



438478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Higher Education (Lynn) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsection (4) of section 1004.015, Florida Statutes, is renumbered as subsection (6) and amended, and new subsections (4) and (5) are added to that section, to read:

1004.015 Higher Education Coordinating Council.—

(4) The council shall, with input of the State Board of Education and the Board of Governors, recommend improvement options and implementation plans to:



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13 (a) Define the primary core mission of public and nonpublic
14 postsecondary education institutions in the context of state
15 access demands and economic development goals.

16 (b) Establish performance outputs and outcomes designed to
17 meet annual and long-term state goals, including, but not
18 limited to, increased student access, preparedness, retention,
19 transfer, and completion. Performance measures must be
20 consistent across sectors and allow for a comparison of the
21 state's performance to that of other states.

22 (c) Evaluate the state's articulation policies and
23 practices to ensure that cost benefits to the state are
24 maximized without jeopardizing quality. The evaluation shall
25 consider return on investment for both the state and students.

26 (d) Establish a plan for implementing changes in workforce
27 development education to:

28 1. Align school district and Florida College System
29 workforce development education programs to ensure cost
30 efficiency and mission delineation, including an examination of
31 the need for both college credit and noncollege credit
32 certificate programs, an evaluation of the merit of retaining
33 the associate in applied science degree, and the consolidation
34 of adult general education programs within school districts.

35 2. Improve the consistency of workforce education data
36 collected and reported by Florida College System institutions
37 and school districts, including the establishment of common
38 elements and definitions for any data that is used for state and
39 federal funding and program accountability.

40 (e) Address baccalaureate degree authorization and
41 production, which shall include the following:



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42 1. An assessment of the potential need to establish
43 comprehensive undergraduate institutions that would primarily
44 focus on the delivery of undergraduate instruction, including
45 offering baccalaureate degrees. Such institutions may include
46 Florida College System institutions, state universities, and
47 university branch campuses. The assessment must recommend
48 accountability options and address local and regional workforce
49 needs and gaps that might result from an institution's shift in
50 primary mission.

51 2. Recommendations related to appropriate student
52 enrollment and institutional expenditure thresholds for upper-
53 division programs that justify legislative consideration in
54 order to establish or reestablish an institution under the
55 governance and oversight of the State Board of Education, the
56 Board of Governors, or another statutorily established or
57 created governing or advisory organization.

58 3. Recommendations related to funding options and
59 strategies, student tuition and fees, student financial aid
60 funding, and other strategies to encourage performance-based
61 funding.

62 (5) The council shall submit a report to the Governor, the
63 President of the Senate, and the Speaker of the House of
64 Representatives by December 31, 2011, which specifically
65 includes recommendations for consideration by the Legislature
66 for implementation in the 2012-2013 fiscal year.

67 (6)~~(4)~~ The Board of Governors and the Department of
68 Education shall provide administrative support for the council.

69 Section 2. Subsections (2), (6), and (10) of section
70 1007.27, Florida Statutes, are amended to read:



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71 1007.27 Articulated acceleration mechanisms.—

72 (2) The Department of Education shall annually identify and
73 publish the minimum scores, maximum credit, and course or
74 courses for which credit is to be awarded for each College Level
75 Examination Program (CLEP) ~~general examination, CLEP subject~~
76 examination, College Board Advanced Placement Program
77 examination, Advanced International Certificate of Education
78 examination, and International Baccalaureate examination. The
79 department shall use student performance data in subsequent
80 postsecondary courses to determine the appropriate examination
81 scores and courses for which credit is to be granted. In
82 addition, the department shall identify such courses in the
83 general education core curriculum of each state university and
84 community college.

