

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**BUDGET SUBCOMMITTEE ON HIGHER EDUCATION**  
**APPROPRIATIONS**  
**Senator Lynn, Chair**  
**Senator Thrasher, Vice Chair**

**MEETING DATE:** Wednesday, April 13, 2011  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Lynn, Chair; Senator Thrasher, Vice Chair; Senators Altman, Braynon, Detert, Hays, Joyner, Montford, Oelrich, Simmons, Siplin, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 480</b> Community Affairs / Wise (Compare H 811)	Florida Endowment for Vocational Rehabilitation; Removes a provision that requires the State Board of Administration to invest and reinvest moneys in the endowment fund for the Florida Endowment for Vocational Rehabilitation. Requires that a specified percent of the remainder of all civil penalties received by a county court and after distribution pursuant to ch. 318, F.S., be remitted to the Department of Revenue on a monthly basis, etc.	
		CA 02/21/2011 Fav/CS HE 03/09/2011 Favorable GO 03/23/2011 Favorable BHI 04/13/2011 BC	
2	<b>CS/SB 430</b> Higher Education / Altman (Identical CS/H 171)	Veterans' Affairs; Expands the definition of "veteran" for purposes of construction of the Florida Statutes. Provides educational opportunity at state expense for dependent children of military personnel who die or suffer certain disability in specified military operations.	
		MS 03/10/2011 Favorable HE 04/04/2011 Fav/CS BHI 04/13/2011 BC	
3	<b>CS/CS/SB 1194</b> Children, Families, and Elder Affairs / Higher Education / Oelrich (Compare H 881, H 4155, S 970, S 1278)	Postsecondary Education; Deletes provisions relating to the use of test scores for assessment of college-level communication and computation skills. Requires the establishment of the Articulation Coordinating Committee and provides its responsibilities. Deletes provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution. Abrogates the repeal of provisions which created the 21st Century World Class Scholars Program, etc.	
		HE 03/14/2011 Fav/CS CF 03/28/2011 Fav/CS BHI 04/13/2011 BC	

**COMMITTEE MEETING EXPANDED AGENDA**

Budget Subcommittee on Higher Education Appropriations  
Wednesday, April 13, 2011, 11:00 a.m.—12:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 1732</b> Higher Education / Lynn (Compare H 4153, H 4175, H 4177, H 7151, CS/S 632)	Postsecondary Education; Requires the Higher Education Coordinating Council to recommend plans and submit a report to the Governor and the Legislature relating to core missions of postsecondary education institutions, performance outputs and outcomes, articulation policies, workforce development education, and baccalaureate degree authorization. Requires the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses. Revises the minimum Advanced Placement Examination scores for postsecondary credit, etc.	HE 04/04/2011 Fav/CS BHI 04/13/2011 BC

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**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 Budget Subcommittee on Higher Education Appropriations

**BILL:** CS/SB 480

**INTRODUCER:** Community Affairs Committee and Senator Wise

**SUBJECT:** Florida Endowment for Vocational Rehabilitation

**DATE:** March 15, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	<b>Fav/CS</b>
2.	Brown	Matthews	HE	<b>Favorable</b>
3.	Roberts	Roberts	GO	<b>Favorable</b>
4.	Bryant	Hamon	BHI	<b>Pre-meeting</b>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill abolishes the State Board of Administration’s (SBA) role in investing and reinvesting monies in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation (Foundation).

The bill eliminates the threshold in law for the endowment fund principal.

The bill provides for dedicated funds through civil traffic collections remitted to the Department of Revenue (DOR) to be deposited directly into the endowment fund.

This bill substantially amends section 413.615 of the Florida Statutes.

**II. Present Situation:**

**Federal Law**

The Federal Rehabilitation Services Administration (RSA) provides leadership and fiscal resources to assist state and other agencies in providing vocational rehabilitation (VR),

independent living, and other services to individuals with disabilities.<sup>1</sup> To be eligible to participate in the federal program and other rehabilitation services, states must submit to the RSA a state plan for VR services to be administered by a designated state agency.<sup>2</sup> In Florida, the Department of Education (DOE) is the designated state agency.<sup>3</sup>

### **Civil Penalties for Traffic Infractions**

Civil penalties imposed under Chapter 318, F.S., for traffic infractions are collected by the clerk of the court and distributed pursuant to s. 318.21, F.S. Section 318.21(1) and (2), F.S., specifies that the following amounts of all civil penalties imposed under Chapter 318, F.S., and collected by the clerk of court are to be remitted monthly to the Department of Revenue for deposit as follows:

- \$1 from every civil penalty for the Child Welfare Training Trust Fund;
- \$1 from every civil penalty for the Juvenile Justice Training Trust Fund;
- Of the remaining civil penalties:
  - 20.6 percent goes into state general revenue, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Justice Administrative Commission;
  - 7.2 percent for the Emergency Medical Services Trust Fund;
  - 5.1 percent for the Additional Court Cost Clearing Trust Fund;
  - 8.2 percent for the Brain and Spinal Cord Injury Rehabilitation Trust Fund;
  - 2 percent for the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation; and
  - 0.5 percent for the clerk of the court for administrative costs.

Section 318.18(3)(f), F.S., imposes an additional fine of up to \$250 if a violation of a traffic regulation to assist mobility-impaired persons<sup>4</sup> results in an injury to the pedestrian or damage to the property of the pedestrian. Section 318.21(5), F.S., requires the additional fine to be distributed as follows:

- 60 percent is remitted to the Department of Revenue for deposit in the Florida Endowment Foundation for Vocational Rehabilitation; and
- 40 percent is distributed as provided in ss. 318.21(1) and (2), F.S.

### **The Florida Endowment (Foundation) for Vocational Rehabilitation**

Created by the Florida Legislature in 1990,<sup>5</sup> the Florida Endowment Foundation for Vocational Rehabilitation, parent organization of The Able Trust, is a non-profit public/private partnership with the stated goal of assisting Floridians with disabilities in achieving employment. The Trust receives its funding from a perpetual endowment, grants, gifts and support from the public and private sectors. The Trust supports non-profit vocational rehabilitation programs throughout Florida with fund-raising, grant-making and public awareness of disability issues. The Able

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<sup>1</sup> Office of Special Education and Related Services, U.S. Department of Education. *See* <http://www2.ed.gov/about/offices/list/osers/rsa/index.html>.

<sup>2</sup> 29 U.S.C. § 721.

<sup>3</sup> s. 413.201, F.S.

<sup>4</sup> s. 316.1303, F.S.

<sup>5</sup> Section 413.615, F.S.

