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DATE: April 23, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: CS/HB 1369
RELATING TO: Higher Education
SPONSOR(S): Committee on Colleges & Universities and Representative(s) Bilirakis, Fiorentino and others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES AND UNIVERSITIES YEAS 8 NAYS 3
- (2) STATE ADMINISTRATION YEAS 4 NAYS 1
- (3) EDUCATION APPROPRIATIONS
- (4) COUNCIL FOR LIFELONG LEARNING
- (5)

I. SUMMARY:

This committee substitute designates St. Petersburg Junior College as St. Petersburg College, creating a unique combination of a community college and a baccalaureate degree granting institution. The College must obtain accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools as a "baccalaureate-degree granting institution".

St. Petersburg College is granted the authority to offer all programs consistent with a public community college, but is limited in its offerings of baccalaureate-degree programs to those that meet community needs and are authorized by this act, specifically including baccalaureate degrees in teacher education, nursing, and applied sciences. The St. Petersburg College Board of Trustees and a coordinating board, created by this committee substitute, are authorized to determine additional programs to be offered by the College once the College has been accredited to grant baccalaureate degrees for four years.

The Board of Trustees is required to establish the level of matriculation, tuition, and other authorized fees. The matriculation and tuition for certificate-level and lower-division-level courses must be within the range authorized in law and rule for the Community College System. Upper-division course fees must be within a range above the community college per credit level but lower than the public university per credit level. All other mandatory and local fees are required to be the same level for all lower-division students. Other local and mandatory fees for upper-division students must be less than fees for students attending the University of South Florida.

The faculty of St. Petersburg College are to be governed by the same employment laws governing community college faculty except that upper-division faculty are eligible for a continuing contract after the fifth year of teaching.

Sections of law specifically related to state universities and to various sections specifically related to community colleges are applied to the College. It is unclear how these provisions will relate to the unique entity created by this legislation, which is neither a state university nor a community college.

The fiscal impact of this committee substitute is indeterminate. See FISCAL COMMENTS section of this committee substitute analysis for additional comments and concerns.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

HB 1369 creates a unique public educational entity – a combination of a community college and a limited baccalaureate degree granting institution.

B. PRESENT SITUATION:

See SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

See SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates an unnumbered section of the Florida Statutes relating to Legislative intent.

Present Situation:

Florida’s public postsecondary education structure is unique in that it supports a “2+2” system of educational advancement. The system is designed so that a student may study for 2 years at a community college to earn an associate degree, then transfer to one of the state universities to complete the last two years of study for a baccalaureate degree. The state’s articulation agreement guarantees every associate in arts graduate of a Florida community college admission to the upper division of a state university. The majority of graduates from Florida’s state universities begin as students at one of the state’s community colleges.

The State University System of Florida (SUS) is comprised of a Board of Regents (BOR) and ten universities, 16 branch campuses and centers, and 14 joint or concurrent use facilities with a community college. The 10 universities served 235,597 (headcount, not FTE) enrolled students in Fall 2000.

The State Board of Community Colleges staff reported that there are currently 227 baccalaureate degree programs offered on community college campuses, serving over 12,000 students, resulting in 1,100 bachelor’s degrees being awarded. These 227 programs represent 57 unduplicated programs offered by 22 public and private postsecondary institutions.

Section 240.147, F.S., directs the Postsecondary Education Planning Commission (PEPC) to “advise the State Board of Education regarding the need for and location of new programs, institutions, campuses, and instructional centers of public postsecondary education; recommend to the State Board of Education for adoption criteria for the establishment of new community colleges and state universities, which criteria shall address proximity to existing institutions and assessment of the impact on existing institutions, potential program duplication, regional demographic characteristics, and the efficient use of resources.”