85 (6) Advanced placement shall be the enrollment of an
86 eligible secondary student in a course offered through the
87 Advanced Placement Program administered by the College Board.
88 Postsecondary credit for an advanced placement course shall be
89 limited to students who score a minimum of 3, on a 5-point
90 scale, on the corresponding Advanced Placement Examination for
91 examinations taken before June 30, 2011. On or after July 1,
92 2011, postsecondary credit for an advanced placement course
93 shall be limited to credit for one course per exam taken for
94 students who score a minimum of 4, on a 5-point scale, on the
95 corresponding Advanced Placement Examination. The specific
96 courses for which students receive such credit shall be
97 identified in the statewide articulation agreement required by
98 s. 1007.23(1). Students of Florida public secondary schools
99 enrolled pursuant to this subsection shall be exempt from the



100 payment of any fees for administration of the examination
101 regardless of whether or not the student achieves a passing
102 score on the examination.

103 ~~(10) Any student who earns 9 or more credits from one or~~
104 ~~more of the acceleration mechanisms provided for in this section~~
105 ~~is exempt from any requirement of a public postsecondary~~
106 ~~educational institution mandating enrollment during a summer~~
107 ~~term.~~

108 Section 3. Subsections (6) and (7) of section 1007.33,
109 Florida Statutes, are amended to read:

110 1007.33 Site-determined baccalaureate degree access.-

111 ~~(6) (a) Beginning July 1, 2010, and each subsequent July 1,~~
112 ~~the Division of Florida Colleges may accept and review~~
113 ~~applications from a Florida college to obtain an exemption from~~
114 ~~the State Board of Education's approval for subsequent degrees~~
115 ~~as required in subsection (5), if the Florida college is~~
116 ~~accredited by the Commission on Colleges of the Southern~~
117 ~~Association of Colleges and Schools as a baccalaureate-degree-~~
118 ~~granting institution and has been offering baccalaureate degree~~
119 ~~programs for 3 or more years. The division shall develop~~
120 ~~criteria for determining eligibility for an exemption based upon~~
121 ~~demonstrated compliance with the requirements for baccalaureate~~
122 ~~degrees, primary mission, and fiscal, including, but not limited~~
123 ~~to:~~

124 ~~1. Obtaining and maintaining appropriate SACS~~
125 ~~accreditation;~~

126 ~~2. The maintenance of qualified faculty and institutional~~
127 ~~resources;~~

128 ~~3. The maintenance of enrollment projections in previously~~



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129 ~~approved programs;~~

130 ~~4. The appropriate management of fiscal resources;~~

131 ~~5. Compliance with the primary mission and responsibility~~
132 ~~requirements in subsections (2) and (3);~~

133 ~~6. The timely submission of the institution's annual~~
134 ~~performance accountability report; and~~

135 ~~7. Other indicators of success such as program completers,~~
136 ~~placements, and surveys of students and employers.~~

137 ~~(b) If the Florida college has demonstrated satisfactory~~
138 ~~progress in fulfilling the eligibility criteria in this~~
139 ~~subsection, the Division of Florida Colleges may recommend to~~
140 ~~the State Board of Education that the institution be exempt from~~
141 ~~the requirement in subsection (5) for approval of future~~
142 ~~baccalaureate degree programs. The State Board of Education~~
143 ~~shall review the division's recommendation and determine if an~~
144 ~~exemption is warranted. If the State Board of Education approves~~
145 ~~the application, the Florida college is exempt from subsequent~~
146 ~~program approval under subsection (5) and such authority is~~
147 ~~delegated to the Florida college board of trustees. If the State~~
148 ~~Board of Education disapproves of the Florida college's request~~
149 ~~for an exemption, the college shall continue to be subject to~~
150 ~~the State Board of Education's approval of subsequent~~
151 ~~baccalaureate degree programs.~~

152 ~~(c) Prior to developing or proposing a new baccalaureate~~
153 ~~degree program, all Florida colleges, regardless of an exemption~~
154 ~~from subsection (5), shall:~~

155 ~~1. Engage in need, demand, and impact discussions with the~~
156 ~~state university in their service district and other local and~~
157 ~~regional, accredited postsecondary providers in their region.~~



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158 ~~2. Send documentation, data, and other information from the~~
159 ~~inter-institutional discussions regarding program need, demand,~~
160 ~~and impact required in subparagraph 1. to the college's board of~~
161 ~~trustees, the Division of Florida Colleges, and the Chancellor~~
162 ~~of the State University System.~~