Trust website indicates that it supports a diversity of projects, including on-the-job coaching, supported employment, job skills-training, job development, employer outreach, Americans with Disabilities Act facility compliance, skills evaluation and programs leading to employment.<sup>6</sup>

For Fiscal Year ending June 30, 2008, the Able Trust reports \$5.7 million in overall revenue.<sup>7</sup> Of this, the Trust received \$2.8 million from funds collected by civil traffic penalties. Collections from Fiscal Year 2009 totaled \$2.5 million and from Fiscal Year 2010, \$1.8 million.<sup>8</sup>

### **The State Board of Administration**

The State Board of Administration (SBA or the Board) is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General and basically functions as an investment fund manager for various public purposes. Principal funds which the SBA currently manages include the Florida Retirement Pension Plan, the Investment Plan, the Florida Hurricane Catastrophe Fund, and the Chiles Endowment Fund.<sup>9</sup> The SBA also is currently charged with investing and reinvesting moneys of the endowment fund in accordance with s. 215.44, F.S. Money in the endowment in excess of the endowment fund principal, or a lower amount requested in writing by the Foundation, is annually transmitted to the Foundation for deposit in its operating account. The board uses operating account funds to provide for:

- Planning, research, and policy development for issues related to the employment and training of disabled citizens, and publication and dissemination of such information as may serve the objectives of this section;
- Promotion of initiatives for disabled citizens;
- Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for disabled citizens or research, education, demonstration, or other activities related thereto;
- Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the field of vocational rehabilitation; and
- Funding of programs, property, or facilities which aid, strengthen, and extend in any proper and useful manner the objectives, work, services, and physical facilities of the division, in accordance with the purposes of this section.

Under current law, the endowment fund principal must be \$1 million for the 2000-2001 fiscal year and must be increased by five percent in each subsequent fiscal year.<sup>10</sup>

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

This bill abolishes SBA's role in managing funding for the VR. This change will enable the Foundation to receive monies allocated on a much more frequent basis.

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<sup>6</sup> See The Able Trust, About the Able Trust, available at <http://www.abletrust.org/about/>.

<sup>7</sup> <http://www.guidestar.org/pqShowGsReport.do?partner=amex&ein=59-3052307>

<sup>8</sup> *The Able Trust SBA Activity (FY 1993-FY 2011)*, Report updated January 31, 2011.

<sup>9</sup> This information is available on the SBA website at:

<http://www.sbafla.com/fsb/TheFundsWeManage/tabid/731/Default.aspx>

<sup>10</sup> s. 413.615(4), F.S.

The percentage of money allocated to the Foundation remains the same, as this bill provides that the 2 percent of the remainder of all civil penalties currently earmarked for the Foundation under provisions of Chapter 318, F.S., are to be remitted to the Department of Revenue for distribution directly to the Foundation. The bill also clarifies the remission to the Department of Revenue of the additional money through fines collected specifically for violation of traffic regulations against disabled persons<sup>11</sup> due to pedestrian injury or property damage<sup>12</sup> for direct distribution under the current 60/40 percent formula.<sup>13</sup>

The bill removes the threshold in law for the endowment fund principal. It is unclear what, if any, impact removal of the required reserve would have on the continued viability of the endowment.

#### **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.

##### **C. Government Sector Impact:**

The SBA currently invests approximately \$1.7 million for the Florida Endowment for Vocational Rehabilitation. The foundation, through its own investment program manages funds several times greater than this amount. The bill allows the board of the foundation to consolidate all of its investments under its own experienced investment committee.

The Department of Revenue indicates that they do not expect an operational impact.

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<sup>11</sup> s. 316.1303, F.S.

<sup>12</sup> s. 318.18(3)(f), F.S.

<sup>13</sup> This is the same distribution scheme currently in law under s. 318.21(5), F.S.

The State Board of Administration indicates that they are best suited to manage a small number of large mandates, and that this bill, removing their role, is consistent with that policy.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 21, 2011:**  
Fixes a technical amendment to clarify what “remainder of the funds” means.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Budget Subcommittee on Higher Education  
Appropriations (Altman) recommended the following:

**Senate Amendment**

Delete lines 49 - 50

and insert:

(i) Operation Iraqi Freedom: March 19, 2003, to August 31,  
2010 ~~and ending on the date thereafter prescribed by~~

**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 Budget Subcommittee on Higher Education Appropriations

BILL: CS/SB 430

INTRODUCER: Committee on Higher Education and Senator Altman

SUBJECT: Veterans' Affairs

DATE: April 8, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fleming</u>	<u>Carter</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Carrouth</u>	<u>Matthews</u>	<u>HE</u>	<b>Fav/CS</b>
3.	<u>Bryant</u>	<u>Hamon</u>	<u>BHI</u>	<b>Pre-meeting</b>
4.	_____	_____	_____	_____
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6.	_____	_____	_____	_____

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**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill amends the statutory definition of a “veteran” in s. 1.01(14), F.S. As a result, veterans who served during Operation New Dawn, but were not deployed into an area of operation, are eligible for wartime service benefits.

This bill also extends post-secondary scholarship program eligibility to the children of veterans who die or become disabled while serving in Operation New Dawn.

This bill has an effective date of July 1, 2011.

This bill substantially amends sections 1.01 and 295.0185 of the Florida Statutes.

**II. Present Situation:**

**Wartime Veteran Benefits**

Section 1.01(14), F.S., defines the term “veteran” for purposes of determining veterans’ benefits eligibility. A person who has served in the active military and who has been honorably discharged or released from active duty under honorable conditions is eligible for veterans’

benefits. A veteran may receive enhanced benefits for wartime service if the veteran received a campaign badge<sup>1</sup> for service in a campaign or expedition authorized<sup>2</sup> under the following:

- Spanish-American War—April 21, 1898-July 4, 1902, including the Philippine Insurrection and the Boxer Rebellion;
- Mexican Border Period—May 9, 1916-April 5, 1917, for veterans who served in Mexico, on the borders thereof, or in the adjacent waters;
- World War I—April 6, 1917-November 11, 1918 with extensions for service in Russia (April 1, 1920), veterans who served during November 11, 1918-July 2, 1921, and for veterans who served at least one day between April 5, 1917-November 12, 1918 (July 1, 1921);
- World War II—December 7, 1941-December 31, 1946;
- Korean Conflict—June 27, 1950-January 31, 1955;
- Vietnam Era—February 28, 1961-May 7, 1975;
- Persian Gulf War—August 2, 1990-January 2, 1992;
- Operation Enduring Freedom—October 7, 2001-ending on the date set by presidential proclamation or by law; and
- Operation Iraqi Freedom—March 19, 2003--August 31, 2010.

On August 31, 2010, President Obama announced the end of Operation Iraqi Freedom and the commencement of the new mission, Operation New Dawn.<sup>3</sup> As part of Operation New Dawn, U.S. forces have three primary missions: advising, assisting, and training the Iraqi Security Forces; conducting partnered counterterrorism operation; and providing support to provincial reconstruction teams and civilian partners as they help build Iraq's civil capacity.<sup>4</sup>

However, a new campaign medal does not accompany the commencement of Operation New Dawn. "U.S. troops will not get a new campaign medal if they take part in Operation New Dawn. The current Iraq Campaign Medal<sup>5</sup> campaign phase, Iraqi Sovereignty, which took effect January 1, 2009, describes both the initial phase of Operation New Dawn and the final phase of Operation Iraqi Freedom."<sup>6</sup> Thus, servicemembers who serve in direct support of Operation New Dawn may be eligible for an Iraq Campaign Medal. These veterans would qualify for veterans' benefits.<sup>7</sup> However, those veterans who served active duty Operation New Dawn, but were not deployed into the campaign, are not eligible.