As a part of its duties PEPC is to conduct studies and planning activities related to the overall improvement and effectiveness of postsecondary education in this state. Proviso language accompanying Specific Appropriation 164A of Chapter 2000-166, Laws of Florida, directed the Postsecondary Education Planning Commission to: “[c]onduct an independent assessment of the baccalaureate program needs of the following counties: 1) Broward, 2) Sarasota/Manatee, 3) Pinellas, and 4) Volusia. The Postsecondary Education Planning Commission shall submit a report of findings and recommendations to the Board of Regents, the State Board of Education, the President of the Senate, the Speaker of the House, and the Executive Office of the Governor on or before January 19, 2001.” PEPC contracted with the Education Commission of the States to do the study. The final report is available at <http://www.firn.edu/pepc/pdf/baassess.pdf>.

Section 240.3836, F.S., provides for the Site-Determined Baccalaureate Degree Access Program in order to increase access to baccalaureate degree opportunities by encouraging four-year postsecondary institutions to provide upper level instruction at the campuses of community colleges. Although categorical funding is statutorily authorized for the program, the program has never actually received funding.

In order for a community college to participate in the Site-Determined Baccalaureate Degree Access Program, it must identify: baccalaureate degree programs that are not currently offered at the community college that would meet the academic and economic development needs of one or more communities within the college’s service area; determine the number of students interested in pursuing each proposed baccalaureate degree program; and, submit a proposal to PEPC requesting approval and funding level for the proposed baccalaureate degree program. If no four-year postsecondary institution is willing to offer such baccalaureate degree program, a community college may ask PEPC to evaluate its request to offer the program. If PEPC were to recommend that the community college offer the program, it would be necessary for the Legislature to provide statutory authority for the community college to offer the specific four-year degree program.

Effect of Proposed Changes:

This committee substitute provides legislative intent to create an innovative means to increase access to baccalaureate-degree level education in populous counties that are underserved by public baccalaureate-degree granting institutions. The increased access is intended to address the state’s workforce needs, especially the need for teachers, nurses, business managers, and individuals with technological expertise.

Section 2: Creates an unnumbered section of the Florida Statutes relating to St. Petersburg College; mission.

Present Situation:

St. Petersburg Junior College (SPJC) is one of 28 public community colleges in Florida Community College System. As a community college, SPJC’s primary mission as defined by s. 240.311(3), F.S., and as stated in the Florida Community College System Mission Statement is:

- To provide lower-level undergraduate instruction and award associate degrees;
- To prepare students directly for vocations requiring less than baccalaureate degrees which may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Vocational education in the community colleges consists of programs leading to certificates, credit courses leading to an associate in science degree and other programs in fields requiring substantial academic work, background, or qualifications;
- To provide the appropriate range of student development services, including assessment, student tracking, support for disabled students, advisement, counseling, financial aid, career development, and remediation and tutorial services to ensure student success; and,
- To promote economic development for the state within each community college district through the provision of special programs, including, but not limited to Enterprise Florida related partnerships, technology transfer centers, economic development centers, and workforce literacy programs.

A separate and secondary role for community colleges includes the offering of programs in the following: community education services that are not directly related to academic or occupational advancement; adult pre-college education; and, recreational and leisure services.

St. Petersburg Junior College operates four campuses, at Clearwater, St. Petersburg/Gibbs, Seminole, and Tarpon Springs. The student enrollment totals over 17,137. In addition to associate in arts degree programs, it conducts workforce development programs including associate in science degree programs, associate in applied science degree programs, applied technology diploma programs, occupational certificate programs, and adult general education programs.

In 1999, St. Petersburg Junior College initiated its College University Center, which conducts programs at the Seminole campus. The College University Center is an alliance of nine colleges and universities throughout Florida. Its mission is to provide bachelor and graduate degrees to more than 1-million people in the Pinellas county area. The College University Center is the first of its kind in Florida and one of only a handful nationwide. The College University Center provides partnerships, educational programs, an interactive "hub" for delivering instruction, and student learning resource support services.

