

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 137 Renaming of Florida College System Institutions

SPONSOR(S): Education Committee, Higher Education and Workforce Subcommittee and Hudson

TIED BILLS: **IDEN./SIM. BILLS:** SB 236

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	11 Y, 0 N, As CS	Ammel	Sherry
2) Education Committee	17 Y, 0 N, As CS	Ammel	Mizereck

SUMMARY ANALYSIS

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session. Edison College was renamed Edison State College in the 2009 legislative session, Chapter 2009-228, pursuant the above authority.

The bill changes the name of "Edison State College" to "Florida SouthWestern State College" to avoid a possible violation of trademark rights of two other "Edison" institutions in the country. The institution has met all statutory requirements for a name change.

The bill also changes the name of "Pasco-Hernando Community College" to "Pasco-Hernando State College." The institution has met all statutory requirements for a name change.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS).

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

With the approval of its district board of trustees, a Florida college may change the name of the institution as listed in s. 1000.21(3), F.S., and use the designation “college” or “state college” if it has been authorized to grant baccalaureate degrees and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.¹ A district board of trustees that approves the use of the designation “college” or “state college” must seek statutory codification of the name change during the next regular legislative session.²

Edison State College

Edison College changed its name to Edison State College (ESC) in 2009 in accordance with the above statutory requirements.³ There are at least two other higher education institutions that use the name “Edison” as part of their name⁴, and neither is related to ESC; however there is substantial likelihood that these institutions have superior legal rights to use “Edison” in certain areas of the United States. Therefore, to the extent that ESC advertises or promotes its educational services or provides educational services through a distance learning program in other states, ESC risks violating the trademark rights of one of the other “Edison” institutions. Additionally, Thomas Edison State College owns a federal registration trademark THOMAS EDISON STATE COLLEGE that was granted prior to 2008. ESC did not adopt its current name until 2009, so it faces substantial limits in using the mark EDISON STATE COLLEGE.⁵

ESC has met the statutory requirements for a name change.⁶ specified in s. 1001.60(2)(b)1., F.S. ESC was authorized to offer baccalaureate degrees on April 19, 2005 and had the baccalaureate degrees accredited by SACS on December 10, 2007.⁷ The institution’s board of trustees adopted the new name “Florida SouthWestern State College” at the September 24, 2013, board of trustees meeting.⁸

Pasco-Hernando Community College

Pasco-Hernando Community College has met the statutory requirements for a name change. The State Board of Education approved the institution’s application to begin granting a Bachelor of Applied Science (BAS) in Supervision and Management and a Bachelor of Science in Nursing on June 6, 2013.⁹ The institution received accreditation as a baccalaureate-degree-granting institution on December 9, 2013, by the Commission on Colleges of the Southern Association of Colleges and Schools, and the institution’s board of trustees approved the name change and the BAS in Supervision and Management and BS in Nursing at their April and September meetings, respectively.¹⁰

Effect of Proposed Changes

¹ Section 1001.60(2)(b)1., F.S.

² Section 1001.60(2)(c), F.S.

³ Sections 2 and 3, ch. 2009-228, L.O.F.

⁴ Edison Community College in Ohio and Thomas Edison State College in New Jersey *per* Department of Education Analysis of HB 137 (Nov. 15, 2013).

⁵ *Ibid.*

⁶ Section 1001.60(2)(b)1., F.S.

⁷ *Ibid.*

⁸ Edison State College District Board of Trustees Meeting Minutes (Sep. 24, 2013), *available at*

<http://www.edison.edu/viewdoc.php?id=294383>.

⁹ Florida State Board of Education, Meeting Agenda, *available at* http://www.fldoe.org/board/meetings/2013_06_18/agenda.asp.

¹⁰ Email, Florida Department of Education, Florida College System (Jan. 3, 2014).

The bill amends s. 1000.21, F.S., to rename “Edison State College” and “Pasco-Hernando Community College” to “Florida SouthWestern State College” and “Pasco-Hernando State College,” respectively. Both colleges have complied with the statutory requirements for name changes.

B. SECTION DIRECTORY:

Section 1: Amends s. 1000.21, F.S., renaming Edison State College as Florida SouthWestern State College, and renaming Pasco-Hernando Community College to Pasco-Hernando State College.

Section 2: Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There will be costs with an institutional name change with regard to signage, publications, documentation, and other related items; however, such costs are indeterminable. Edison State College estimated that it will cost \$300,000 to implement the name change; however, no tax payer dollars will be used.¹¹

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

¹¹ Florida Department of Education Analysis for HB 137 (Nov.15, 2013)
STORAGE NAME: h0137c.EDC
DATE: 2/10/2014

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 8, 2014, the Higher Education and Workforce Subcommittee reported HB 137 favorably as a committee substitute. The committee adopted one technical amendment that changed the spelling of the college name from Florida South Western State College to Florida SouthWestern State College. This analysis is drafted to the committee substitute as passed by the Higher Education and Workforce Subcommittee.

On February 6, 2014, the Education Committee reported CS/HB 137 favorably as a committee substitute. The committee adopted one amendment to authorize Pasco-Hernando Community College to change its name to Pasco-Hernando State College.

This analysis is drafted to the committee substitute as passed by the Education Committee.