

Council Substitute for House Bill No. 7147

An act relating to postsecondary education; requiring the Office of Economic and Demographic Research to conduct a study of certain enrollment forecasting models; requiring a report; requiring the Department of Education to conduct a review of certain courses in the statewide course numbering system and update the system as appropriate; requiring a report; requiring nonpublic postsecondary institutions that participate in statewide course numbering to provide certain information in their catalogs; requiring the department's website to include certain information; providing legislative intent; establishing the Florida Business and Education Collaborative; providing membership and responsibilities; requiring annual reports; requiring a study by the Office of Program Policy Analysis and Government Accountability relating to articulation policies and practices; requiring a report; amending s. 267.062, F.S.; authorizing the naming of certain state university facilities for a living person under certain circumstances; amending s. 1001.03, F.S.; providing State Board of Education responsibilities with respect to community college baccalaureate degree programs; amending s. 1007.33, F.S.; revising provisions relating to community college submission of proposals to deliver baccalaureate degree programs; requiring notice of intent and opportunity for alternative proposals by certain institutions; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for community college upper-division courses; amending s. 1011.83, F.S.; providing a residency requirement for funding baccalaureate degree programs at community colleges; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with state university baccalaureate degree programs; providing certain reporting and funding requirements; amending s. 1012.82, F.S.; providing minimum teaching hour requirements for faculty paid from funds appropriated for community college baccalaureate degree programs; providing an effective date.

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

Section 1. The Office of Economic and Demographic Research shall conduct a study of the higher education enrollment forecasting models currently used in the state. The study must analyze the current models and provide options for improvements. The review shall specifically examine ways to include Florida's changing demographics in the forecasts. A final report with recommendations shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2008.

Section 2. (1) The Department of Education shall conduct a comprehensive review of the courses that are listed in the statewide course numbering system to:

(a) Identify courses that are listed in the system that have not been taught at an institution for the preceding 5 years;

(b) Identify courses of nonpublic postsecondary institutions that may be inappropriately designated as equivalent for purposes of transfer of credit; and

(c) Update the statewide course numbering system as appropriate based on these findings.

(2) The Department of Education shall submit a report of its findings and actions to the President of the Senate and the Speaker of the House of Representatives by February 1, 2008.

(3) Notwithstanding any other provision of law or rule to the contrary, any nonpublic postsecondary institution, as a condition of initial or continued participation in the statewide course numbering system, shall identify in all of its catalogs, printed or electronic, the specific courses offered by the institution that are included in the statewide course numbering system.

(4) No later than July 1, 2008, the Department of Education shall develop and maintain on the department's website a listing of all courses in the statewide course numbering system and the institutions that offer each course. The listing shall be available to the public. Each institution that participates in the statewide course numbering system shall include in all of its catalogs, printed or electronic, a statement advising the reader of the website address and its use as a resource for information on the transferability of credits to other Florida institutions.

Section 3. (1) It is the intent of the Legislature to proactively shape Florida's economic future through the collaboration of business, industry, and educational partners. The Legislature recognizes that Florida's economic prosperity is dependent on tightly aligning educational outputs and outcomes with economic demands in order to shape the future economy of the state. The Legislature further agrees with national and state experts in their assessment that education will continue to play an instrumental role in Florida's ability to compete in the 21st century global economy and that inevitable demographic changes necessitate a collaborative and comprehensive prekindergarten-20 dialogue between educational and industry experts in order to define and recommend aligned solutions. Therefore, the Legislature intends to establish a formal business and education collaborative to perform activities and make recommendations to legislative and state policy boards toward defining and attaining Florida's economic goals.

(2) The Florida Business and Education Collaborative is established as a state-level advisory group to the Governor; the Legislature; the State Board of Education; the Board of Governors of the State University System; boards of independent colleges, universities, and career schools; and other interested parties.

(a) Members of the collaborative shall be appointed by the Governor and shall include state business leaders; state legislative members; representative leaders of state and nonpublic community colleges, colleges, universi-

ties, career schools, and workforce education institutions and entities; and national education and economic development policy leaders.

(b) The collaborative shall have as a primary objective the promotion of strategies in public and private postsecondary education that are aligned with economic development goals.

