

2011946er

1  
2 An act relating to the Florida Statutes; amending ss.  
3 1000.01, 1000.02, 1000.04, 1000.05, 1000.06, 1000.07,  
4 1000.21, 1001.02, 1001.03, 1001.10, 1001.11, 1001.20,  
5 1001.27, 1001.271, 1001.28, 1001.43, 1001.60, 1001.61,  
6 1001.62, 1001.63, 1001.64, 1001.65, 1001.705,  
7 1001.706, 1002.20, 1002.21, 1002.33, 1002.34, 1002.41,  
8 1002.45, 1003.03, 1003.41, 1003.4156, 1003.433,  
9 1003.435, 1003.49, 1003.51, 1003.52, 1004.02, 1004.03,  
10 1004.04, 1004.05, 1004.06, 1004.07, 1004.085,  
11 1004.095, 1004.226, 1004.645, 1004.648, 1004.65,  
12 1004.66, 1004.67, 1004.68, 1004.70, 1004.71, 1004.725,  
13 1004.726, 1004.74, 1004.75, 1004.77, 1004.78, 1004.79,  
14 1004.80, 1004.81, 1004.86, 1004.91, 1004.92, 1004.93,  
15 1004.94, 1004.95, 1004.97, 1004.98, 1004.99, 1005.21,  
16 1006.15, 1006.17, 1006.50, 1006.51, 1006.55, 1006.60,  
17 1006.62, 1006.63, 1006.65, 1006.68, 1006.70, 1006.71,  
18 1006.72, 1007.21, 1007.22, 1007.23, 1007.235, 1007.24,  
19 1007.25, 1007.2615, 1007.262, 1007.263, 1007.264,  
20 1007.265, 1007.27, 1007.271, 1007.272, 1007.28,  
21 1007.33, 1007.34, 1007.35, 1008.30, 1008.31, 1008.32,  
22 1008.345, 1008.385, 1008.405, 1008.41, 1008.42,  
23 1008.43, 1008.45, 1009.21, 1009.22, 1009.23, 1009.25,  
24 1009.26, 1009.265, 1009.27, 1009.28, 1009.285,  
25 1009.286, 1009.29, 1009.40, 1009.42, 1009.44, 1009.50,  
26 1009.505, 1009.533, 1009.535, 1009.55, 1009.56,  
27 1009.60, 1009.605, 1009.65, 1009.67, 1009.70, 1009.72,  
28 1009.77, 1009.89, 1009.891, 1009.97, 1009.971,  
29 1009.98, 1009.981, 1010.01, 1010.02, 1010.03, 1010.04,

2011946er

30 1010.06, 1010.07, 1010.08, 1010.09, 1010.11, 1010.22,  
31 1010.23, 1010.30, 1010.33, 1010.34, 1010.58, 1011.01,  
32 1011.011, 1011.012, 1011.30, 1011.31, 1011.32,  
33 1011.51, 1011.62, 1011.68, 1011.75, 1011.80, 1011.801,  
34 1011.81, 1011.82, 1011.83, 1011.84, 1011.85, 1011.86,  
35 1012.01, 1012.35, 1012.56, 1012.80, 1012.81, 1012.82,  
36 1012.83, 1012.84, 1012.85, 1012.855, 1012.86,  
37 1012.865, 1012.87, 1012.875, 1012.88, 1012.885,  
38 1012.98, 1013.01, 1013.02, 1013.03, 1013.12, 1013.13,  
39 1013.19, 1013.23, 1013.231, 1013.25, 1013.27, 1013.28,  
40 1013.31, 1013.36, 1013.37, 1013.371, 1013.40, 1013.44,  
41 1013.51, 1013.52, 1013.60, 1013.64, 1013.65, and  
42 1013.81, F.S., to conform to the directive in section  
43 21 of chapter 2010-70, Laws of Florida, to prepare a  
44 reviser's bill for consideration by the 2011 Regular  
45 Session of the Legislature to substitute the term  
46 "Florida College System Institution" for the terms  
47 "Florida college," "community college," and "junior  
48 college" where those terms appear in the Florida K-20  
49 Education Code; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Paragraph (b) of subsection (5) of section  
54 1000.01, Florida Statutes, is amended to read:

55 1000.01 The Florida K-20 education system; technical  
56 provisions.—

57 (5) EDUCATION GOVERNANCE TRANSFERS.—

58 (b) All rules of the State Board of Education, the

2011946er

59 Commissioner of Education, and the Department of Education, and  
60 all rules of the district school boards, the Florida College  
61 System institution ~~community college~~ boards of trustees, and the  
62 state university boards of trustees, in effect on January 2,  
63 2003, remain in effect until specifically amended or repealed in  
64 the manner provided by law.