Florida wartime benefits for eligible veterans include: veterans' hiring and retention preference,<sup>8</sup> career training admission preference (Vietnam Era),<sup>9</sup> State Veteran Nursing Home admittance

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<sup>1</sup> A list of U.S. military campaign badges is found at: [http://www.tioh.hqda.pentagon.mil/Awards/service\\_campaign.aspx](http://www.tioh.hqda.pentagon.mil/Awards/service_campaign.aspx).

<sup>2</sup> The provision regarding campaign badges was added in 2003. Prior to then, statutes allowed those who served during the defined wartime periods to be eligible for wartime benefits.

<sup>3</sup> <http://www.whitehouse.gov/the-press-office/2010/08/31/remarks-president-address-nation-end-combat-operations-iraq>.

<sup>4</sup> [http://www.af.mil/news/story\\_print.asp?id=123220049](http://www.af.mil/news/story_print.asp?id=123220049).

<sup>5</sup> Department of the Army. Iraq Campaign Medal Page. Office of the Administrative Assistant to the Secretary of the Army, Institute of Heraldry. Available at: [http://www.tioh.hqda.pentagon.mil/Awards/iraq\\_campaign.aspx](http://www.tioh.hqda.pentagon.mil/Awards/iraq_campaign.aspx).

<sup>6</sup> Statement by Defense Department spokeswoman Eileen Lainez. October 22, 2010. Article available at: <http://www.military.com/news/article/no-campaign-medal-for-operation-new-dawn.html>.

<sup>7</sup> Under s. 1.01(14), F.S., receipt of the medal qualifies these individuals for veterans' benefits.

<sup>8</sup> s. 295.07, F.S.

<sup>9</sup> s. 295.125, F.S.

priority preference,<sup>10</sup> certain local business tax exemptions,<sup>11</sup> certain Florida Retirement System (FRS) benefits,<sup>12</sup> and certain homestead tax exemptions for those meeting other eligibility criteria.<sup>13</sup>

### **Educational Benefits**

Since 1941, Florida has provided educational opportunity for the dependent children of deceased or totally and permanently disabled veterans of the U.S. Armed Forces. In 2006, these benefits were extended to include spouses of deceased or totally and permanently disabled veterans of the U.S. Armed Forces. Section 295.01, F.S., establishes the eligibility requirements for the Scholarships for Children and Spouses of Deceased or Disabled Veterans (CSDDV) program for dependent children and spouses of certain military veterans. Under this section, dependent children and an unremarried spouse of a veteran who died from service-connected injuries, disease, or disability while on active-duty, or was determined to have a 100 percent permanent and total-service connected disability, are eligible for the scholarship. The section provides certain criteria, including Florida residency criteria, which a child or spouse must meet in order to be eligible for the scholarship. Scholarship recipients are also subject to the requirements of ss. 295.03, 295.04, 295.05, and 1009.40, F.S.

Sections 295.016-295.0195, F.S., specify military actions or conflicts that constitute eligible periods of military service for purposes of the scholarship program established in s. 295.01, F.S. Section 295.0195 provides scholarships for the children of deceased or disabled military personnel who died or became disabled in Operation Enduring Freedom (2001) and Operation Iraqi Freedom (2003). In order for such a child to be eligible for the scholarship, the servicemember must have been a Florida resident at the time of the disability or death. Presently, chapter 295, F.S., does not extend such state-sponsored educational benefits to the children of military personnel who have died or became 100-percent disabled in Operation New Dawn, which began on September 1, 2010.

The following chart displays the appropriations, expenditures, and the number of participating students in the CSDDV scholarship program from fiscal year 2007-08 to 2009-10. The Legislature appropriated \$2,442,776 for the CSDDV scholarship program for fiscal year 2010-2011.<sup>14</sup>

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<sup>10</sup> s. 296.08, F.S.

<sup>11</sup> s. 205.171, F.S.

<sup>12</sup> ss. 121.021(20)(b) and 121.111, F.S.

<sup>13</sup> s. 196.24, F.S.

<sup>14</sup> Florida Department of Education, *2009-10 Annual Report to the Commissioner*; available at: <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>.

**SCHOLARSHIPS FOR CHILDREN AND SPOUSES OF  
DECEASED OR DISABLED VETERANS AND SERVICEMEMBERS**

<b>Year</b>	<b>Total Spouses Disbursed</b>	<b>Total Children Disbursed</b>	<b>Total Disbursed</b>	<b>Average Award</b>	<b>Expended Funds</b>	<b>Appropriations</b>
2007-08	16	459	475	\$2,392	\$1,136,148	\$1,101,410
2008-09	52	643	695	\$2,536	\$1,762,248	\$1,997,365
2009-10	56	685	741	\$2,588	\$1,917,830	\$1,997,365

Florida Department of Education, *Annual Report to the Commissioner*, 2010.

**III. Effect of Proposed Changes:**

This bill adds Operation New Dawn to the list of qualifying military campaigns or expeditions qualifying veterans for veterans’ benefits who have served honorably but have not received a campaign medal. The qualifying period for Operation New Dawn began on September 1, 2010, and will end on the date thereafter as prescribed by presidential proclamation or by law.<sup>15</sup>

The bill extends educational opportunities at state expense for the dependent children of military personnel who serve in Operation New Dawn and who die or suffer a service-connected 100-percent total and permanent disability.

**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:

This bill would enable an unknown number of additional children of deceased or disabled veterans to qualify for post-secondary educational benefits.

<sup>15</sup> <http://www.whitehouse.gov/the-press-office/2010/08/31/remarks-president-address-nation-end-combat-operations-iraq>.

C. **Government Sector Impact:**

The state will be responsible for paying for the educational benefits provided in this bill to children of military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation New Dawn. Presently, the additional number of eligible scholarship recipients is indeterminate; however at this time they are likely to be minimal. It should be noted that many military personnel/families who qualify for educational benefits under Operation New Dawn may already qualify for benefits by having served in other named conflicts.

VI. **Technical Deficiencies:**

The bill provides for inconsistent ending dates associated with Operation Iraqi Freedom.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by the Committee on Higher Education on April 4, 2011.**

The Committee Substitute:

- Provides an ending date for Operation Iraqi Freedom as designated by presidential proclamation.

B. **Amendments:**

None.

**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 Budget Subcommittee o Higher Education Appropriations

**BILL:** CS/CS/SB 1194

**INTRODUCER:** Children, Families, and Elder Affairs Committee, Higher Education Committee, and Senator Oelrich

**SUBJECT:** Postsecondary Education

**DATE:** March 28, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Daniell</u>	<u>Walsh</u>	<u>CF</u>	<u>Fav/CS</u>
3.	<u>Bryant</u>	<u>Hamon</u>	<u>BHI</u>	<u>Pre-meeting</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill makes changes to several sections of the Florida Statutes relating to postsecondary education. Specifically, the bill:

- Removes obsolete references to the College Level Academic Skills Test;
- Makes college readiness testing uniform;
- Codifies the Articulation Coordinating Committee;
- Removes a barrier to postsecondary education for individuals with intellectual disabilities by allowing them to use reasonable substitutions for admission to postsecondary programs;
- Authorizes the Department of Education to certify community service hours for home education students' Bright Futures Scholarship requirements;
- Deletes requirements for the State Board of Education to approve community college budgets; and
- Abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

This bill amends the following sections of the Florida Statutes: 467.009, 1001.64, 1004.68, 1007.01, 1007.25, 1007.264, 1007.265, 1008.30, 1008.345, 1008.38, 1009.534, and 1011.30.

