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A bill to be entitled
 An act relating to access to postsecondary education;
 amending s. 1000.21, F.S.; revising the names of certain
 community colleges; amending s. 1007.33, F.S., relating to
 site-determined baccalaureate degree access; providing
 intent; providing the process for community college
 submission of proposals to deliver baccalaureate degree
 programs and the approval of such proposals; providing
 mission and policies of community colleges, including
 those approved to grant baccalaureate degrees; providing
 for the reporting of students and the establishment of
 tuition and fees for approved baccalaureate degree
 programs; providing responsibilities of community college
 boards of trustees; providing requirements relating to
 employees; providing for facility standards, funding, and
 acquisition; providing requirements relating to state
 funding; specifying colleges authorized to grant
 baccalaureate degrees; authorizing rulemaking; amending
 ss. 288.8175, 1002.35, and 1004.76, F.S.; conforming
 provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (d), (o), and (q) of subsection (3)
 of section 1000.21, Florida Statutes, are amended to read:
 1000.21 Systemwide definitions.--As used in the Florida K-
 20 Education Code:

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28 (3) "Community college," except as otherwise specifically
 29 provided, includes the following institutions and any branch
 30 campuses, centers, or other affiliates of the institution:

- 31 (d) Chipola ~~Junior~~ College.
- 32 (o) Miami-Dade ~~Community~~ College.
- 33 (q) Okaloosa-Walton ~~Community~~ College.

34 Section 2. Section 1007.33, Florida Statutes, is amended
 35 to read:

36 1007.33 Site-determined baccalaureate degree access.--

37 (1) INTENT.--

38 (a) The Legislature recognizes that public and private
 39 postsecondary educational institutions play essential roles in
 40 improving the quality of life and economic well-being of the
 41 state and its residents. The Legislature also recognizes that
 42 economic development needs and the educational needs of place-
 43 bound, nontraditional students have increased the demand for
 44 local access to baccalaureate degree programs. In some, but not
 45 all, geographic regions, baccalaureate degree programs are being
 46 delivered successfully at the local community college through
 47 agreements between the community college and 4-year
 48 postsecondary institutions within or outside of the state. It is
 49 therefore the intent of the Legislature to further expand access
 50 to baccalaureate degree programs through the use of community
 51 colleges.

52 (b) The Legislature further intends support for the
 53 following priorities:

- 54 1. Expand access to postsecondary education, particularly
 55 to serve diverse and nontraditional students and students for
 56 whom postsecondary education is not geographically accessible.

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57 2. Support programs that meet critical workforce needs.

58 3. Encourage innovative alternatives to traditional
 59 baccalaureate degree programs or programs that no longer meet
 60 community needs.

61 4. Evaluate and authorize program options based on cost
 62 efficiency and effectiveness measures through partnerships with
 63 state or private universities and consideration of state and
 64 student costs associated with comparable baccalaureate degree
 65 programs at community colleges.

66 (2) AUTHORITY.--

67 (a) A community college may enter into a formal agreement
 68 pursuant to the provisions of s. 1007.22 for the delivery of
 69 specified baccalaureate degree programs.

70 (b)~~(3)~~ A community college may develop a proposal to
 71 deliver specified baccalaureate degree programs in its district
 72 to meet local workforce needs. The proposal must be submitted to
 73 the State Board of Education for approval. The community
 74 college's proposal must include the following information:

75 1.~~(a)~~ Demonstrated demand for the baccalaureate degree
 76 program is identified by the workforce development board, local
 77 businesses and industry, local chambers of commerce, and
 78 potential students.

79 2.~~(b)~~ Unmet need for graduates of the proposed degree
 80 program is substantiated.

81 3.~~(c)~~ Demonstrated evidence that the community college has
 82 the facilities and academic resources to deliver the program.

83 (3) PROCESS.--

84 (a) Community colleges must submit proposals to the
 85 Council for Education Policy Research and Improvement and the

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86 State Board of Education in accordance with timelines and
 87 guidelines adopted by the State Board of Education.

88 (b) The proposal must be submitted to the Council for
 89 Education Policy Research and Improvement for review and
 90 comment.