65 Section 2. Paragraph (e) of subsection (1) of section  
66 1000.02, Florida Statutes, is amended to read:

67 1000.02 Policy and guiding principles for the Florida K-20  
68 education system.—

69 (1) It is the policy of the Legislature:

70 (e) To provide for the decentralization of authority to the  
71 schools, Florida College System institutions ~~community colleges~~,  
72 universities, and other education institutions that deliver  
73 educational services to the public.

74 Section 3. Section 1000.04, Florida Statutes, is amended to  
75 read:

76 1000.04 Components for the delivery of public education  
77 within the Florida K-20 education system.—Florida's K-20  
78 education system provides for the delivery of public education  
79 through publicly supported and controlled K-12 schools, Florida  
80 College System institutions ~~community colleges~~, state  
81 universities and other postsecondary educational institutions,  
82 other educational institutions, and other educational services  
83 as provided or authorized by the Constitution and laws of the  
84 state.

85 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include  
86 charter schools and consist of kindergarten classes; elementary,  
87 middle, and high school grades and special classes; school

2011946er

88 district virtual instruction programs; workforce education;  
89 career centers; adult, part-time, and evening schools, courses,  
90 or classes, as authorized by law to be operated under the  
91 control of district school boards; and lab schools operated  
92 under the control of state universities.

93 (2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—Public  
94 postsecondary educational institutions include workforce  
95 education; Florida College System institutions ~~community~~  
96 ~~colleges; colleges~~; state universities; and all other state-  
97 supported postsecondary educational institutions that are  
98 authorized and established by law.

99 (3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The Florida  
100 School for the Deaf and the Blind is a component of the delivery  
101 of public education within Florida's K-20 education system.

102 (4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual School  
103 is a component of the delivery of public education within  
104 Florida's K-20 education system.

105 Section 4. Paragraphs (d) and (e) of subsection (3),  
106 subsection (4), paragraph (a) of subsection (5), and paragraphs  
107 (a), (b), (c), (e), (f), and (g) of subsection (6) of section  
108 1000.05, Florida Statutes, are amended to read:

109 1000.05 Discrimination against students and employees in  
110 the Florida K-20 public education system prohibited; equality of  
111 access required.—

112 (3)

113 (d) A public K-20 educational institution which operates or  
114 sponsors interscholastic, intercollegiate, club, or intramural  
115 athletics shall provide equal athletic opportunity for members  
116 of both genders.

2011946er

117 1. The Board of Governors shall determine whether equal  
118 opportunities are available at state universities.

119 2. The Commissioner of Education shall determine whether  
120 equal opportunities are available in school districts and  
121 Florida College System institutions ~~community colleges~~. In  
122 determining whether equal opportunities are available in school  
123 districts and Florida College System institutions ~~community~~  
124 ~~colleges~~, the Commissioner of Education shall consider, among  
125 other factors:

126 a. Whether the selection of sports and levels of  
127 competition effectively accommodate the interests and abilities  
128 of members of both genders.

129 b. The provision of equipment and supplies.

130 c. Scheduling of games and practice times.

131 d. Travel and per diem allowances.

132 e. Opportunities to receive coaching and academic tutoring.

133 f. Assignment and compensation of coaches and tutors.

134 g. Provision of locker room, practice, and competitive  
135 facilities.

136 h. Provision of medical and training facilities and  
137 services.

138 i. Provision of housing and dining facilities and services.

139 j. Publicity.

140  
141 Unequal aggregate expenditures for members of each gender or  
142 unequal expenditures for male and female teams if a public  
143 school or Florida College System institution ~~community college~~  
144 operates or sponsors separate teams do not constitute  
145 nonimplementation of this subsection, but the Commissioner of

2011946er

146 Education shall consider the failure to provide necessary funds  
147 for teams for one gender in assessing equality of opportunity  
148 for members of each gender.

149 (e) A public school or Florida College System institution  
150 ~~community college~~ may provide separate toilet, locker room, and  
151 shower facilities on the basis of gender, but such facilities  
152 shall be comparable to such facilities provided for students of  
153 the other gender.

154 (4) Public schools and Florida College System institutions  
155 ~~community colleges~~ shall develop and implement methods and  
156 strategies to increase the participation of students of a  
157 particular race, ethnicity, national origin, gender, disability,  
158 or marital status in programs and courses in which students of  
159 that particular race, ethnicity, national origin, gender,  
160 disability, or marital status have been traditionally  
161 underrepresented, including, but not limited to, mathematics,  
162 science, computer technology, electronics, communications  
163 technology, engineering, and career education.