The bill repeals section 6 of chapter 2006-58, Laws of Florida.

## II. Present Situation:

### College Level Skills

Public postsecondary institutions are currently following the requirements established in s. 1007.25, F.S., relating to the mastery of college-level communication and computation skills. The College-Level Academic Skills Test (CLAST) was administered from October 1982 to June 2009 to students seeking associate in arts (AA), bachelor of arts (BA), or bachelor of science (BS) degrees from a Florida public college or university. The CLAST consisted of four subtests: essay, English language skills, reading, and mathematics.<sup>1</sup>

From 1982 to 2002, the CLAST was also used as the basic skills test for teacher certification purposes. On July 1, 2002, the General Knowledge (GK) test of the Florida Teacher Certification Examinations replaced the CLAST for purposes of teacher certification. Currently, any teacher certification candidate may use his or her CLAST scores in lieu of the corresponding GK test.<sup>2</sup>

In 2009, the Legislature repealed the use of the CLAST to measure student proficiency and as a degree requirement for undergraduates seeking an AA, BA, or BS in Florida's public colleges or universities.<sup>3</sup>

### Articulation

The Articulation Coordinating Committee (ACC) serves as an advisory board to the State Board of Education (SBE), Board of Governors, and Higher Education Coordinating Council on postsecondary transition issues. The ACC is no longer codified in law, but rather it is established in Rule 6A-10.024 of the Florida Administrative Code.<sup>4</sup>

The ACC consists of 18 members and reports to the Commissioner of Education (Commissioner). The members shall be as follows:

- Four from the Department of Education (DOE or department);
- Fourteen appointed by the Commissioner for two year terms;
- Three representing the state university system;
- Three representing the state community college system;
- One representing career education;

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<sup>1</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), CLAST Programs*, <http://www.fldoe.org/asp/clast/default.asp> (last visited Mar. 24, 2011).

<sup>2</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), The Need for CLAST Scores*, <http://www.fldoe.org/asp/clast/clstneed.asp> (last visited Mar. 24, 2011).

<sup>3</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), Passing Scores*, <http://www.fldoe.org/asp/clast/clstpscr.asp> (last visited Mar. 24, 2011).

<sup>4</sup> Section 3, ch. 2002-387, L.O.F., transferred the ACC to the State Board of Education.

- Three representing public schools;
- Two representing non-public postsecondary institutions;
- One representing non-public secondary education; and
- One representing students.<sup>5</sup>

Functions, responsibilities, and duties of the ACC include:

- Acting as the statewide pre-kindergarten through university advisory committee;
- Developing suggested guidelines for interinstitutional agreements between and among public schools, community colleges, and universities;
- Establishing groups of university-community college-school district representatives;
- Conducting a continuing review of the provisions of this rule and making recommendations to the SBE and Board of Governors;
- Reviewing instances of student transfer and admissions difficulties among universities, community colleges, and public schools;
- Examining statewide data regarding articulation, recommending resolutions of issues, and proposing policies and procedures to improve articulation systemwide;
- Recommending the priority to be given research conducted cooperatively by DOE with individual institutions;
- Reviewing and making recommendations to institutions for experimental programs;
- Collecting and disseminating information on successful cooperative programs between educational institutions;
- Establishing and maintaining a standard format to record the performance and credits of postsecondary students;
- Documenting, maintaining, and publishing a current listing of limited access, capstone, and career ladder degree programs;
- Documenting, maintaining, and publishing the statewide associate in science to bachelor of arts or bachelor of science articulation agreements;
- Documenting, maintaining, and publishing statewide applied technology diploma to associate in applied science or associate in science degree articulation agreements;
- Maintaining and reviewing annually the accelerated articulation mechanism examinations, minimum scores guaranteed for transfer, maximum credits guaranteed to transfer, and recommended course equivalencies; and
- Performing other duties as assigned.<sup>6</sup>

### **Students with Intellectual Disabilities**

The federal Higher Education Opportunity Act reauthorization<sup>7</sup> creates incentives for states to provide transition to postsecondary education programs for students with intellectual disabilities – those students with mental retardation or a cognitive impairment characterized by significant limitation in intellectual and cognitive functioning who are or were provided a free and appropriate public education under the Individuals with Disabilities Education Act. Three Florida

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<sup>5</sup> Rule 6A-10.024(2), F.A.C.

<sup>6</sup> *Id.*

<sup>7</sup> P.L.110-315

institutions – the University of South Florida, St. Petersburg (USFSP); University of North Florida (UNF); and Lynn University have received a grant, funded for \$421,000 a year for five years, to form a consortium<sup>8</sup> to oversee the following grant activities:

- Expansion of the quality and depth of the current transition programs on the campuses of USFSP, UNF, and Lynn University;
- Support for other existing transition programs for students with intellectual disabilities at institutions of higher education across the State of Florida; and
- Expansion of the transition programs in these institutions across Florida.

While students with disabilities<sup>9</sup> are eligible for reasonable substitutions for requirements for graduation, admission to a postsecondary program, or entry into the upper division of a postsecondary program, students who have been documented as having an intellectual disability are specifically excluded.<sup>10</sup>

### **Common Placement Testing**

Minimum college placement test scores are currently established in Rule 6A-10.0315 of the Florida Administrative Code. Florida College System institutions have flexibility to establish higher college placement scores, so a student could be eligible for college level coursework at one college with a certain score but not at another college. This inconsistency may cause unintended inequities for students seeking a degree. Establishing college placement scores statewide will enable students to transfer test scores from college to college and be eligible for the same course placement.<sup>11</sup>

According to the DOE, there is no statewide consistency in remediation policies. Remediation courses have been approved for high schools on the basis of the highest level of developmental education (i.e., remediation) offered at Florida College System institutions. The implementation of the high school remediation courses is voluntary and student enrollment is also voluntary. For high schools offering the remediation courses, students who enroll and pass a remediation course with a grade of “C” or better and pass the Basic Skills Exit Test will be guaranteed entry to college credit coursework without additional testing or remediation on admission to a Florida college. Colleges may offer students alternative remediation opportunities and retests.

Students may accumulate more than 12 college credit hours without demonstrating readiness in mathematics, reading, or writing, provided they are co-enrolled in developmental education. The Florida College System has recently developed statewide developmental education competencies

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<sup>8</sup> The Florida Consortium on Postsecondary Education Transition Programs and Intellectual Disabilities.

<sup>9</sup> Section 1007.02(2), F.S., defines a “student with a disability” as a student “who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.”

<sup>10</sup> See ss. 1007.264 and 1007.265, F.S.

<sup>11</sup> See Florida Dep’t of Education, *2011 Agency Legislative Bill Analysis, SB 1194* (Feb. 18, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

and established common course numbers that will be implemented in fall 2011. Current law does not fully reflect all provisions to implement the postsecondary readiness testing.

