

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1511 w/CS Community colleges  
**SPONSOR(S):** Fields  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 2626(s)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Higher Education (Sub)	5 Y, 0 N	Tilton	Bohannon
2) Education K - 20	22 Y, 4 N w/CS	Tilton	Bohannon
3)			
4)			
5)			

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### SUMMARY ANALYSIS

Chipola Junior College and Miami-Dade Community College have recently received approval from the State Board of Education to grant selected baccalaureate degrees. Representatives of these institutions have requested approval by the Legislature to change the names of their respective institutions and to update the provisions of s. 1004.73, F.S., which currently relates only to St. Petersburg College, to reflect the authorization provided these institutions to award baccalaureate degrees.

This bill renames Chipola Junior College as Chipola College and renames Miami-Dade Community College as Miami-Dade College. In addition, HB 1511 w/CS:

- Makes conforming changes as needed to reflect the name changes.
- Amends s. 1004.73, F.S., to add Miami-Dade College and Chipola College to St. Petersburg College as community colleges specifically authorized in Florida Statutes to award baccalaureate degrees:
  1. Specifically authorizes both Miami-Dade and Chipola to offer programs leading to baccalaureate degrees in Secondary Education. In addition, Miami-Dade is authorized to offer a program in Exceptional Student Education.
  2. Permits both institutions, like St. Petersburg College, to offer courses required for teacher certification.
  3. Permits Miami-Dade College and Chipola College, like St. Petersburg College, to request funding from PECO as both community colleges and as universities.
  4. Provides legislative intent that the Legislature intends to fund Miami-Dade College and Chipola College, like St. Petersburg College, as baccalaureate degree level institutions for their upper-division level courses and programs.
- Removes reference to Miami-Dade Community College as it relates to the establishment of the Florida Martin Luther King, Jr., Institute for Nonviolence.

The fiscal impact of HB 1511 w/CS is indeterminate. Please see FISCAL COMMENTS section.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1511c.edk.doc  
**DATE:** April 20, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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 1511 w/CS expands the number of community college recognized in statute to offer selected baccalaureate degree programs.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### **Approval for community colleges to grant baccalaureate degrees**

Section 1000.21(3), F.S., defines the term “community college”. That term, except as otherwise specifically provided, includes a list of 28 institutions and also includes any branch campuses, centers, or other affiliates of the institutions that are listed. Chipola Junior College and Miami-Dade Community College are two of the 28 institutions.

Section 1007.33(3), F.S., authorizes the State Board of Education (SBE) to approve proposals by community colleges to deliver specified baccalaureate degree programs in a community college’s district to meet local workforce needs.

On May 14, 2002 the State Board of Education approved a recommendation by the Secretary of Education to approve funding to support a partnership between Chipola Junior College and Florida State University to provide access to baccalaureate degrees in Business Administration, Nursing, and Secondary Education, provided an acceptable plan for baccalaureate degree instructional services could be established and approved by the Secretary. Criteria and standards for the plan were to be determined by the Secretary relative to accountability, cost, and administrative requirements. If the Secretary determined that an acceptable plan was not available within 30 days from the date of the Board approval, Chipola Junior College would be authorized by the Board’s action to award degrees in the proposed fields. Approval remains in effect for five years subject to annual performance reviews. According to Chipola’s website, it has entered into a partnership with FSU for FSU to offer upper-level courses leading to a BS in Business Administration and to deliver a part-time RN to BS in Nursing (BSN) degree on Chipola’s campus. Chipola will be offering a baccalaureate degree in Secondary Education.

At the same meeting, the State Board of Education approved program proposals by Miami-Dade Community College to grant baccalaureate degrees in Exceptional Student Education and Secondary Education. Approval was granted for a 5-year term with annual review and monitoring by the Secretary relative to accountability, cost, and administrative requirements. Information received from Miami-Dade indicates that they will be offering baccalaureate degrees in Math, Science, and Exceptional Student Education.

Representatives of the institutions indicate that the Department of Education has entered into a letter of agreement with Miami-Dade, Chipola, and St. Petersburg College to monitor accountability, cost, and

administrative requirements. Each institution must report on an annual basis for a period of five years to the Department of Education the progress towards meeting accreditation standards, accountability of funds, and other performance measures. This reporting requirement is not a conditional approval or an approval for a program that will terminate in five years. Research by legal staff of DOE and the institutions determined that any conditional approval would jeopardize the accreditation efforts. SACS requirements for accreditation review an institution's ability to carry out its functions unencumbered from any administrative condition placed on it. It is understood by D.O.E. and the institutions that if an institution meets all of the regional and state accreditation requirements within the five-year period, a program will continue beyond the five years.