(c) Responsibilities of the collaborative shall include, but not be limited to:

1. Collaboration with appropriate state entities to assess the degree of alignment of postsecondary education programmatic offerings and graduation outcomes with Florida's current and future economic development needs and goals, particularly in targeted occupational areas.

2. Recommendations concerning measurable performance outcomes, trends, standards, and targets for achievement of state goals related to workforce skills, education disciplines and outcomes, and research and development capacity.

3. Recommendations concerning funding approaches to align educational outputs to Florida's economic priorities, including performance funding and contracting mechanisms.

(d) The collaborative shall annually report its findings and recommendations to the State Board of Education, the Board of Governors, the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31.

Section 4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the implementation of existing articulation policies and identify any current practices that may serve as unnecessary barriers or impediments to the effective progression and transfer of students within the education system and to the progress of students in completing their educational objectives as rapidly as their circumstances permit. The study shall review the implementation of statewide course numbering credit transfer policies, including the extent to which institutions fail to award credit for courses designated as equivalent, and recommend remediation efforts to resolve this matter. The study shall also review implementation of policies relating to the award of credit associated with approved articulated acceleration mechanisms and the extent to which credit received through acceleration mechanisms may be used to meet general education or other graduation requirements. The study shall also examine how students are notified about whether the credit they receive will apply toward graduation requirements. The study shall identify inconsistencies in implementation of articulation policies and assess the impact of such inconsistencies on a student's ability to complete his or her program in a more timely manner, on the cost to a student of completing his or her program, and on the cost to the state. The study shall also examine the effectiveness of the articulation accountability process established pursuant to s. 1008.38, Florida Statutes. A final report with recommendations shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2008.

Section 5. Subsection (3) is added to section 267.062, Florida Statutes, to read:

267.062 Naming of state buildings and other facilities.—

(3) Notwithstanding the provisions of subsection (1) or s. 1013.79(11), any state building, road, bridge, park, recreational complex, or other similar facility of a state university may be named for a living person by the university board of trustees in accordance with rules adopted by the Board of Governors of the State University System.

Section 6. Subsection (15) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(15) COMMUNITY COLLEGE BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education shall provide for the review and approval of proposals by community colleges to offer baccalaureate degree programs pursuant to s. 1007.33. A community college, as defined in s. 1000.21, that is approved to offer baccalaureate degrees pursuant to s. 1007.33 remains under the authority of the State Board of Education and the community college's board of trustees.

Section 7. Subsection (3) of section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—

(3)(a) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district to meet local workforce needs. A community college may also develop proposals to deliver baccalaureate degree programs in math and science which would prepare graduates to enter a teaching position in math or science.

(b) The community college's proposal must be submitted to the State Board of Education for approval.

(c) The community college's proposal must include the following information:

1.(a) Demand for the baccalaureate degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.

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

3.(e) The community college has the facilities and academic resources to deliver the program.

(d) A community college that plans to submit a proposal pursuant to this subsection shall submit notice of its intent to the State Board of Education, including a brief description of the program that will be proposed and an

estimated timeframe for implementation, at least 90 days prior to submitting the proposal. The State Board of Education shall advise state universities and each regionally accredited private college and university that is chartered in and has its primary campus located in the state of the community college's notice of intent. State universities shall have 60 days to submit an alternative proposal to offer the baccalaureate degree program on the community college campus. If the state board does not receive a proposal from a state university within the 60-day time period or if the university proposal is not approved, the state board shall provide the regionally accredited private colleges and universities 30 days to submit an alternative proposal. An alternative proposal must adequately address:

1. The extent to which students will be able to complete the degree in the community college district.

2. The level of financial commitment of the college or university to the development, implementation, and maintenance of the specified degree program, including timelines.

3. The extent to which faculty at both the community college and the college or university will collaborate in the development and offering of the curriculum.

4. The ability of the community college and the college or university to develop and approve the curriculum for the specified degree program within 6 months after an agreement between the community college and the college or university is signed.

5. The extent to which the student may incur additional costs above what the student would expect to incur if the program were offered by the community college.

(e) The State Board of Education must consider the alternative proposals in making its decision to approve or deny a community college's proposal.

