

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 798

INTRODUCER: Senator Mayfield

SUBJECT: Baccalaureate Degree Access

DATE: April 15, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 798 modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize a FCS institution to participate in intercollegiate athletics at the four-year level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College.

The bill does not have an impact on state expenditures or revenues.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**Florida College System Baccalaureate Degrees**

The Florida College System<sup>1</sup> (FCS) is intended to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs.<sup>2</sup>

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize FCS institutions to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.<sup>3</sup>

Any FCS institution that offers one or more baccalaureate degree programs must:

- Maintain as its primary mission:

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<sup>1</sup> The Florida College System (FCS) is comprised of 28 FCS institutions specified in law. Section 1000.21(3), F.S.

<sup>2</sup> Section 1001.60, F.S. *See also* Art. IX, s. 8, Fla. Const.

<sup>3</sup> Section 1, ch. 99-290, L.O.F.

- Responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in law.<sup>4</sup>
- The provision of associate degrees that provide access to a university.
- Maintain an open-door admission policy for associate-level degree programs and workforce education programs.
- Continue to provide outreach to underserved populations.
- Continue to provide remedial education.
- Comply with all provisions of the statewide articulation agreement<sup>5</sup> that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education (SBE).
- Not award graduate credit.
- Not participate in intercollegiate athletics beyond the 2-year level.

A FCS institution is authorized to:<sup>6</sup>

- Offer specified baccalaureate degree programs through formal agreements between the FCS institution and other regionally accredited postsecondary educational institutions to maximum articulation.<sup>7</sup>
- Offer baccalaureate degree programs that were authorized by law prior to July 1, 2009.
- Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the SBE.<sup>8</sup>

Currently, 27 FCS institutions offer 188 baccalaureate degrees.<sup>9</sup>

### ***St. Petersburg College***

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College (SPC) and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.<sup>10</sup>

The SPC board of trustees (BOT) is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on specified factors. However, in 2014, the SPC BOT were prohibited from establishing any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.<sup>11</sup>

<sup>4</sup> Section 1004.65(5), F.S.

<sup>5</sup> Section 1007.23, F.S.

<sup>6</sup> Section 1007.33(4)(a)-(c), F.S.

<sup>7</sup> Section 1007.22, F.S.

<sup>8</sup> The approval process and requirements for FCS institution baccalaureate programs are specified in s. 1007.33(5), F.S., and in rule 6A-14.095, F.A.C.

<sup>9</sup> Florida College System, *Bachelor's Degrees*, available at <https://www.floridacollegesystem.com/sites/www/Uploads/files/Downloads/10DigitCIPs.xls>. Hillsborough Community College does not offer baccalaureate degrees. *Id.*

<sup>10</sup> Section 40, ch. 2001-170, L.O.F.

<sup>11</sup> Section 1007.33(4), F.S. Section. 22, 2014-56, L.O.F., (HB 5101) prohibited the State Board of Education (SBE) from approving new baccalaureate degree programs at all FCS institutions after March 31, 2014. Existing FCS baccalaureate degree programs remained under the authority of the SBE. The bill emphasized that the primary mission of FCS institutions was providing lower level undergraduate instruction, awarding associate degrees, and preparing students directly for careers requiring less than a baccalaureate degree, and that providing upper level instruction and awarding baccalaureate degrees was a separate and secondary role.

## Intercollegiate Athletics at Florida College System Institutions

### *National Junior College Athletic Association and Florida Junior College Athletic Association*

The National Junior Collegiate Athletic Association (NJCAA) is the national governing body of two-year college athletics.<sup>12</sup> Florida is a member of the NJCAA in region eight.<sup>13</sup> The NJCAA specifies that student athletes at member colleges may only participate in a maximum of two seasons at any intercollegiate level, without regard to the student-athlete's length of college attendance.<sup>14</sup>

The Florida College System Activities Association (FCSAA) is a statewide non-profit corporation regulating, coordinating, and promoting intercollegiate athletics, among other activities.<sup>15</sup> Twenty-five FCS institutions participate in 55 men's sports and 80 women's sports.<sup>16</sup> According to the FCSAA, in 2017-2018, there were 252 student-athletes from 13 FCS institutions who would be participating in intercollegiate athletics at a four-year college or university in the next academic year.<sup>17</sup>

### *Institution Eligibility, Student Eligibility, and Athletic Scholarships*

The NJCAA and four-year athletic associations, such as the National Collegiate Athletics Association (NCAA) and the National Association of Intercollegiate Athletics (NAIA) each specify requirements for institution membership, student eligibility, and the number of scholarships a member institution may offer.