91 (c) The State Board of Education may approve, deny, or
 92 recommend revisions to proposals. Upon approval of the State
 93 Board of Education for the specific degree program or programs,
 94 the community college shall pursue regional accreditation by the
 95 Commission on Colleges of the Southern Association of Colleges
 96 and Schools. Any additional baccalaureate degree programs the
 97 community college wishes to offer must be approved by the State
 98 Board of Education.

99 (d) Implementation of approved programs shall be in
 100 accordance with joint letters of agreement between the State
 101 Board of Education and colleges approved by the state board
 102 pursuant to this section.

103 (4) MISSION; POLICIES.--

104 (a) The intent of the Legislature is that community
 105 colleges, including those approved to grant baccalaureate
 106 degrees pursuant to this section, shall maintain their mission
 107 specified in s. 1004.65, including primary mission
 108 responsibilities and the secondary role of providing upper-level
 109 instruction and awarding baccalaureate degrees as specifically
 110 authorized by s. 1004.65(7).

111 1. The primary mission of a community college is to
 112 provide high-quality undergraduate education at an affordable
 113 price for students and the state. The purpose is to promote
 114 economic development by preparing people for occupations that

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115 require a baccalaureate degree and are in demand by existing or
 116 emerging public and private employers in this state. The
 117 Legislature intends that the primary mission of a community
 118 college, including a community college that offers baccalaureate
 119 degree programs, continues to be the provision of associate
 120 degrees that provide access to a university.

121 2. A community college shall maintain the mission and
 122 policies of a Florida community college, including the open-door
 123 admissions policy for adult education, workforce, and lower-
 124 division college credit programs, and the authority to offer all
 125 programs consistent with a community college's authority.

126 3. A community college may not terminate its associate in
 127 arts or associate in science degree programs as a result of the
 128 authorization provided in this section ~~subsection (3).~~ The
 129 ~~Legislature intends that the primary mission of a community~~
 130 ~~college, including a community college that offers baccalaureate~~
 131 ~~degree programs, continues to be the provision of associate~~
 132 ~~degrees that provide access to a university.~~

133 (b) A community college approved to grant a baccalaureate
 134 degree pursuant to this section shall maintain the distinction
 135 between the college and its university partnerships. The
 136 community college is limited to community college programs and
 137 to selected baccalaureate degree level programs that meet
 138 community needs and are authorized as provided by this section.
 139 A joint or concurrent-use partnership may make available more
 140 diverse program offerings, but those programs are offered by a
 141 participating college or university and are not to be classified
 142 or funded as programs of the baccalaureate degree granting
 143 community college.

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144 (c) The academic policies of the upper-division program at
 145 a baccalaureate degree granting community college must be in
 146 accordance with rules and policies of the State Board of
 147 Education, including all academic and reporting policies.

148 (d) Performance accountability requirements for both
 149 upper-division and lower-division programs shall be in
 150 accordance with State Board of Education policy, with upper-
 151 division responsibilities aligned with state university
 152 accountability requirements.

153 (5) STUDENTS; FEES.--

154 (a) Community colleges authorized to grant baccalaureate
 155 degrees pursuant to this section shall maintain separate records
 156 for students who are enrolled in courses classified in the upper
 157 division and lower division of a baccalaureate degree program,
 158 according to the statewide course numbering system. A student
 159 shall be reported as a community college student for enrollment
 160 in a lower-division course and as a baccalaureate degree program
 161 student for enrollment in an upper-division course.

162 (b) Each community college board of trustees shall
 163 establish tuition and out-of-state fees for approved
 164 baccalaureate degree programs.

165 1. Tuition and out-of-state fees for certificate level
 166 courses or lower-division level college credit courses must be
 167 within the range authorized in law and rule for a community
 168 college student at that level.

169 2. Tuition and out-of-state fees for upper-division
 170 students must reflect the fact that the college has a less
 171 expensive cost structure than that of a state university.
 172 Therefore, the board of trustees shall establish tuition and

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173 out-of-state fees for upper-division students within a range
 174 between fees for lower-division credit courses and 85 percent of
 175 the local state university tuition and out-of-state fees.

176 (c) Discretionary fees for upper-division instruction that
 177 is part of a baccalaureate degree program shall be established
 178 by a community college board of trustees as provided in s.
 179 1009.23.

