

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 236

INTRODUCER: Senator Richter

SUBJECT: Edison State College

DATE: January 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Pre-meeting
2.	_____	_____	CA	_____

I. Summary:

SB 236 codifies the name of Florida SouthWestern State College.

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

II. Present Situation:

Edison State College is one of 28 Florida College System (FCS) institutions and serves Charlotte, Collier, Glades, Hendry, and Lee Counties.¹ Edison State College was first established as Edison Junior College in 1962. In 1972, Edison Junior College formally became Edison Community College.² In 2004, Edison Community College changed to Edison College³ which became Edison State College in 2009⁴.

A FCS institution is authorized to change the institution's name, with the approval of that FCS institution's district board of trustees, and use the designation "college" or "state college" if the institution:⁵

- Is authorized to grant baccalaureate degrees in accordance with current law⁶; and

¹ Section 1000.21(3), F.S.; *see also* Florida Department of Education, *Community College Campuses*, <http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=11> (last visited Dec. 30, 2013).

² Edison State College, *History of Edison State College*, <http://www.edison.edu/about/historyofedison> (last visited Jan. 6, 2014).

³ Section 3, ch. 2004-271, L.O.F.

⁴ Section 2, ch. 2009-228, L.O.F.

⁵ Section 1001.60(2)(b)1., F.S. The 2008 Legislature provided to FCS institutions the authority to use the designation "college." Section 2, 2008-52, L.O.F. In 2009, FCS institutions were also authorized to use the designation "state college." Section 3, ch. 2009-228, L.O.F.

⁶ Section 1007.33, F.S.

- Is accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).

A FCS institution's district board of trustees that approves a change to the institution's name must seek statutory codification of such name change in law⁷ during the next regular legislative session.⁸

Edison State College meets the criteria, required under current law, for approval of the name change:

- On April 19, 2005, Edison College (currently named Edison State College) received approval from the State Board of Education (SBE) to grant a Bachelor of Applied Science degree in Public Safety Management.⁹
- On December 10, 2007, Edison College received from SACS, accreditation as a baccalaureate-degree-granting institution.¹⁰
- On September 24, 2013, Edison State College's district board of trustees approved the name change from Edison State College to Florida SouthWestern State College.¹¹

III. Effect of Proposed Changes:

The bill codifies the name of Florida SouthWestern State College. As a result, Florida SouthWestern State College, which is currently named Edison State College, could avoid potential challenges, from other institutions, regarding using the name "Edison" as part of its name.

The Florida Department of Education (DOE) reported that at least two higher education institutions, which are not related to Edison State College, use the name "Edison" as part of their name:¹²

⁷ Section 1000.21(3), F.S.

⁸ Section 1001.60(2)(c), F.S.

⁹ State Board of Education, *Minutes of Meeting held April 19, 2005*, available at http://www.fldoe.org/board/meetings/2005_05_17/Minutes_2005_04_19.pdf, at 3 of 4; *see also* Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2, on file with the Committee on Education staff.

¹⁰ Commission on Colleges, *2007-2008 Annual Report and Proceedings*, available at <http://www.sacscoc.org/pdf/Annual%20Reports/AnnualReport2007-2008.pdf>, at 40 of 92; *see also* Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2, on file with the Committee on Education staff. Currently, twenty-three of the 28 FCS institutions are accredited as baccalaureate-degree-granting institutions by SACS. Email, Florida Department of Education, Division of Florida Colleges (Feb. 12, 2013), on file with the Committee on Education staff.

¹¹ Email, Edison State College (Sept. 24, 2013), on file with the Committee on Education staff; *see also* Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2, on file with the Committee on Education staff.

¹² Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2, on file with the Committee on Education staff.

- Edison Community College located in Ohio¹³ and
- Thomas Edison State College located in New Jersey.¹⁴

DOE reported that both Edison Community College and Thomas Edison State College, which were founded in the 1970s, may have superior legal rights to use the name "Edison" in certain areas of the United States. According to DOE, to the extent that Edison State College advertises or promotes its educational services or provides educational services through a distance learning program in other states, Edison State College runs a risk of violating the trademark rights of the other institutions that use the name "Edison" as part of their name. In addition, Thomas Edison State College owns a federal registration for the trademark THOMAS EDISON STATE COLLEGE which was granted prior to 2008. Edison State College faces substantial limits in using the mark EDISON STATE COLLEGE because the district board of trustees for Edison State College did not approve the name Edison State College until 2008^{15, 16}

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹³ Edison Community College, *About Us*, <http://www.edisonohio.edu/index.php?page=about-us> (last visited Jan. 10, 2014).

¹⁴ Thomas Edison State College, *About Thomas Edison State College*, <http://www.tesc.edu/academics/catalog/About-Thomas-Edison-State-College.cfm> (last visited Jan. 10, 2014).

¹⁵ Edison State College, *Minutes – August 18, 2008*, <http://www.edison.edu/viewdoc.php?id=7401>, at 1.

¹⁶ Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 2-3, on file with the Committee on Education staff.

C. Government Sector Impact:

Florida SouthWestern State College may incur costs related to the name change from Edison State College. Such costs may be associated with signage, publications, documentation, and other related items.¹⁷ Payment of such costs, if any, shall be the responsibility of the Florida SouthWestern State College.

Edison State College estimates that the college will incur \$300,000 to implement the name change from Edison State College to Florida SouthWestern State College. No tax dollars will be used.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1000.21

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁷ Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 4, on file with the Committee on Education staff.

¹⁸ Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 236* (Dec. 26, 2013), at 4, on file with the Committee on Education staff.