Through the College University Center, St. Petersburg Jr. College (SPJC) offers access to junior and senior level courses for bachelor's and graduate degrees by partnering with the University of South Florida, Eckerd College, University of Florida, Florida State University, Embry-Riddle Aeronautical University, University of Central Florida, Florida International University, Florida A&M University, and Saint Leo University. Students pay the same tuition rate as charged at the institution's home site. Even though students will be attending classes at the College University Center on the Seminole and Clearwater campuses of SPJC, they are students of the providing institution.

There are currently 21 undergraduate programs and 7 graduate programs available through the College University Center. The College University Center enrolled 750 students in its first year of operation.

The College University Center and SPJC operate solely under the laws that govern community colleges.

Effect of Proposed Changes:

This committee substitute redesignates St. Petersburg Junior College as St. Petersburg College (the College).

The College is directed to seek accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools as a baccalaureate-degree granting college.

The mission of St. Petersburg College is to “provide high-quality undergraduate education at an affordable price” in order to “promote economic development by preparing people for occupations that require a bachelor’s degree and are in demand in this state.”

The College is directed to maintain the mission and policies of a Florida community college, including the open-door admissions policy.

The College is granted the authority to offer all programs consistent with a public community college. This committee substitute limits the College to offering community college programs and selected baccalaureate-degree-level programs that meet community needs and that are authorized by this act.

The College is directed to “maintain a distinction between the college and its university center.”

The College University Center is authorized to offer a more diverse program offering but only through a participating college or university. Funding for such programs is not to be classified or funded as a program of St. Petersburg College.

Academic policies of the upper-division of the College must be in accordance with the policies of the State University System (SUS), although the College is not a part of the SUS. Academic policies for the SUS are created at two levels. Some academic policies are created at the state level and apply to all of the SUS institutions, such as some admission criteria and common prerequisites across the System. However, the SUS institutions may create additional academic policies at the local level. It is unclear how the SUS academic policies will affect St. Petersburg College.

The College is authorized to contract for supplies, utility services, and building construction *without regulation or restriction* by municipal or county charter, pursuant to s. 240.293, F.S. This section currently applies to the SUS but not the Community College System. The impact of this provision, if any, on local government is unknown.

The College is exempted from local amendments to the Florida Building Code and the Fire Prevention Code, pursuant to s. 240.2945, F.S. This section currently applies to the SUS but not the Community College System. The impact of this provision, if any, on local government is unknown.

Section 3: Creates an unnumbered section of the Florida Statutes relating to students.

Present Situation:

Section 239.117, F.S., exempts certain students from the required payment of registration, matriculation,¹ and laboratory fees for adult basic, adult secondary, or vocational-preparatory instruction.

¹ Section 228.041(32), F.S., defines matriculation as “[t]he basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose shall not be included within this fee.”

Section 240.209, F.S., requires the Board of Regents to prepare a fee schedule for the SUS. Fees authorized to be established are as follows: tuition and matriculation; financial aid fee; a nonrefundable application fee; an admissions deposit fee for the University of Florida College of Dentistry, an orientation fee; a fee for security, access, or identification cards, registration fees for audit and zero-hours registration; a service charge for the payment of tuition in installments; a late-registration fee; a late-payment fee; a fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1), F.S.; materials and supplies fees; housing rental rates and miscellaneous housing charges; a charge representing the reasonable cost of efforts to collect payment of overdue accounts; a service charge on university loans in lieu of interest and administrative handling charges; a fee for off-campus course offerings; library fees and fines; fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing; fees and fines relating to the use, late return, and loss and damage of facilities and equipment; a returned-check fee; traffic and parking fines, charges for parking decals, and transportation access fees; fee for child care; and fees for transcripts and diploma replacement.

Section 240.235, F.S., authorizes each university president to establish a separate activity and service fee, health fee, and athletic fee.

SUS institutions are further required to assess a Capital Improvement Trust Fund fee and a building fee, both of which are set s. 240.209(3)(g), F.S.