### **Bright Futures Community Service Hours**

Home school students are required to complete community service hours to be eligible for a Florida Academic Scholars award. Currently, the Office of Student Financial Assistance, within DOE, certifies home education students' community service hours for the purpose of Bright Futures Scholarship initial eligibility. However, current law does not explicitly give DOE the authority to approve community service hours for home education students.

### **Review and Approval of Community College Budgets**

Community college boards of trustees are required to submit their budgets to the State Board of Education for approval under ss. 1001.64 and 1011.30, F.S.

### **The 21st Century Technology, Research, and Scholarship Act**

The 21st Century Technology, Research, and Scholarship Act (Act)<sup>12</sup> was created in 2006 to enhance the research infrastructure at state universities. The Act includes the Centers of Excellence Program, the State University Research Commercialization Assistance Grant Program, and the 21st Century World Class Scholars Program.

The state's investment of \$84.5 million in the 11 State University Systems Centers of Excellence has yielded \$251 million in competitive grants and another \$24 million in private sector support. The centers collectively have made 223 invention disclosures, executed 43 licenses or options, received nearly a half million dollars in license revenues, initiated 30 companies, created 745 jobs, and provided over 100 specialized industry training sessions. In addition, the centers have supported 1,110 undergraduate and graduate students, and created collaborations with 508 private industry entities.<sup>13</sup>

The 21st Century World Class Scholars program consists of 16 faculty positions at state universities. Cumulatively, the world class scholars have received nearly \$46 million in external competitive grants and have had 16 patents issued.<sup>14</sup>

The State University Research Commercialization Assistance Grant Program has been instrumental in moving university-based inventions toward commercialization. Grants awarded under this program total \$1.8 million.<sup>15</sup>

Section 1004.226, F.S., will be repealed on July 1, 2011, unless the repeal is abrogated. The Board of Governors states that while these programs represent a small portion of the \$1.3 billion

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<sup>12</sup> Section 1004.226, F.S.

<sup>13</sup> State University System of Florida Board of Governors, *21st Century Technology, Research, and Scholarship Act Programs*, 6-7 (Jan. 2011), available at [http://www.flbog.edu/new\\_florida/docs/PUBLISHED\\_2010\\_21st\\_Century\\_Annual\\_Report.pdf](http://www.flbog.edu/new_florida/docs/PUBLISHED_2010_21st_Century_Annual_Report.pdf) (last visited Mar. 24, 2011).

<sup>14</sup> *Id.* at 14.

<sup>15</sup> *Id.* at 16.

in federal, private, and other research and development contracts and grant awards to Florida in 2008-09, “taken together these 21st Century Act programs represent a significant, focused response to the System’s goal of transforming Florida’s economy to one that relies less on growth, tourism, and agriculture and, instead, aspires to be a national leader in high-wage, high-skill, cutting-edge technology.”<sup>16</sup>

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

#### **College Level Skills (sections 1, 3, 6, 7, 8, and 12)**

In 2009, the Legislature repealed the use of the College Level Academic Skills Test (CLAST) to measure student proficiency and as a degree requirement for undergraduates Florida’s public colleges or universities. The bill removes obsolete references to the CLAST in ss. 467.009, 1004.68, 1007.25, 1008.30, 1008.345, and 1008.38, since the CLAST is no longer administered for these purposes.

#### **Articulation (section 2)**

The bill provides statutory authorization for the Articulation Coordinating Committee (ACC) to serve as an advisory body that would report to the Commissioner of Education. The ACC would propose policies to coordinate among the education sectors to promote smooth and efficient student educational transitions. The duties of the ACC include monitoring institutional compliance with articulation policy, proposing guidelines for interinstitutional agreements, establishing dual enrollment course and high school subject areas equivalencies, reviewing the statewide course numbering system, and establishing a group of public and nonpublic educational institution representatives to facilitate articulation.

#### **Students with Intellectual Disabilities (sections 4 and 5)**

The bill amends ss. 1007.264 and 1007.265, F.S., to provide access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for entry, admission to a program of study, and graduation requirements, as is currently provided to other students with disabilities. The proposed changes will align Florida law with the provisions of the Higher Education Opportunities Act and facilitate activities to help students with intellectual disabilities prepare for gainful employment.

#### **Common Placement Testing (section 8)**

The bill authorizes the Department of Education (DOE or department) to establish statewide consistency in the implementation of the common placement requirements. The bill requires the State Board of Education to establish by rule the test scores a student must achieve to demonstrate readiness for postsecondary work, provisions for remediation, and retesting policies.

The bill also requires colleges to advise students who have accumulated 12 college credit hours but who have not yet demonstrated proficiency in the basic competency areas in writing of the

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<sup>16</sup> *Id.* at 17.

requirements for associate degree completion and state university admission. By requiring colleges to inform students of the possible implications of amassing college credit prior to successful completion of developmental education, students will have the necessary information to make informed decisions when registering for courses.

The bill also provides that a student must demonstrate successful mastery of the required developmental education competencies, as defined in State Board of Education rule, before the student will be considered to have met basic computation and communication skills. By establishing developmental education competencies in rule, there will be consistency in the delivery of developmental education in the Florida College System, as well as high schools. High school teachers would have access to the competencies Florida faculty have identified as necessary for success in entry level college credit courses. Establishing the competencies in rule will result in better informed instruction at the secondary level and better prepared students coming to the Florida colleges.

#### **Bright Futures Community Service Hours (section 9)**

The bill authorizes DOE to approve community service hours for home education students to be eligible for the Bright Futures Florida Academic Scholars award. Current law is silent regarding whether DOE can approve community service hours for home education students.

#### **Review and Approval of Community College Budgets (sections 10 and 11)**

The bill strikes the requirement in current law that DOE review *and approve* community college budgets. Under the bill, DOE will only be required to review the budgets, and the community college boards of trustees would approve the budget.

#### **The 21st Century Technology, Research, and Scholarship Act (section 14)**

The bill repeals s. 6 of ch. 2006-58, Laws of Florida, which provides that s. 1004.226, F.S., shall expire on June 30, 2011. By doing this, the bill abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

#### **Effective Date (section 15)**

The bill provides that it will take effect upon becoming a law.

#### **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.

C. Government Sector Impact:

According to the Department of Education (DOE or department), the department reimburses Florida Colleges for common placement tests provided to high school students who are evaluated for college readiness. To the extent this bill increases the number of high school students taking such tests, the costs for reimbursement may increase.<sup>17</sup>

Additionally, the department stated that colleges may incur additional expenses relating to the notice requirement for students who accumulate 12 college credit hours with developmental education coursework remaining. The exact cost is indeterminate, but is likely to be insignificant.<sup>18</sup>

To the extent that the revisions made by the bill to the disability-related statutes result in an increase in the number of students enrolling in colleges, those schools may collect additional tuition and fee revenue.<sup>19</sup>

Finally, the department indicated that it will need to amend or promulgate several rules to address the requirements of the bill.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>17</sup> Florida Dep't of Education, *supra* note 11.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on March 28, 2011:**

The committee substitute:

- Reinstates current law in s. 1012.56, F.S., to retain the reference to the College Level Academic Skills Test (CLAST) in order to allow a teacher who has already taken and passed the CLAST to use it as an option to satisfy the general knowledge requirement for teacher certification; and
- Deletes requirements in s. 1007.25, F.S., related to CLAST exemption criteria to allow institutions to align accreditation and state level requirements through the Southern Association of Colleges and Schools. This change was based on a recommendation in a white paper done on CLAST in May 2010.