180 (d) Students in workforce development education courses
 181 maintain the authorized fee exemptions described in s. 1009.25
 182 and may be exempt from local fees imposed by the board of
 183 trustees, at the board's discretion.

184 (6) BOARDS.--

185 (a) The board of trustees of the sponsoring community
 186 college serves as the college's governing board. The Governor
 187 shall appoint members as provided in s. 1001.61, and the board
 188 has the duties and authorities granted in ss. 1001.63 and
 189 1001.64 and by rules of the State Board of Education.

190 (b) Community colleges authorized to grant baccalaureate
 191 degrees pursuant to this section shall remain under the
 192 authority of the State Board of Education for planning,
 193 coordination, oversight, budget, and accountability
 194 responsibilities.

195 (c) The board of trustees may authorize direct-support
 196 organizations for baccalaureate degree programs as authorized in
 197 ss. 1004.28 and 1004.70.

198 (d) The board of trustees of a community college
 199 authorized to grant a baccalaureate degree may continue to award
 200 degrees, diplomas, and certificates as authorized for the

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201 college, and in the name of the college, until the college
 202 receives its accreditation.

203 (7) EMPLOYEES.--

204 (a) Employment at community colleges approved to grant
 205 baccalaureate degrees is governed by the same laws that govern
 206 community colleges.

207 (b) Employee records for all personnel shall be maintained
 208 as required by s. 1012.81.

209 (8) FACILITIES.--

210 (a) Sections 1013.39 and 1013.82 apply to community
 211 colleges approved to grant baccalaureate degrees pursuant to
 212 this section.

213 (b) Community colleges approved to grant baccalaureate
 214 degrees may request funding from the Public Education Capital
 215 Outlay and Debt Service Trust Fund for all authorized programs,
 216 including approved baccalaureate degree programs. Enrollment in
 217 approved baccalaureate degree programs shall be computed in the
 218 survey of need for facilities.

219 (c) The municipalities in the counties of the approved
 220 colleges, the board of county commissioners of those respective
 221 counties, and all other governmental entities are authorized to
 222 cooperate with the board of trustees of the approved college in
 223 establishing the institution. The acquisition and donation of
 224 lands, buildings, and equipment for the use of the approved
 225 college are authorized as a public purpose. The board of county
 226 commissioners of the respective counties and all municipalities
 227 in those counties may exercise the power of eminent domain to
 228 acquire lands, buildings, and equipment for the use of the

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229 approved college, regardless of whether such lands, buildings,
 230 and equipment are located in a community redevelopment area.

231 (9) STATE FUNDING.--

232 (a) Community colleges shall fund the nonrecurring costs
 233 related to the initiation of a new baccalaureate degree program
 234 without new state appropriations unless special grant funds are
 235 designated by the State Board of Education, subject to funding
 236 by the Legislature for this purpose.

237 (b) Recurring operational funding for a community college
 238 authorized to grant baccalaureate degrees pursuant to this
 239 section shall be funded as follows:

240 1. As a community college for its workforce development
 241 education programs and for its lower-division level college
 242 credit courses and programs funded in the community college
 243 program fund.

244 2. As a baccalaureate degree level institution for its
 245 upper-division level courses and programs. State support for
 246 these programs should fund enrollment growth, comparable to how
 247 enrollment growth at state universities is considered, with not
 248 more than 85 percent of the amount per full-time equivalent
 249 student in a comparable state university program provided to
 250 community colleges that grant baccalaureate degrees, as
 251 recommended by the State Board of Education. Funds appropriated
 252 for this purpose are restricted to use for the baccalaureate
 253 degree programs only.

254 (c) Funding for a baccalaureate degree program at a
 255 community college shall be requested by the State Board of
 256 Education as a separate line item outside the community college
 257 and state university budgets.

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258 (d) Baccalaureate degree granting community colleges shall
 259 maintain reporting and funding distinctions between any
 260 baccalaureate degree program approved pursuant to this section
 261 and other baccalaureate degree programs involving traditional
 262 concurrent-use partnerships.

263 (e) Students enrolled in approved baccalaureate degree
 264 programs at community colleges are eligible for financial aid as
 265 upper-division students.