Section 240.35, F.S., requires the State Board of Community Colleges to establish the matriculation and tuition fees for college-preparatory instruction and for credit instruction which may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree. Each community college board of trustees is required to establish matriculation and tuition fees, which may vary no more than 10 percent below and 15 percent above the fee schedule adopted by the State Board of Community Colleges. Each community college district board of trustees is further authorized to establish: a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education; a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected; a fee of an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000; a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents.

Additionally, section 240.35(15), F.S., provides that "in addition to matriculation, tuition, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. Community colleges are not authorized to charge any fee that is not specifically authorized by statute."

Effect of Proposed Changes:

The Board of Trustees of the College is required to establish the level of matriculation, tuition, and other authorized fees. The matriculation and tuition for certificate-level courses and lower-division-

level courses must be within the range authorized in law and rule for the Community College System. The matriculation and tuition for upper-division-level courses must be within a range above the community college per credit level but lower than the public university per credit level. All other mandatory and local fees are required to be the same level for all lower-division students. For upper-division students, all other local and mandatory fees must be at a level less than fees established for University of South Florida students, regardless of program enrollment level. The legislature has been very particular about colleges and universities charging fees without specific authority to do so. It is not clear what other fees are authorized for St. Petersburg College.

The fee exemptions authorized in s. 239.117, F.S., for students in workforce development programs are maintained.

Section 4: Creates an unnumbered section of the Florida Statutes relating to degrees.

Present Situation:

SPJC offers associate in arts degree programs, workforce development programs including associate in science degree programs, associate in applied science degree programs, applied technology diploma programs, occupational certificate programs, and adult general education programs.

Through the College University Center, St. Petersburg Jr. College (SPJC) offers access to junior and senior level courses for bachelor's and graduate degrees by partnering with the University of South Florida, Eckerd College, University of Florida, Florida State University, Embry-Riddle Aeronautical University, University of Central Florida, Florida International University, Florida A&M University, and Saint Leo University. Students pay the same tuition rate as that charged at the institution's home site. Even though students will be attending classes at the College University Center on the Seminole and Clearwater campuses of SPJC, they are students of the providing institution.

There are currently 21 undergraduate programs and 7 graduate programs available through the College University Center. In its first year of operation, the College University Center enrolled 750 students.

The policy of the state with respect to the approval of new programs at public community colleges, as provided for in s. 240.32, F.S, is: new programs may not be approved unless the same objectives cannot be met through use of educational technology; unnecessary duplication of programs offered by independent institutions must be avoided; cooperative programs, particularly within regions, should be encouraged; and new programs may be approved only if they are consistent with the state master plan adopted by the State Board of Education.

Effect of Proposed Changes:

St. Petersburg College is granted the authority to offer all programs consistent with a public community college, but is limited in its offerings of baccalaureate-degree programs to those that meet community needs and are authorized by this act, specifically including baccalaureate degrees in teacher education, nursing, and applied sciences. Applied science fields are to be selected based on an analysis of workforce needs and opportunities in Pinellas, Pasco, Hernando, and other DOE approved counties. St. Petersburg College must offer a related associate in science (A.S.) or associate in applied science (A.A.S.) for each applied science program selected for a baccalaureate degree. Additionally, each applied science baccalaureate degree program must articulate fully with at least one A.S. or A.A.S. degree.

The College is authorized to offer courses at any level if the course enables a teacher to qualify for recertification as required by law or rule. The College may also offer programs that would allow persons with a baccalaureate degree who are not certified to teach to obtain additional courses needed for teacher certification. DOE reports that a teacher taking a course for recertification may take a course at any level (lower-division, upper-division, or graduate), as long as the course is "appropriate" and is taken at an accredited institution. This would appear to authorize the College to offer such graduate courses. Fee provisions in the bill do not appear to anticipate such course offerings.

Masters and doctoral degree level programs may be offered through an agreement with a college or university participating in the College University Center of St. Petersburg College.

St. Petersburg College is restricted from recruiting upper-division students outside their service area unless the student has earned an associate degree. The bill does not define St. Petersburg College's "service area".