**CS by Higher Education on March 14, 2011:**

The committee substitute:

- Leaves a reference to the CLAST exam in a teacher preparation statute to allow those that have already taken and passed the CLAST exam previously to continue to use it as an option to satisfy the general knowledge requirement;
- Adds new duties for the Articulation Coordinating Committee;
- Repeals a requirement for the Department of Education to review and approve community college budgets; and
- Abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Budget Subcommittee on Higher Education Appropriations (Lynn) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 41 - 97  
and insert:

(4) The council shall make detailed recommendations for:

(a) Defining the primary core responsibilities of public and nonpublic postsecondary education systems in the context of meeting state access demands and economic development goals.

(b) Establishing performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be



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13 consistent across sectors and allow for a comparison of the  
14 state's performance to that of other states.

15 (c) Evaluating the state's articulation policies and  
16 practices to ensure that cost benefits to the state are  
17 maximized without jeopardizing quality. The evaluation shall  
18 consider return on investment for both the state and students.

19 (d) Establishing a plan for workforce development education  
20 changes that:

21 1. Align school district and Florida College System  
22 workforce development education programs to ensure cost  
23 efficiency and mission delineation, including an examination of  
24 the need for both college credit and noncollege credit  
25 certificate programs, an evaluation of the merit of retaining  
26 the associate in applied science degree, and the consolidation  
27 of adult general education programs within school districts.

28 2. Improve the consistency of workforce education data  
29 collected and reported by Florida College System institutions  
30 and school districts, including the establishment of common  
31 elements and definitions for any data that are used for state  
32 and federal funding and program accountability.

33 (e) Addressing baccalaureate degree authorization and  
34 production, which shall include the following:

35 1. An assessment of the potential need to establish  
36 comprehensive undergraduate institutions that would primarily  
37 focus on the delivery of undergraduate instruction, including  
38 offering baccalaureate degrees. Such institutions may include  
39 Florida College System institutions, state universities, and  
40 university branch campuses. The assessment must recommend  
41 accountability options and address local and regional workforce



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42 needs and gaps that might result from an institution's shift in  
43 primary mission.

44 2. Recommendations related to appropriate student  
45 enrollment and institutional expenditure thresholds for upper-  
46 division programs that justify legislative consideration in  
47 order to establish or reestablish an institution under the  
48 governance and oversight of the State Board of Education, the  
49 Board of Governors, or another statutorily established or  
50 created governing or advisory organization.

51 3. Recommendations related to funding options and  
52 strategies, student tuition and fees, student financial aid  
53 funding, and other strategies to encourage performance-based  
54 funding.

55  
56 The council's first priority shall be to address baccalaureate  
57 degree authorization and production.

58 (5) The council shall submit a report to the Governor, the  
59 President of the Senate, the Speaker of the House of  
60 Representatives, the State Board of Education, and the Board of  
61 Governors by December 31, 2011, which specifically includes  
62 recommendations for consideration by the Legislature for  
63 implementation in the 2012-2013 fiscal year.

64  
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 6 - 9

68 and insert:

69 core responsibilities of postsecondary education  
70 institutions, performance outputs and outcomes,



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71 articulation policies, workforce development  
72 education, and baccalaureate degree authorization;  
73 requiring the council to submit a report to the  
74 Governor, the President of the Senate, the Speaker of  
75 the House of Representatives, the State Board of  
76 Education, and the Board of Governors of the State  
77 University System by a date certain which includes  
78 certain recommendations; amending s.  
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327286

LEGISLATIVE ACTION

Senate

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House

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The Committee on Budget Subcommittee on Higher Education  
Appropriations (Lynn) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 109 - 133  
and insert:  
examination, and International Baccalaureate examination.  
Beginning with the fall term in 2012, the department shall use  
student performance data in subsequent postsecondary courses to  
determine the appropriate examination scores and courses for  
which credit is to be granted. In addition, the department shall  
identify such courses in the general education core curriculum  
of each state university and community college.

(6) Advanced placement shall be the enrollment of an



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13 eligible secondary student in a course offered through the  
14 Advanced Placement Program administered by the College Board.  
15 Postsecondary credit for an advanced placement course shall be  
16 limited to students who score a minimum of 3, on a 5-point  
17 scale, on the corresponding Advanced Placement Examination. The  
18 specific courses for which students receive such credit shall be  
19 identified in the statewide articulation agreement required by  
20 s. 1007.23(1). Students of Florida public secondary schools  
21 enrolled pursuant to this subsection shall be exempt from the  
22 payment of any fees for administration of the examination  
23 regardless of whether or not the student achieves a passing  
24 score on the examination. The department shall review  
25 performance data in postsecondary courses for students who  
26 achieved a score of 3 or more points on the Advanced Placement  
27 Examination for each course for which an exam is given, and  
28 shall establish the minimum score for each examination which a  
29 student must earn in order to receive postsecondary credit for  
30 that subject. The department must consider establishing  
31 different minimum scores for different subject areas and  
32 establishing different scores for different postsecondary  
33 institutions. The review must be completed and minimum scores  
34 based on the review must be established by July 1, 2012.

35  
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete lines 13 - 14

39 and insert:

40 requiring the Department of Education to review  
41 performance data for students who take Advanced



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Placement Examinations and to set minimum scores based  
on the review; deleting an exemption

**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 Budget Subcommittee on Higher Education Appropriations

BILL: CS/SB 1732

INTRODUCER: Higher Education Committee and Senator Lynn

SUBJECT: Post Secondary Education

DATE: April 8, 2011 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	Fav/CS
2.	Bryant	Hamon	BHI	Pre-meeting
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes  
 B. AMENDMENTS.....  Technical amendments were recommended  
 Amendments were recommended  
 Significant amendments were recommended

**I. Summary:**

This bill addresses a number of aspects of the public postsecondary education system relating to efficiency, access and quality. The bill would require the Higher Education Coordinating Council to produce a report, with input from the State Board of Education and the Board of Governors, to address the following:

- Defining the core mission of public and non-public postsecondary education institutions in terms of the student access to education and the state’s economic development goals;
- Establishing performance measures across sectors;
- Evaluating the state’s articulation policies to consider the return on investment for students and for the state;
- Establishing a plan for implementing changes in workforce development education to align school district and Florida College System programs to ensure efficiency and mission delineation and to improve the consistency of workforce data collection; and
- Addressing baccalaureate degree authorization and production, including—
  - The potential need to establish comprehensive undergraduate institutions;
  - Enrollment and expenditure thresholds that would justify legislative consideration for moving the institution under the State Board of Education, Board of Governors, or another governing organization; and

- Recommendations relating to funding options to encourage performance-based funding.

The bill requires the State Board of Education, as well as the Board of Governors, to provide administrative support to the Higher Education Coordinating Council.

