a member of the optional retirement program.

267 3. An employee who has elected to participate in the
268 optional retirement program shall have one opportunity, at the
269 employee's discretion, to choose to transfer from the optional
270 retirement program to the defined benefit program of the Florida
271 Retirement System or to the Public Employee Optional Retirement
272 Program, subject to the terms of the applicable optional
273 retirement program contracts.

274 a. If the employee chooses to move to the Public Employee
275 Optional Retirement Program, any contributions, interest, and
276 earnings creditable to the employee under the State Community
277 College System Optional Retirement Program shall be retained by
278 the employee in the State Community College System Optional
279 Retirement Program, and the applicable provisions of s.
280 121.4501(4) shall govern the election.

281 b. If the employee chooses to move to the defined benefit
282 program of the Florida Retirement System, the employee shall
283 receive service credit equal to his or her years of service
284 under the State Community College System Optional Retirement
285 Program.

286 (I) The cost for such credit shall be an amount
287 representing the present value of that employee's accumulated
288 benefit obligation for the affected period of service. The cost
289 shall be calculated as if the benefit commencement occurs on the
290 first date the employee would become eligible for unreduced

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291 benefits, using the discount rate and other relevant actuarial
292 assumptions that were used to value the Florida Retirement
293 System defined benefit plan liabilities in the most recent
294 actuarial valuation. The calculation shall include any service
295 already maintained under the defined benefit plan in addition to
296 the years under the State Community College System Optional
297 Retirement Program. The present value of any service already
298 maintained under the defined benefit plan shall be applied as a
299 credit to total cost resulting from the calculation. The
300 division shall ensure that the transfer sum is prepared using a
301 formula and methodology certified by an enrolled actuary.

302 (II) The employee must transfer from his or her State
303 Community College System Optional Retirement Program account and
304 from other employee moneys as necessary, a sum representing the
305 present value of that employee's accumulated benefit obligation
306 immediately following the time of such movement, determined
307 assuming that attained service equals the sum of service in the
308 defined benefit program and service in the State Community
309 College System Optional Retirement Program.

310 4. Participation in the optional retirement program shall
311 be limited to those employees who satisfy the following
312 eligibility criteria:

313 a. The employee must be otherwise eligible for membership
314 or renewed membership in the Regular Class of the Florida
315 Retirement System, as provided in s. 121.021(11) and (12) or s.
316 121.122.

317 b. The employee must be employed in a full-time position
318 classified in the Accounting Manual for Florida's Public
319 Community Colleges as:

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320 (I) Instructional; or

321 (II) Executive Management, Instructional Management, or
322 Institutional Management, if a community college determines that
323 recruiting to fill a vacancy in the position is to be conducted
324 in the national or regional market, and:

325 (A) The duties and responsibilities of the position include
326 either the formulation, interpretation, or implementation of
327 policies; or

328 (B) The duties and responsibilities of the position include
329 the performance of functions that are unique or specialized
330 within higher education and that frequently involve the support
331 of the mission of the community college.

332 c. The employee must be employed in a position not included
333 in the Senior Management Service Class of the Florida Retirement
334 System, as described in s. 121.055.

335 5. Participants in the program are subject to the same
336 reemployment limitations, renewed membership provisions, and
337 forfeiture provisions as are applicable to regular members of
338 the Florida Retirement System under ss. 121.091(9), 121.122, and
339 121.091(5), respectively.

340 6. Eligible community college employees shall be compulsory
341 members of the Florida Retirement System until, pursuant to the
342 procedures set forth in s. 1012.875, a written election to
343 withdraw from the Florida Retirement System and to participate
344 in the State Community College System Optional Retirement
345 Program is filed with the program administrator and received by
346 the division.

347 a. Any community college employee whose program eligibility
348 results from initial employment shall be enrolled in the State

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349 Community College System Optional Retirement Program retroactive
350 to the first day of eligible employment. The employer retirement
351 contributions paid through the month of the employee plan change
352 shall be transferred to the community college for the employee's
353 optional program account, and, effective the first day of the
354 next month, the employer shall pay the applicable contributions
355 based upon subparagraph 1.