St. Petersburg College is required to work with Pasco-Hernando Community College and offer courses and programs at Pasco-Hernando Community College when feasible.

Section 5: Creates an unnumbered section of the Florida Statutes relating to boards.

Present Situation:

SPJC is operated by a district board of trustees, who is appointed by the Governor. The board is constituted as a body corporate under s. 240.315, F.S. Its powers and duties are delineated in s. 240.319, F.S. Section 240.319(4)(b), F.S., charges each board of trustees with the duty for the "establishment and discontinuance of program and course offerings..."

Section 240.299, F.S., provides for the definition and laws governing "university direct-support-organizations" (DSO). Section 240.331, F.S., provides for the definition and laws governing "community college direct-support-organizations". The provisions of both sections address the use of property, board of directors, activities allowed and restrictions, annual audits, and annual budgets and reports. The sections are not identical but address the same issues related to their prospective missions. Section 240.299, F.S., has an additional section allowing a university DSO to enter agreements relating to facilities.

Effect of Proposed Changes:

The Board of Trustees of St. Petersburg Junior College is renamed as the Board of Trustees of St. Petersburg College and serves as the governing board of St. Petersburg College. The Governor will appoint the members as provided in s. 240.313, F.S., which governs community college district boards of trustees.

The Board of Trustees is granted with the powers and duties of a community college board of trustees as delineated in s. 240.319, F.S. The Board is established as a body corporate according to s. 240.315, F.S.

The Board may authorize a direct-support-organization, pursuant to s. 240.299, F.S., which governs "University direct-support-organizations" and s. 240.331, F.S., which governs "Community College direct-support-organizations." The provisions of these two sections are not completely consistent. *It is unclear which section of law would apply.*

Section 240.229, F.S., provides that a direct-support-organization (DSO) formed under this section is "organized exclusively to receive, hold, invest, and administer property and to make expenditures for the benefit of a state university in Florida or the benefit of a research and development authority affiliated with a state university..." This bill does not classify St. Petersburg College as a "state university" or a research institution. Additionally, this section requires that a DSO formed under this section be certified to operate by the Board of Regents. Section 240.331, F.S., conversely requires DSOs formed under that section to be certified by the community college board of trustees for which the DSO operates on behalf. A direct-support-organization under s. 240.331, F.S., is organized and operated in a manner consistent with the goals of the community college for which it is established. St. Petersburg College is not created as a state university or a community college. It is unclear how these sections would properly relate to the College.

A coordinating board, consisting of the President of the University of South Florida (USF), the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chair of each of those institutions' boards of trustees, is required to assist with issues concerning the upper-division of the college.

The St. Petersburg College Board of Trustees is authorized to determine additional programs to be offered by the College once the college has been accredited to grant baccalaureate degrees for four years. All new programs must also be approved by the coordinating board. The coordinating board will meet upon the request of the president of USF or the president of St. Petersburg College. The chief educational officer of the state is required to resolve issues of importance if the coordinating board cannot resolve them alone.

Section 6: Creates an unnumbered section of the Florida Statutes relating to employees.

Present Situation:

Section 240.335, F.S., subjects community college employees to the rules and policies established by the local board of trustees, the conditions of employment of the State Board of Community Colleges, and the rules and regulations of the State Board of Education relative to certification, tenure, and leave of absences.

Current SUS faculty are eligible for tenure within the first 6 years of continuing teaching service. BOR rule 6C-5.940, F.A.C., states that "the decision to recommend an employee for tenure shall be made no later than the sixth year of continuous full-time service or equivalent part-time service in a tenure-earning position. Tenure-earning employees not recommended for tenure by the end of six years of continuous full-time, or equivalent part-time service, shall be given notice further employment will not be offered. Full-time service for the purpose of tenure eligibility shall mean employment at 1.0 FTE during at least 39 weeks of any twelve month or nine month contract. Part-time service shall mean employment during at least one semester of any twelve-month period."