The bill also:

- Requires the Department of Education to use student performance data from postsecondary courses to determine the scores for which credit is to be granted for acceleration courses;
- Increases the minimum Advanced Placement Examination score for which credit must be granted from 3 points to 4 points on a 5-point scale;
- Repeals the prohibition against a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students;
- Repeals the option for a Florida College System institution to receive an exemption from state board review for a proposed baccalaureate program;
- Authorizes a community college board of trustees to request an investigation of the college president's actions by the DOE inspector general and requires the inspector general to refer potential legal violations to the Commission on Ethics, Department of Law enforcement, Attorney General, or another appropriate authority; and
- Repeals the Florida Business and Education Collaborative, which was never appointed.

This bill amends ss. 1001.64, 1004.015, 1007.27, and 1007.33, Florida Statutes.

The bill repeals s. 1000.07, Florida Statutes.

## II. Present Situation:

### **Access to Baccalaureate Degrees**

The 2009 Legislature created the Florida College System (FCS) and revised the primary mission of the community colleges to include upper level instruction and awarding baccalaureate degrees as authorized by law, in addition to the college's long-standing mission of providing community needs for postsecondary education in career education and lower division academic programs leading to an associate degree. The baccalaureate degree programs established at FCS institutions must meet local workforce needs and unmet demand for such a program in the local area. An FCS institution proposing a baccalaureate degree program must first provide an opportunity for private institutions and state universities to propose an alternative baccalaureate program. With the exception of St. Petersburg College, which has statutory authority to provide baccalaureate degrees as the college's board of trustees decide is necessary in its service area, the State Board of Education must approve the proposal before the FCS institution may offer the program. The statute provides for an FCS institution to apply for an exemption from State Board of Education approval of new baccalaureate programs, but no FCS institution has requested an exemption.

Nineteen of the 28 FCS institutions currently offer baccalaureate degrees. Enrollments in upper level (baccalaureate) courses are shown in the chart below:

**THE FLORIDA COLLEGE SYSTEM**  
**Upper-division FTE as a Percentage of Total FTE**  
**FY 2009-10 Actual FTE-3**

<b>COLLEGE</b>	<b>Lower-level FTE</b>	<b>Upper-level FTE</b>	<b>TOTAL FTE</b>	<b>UPPER as % of TOTAL</b>
Brevard Community College	13,393.1	0	13,393	0.00%
Broward College	27,773.8	129	27,902	0.46%
College of Central Florida	6,404.8	0	6,405	0.00%
Chipola College	1,618.8	135	1,754	7.68%
Daytona State College	14,984.0	495	15,479	3.20%
Edison State College	11,072.3	322	11,394	2.82%
Florida State College at Jacksonville	28,452.7	355	28,808	1.23%
Florida Keys Community College	1,061.8	0	1,062	0.00%
Gulf Coast Community College	5,074.1	0	5,074	0.00%
Hillsborough Community College	20,767.3	0	20,767	0.00%
Indian River State College	13,332.3	495	13,827	3.58%
Florida Gateway College	2,396.4	0	2,396	0.00%
Lake-Sumter Community College	3,203.1	0	3,203	0.00%
State College of Florida, Manatee-Sarasota	9,552.3	13	9,565	0.13%
Miami Dade College	56,614.0	907	57,521	1.58%
North Florida Community College	940.5	0	941	0.00%
Northwest Florida State College	5,538.4	278	5,816	4.78%
Palm Beach State College	20,070.4	174	20,245	0.86%
Pasco-Hernando Community College	7,230.8	0	7,231	0.00%
Pensacola State College	9,276.0	0	9,276	0.00%
Polk State College	6,640.7	32	6,673	0.48%
St. Johns River Community College	4,913.3	0	4,913	0.00%
St. Petersburg College	18,707.3	1,971	20,679	9.53%
Santa Fe College	12,161.4	67	12,229	0.55%
Seminole State College of Florida	13,998.1	5	14,003	0.03%
South Florida Community College	2,899.0	0	2,899	0.00%
Tallahassee Community College	12,527.4	0	12,527	0.00%
Valencia Community College	29,295.8	0	29,296	0.00%
<b>TOTAL</b>	<b>359,900</b>	<b>5,377</b>	<b>365,277</b>	<b>1.47%</b>

Source: Florida Department of Education

While FCS institutions awarded only 1.2 percent of the baccalaureate degrees awarded in Florida the potential growth of the baccalaureate degree programs has led to concern that the baccalaureate degree programs could eventually overshadow the lower division programs that provide community access to postsecondary education.

The chart below shows baccalaureate degrees awarded by postsecondary education sectors in 2008-2009:

Postsecondary Sector	Number of Institutions	Baccalaureate Degrees Awarded (2008-09)	% of Baccalaureate Degrees Awarded (2008-09)
State University System	14	51,443	64.1%
ICUF <sup>1</sup>	27	17,341	21.6%
OTHER	301	10,550	13.1%
FCS	20	941	1.2%
Total	362	80,275	100%

Source: Florida Board of Governors

**Workforce Education**

Workforce education programs in Florida are designed to assist individuals in attaining skills necessary for economic self-sufficiency and provide training to meet local and state workforce needs. These programs include both adult general education and career education programs and may be offered by school districts and FCS institutions. State agency oversight for workforce education is provided by the Division of Career and Adult Education within the DOE. While both school districts and FCS institutions are authorized to provide workforce education programs, only FCS institutions are permitted to award college credit.

In 2010, the Florida Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of public workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging the school district programs with FCS institution programs. OPPAGA found that school districts and colleges locally determine what workforce education programs to provide in their service areas and how to divide responsibility for these programs, resulting in a varied delivery system across the state. However, the entities tend to offer different types of workforce education programs and typically avoid duplicating programs within individual counties. With regard to consolidating workforce education, OPPAGA suggested that such reorganization could produce benefits. It could help provide more consistent policies and practices for workforce education programs, provide better alignment and articulation of postsecondary career education programs, and make it easier for some students to access financial aid. Consolidating adult education under school districts could help their efforts to address dropout prevention and recovery.

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<sup>1</sup> Independent Colleges & Universities of Florida.

**Higher Education Coordinating Council (HECC)**

The Higher Education Coordinating Council was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers. The Board of Governors (BOG) provides administrative support for the HECC.

The HECC is required to act as an advisory board to the Legislature, the State Board of Education and BOG. Recommendations of the HECC must be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students;
- To promote consistent education policy across all educational delivery systems, focusing on students;
- To promote substantially improved articulation across all educational delivery systems;
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians; and
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

The HECC is comprised of the following members: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the Florida College System; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one by the Speaker of the House of Representatives.

**Advanced Placement Scores**

Section 1007.27, F.S., authorizes a number of mechanisms whereby students may earn college credit for courses taken in high school. The DOE is required to establish minimum scores, maximum credit, and courses for which credit is award for College-Level Examination Program (CLEP) exams, Advanced Placement (AP), Advanced International Certificate of Education (AICE), and International Baccalaureate (IB) examinations. DOE is also required to identify each course in the general education core curriculum of each state university and FCS institutions. Section 1007.27(6), F.S., establishes the minimum score a student must earn on the Advanced Placement Examination administered by the College Board in order to receive college credit for the course corresponding to that examination. Currently, a minimum score of three on a 5-point scale entitles a student to credit for that course at a state university or FCS institution. The rigor of some of the Advanced Placement Examinations has been questioned relative to coursework at state universities, particularly in math and science, where a higher score might indicate that the student was more adequately prepared to receive credit for the entry level course and proceed with more advanced college-level work.