#### Institution Eligibility for Association Membership

Membership in the NJCAA is available to two-year colleges and institutions accredited by an appropriate state or regional accrediting agency.<sup>18</sup>

Membership in selected four-year athletic associations requires a member institution to be regionally accredited, and for membership in the:

<sup>12</sup> National Junior College Athletic Association, *History of the NJCAA*, <http://www.njcaa.org/about/history/index> (last visited Mar. 27, 2019).

<sup>13</sup> National Junior College Athletic Association, *NJCAA National Office Staff*, [http://njcaa.org/about/Staff\\_Bio/NJCAA\\_National\\_Staff\\_Directory](http://njcaa.org/about/Staff_Bio/NJCAA_National_Staff_Directory) (last visited Mar. 28, 2019).

<sup>14</sup> National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at [https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723\\_10\\_Eligibility%20Pamphlet%202018.pdf](https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf), at 20.

<sup>15</sup> Florida College System Activities Association, *Welcome from the President*, [http://thefcsaa.com/about\\_us/About\\_the\\_FCSAA](http://thefcsaa.com/about_us/About_the_FCSAA) (last visited Mar. 28, 2019).

<sup>16</sup> Florida College System Activities Association, *Sports Offerings 2018-2019*, [http://thefcsaasports.com/about\\_the\\_fcsaa/Sports\\_Offerings\\_2018-2019.pdf](http://thefcsaasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf) (last visited Mar. 28, 2019). Florida Keys Community College, North Florida Community College, and Valencia College do not have athletics programs. ASA College is not an FCS institution. *Id.*

<sup>17</sup> Florida College System Activities Association, *Four Year Colleges & Universities*, [http://thefcsaasports.com/stepping\\_stones/2017-18\\_Transfers](http://thefcsaasports.com/stepping_stones/2017-18_Transfers) (last visited Mar. 28, 2019).

<sup>18</sup> National Junior College Athletics Association, *Join the NJCAA*, [http://njcaa.org/member\\_colleges/Join\\_the\\_NJCAA](http://njcaa.org/member_colleges/Join_the_NJCAA) (last visited Mar. 28, 2019).

- NCAA (Division I), an institution must sponsor a minimum of seven men's and seven women's sports, or six men's and eight women's sports, of which each must include two team sports.<sup>19</sup>
- NCAA (Division II), an institution must sponsor a minimum of five men's and five women's sports, or four men's and six women's sports, and each must include two team sports.<sup>20,21</sup>
- NAIA, an institution must sponsor a minimum of six NAIA championship sports no later than the beginning of the fourth full academic year of active NAIA membership.<sup>22</sup>

### Student Initial Eligibility

The NJCAA and FCSAA require that students graduate with a state-approved high school diploma or equivalency diploma.<sup>23</sup>

In addition to a high school diploma, general student eligibility for the following four-year athletic associations require that:

- Students attending an NCAA Division I institution must complete 16 specified core courses;<sup>24</sup> earn a core-course grade-point-average (GPA) of 2.3, and earn an SAT/ACT score that corresponds to their GPA.<sup>25</sup>
- Students attending an NCAA Division II institution must complete 16 specified core courses, earn a core-course GPA of 2.2, and earn an SAT/ACT score that corresponds to their GPA.<sup>26</sup>
- Students attending an NAIA institution must meet two of the following requirements: a cumulative GPA of 2.0; a class rank in the top 50 percent of the graduating class; or an SAT score of 860 Critical Reading and Math or ACT score of 16 (Beginning May 1, 2019, an SAT score of 970 or ACT score of 18).<sup>27</sup>

<sup>19</sup> National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf>, at policy 20.9.6. Requirements also include minimum number of contests for each sport and minimum required number of participants in each contest.

<sup>20</sup> National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf>, at policy 20.10.3. Similar to Division I, Division II specifies a minimum number of contests for each sport and minimum required number of participants in each contest.

<sup>21</sup> NCAA Division III requires a member institution to sponsor either 5 or 6 men's and either 5 or 6 women's sports, based on institution enrollment of fewer or more than 1,000 students, including at least three team sports in each. National Collegiate Athletics Association, *2018-19 Division III Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D319.pdf>, at policy 20.11.3.

<sup>22</sup> National Association of Intercollegiate Athletics, *Membership Basics*, available at [http://www.naia.org/fls/27900/1NAIA/membership/NAIA\\_Membership\\_Basics\\_2019.pdf](http://www.naia.org/fls/27900/1NAIA/membership/NAIA_Membership_Basics_2019.pdf).