The collective bargaining agreement between the BOR and the United Faculty of Florida that will become effective July 1, 2001, provides for Florida Gulf Coast University (FGCU) to offer 2-5 year, fixed year contracts. FGCU does not offer tenure.

Section 240.337, F.S. states that rules of the State Board of Community Colleges prescribe the content and custody of limited access records which a community college may maintain on its employees.

Effect of Proposed Changes:

The faculty of St. Petersburg College are to be governed by the same employment laws governing community college faculty.

Upper-division faculty are eligible for a continuing contract after the fifth year of teaching. The bill does not define "upper-division faculty" or "continuing contract". St. Petersburg College employee records for all personnel shall be maintained as required by s. 240.337, F.S.

Section 7: Creates an unnumbered section of the Florida Statutes relating to facilities.

Present Situation:

Community colleges, state universities, and public schools all receive funding for facilities from the Public Education Capital Outlay and Debt Service Trust Fund.

Section 240.333, F.S., permits any municipality in which a community college is located, to purchase land with municipal funds and to donate and convey such land or any land to the school board of the district in which the municipality is located if it is for the use of the community college.

The Board of Regents (BOR) has the authority to exercise the right of eminent domain, pursuant to s. 240.217, F.S., when it is "necessary for the welfare and convenience of any of its institutions or divisions". The right may only be invoked if a satisfactory agreement cannot be reached with the BOR and the interested parties and only with the prior approval of the State Board of Education.

Effect of Proposed Changes:

The College is authorized to request funding from the Public Education Capital Outlay and Debt Service (PECO) as a community college and as a university. The method by which the College would request funds as both types of institutions is unclear as is the impact of this provision.

The acquisition of and donation of lands, buildings, and equipment for the use of St. Petersburg College and University Center is authorized as a public purpose.

The municipalities of Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees in establishing the College.

The Board of County Commissioners and all other municipalities in Pinellas County are authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of the College, regardless of whether lands, buildings, and equipment are located in a community redevelopment area. This granting of the right of eminent domain is given to more entities and is less restrictive than that provided to the BOR.

Section 8: Creates an unnumbered section of the Florida Statutes relating to state funding.

Present Situation:

Community colleges are funded through the Community College Program Fund and the Workforce Development Fund. There is not currently any funding for upper-division courses at community colleges.

Community College budget requests are currently submitted to the State Board of Community Colleges, which prepares a system-wide budget request.

Effect of Proposed Changes:

College credit programs and workforce development programs will be funded as community college programs, through the Community College Program Fund and the Workforce Development Education Fund.

Students will be recorded separately for their enrollment in courses in the upper division, and only upper-division students will generate state funding at a higher rate. Upper division programs will generate funding as programs of a "baccalaureate-degree-level institution." There is currently no funding category for "baccalaureate-degree-level institutions".

St. Petersburg College is required to estimate the appropriate level of funding through a cost study during the 2001-2002 fiscal year and submit to the Legislature by March 1, 2002, a proposal for cost accounting and legislative budget requests.

Section 9: Provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Beginning in 2002, students will have an opportunity for increased access to a bachelor's degree program in Pinellas County. Tuition and matriculation for upper division courses will be less than tuition and matriculation at a state university.

D. FISCAL COMMENTS:

The fiscal impact of this bill is indeterminate.

St. Petersburg Junior College will need to make improvements, particularly in respect to its library and faculty, to become accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

Recurring expenses are anticipated to increase after 2002, when students enroll in upper division courses.

The College is authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter, pursuant to s. 240.293, F.S. This section currently applies to the SUS, not the Community College System. The impact of this provision, if any, on local government is unknown.

The College is exempted from local amendments to the Florida Building Code and the Fire Prevention Code, pursuant to s. 240.2945, F.S. This section currently applies to the SUS but not the Community College System. The impact of this provision, if any, on local government is unknown.

The bill authorizes certain fees but is not nearly as inclusive or specific as the sections of law relating to community colleges and the SUS. The Legislature has been very rigorous in its treatment of fees being charged without specific statutory authorization.