A 2009 study by the Legislative Office of Program Policy Analysis and Government Accountability (OPPAGA) found that nearly 24 percent of the state university students surveyed reported that they retook a course at the university to improve their understanding of the subject

matter, to increase their grade point average, or because the university recommended that they retake the course as part of a sequence of courses.<sup>2</sup> Most commonly, students retook math and science courses. Of the 799 students in the OPPAGA study who took AP courses only (i.e., no other kind of acceleration course), 24 percent (195 students) retook the course at the university.<sup>3</sup>

A 2009 study showed that AP students who earn course credit consistently outperformed a matched group of Non-AP students on most of the college outcome measures.<sup>4</sup> The College Board provides numerous research studies showing that students who take AP courses and AP exams have better college outcomes than students who do not take AP courses and exams.<sup>5</sup>

Florida’s statutory requirement that FCS institutions and state universities must grant course credit to students who score 3 points on the AP exam provides a uniform policy for articulation from one institution to another. However, the policy provides Florida institutions less flexibility in granting credit than is available to private institutions and other state’s public institutions which may require a score of 4 or 5 for granting credit and may set different scores for different courses.

**Summer Term at Universities**

Section 1007.27(10), F.S., prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism, such as dual enrollment and advanced placement, to enroll in a summer term. According to the Department of Education, 21,200 students, who earned a standard high school diploma in 2010, earned 9 or more credit hours through an accelerated mechanism, such as Advanced Placement, dual enrollment, International Baccalaureate, or Advanced International Certificate of Education.

Credit Hours	12th Grade Students (Survey 3 Enrolled)	Standard Diploma Recipients 2010
9+	21,900	21,200
12+	16,700	16,200
15+	12,300	11,900
18+	9,200	8,900

Source: Florida Department of Education

**Powers of College Boards of Trustees**

Section 1001.64(3), F.S., gives a college board of trustees the power to take action without a recommendation from the president and requires the president to deliver to the board of trustees all information it requires in the performance of its duties. The statute does not explicitly provide

<sup>2</sup> OPPAGA, “University Students Benefit from Acceleration Courses, But Often Retake Math and Science Courses,” Report No. 09-30, June 2009.

<sup>3</sup> OPPAGA, “The Percentage of Students Who Retake Acceleration Courses in College Varies by Acceleration Program and University,” Research Memorandum, September 21, 2009.

<sup>4</sup> Murphy, D. and Dodd, B. “A Comparison of College Performances of Matched AP and Non-AP student Groups,” College Board Research Report 2009-6, readable at: <http://professionals.collegeboard.com/profdownload/a-comparison-of-college-performances-of-matched-ap-and-non-ap-student-groups.pdf>.

<sup>5</sup> The College Board, “AP Research Summaries,” readable at: <http://professionals.collegeboard.com/data-reports-research/ap/summaries>.

a course of action for a board to follow if it discovers that actions by the college president merit an investigation.

### III. Effect of Proposed Changes:

This bill addresses a number of aspects of the public postsecondary education system relating to efficiency, access and quality. The bill would require the Higher Education Coordinating Council to produce a report by December 31, 2011, with input from the State Board of Education and the Board of Governors, to address the following:

- Defining the core mission of public and non-public postsecondary education institutions in terms of the student access to education and the state's economic development goals;
- Establishing performance measures across sectors;
- Evaluating the state's articulation policies to consider the return on investment for students and for the state;
- Establishing a plan for implementing changes in workforce development education to align school district and Florida College System programs to ensure efficiency and mission delineation and to improve the consistency of workforce data collection; and
- Addressing baccalaureate degree authorization and production, including—
  - The potential need to establish comprehensive undergraduate institutions;
  - Enrollment and expenditure thresholds that would justify legislative consideration for moving the institution under the State Board of Education, Board of Governors, or another governing organization; and
  - Recommendations relating to funding options to encourage performance-based funding.

The bill requires the State Board of Education, as well as the Board of Governors, to provide administrative support to the Higher Education Coordinating Council.

The bill would repeal s. 1007.27(10), F.S., which prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students. Requiring students to attend during the summer term could enable a postsecondary institution to use its facilities year-round. However, the provision could create new costs for students who receive state financial aid, including the Bright Futures Scholarships, because state scholarship programs are only funded for the fall and spring academic terms. The Bright Futures Scholarships may be used in the summer term if funds are available, but the Legislature has not funded the scholarship for the summer term.

The bill requires the Department of Education to use student performance data from postsecondary courses to determine the scores for which credit is to be granted for acceleration courses and increases the minimum Advanced Placement Examination score for which credit must be granted from 3 points to 4 points on a 5-point scale. The chart below shows Florida public school students' scores in 2009-2010:

<b>Advanced Placement Exam Scores of Florida Public School Students (2009-2010)</b>					
<b>Subject</b>	<b>Total Exams</b>	<b>Total Exams Scored at 3 Points</b>	<b>Percent of Exams Scored at 3 Points</b>	<b>Total Exams Scored at 4-5 Points</b>	<b>Percent of Exams Scored at 4-5 Points</b>
<b>Chemistry</b>	5,996	985	16%	924	15%
<b>Calculus AB</b>	11,297	1,921	17%	3,106	27%
<b>English Language &amp; Composition</b>	31,829	9,286	29%	6,208	20%
<b>English Literature &amp; Composition</b>	25,791	7,345	28%	4,186	16%
<b>Psychology</b>	24,184	4,873	20%	7,659	32%
<b>History: United States</b>	27,149	4,825	18%	4,047	15%
<b>History: World</b>	24,749	4,518	18%	3,020	12%
<b>Human Geography</b>	24,163	4,127	17%	3,595	15%
<b>Government &amp; Politics: United States</b>	18,315	3,472	19%	2,297	13%
<b>Physics B</b>	3,793	830	22%	740	20%

Source: Florida Department of Education from College Board Integrated State Summary 2009-2010

The bill would authorize a community college board of trustees to request an investigation of the college president’s actions by the DOE inspector general. The bill requires the DOE inspector general to issue a detailed report and to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

The bill repeals the option for a Florida College System institution to receive an exemption from state board review for a proposed baccalaureate program.

The bill repeals the Florida Business and Education Collaborative, which was never appointed.

**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:**

Recipients of a Bright Futures Scholarship would be required to pay for classes during the summer term unless funds were appropriated by the Legislature for summer enrollment.

**C. Government Sector Impact:**

The assignments to the HECC are within its scope and could be accomplished with staff support by the postsecondary sectors represented on the council.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Higher Education on April 4, 2011:**

The committee substitute:

- Requires a single report from the Higher Education Coordinating Council rather than reports from the Board of Governors and State Board of Education to be submitted by December 31, 2011;
- Requires the State Board of Education, as well as the Board of Governors, to provide staff support to the Higher Education Coordinating Council; and
- Does not authorize state universities to establish Advanced Placement Exam scores for course credit but raises the minimum score for all college and university credit from 3 points to 4 points on a 5-point scale.

**B. Amendments:**

None.