163 ~~3. Base board of trustees approval of the new program upon~~
164 ~~the documentation, data, and other information required in this~~
165 ~~paragraph and the factors in subsection (5) (d).~~

166
167 ~~The Division of Florida Colleges shall use the documentation,~~
168 ~~data, and other information required in this subsection,~~
169 ~~including information from the Chancellor of the State~~
170 ~~University System, in its compliance review.~~

171 ~~(d) The board of trustees of a Florida college that is~~
172 ~~exempt from subsection (5) must submit newly approved programs~~
173 ~~to the Division of Florida Colleges and SACS within 30 days~~
174 ~~after approval.~~

175 ~~(c) Within 30 days after receiving the approved~~
176 ~~baccalaureate degree program, the Division of Florida Colleges~~
177 ~~shall conduct a compliance review and notify the college if the~~
178 ~~proposal meets the criteria for implementation based upon the~~
179 ~~criteria in paragraphs (5) (d) and (6) (c). If the program fails~~
180 ~~to meet the criteria for implementation as determined by the~~
181 ~~Division of Florida Colleges, the college may not proceed with~~
182 ~~implementation of the program until the State Board of Education~~
183 ~~reviews the proposal and the compliance materials and gives its~~
184 ~~final approval of the program.~~

185 ~~(6)(7)~~ The State Board of Education shall adopt rules to
186 prescribe format and content requirements and submission



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187 procedures for notices of intent, proposals, and alternative
188 proposals under subsection (5).

189 Section 4. Subsection (3) of section 1001.64, Florida
190 Statutes, is amended to read:

191 1001.64 Community college boards of trustees; powers and
192 duties.—

193 (3) A board of trustees shall have the power to take action
194 without a recommendation from the president and shall have the
195 power to require the president to deliver to the board of
196 trustees all data and information required by the board of
197 trustees in the performance of its duties. A board of trustees
198 shall ask the Commissioner of Education to authorize an
199 investigation of the president's actions by the department's
200 inspector general if the board considers such investigation
201 necessary. The inspector general shall provide a report
202 detailing each issue under investigation and shall recommend
203 corrective action. If the inspector general identifies potential
204 legal violations, he or she shall refer the potential legal
205 violations to the Commission on Ethics, the Department of Law
206 Enforcement, the state attorney, or another appropriate
207 authority.

208 Section 5. This act shall take effect July 1, 2011.

209
210 ===== T I T L E A M E N D M E N T =====

211 And the title is amended as follows:

212 Delete everything before the enacting clause
213 and insert:

214 A bill to be entitled
215 An act relating to postsecondary education; amending



216 s. 1004.015, F.S.; requiring the Higher Education
217 Coordinating Council to recommend plans and submit a
218 report to the Governor and the Legislature relating to
219 core missions of postsecondary education institutions,
220 performance outputs and outcomes, articulation
221 policies, workforce development education, and
222 baccalaureate degree authorization; amending s.
223 1007.27, F.S.; requiring the Department of Education
224 to use student performance data to determine
225 appropriate credit-by-examination scores and courses;
226 revising the minimum Advanced Placement Examination
227 scores for postsecondary credit; deleting an exemption
228 from summer-term enrollment in a public postsecondary
229 education institution for students earning accelerated
230 credit; amending s. 1007.33, F.S.; deleting an
231 exemption from provisions governing the approval
232 process for baccalaureate degrees; amending s.
233 1001.64, F.S.; requiring a community college board of
234 trustees to ask the Commissioner of Education to
235 authorize an investigation of a college president by
236 the Department of Education's inspector general in
237 specified circumstances; requiring the inspector
238 general to report on the investigation and make
239 recommendations; requiring the inspector general to
240 refer any potential legal violation to the Commission
241 on Ethics, the Department of Law Enforcement, the
242 state attorney, or other appropriate authority;
243 providing an effective date.