The College is authorized to request funding from the Public Education Capital Outlay and Debt Service (PECO) as a community college and as a university. The method by which the College would request funds as both types of institutions is unclear as is the impact of this provision.

The bill authorizes the municipalities of Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities to cooperate with the Board of Trustees in establishing the College. The bill authorizes the acquisition of and donation of lands, buildings, and equipment for the use of St. Petersburg College as a public purpose. The bill authorizes the Board of County Commissioners and all other municipalities in Pinellas County to exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether lands, buildings, and equipment are located in a community redevelopment area. The fiscal impact of these provisions on local governments is indeterminate at this time.

College credit programs and workforce development programs are to be funded as a community college programs, through the Community College Program Fund and the Workforce Development Education Fund. Upper division programs will generate funding as programs of a "baccalaureate-degree-level institution." The bill does not address the issue of which budget or program fund will be used for the upper division. There is currently no funding category for "baccalaureate-degree-level institutions".

St. Petersburg College is required to estimate the appropriate level of funding through a cost study during the 2001-2002 fiscal year and submit to the Legislature by March 1, 2002, a proposal for cost accounting and legislative budget requests.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This committee substitute does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This committee substitute does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This committee substitute does not appear to reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This committee substitute does not appear to raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

No new rule-making authority is directly granted in this committee substitute. The committee substitute does, however, apply the powers and duties of a community college board of trustees to the Board of Trustees of St. Petersburg College. The powers and duties of a community college board of trustees (s. 240.319, F.S.) include the authorization "to adopt rules, procedures, and policies, consistent with law and the rules of the State Board of Education and the State Board of Community Colleges. Section 240.319, F.S., also gives the board authority to adopt rules pursuant to sections 120.536(1) and 120.54, F.S.

C. OTHER COMMENTS:

Further review is recommended to determine consistency between this committee substitute and the provisions of the proposed legislation relating to Education Governance, which requires the Florida Board of Education to:

- Recommend annually the systemwide education budget and authorize the allocation of resources in accordance with the law and rule.
- Prepare and submit a unified K-20 education budget to the Governor and Legislature.
- Supervise the coordination of institutions and delivery sectors.
- Adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers; and provide for cooperative agreements between and within public and private education sectors.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 10, 2001, the Committee on Colleges and Universities adopted a "strike-everything" amendment and reported the bill favorably as a committee substitute (CS). The CS differs from the original bill in the following ways:

The original bill stipulates that all mandatory and local fees, other than tuition and matriculation, be the same for ALL students at ALL levels. The CS requires that all other local and mandatory fees be the same for all lower-division students. Other fees for the upper-division students are tied to fee levels at

USF. "For upper-division students other mandatory and local fees must be at a level less than fees established for the University of South Florida students, regardless of program enrollment or level."

The CS removes the word "any" when referring to courses that St. Petersburg College may offer to enable teachers to qualify for certification or recertification. This may be less permissive language but it does not restrict St. Petersburg College from offering graduate courses that would enable a teacher to gain recertification.

The CS restricts St. Petersburg College from recruiting upper-division students outside their service area unless the student has earned an associate degree. The CS does not define St. Petersburg College's "service area".

The CS requires St. Petersburg College to work with Pasco-Hernando Community College and offer courses and programs at Pasco-Hernando Community College when feasible. The CS also adds the President of Pasco-Hernando Community College and the chair of the Pasco-Hernando Community College Board of Trustees to the coordinating board created in the bill.

The CS does not contain potentially problematic language relating to procedures of hiring retired personnel or "reemployment" that the original bill contained.

The CS does not contain an appropriation as the original bill did.

VII. SIGNATURES:

COMMITTEE ON COLLEGES AND UNIVERSITIES:

Prepared by:

Maria L. Eckard

Staff Director:

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Jennifer D. Krell, J.D.

Staff Director:

J. Marleen Ahearn, Ph.D., J.D.