356 b. Any community college employee whose program eligibility
357 results from a change in status due to the subsequent
358 designation of the employee's position as one of those specified
359 in subparagraph 4. or due to the employee's appointment,
360 promotion, transfer, or reclassification to a position specified
361 in subparagraph 4. shall be enrolled in the program upon the
362 first day of the first full calendar month that such change in
363 status becomes effective. The employer retirement contributions
364 paid from the effective date through the month of the employee
365 plan change shall be transferred to the community college for
366 the employee's optional program account, and, effective the
367 first day of the next month, the employer shall pay the
368 applicable contributions based upon subparagraph 1.

369 7. Effective July 1, 2003, through December 31, 2008, any
370 participant of the State Community College System Optional
371 Retirement Program who has service credit in the defined benefit
372 plan of the Florida Retirement System for the period between his
373 or her first eligibility to transfer from the defined benefit
374 plan to the optional retirement program and the actual date of
375 transfer may, during his or her employment, elect to transfer to
376 the optional retirement program a sum representing the present
377 value of the accumulated benefit obligation under the defined

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378 benefit retirement program for such period of service credit.
379 Upon such transfer, all such service credit previously earned
380 under the defined benefit program of the Florida Retirement
381 System during this period shall be nullified for purposes of
382 entitlement to a future benefit under the defined benefit
383 program of the Florida Retirement System.

384 Section 8. For the purpose of incorporating the amendment
385 made by this act to section 1000.21, Florida Statutes, in a
386 reference thereto, paragraph (a) of subsection (6) of section
387 440.491, Florida Statutes, is reenacted to read:

388 440.491 Reemployment of injured workers; rehabilitation.—

389 (6) TRAINING AND EDUCATION.—

390 (a) Upon referral of an injured employee by the carrier, or
391 upon the request of an injured employee, the department shall
392 conduct a training and education screening to determine whether
393 it should refer the employee for a vocational evaluation and, if
394 appropriate, approve training and education or other vocational
395 services for the employee. The department may not approve formal
396 training and education programs unless it determines, after
397 consideration of the reemployment assessment, pertinent
398 reemployment status reviews or reports, and such other relevant
399 factors as it prescribes by rule, that the reemployment plan is
400 likely to result in return to suitable gainful employment. The
401 department is authorized to expend moneys from the Workers'
402 Compensation Administration Trust Fund, established by s.
403 440.50, to secure appropriate training and education at a
404 community college as designated in s. 1000.21(3) or at a career
405 center established under s. 1001.44, or to secure other
406 vocational services when necessary to satisfy the recommendation

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407 of a vocational evaluator. As used in this paragraph,
408 "appropriate training and education" includes securing a general
409 education diploma (GED), if necessary. The department shall
410 establish training and education standards pertaining to
411 employee eligibility, course curricula and duration, and
412 associated costs.

413 Section 9. For the purpose of incorporating the amendment
414 made by this act to section 1000.21, Florida Statutes, in a
415 reference thereto, paragraph (b) of subsection (1) of section
416 961.06, Florida Statutes, is reenacted to read:

417 961.06 Compensation for wrongful incarceration.-

418 (1) Except as otherwise provided in this act and subject to
419 the limitations and procedures prescribed in this section, a
420 person who is found to be entitled to compensation under the
421 provisions of this act is entitled to:

422 (b) A waiver of tuition and fees for up to 120 hours of
423 instruction at any career center established under s. 1001.44,
424 any community college as defined in s. 1000.21(3), or any state
425 university as defined in s. 1000.21(6), if the wrongfully
426 incarcerated person meets and maintains the regular admission
427 requirements of such career center, community college, or state
428 university; remains registered at such educational institution;
429 and makes satisfactory academic progress as defined by the
430 educational institution in which the claimant is enrolled;

431
432 The total compensation awarded under paragraphs (a), (c), and
433 (d) may not exceed \$2 million. No further award for attorney's
434 fees, lobbying fees, costs, or other similar expenses shall be
435 made by the state.

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Section 10. This act shall take effect upon becoming a law.