<sup>23</sup> National Junior College Athletic Association, *Eligibility Rules Pamphlet* (Aug. 1, 2018), available at [https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723\\_10\\_Eligibility%20Pamphlet%202018.pdf](https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf), at section 2.B.1. Students may also graduate from a home education program. *Id.* at section 2.B.2. See also Florida College System Activities Association, *Council for Athletic Affairs Handbook* (Nov. 2018), available at [http://thefcsaa.com/resources/CAA\\_Handbook\\_2018\\_November.pdf](http://thefcsaa.com/resources/CAA_Handbook_2018_November.pdf), at Policy 5-Eligibility.

<sup>24</sup> Ten of the 16 courses must be in English, mathematics, or natural/physical science and must be completed before the senior year.

<sup>25</sup> National Collegiate Athletics Association, *Division I Academic Requirements*, available at [https://www.ncaa.org/sites/default/files/2018DIEC\\_Requirements\\_Fact\\_Sheet\\_20180117.pdf](https://www.ncaa.org/sites/default/files/2018DIEC_Requirements_Fact_Sheet_20180117.pdf)

<sup>26</sup> National Collegiate Athletics Association, *Division II Academic Requirements*, available at [https://www.ncaa.org/sites/default/files/2018DIEC\\_Requirements\\_Fact\\_Sheet\\_20180117.pdf](https://www.ncaa.org/sites/default/files/2018DIEC_Requirements_Fact_Sheet_20180117.pdf).

<sup>27</sup> National Association of Intercollegiate Athletics, *NAIA Eligibility Center*, available at [http://www.naia.org/fls/27900/1NAIA/membership/NAIA\\_EligibilityCenter.pdf](http://www.naia.org/fls/27900/1NAIA/membership/NAIA_EligibilityCenter.pdf).

### Student-Athlete Scholarships

The NJCAA divides its competitive sports into three divisions (Division I-III).<sup>28</sup> The current scholarship parameters for the three competition divisions are:

- Division I colleges may grant full athletic scholarships,<sup>29</sup> with limits on the number of scholarships that can be granted. For example, baseball may award 24 scholarships, basketball may award 15 scholarships, soccer may award 24 scholarships, and outdoor track and field may award 20 scholarships.<sup>30</sup>
- Division II colleges may grant athletic scholarships,<sup>31</sup> with similar scholarship limitations.<sup>32</sup>

The NCAA:

- Division I designates football, basketball, women's gymnastics, women's tennis, and women's volleyball as headcount sports, which typically award full scholarships.<sup>33</sup> Most NCAA varsity sports award scholarships based on the value (equivalency) of financial aid awards.<sup>34</sup> Equivalency awards may be split into partial scholarships up to the maximum allowable. For example, an NCAA Division I baseball program may award partial scholarships among its players (up to 27 players) up to the equivalent of 11.7 full scholarships.<sup>35</sup>
- Division II specifies similar scholarship requirements, but sets a lower limits on scholarships. For example, baseball may award partial scholarships equivalent to nine full scholarships.<sup>36</sup>

The NAIA specifies that each sport has an upper limit for the amount of institutional aid allowed per school. The school may choose to divide the scholarships among student-athletes, as long as the total does not exceed the limit for the sport (e.g., baseball may award 12 full scholarships, basketball may award 11, soccer may award 12, and volleyball may award eight scholarships).<sup>37</sup>

### **III. Effect of Proposed Changes:**

The bill modifies provisions relating to Florida College System (FCS) institution baccalaureate degrees to authorize an FCS institution to participate in intercollegiate athletics at the four-year

<sup>28</sup> National Junior College Athletic Association, *Divisional Structure*, [http://www.njcaa.org/member\\_colleges/Divisional\\_Structure](http://www.njcaa.org/member_colleges/Divisional_Structure) (last visited Mar. 28, 2019).

<sup>29</sup> Scholarships consist of tuition, books, fees, room & board, up to \$250 in course required supplies, and transportation costs one time per academic year.

<sup>30</sup> National Junior College Athletic Association, *2018-2019 NJCAA Sports Procedures*, available at [https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723\\_10\\_Eligibility%20Pamphlet%202018.pdf](https://mvp.njcaa.org/DocumentsAndFiles/NjcaaForms/180723_10_Eligibility%20Pamphlet%202018.pdf) at Art. VI, s. 2(A)A.1. The *Sports Procedures* chart is Appendix B.

<sup>31</sup> Such scholarships are limited to tuition, books, fees and up to \$250 in course required supplies.

<sup>32</sup> *Id.* Division III institutions may not award athletic scholarships. National Junior College Athletic Association, *Divisional Structure*, [http://www.njcaa.org/member\\_colleges/Divisional\\_Structure](http://www.njcaa.org/member_colleges/Divisional_Structure) (last visited Mar. 28, 2019).

<sup>33</sup> Headcount sports mean the stated scholarship limit is absolute, and the number of student athletes receiving awards cannot exceed this number. National Collegiate Athletics Association, *2018-19 Division I Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D119.pdf> at policy 15.5.2.1.