266 (10) COLLEGES AND DEGREES.--In addition to the
 267 certificates, diplomas, and degrees authorized in s. 1004.65,
 268 the following community colleges are approved to grant
 269 baccalaureate degrees for only the degree programs approved by
 270 the State Board of Education in accordance with the provisions
 271 of this section:

- 272 (a) Chipola College.
- 273 (b) Miami-Dade College.
- 274 (c) Okaloosa-Walton College.

275 (11) RULES.--The State Board of Education is authorized to
 276 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
 277 implement the provisions of this section.

278 Section 3. Paragraph (g) of subsection (5) of section
 279 288.8175, Florida Statutes, is amended to read:

280 288.8175 Linkage institutes between postsecondary
 281 institutions in this state and foreign countries.--

282 (5) The institutes are:

- 283 (g) Florida-France Institute (New College of the
 284 University of South Florida, Miami-Dade ~~Community~~ College, and
 285 Florida State University).

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286 Section 4. Paragraph (a) of subsection (2) of section
 287 1002.35, Florida Statutes, is amended to read:

288 1002.35 New World School of the Arts.--

289 (2)(a) For purposes of governance, the New World School of
 290 the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade
 291 County School District, and one or more universities designated
 292 by the State Board of Education. The State Board of Education
 293 shall assign to the New World School of the Arts a university
 294 partner or partners. In this selection, the State Board of
 295 Education shall consider the accreditation status of the core
 296 programs. Florida International University, in its capacity as
 297 the provider of university services to Dade County, shall be a
 298 partner to serve the New World School of the Arts, upon meeting
 299 the accreditation criteria. The respective boards shall appoint
 300 members to an executive board for administration of the school.
 301 The executive board may include community members and shall
 302 reflect proportionately the participating institutions. Miami-
 303 Dade ~~Community~~ College shall serve as fiscal agent for the
 304 school.

305 Section 5. Subsection (2) of section 1004.76, Florida
 306 Statutes, is amended to read:

307 1004.76 Florida Martin Luther King, Jr., Institute for
 308 Nonviolence.--

309 (2) There is hereby created the Florida Martin Luther
 310 King, Jr., Institute for Nonviolence to be established at Miami-
 311 Dade ~~Community~~ College. The institute shall have an advisory
 312 board consisting of 13 members as follows: the Attorney General,
 313 the Commissioner of Education, and 11 members to be appointed by
 314 the Governor, such members to represent the population of the

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315 state based on its ethnic, gender, and socioeconomic diversity.
 316 Of the members appointed by the Governor, one shall be a member
 317 of the Senate appointed by the Governor on the recommendation of
 318 the President of the Senate; one shall be a member of the Senate
 319 appointed by the Governor on the recommendation of the minority
 320 leader; one shall be a member of the House of Representatives
 321 appointed by the Governor on the recommendation of the Speaker
 322 of the House of Representatives; one shall be a member of the
 323 House of Representatives appointed by the Governor on the
 324 recommendation of the minority leader; and seven shall be
 325 members appointed by the Governor, no more than three of whom
 326 shall be members of the same political party. The following
 327 groups shall be represented by the seven members: the Florida
 328 Sheriffs Association; the Florida Association of Counties; the
 329 Florida League of Cities; state universities human services
 330 agencies; community relations or human relations councils; and
 331 youth. A chairperson shall be elected by the members and shall
 332 serve for a term of 3 years. Members of the board shall serve
 333 the following terms of office which shall be staggered:

334 (a) A member of the Legislature appointed to the board
 335 shall serve for a single term not to exceed 5 years and shall
 336 serve as a member only while he or she is a member of the
 337 Legislature.

338 (b) Of the seven members who are not members of the
 339 Legislature, three shall serve for terms of 4 years, two shall
 340 serve for terms of 3 years, and one shall serve for a term of 1
 341 year. Thereafter, each member, except for a member appointed to
 342 fill an unexpired term, shall serve for a 5-year term. No member
 343 shall serve on the board for more than 10 years.

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345 In the event of a vacancy occurring in the office of a member of
346 the board by death, resignation, or otherwise, the Governor
347 shall appoint a successor to serve for the balance of the
348 unexpired term.

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Section 6. This act shall take effect July 1, 2004.