## **SACS Accreditation**

The Commission on Colleges of the Southern Association of Colleges and Schools (SACS) is the recognized regional accrediting body in the 11 U.S. Southern states (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia) and in Latin America for those institutions of higher education that award associate, baccalaureate, master's or doctoral degrees. SACS classifies each candidate and member institution according to the highest level of degree offered. Within an institution's level, it may also offer diploma and certificate programs as long as such programs are at or below the level of the highest degree offered. The following classification is used:

- Level I - institutions offering associate degrees;
- Level II - institutions offering baccalaureate degrees;
- Level III - institutions offering master's degrees;
- Level IV - institutions offering master's and specialist degrees
- Level V - institutions offering doctoral degrees in three or fewer academic or professional disciplines;
- Level VI - institutions offering doctoral degrees in four or more major academic or professional disciplines

Criteria 6.1.1, ***Descriptive Title and Terms***, of the Commission on Colleges Southern Association of Colleges and Schools **CRITERIA FOR ACCREDITATION** (11<sup>th</sup> edition) requires that the name of an institution, the titles of chief administrators, the designations of administrative and academic divisions, the terms used to describe academic offerings and programs, and the names of degrees awarded must be accurate, descriptive, and appropriate.

## **St. Petersburg College**

The 2001 Legislature enacted s. s. 1004.73, F.S., which relates to St. Petersburg College. That section recognizes the intent of the Legislature 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. Provisions are included regarding accreditation; the institution's mission; student fees; degrees, programs, and courses; employees; facilities; and funding.

## **Chipola Junior College and Miami-Dade Community College**

As noted previously in the analysis, Chipola Junior College and Miami-Dade Community College have received authorization from the State Board of Education to award selected baccalaureate degrees. Chipola Junior College and Miami-Dade Community College have requested approval by the Legislature to change the names of their respective institutions and amendment of the provisions of s. 1004.73, F.S., which currently only relates to St. Petersburg College, to reflect in statute the authorization these institutions have received to award baccalaureate degrees.

## Effect of the bill

Chipola Junior College would be renamed Chipola College; Miami-Dade Community College would be renamed Miami-Dade College. Both colleges are directed to seek accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools as a baccalaureate-degree granting colleges.

The mission of both colleges is expanded to include providing “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.” However, both colleges must maintain the mission and policies of a Florida community college, including the open-door admissions policy.

Academic policies of the upper-division of both colleges must be in accordance with the policies of the State Board of Education.

Both colleges are authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter, pursuant to s.1013.82, F.S. This section currently applies to only state universities. The impact of this provision, if any, on local government is unknown.

Both colleges are exempted from local amendments to the Florida Building Code and the Fire Prevention Code, pursuant to s. 1013.39, F.S. This section currently applies to only state universities. The impact of this provision, if any, on local government is unknown.

The boards of trustees of both colleges are required to establish the level of tuition and other authorized fees. The tuition and fees for certificate-level courses and lower-division level college credit courses must be within the range authorized in law and rule for other community colleges. The tuition for upper-division level courses must be within a range above the community college level but lower than the public university 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 state university students, regardless of program enrollment or level.

Miami-Dade College is specifically authorized in law to offer programs that lead to baccalaureate degrees in Exceptional Student Education (Bachelor of Arts and Bachelor of Science) and Secondary Education (Bachelor of Arts and Bachelor of Science). Miami-Dade may offer additional baccalaureate degrees as approved by the State Board of Education. Chipola College is specifically authorized to offer programs that lead to a Bachelor of Arts degree in Secondary Education.

Both colleges are authorized to offer courses that enable a teacher to qualify for certification or recertification as required by law or rule. Both colleges 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 both colleges to offer such graduate courses. Fee provisions in the bill do not appear to anticipate such course offerings.

The Board of Trustees of Chipola Junior College is renamed as the Board of Trustees of Chipola College and serves as the governing board of Chipola College. The Board of Trustees of Miami-Dade Community College is renamed as the Board of Trustees of Miami-Dade College and serves as the governing board of Miami-Dade College. The Governor will appoint the members as provided in s. 1001.61, F.S., which governs community college district boards of trustees.

Both boards are granted the powers and duties of a community college board of trustees as delineated in s. 1001.64, F.S. Each board is established as a body corporate according to s.1001.63, F.S.

Both boards may authorize direct-support-organizations, pursuant to s. 1004.28, F.S., which governs "University direct-support-organizations" and s. 1004.70, 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.

Both boards are permitted to continue to award degree, diplomas, and certificates under their previous names until accreditation is received.

The faculty of both colleges are to be governed by the same employment laws governing community college faculty.

Both colleges are 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 both colleges is authorized as a public purpose.

The municipalities of Miami-Dade County, the Board of County Commissioners of Miami-Dade County, and all other governmental entities are authorized to cooperate with the Board of Trustees of Miami-Dade College in establishing the institution. The Board of County Commissioners of Miami-Dade County and all other municipalities in Miami-Dade County are authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of Miami-Dade College, regardless of whether lands, buildings, and equipment are located in a community redevelopment area.

The municipalities of Jackson, Liberty, Holmes, Calhoun, and Washington Counties, the Boards of County Commissioners of Jackson, Liberty, Holmes, Calhoun, and Washington Counties, and all other governmental entities are authorized to cooperate with the Board of Trustees of Chipola College in establishing the institution. 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.