(f) If no alternative proposal is received or approved and the State Board of Education determines that a community college proposal is deficient, the state board must notify the community college of the deficiencies in writing and provide the community college the opportunity to correct the deficiencies.

(g) The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval of the State Board of Education for the specific degree program or programs, the community college shall pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools.

(h) Any additional baccalaureate degree programs the community college wishes to offer must be approved by the State Board of Education.

(i) Approval by the State Board of Education of a community college proposal to deliver a specified baccalaureate degree program does not alter the governance relationship of the community college with its local board of trustees or the State Board of Education.

Section 8. Subsections (1) and (2) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.—

(1) Unless otherwise provided, ~~the provisions of this section applies apply~~ only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, ~~or an associate in science degree, or a baccalaureate degree authorized by the State Board of Education pursuant to s. 1007.33 and for~~ noncollege credit college-preparatory courses defined in s. 1004.02.

(2)(a) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(b) Tuition and out-of-state fees for upper-division courses must reflect the fact that the community college has a less expensive cost structure than that of a state university. Therefore, the board of trustees shall establish tuition and out-of-state fees for upper-division courses in baccalaureate degree programs approved pursuant to s. 1007.33 consistent with law and proviso language in the General Appropriations Act. However, the board of trustees may not vary tuition and out-of-state fees as provided in subsection (4). Identical fees shall be required for all community college resident students within a college who take a specific course, regardless of the program in which they are enrolled.

Section 9. Section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of community colleges.—

(1) Each community college that has been approved by the Department of Education and meets the requirements of law and rules of the State Board of Education shall participate in the Community College Program Fund. However, funds to support workforce education programs conducted by community colleges shall be provided pursuant to s. 1011.80.

(2) Funding for baccalaureate degree programs approved pursuant to s. 1007.33 shall be specified in the General Appropriations Act. A student in a baccalaureate degree program approved pursuant to s. 1007.33 who is not classified as a resident for tuition purposes pursuant to s. 1009.21 may not be included in calculations of full-time equivalent enrollments for state funding purposes.

(3) Funds specifically appropriated by the Legislature for baccalaureate degree programs approved pursuant to s. 1007.33 may be used only for such programs. A community college shall fund the nonrecurring costs related to the initiation of a new baccalaureate degree program under s. 1007.33 without new state appropriations unless special grant funds are appropriated in the General Appropriations Act. A new baccalaureate degree program may not accept students without a recurring legislative appropriation for this purpose.

(4) State policy for funding baccalaureate degree programs approved pursuant to s. 1007.33 shall be to limit state support for recurring operating

purposes to no more than 85 percent of the amount of state expenditures for direct instruction per credit hour in upper-level state university programs. A community college may temporarily exceed this limit due to normal enrollment fluctuations or unforeseeable circumstances or while phasing in new programs. This subsection does not authorize the Department of Education to withhold legislative appropriations to any community college.

(5) A community college that grants baccalaureate degrees shall maintain reporting and funding distinctions between any baccalaureate degree program approved under s. 1007.33 and any other baccalaureate degree programs involving traditional concurrent-use partnerships.

Section 10. Section 1012.82, Florida Statutes, is amended to read:

1012.82 Teaching faculty; minimum teaching hours per week.—Each full-time member of the teaching faculty at any community college who is paid wholly from funds appropriated from the community college program fund or from funds appropriated for community college baccalaureate degree programs shall teach a minimum of 15 classroom contact hours per week at such institution. However, the required classroom contact hours per week may be reduced upon approval of the president of the institution in direct proportion to specific duties and responsibilities assigned the faculty member by his or her departmental chair or other appropriate college administrator. Such specific duties may include specific research duties, specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices, or assigned responsibility for off-campus student internship or work-study programs. A “classroom contact hour” consists of a regularly scheduled classroom activity of not less than 50 minutes in a course of instruction which has been approved by the community college board of trustees. Any full-time faculty member who is paid partly from community college program funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from community college program funds bears to his or her total salary. Any full-time faculty member who is paid partly from funds appropriated for community college baccalaureate degree programs and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from funds appropriated for community college baccalaureate degree programs bears to his or her total salary.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.