<sup>34</sup> *Id.* at policy 15.5.3.

<sup>35</sup> *Id.* at policy 15.5.4.

<sup>36</sup> National Collegiate Athletics Association, *2018-19 Division II Manual* (Aug. 1, 2018), available at <http://www.ncaapublications.com/productdownloads/D219.pdf> at policy 15.4.2.1.1.

<sup>37</sup> National Association of Intercollegiate Athletics, *Financial Aid*, available at [http://www.naia.org/fls/27900/1NAIA/membership/NAIA\\_FinancialAid.pdf](http://www.naia.org/fls/27900/1NAIA/membership/NAIA_FinancialAid.pdf). Academically gifted students can be exempted from these limits if they meet GPA or test score criteria established by the NAIA.

level. The bill also removes obsolete language relating to the approval of baccalaureate degrees at St. Petersburg College (SPC).

### **Baccalaureate Degrees**

The bill amends s. 1007.33, F.S., to remove obsolete language that prohibited the SPC board of trustees to establish any new baccalaureate degree programs from March 31, 2014, through May 31, 2015.

### **Intercollegiate Athletics at Florida College System Institutions**

The bill amends s. 1007.33, F.S., to remove the prohibition on an FCS institution that offers a baccalaureate degree from participating in intercollegiate athletics beyond the 2-year level, and to authorize an FCS institution to participate in intercollegiate athletics at the 4-year level. This will allow FCS institutions to choose to participate in intercollegiate athletics at either the 2-year or 4-year level. Such authorization may offer additional opportunities for students who wish to participate in intercollegiate athletics to earn a baccalaureate degree at an FCS institution.

#### Institution Eligibility

Those institutions that choose to offer 4-year intercollegiate varsity athletics will be required to join a 4-year athletic association. However, currently only selected FCS institutions would qualify for membership in certain associations, based on the number of sports offered. For example:<sup>38</sup>

- No FCS institution offers the requisite number of men's and women's sports to participate in the NCAA Division I.
- Two FCS institutions (Eastern Florida State College and Daytona State College) would qualify to participate in the NCAA Division II.
- Nine FCS institutions would qualify for immediate membership in the NAIA.<sup>39</sup>

#### Student Initial Eligibility

Students who participate in 4-year intercollegiate athletics at an FCS institution may be required to complete more rigorous eligibility requirements than required for the NJCAA or college admissions. Students are not required under NJCAA eligibility rules to present qualifying scores on the SAT or ACT or earn a specified high school grade-point-average (GPA). However, NCAA and NAIA student eligibility requirements include minimum scores on the SAT or ACT, based on a student's GPA. In addition, student eligibility for the NCAA requires completion of 16 specified core courses with a GPA higher than that required for a Florida standard diploma.<sup>40</sup>

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<sup>38</sup> Florida College System Activities Association, *Sports Offerings 2018-2019*, [http://thefcsaasports.com/about\\_the\\_fcsaa/Sports\\_Offerings\\_2018-2019.pdf](http://thefcsaasports.com/about_the_fcsaa/Sports_Offerings_2018-2019.pdf) (last visited Mar. 28, 2019).

<sup>39</sup> FCS institutions that would qualify for NAIA membership are: Broward College, Daytona State College, Eastern Florida State College, Florida State College at Jacksonville, Hillsborough Community College, Indian River State College, Pasco-Hernando State College, St. Petersburg College, and Tallahassee Community College. *Id.*

<sup>40</sup> Students must earn a 2.0 on a 4.0 scale to earn a high school diploma. Section 1003.4282(6)(a), F.S. Students must complete specified 16 core courses with at least a 2.3 GPA for NCAA Division I, and at least a 2.2 GPA for NCAA Division II.

### Athletic Scholarships

An FCS institution that joins a 4-year athletic association may be required to adjust the number of scholarships available to student athletes. For example, the NJCAA, NCAA, and NAIA scholarship limitations vary in such sports as:

- Baseball—the NJCAA authorizes 24 full scholarships in baseball, the NCAA Division I authorizes equivalency to 11.7 scholarships, NCAA Division II equivalency to 9 scholarships, and the NAIA 12 full scholarships.
- Basketball—the NJCAA authorizes 15 full scholarships in basketball, the NCAA Division I authorizes 13 full scholarships, NCAA Division II 10 full scholarships, and the NAIA 11 full scholarships.
- Soccer—the NJCAA authorizes 24 full scholarships in soccer, the NCAA Division I authorizes equivalency to 9.9 scholarships, NCAA Division II equivalency to nine scholarships, and the NAIA 12 full scholarships.

The bill takes effect July 1, 2019.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1007.33 of the Florida Statutes.

**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.