Lower level college credit programs and workforce development programs at Chipola College and Miami-Dade College 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".

HB 1511 w/CS makes a number of conforming changes as necessary to reflect the name changes.

Finally, HB 1511 w/CS removes reference to Miami-Dade Community College as it relates the establishment of the Florida Martin Luther King, Jr., Institute for Nonviolence.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 1000.21, F.S., relating to systemwide definitions, to rename Chipola Junior College and Miami-Dade Community College.

Section 2. Amends s. 288.8175, F.S., relating to linkage institutes, to make conforming changes,

Section 3. Amends s. 1002.35, F.S., relating to New World School of the Arts, to make conforming changes.

Section 4. Amends s. 1004.73, F.S., relating to St. Petersburg College, to include Chipola College and Miami-Dade College.

Section 5. Amends s. 1004.76, F.S., to delete reference to Miami-Dade Community College.

Section 6. Provides an effective date of July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The fiscal impact of HB 1511 w/CS is indeterminate.

Both institutions may need to make improvements 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 when students enroll in upper division courses.

Both colleges are authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter, pursuant to s.1013.82, F.S. This section currently applies only to state universities. The impact of this provision, if any, on local government is unknown.

Both colleges are exempted from local amendments to the Florida Building Code and the Fire Prevention Code, pursuant to s. 1013.39, F.S. This section currently applies only to state universities. The impact of this provision, if any, on local government is unknown.

The bill authorizes certain fees for these institutions operating as colleges but the provisions are not nearly as inclusive or specific as the sections of law relating to fees for community colleges and the state universities.

Both colleges are authorized to request funding from the Public Education Capital Outlay and Debt Service (PECO) as a community college and as a state university. The method by which the College would request funds as both types of institutions is unclear. The impact on state universities of expanding the number of institutions eligible to participate in state university PECO funds is unknown.

The acquisition of and donation of lands, buildings, and equipment for the use of both colleges is authorized as a public purpose. The municipalities of Miami-Dade County, the Board of County Commissioners of Miami-Dade County, and all other governmental entities are authorized to cooperate with the Board of Trustees of Miami-Dade College in establishing the institution. The municipalities of Jackson, Liberty, Holmes, Calhoun, and Washington Counties, the Boards of County Commissioners of Jackson, Liberty, Holmes, Calhoun, and Washington Counties, and all other governmental entities are authorized to cooperate with the Board of Trustees of Chipola College in establishing the institution. The Board of County Commissioners of Miami-Dade County and all other municipalities in Miami-Dade County are authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of Miami-Dade College, regardless of whether lands, buildings, and equipment are located in a community redevelopment area. 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. The fiscal impact, if any, of these provisions is unknown.

Lower level college credit programs and workforce development programs are to be funded as 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".

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect municipal or county government.

##### 2. Other:

This bill does not appear to have any constitutional issues.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 1, 2003, the Subcommittee on Higher Education adopted a strike-everything amendment that:

- Changes the names of the two institutions as proposed in the original bill.
- Makes conforming changes to reflect name changes.
- Amends s. 1004.73, F.S., to add Miami-Dade College and Chipola College to St. Petersburg College as community colleges specifically authorized in Florida Statutes to award baccalaureate degrees:
  1. Specifically authorizes both institutions to offer programs leading to baccalaureate degrees in Secondary Education. In addition, Miami-Dade is authorized offer programs in Exceptional Student Education.
  2. Permits both institutions, in addition to St. Petersburg College, to offer courses required for teacher certification.
  3. Permits Miami-Dade College and Chipola College, like St. Petersburg College, to request funding from PECO as both a community college and as a university.
  4. Provides legislative intent that the Legislature intends to fund Miami-Dade College and Chipola College, like St. Petersburg College, as baccalaureate degree level institutions for their upper-division level courses and programs.
- Removes reference to Miami-Dade Community College as it relates to the establishment of the Florida Martin Luther King, Jr., Institute for Nonviolence.

On April 14, 2003, the Committee on Education K-20 adopted the strike-everything amendment recommended by the Subcommittee on Higher Education and the reported the bill favorably as a CS. The CS:

- Makes conforming changes to reflect name changes.
- Amends s. 1004.73, F.S., to add Miami-Dade College and Chipola College to St. Petersburg College as community colleges specifically authorized in Florida Statutes to award baccalaureate degrees:
  1. Specifically authorizes both institutions to offer programs leading to baccalaureate degrees in Secondary Education. In addition, Miami-Dade is authorized offer programs in Exceptional Student Education.
  2. Permits both institutions, in addition to St. Petersburg College, to offer courses required for teacher certification.
  3. Permits Miami-Dade College and Chipola College, like St. Petersburg College, to request funding from PECO as both a community college and as a university.
  4. Provides legislative intent that the Legislature intends to fund Miami-Dade College and Chipola College, like St. Petersburg College, as baccalaureate degree level institutions for their upper-division level courses and programs.
- Removes reference to Miami-Dade Community College as it relates to the establishment of the Florida Martin Luther King, Jr., Institute for Nonviolence.