164 (5) (a) The State Board of Education shall adopt rules to  
165 implement this section as it relates to school districts and  
166 Florida College System institutions ~~community colleges~~.

167 (6) The functions of the Office of Equal Educational  
168 Opportunity of the Department of Education shall include, but  
169 are not limited to:

170 (a) Requiring all district school boards and Florida  
171 College System institution ~~community college~~ boards of trustees  
172 to develop and submit plans for the implementation of this  
173 section to the Department of Education.

174 (b) Conducting periodic reviews of school districts and

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175 Florida College System institutions ~~community colleges~~ to  
176 determine compliance with this section and, after a finding that  
177 a school district or a Florida College System institution  
178 ~~community college~~ is not in compliance with this section,  
179 notifying the entity of the steps that it must take to attain  
180 compliance and performing followup monitoring.

181 (c) Providing technical assistance, including assisting  
182 school districts or Florida College System institutions  
183 ~~community colleges~~ in identifying unlawful discrimination and  
184 instructing them in remedies for correction and prevention of  
185 such discrimination and performing followup monitoring.

186 (e) Requiring all district school boards and Florida  
187 College System institution ~~community college~~ boards of trustees  
188 to submit data and information necessary to determine compliance  
189 with this section. The Commissioner of Education shall prescribe  
190 the format and the date for submission of such data and any  
191 other educational equity data. If any board does not submit the  
192 required compliance data or other required educational equity  
193 data by the prescribed date, the commissioner shall notify the  
194 board of this fact and, if the board does not take appropriate  
195 action to immediately submit the required report, the State  
196 Board of Education shall impose monetary sanctions.

197 (f) Based upon rules of the State Board of Education,  
198 developing and implementing enforcement mechanisms with  
199 appropriate penalties to ensure that public K-12 schools and  
200 Florida College System institutions ~~community colleges~~ comply  
201 with Title IX of the Education Amendments of 1972 and subsection  
202 (3) of this section. However, the State Board of Education may  
203 not force a public school or Florida College System institution

2011946er

204 ~~community college~~ to conduct, nor penalize such entity for not  
205 conducting, a program of athletic activity or athletic  
206 scholarship for female athletes unless it is an athletic  
207 activity approved for women by a recognized association whose  
208 purpose is to promote athletics and a conference or league  
209 exists to promote interscholastic or intercollegiate competition  
210 for women in that athletic activity.

211 (g) Reporting to the Commissioner of Education any district  
212 school board or Florida College System institution ~~community~~  
213 ~~college~~ board of trustees found to be out of compliance with  
214 rules of the State Board of Education adopted as required by  
215 paragraph (f) or paragraph (3)(d). To penalize the board, the  
216 State Board of Education shall:

217 1. Declare the school district or Florida College System  
218 institution ~~community college~~ ineligible for competitive state  
219 grants.

220 2. Notwithstanding the provisions of s. 216.192, direct the  
221 Chief Financial Officer to withhold general revenue funds  
222 sufficient to obtain compliance from the school district or  
223 Florida College System institution ~~community college~~.

224  
225 The school district or Florida College System institution  
226 ~~community college~~ shall remain ineligible and the funds shall  
227 not be paid until the institution comes into compliance or the  
228 State Board of Education approves a plan for compliance.

229 Section 5. Subsection (2) of section 1000.06, Florida  
230 Statutes, is amended to read:

231 1000.06 Display of flags.—

232 (2) Each public K-20 educational institution that is

2011946er

233 provided or authorized by the Constitution and laws of Florida  
234 shall display daily in each classroom the flag of the United  
235 States. The flag must be made in the United States, must be at  
236 least 2 feet by 3 feet, and must be properly displayed in  
237 accordance with Title 4 U.S.C. Each educational institution  
238 shall acquire the necessary number of flags to implement the  
239 provisions of this subsection. The principal, director, or  
240 president of each educational institution shall attempt to  
241 acquire the flags through donations or fundraising for 1 year  
242 prior to securing other funding sources or allocating funds for  
243 the purchase of flags. The president of each state university or  
244 Florida College System institution ~~community college~~ must  
245 present to the governing board of the institution the results of  
246 donations and fundraising activities relating to the acquisition  
247 of flags prior to requesting the governing board to approve a  
248 funding source for the purchase of flags. A flag must be  
249 displayed in each classroom pursuant to this subsection no later  
250 than August 1, 2005.

251 Section 6. Paragraph (a) of subsection (2) of section  
252 1000.07, Florida Statutes, is amended to read:

253 1000.07 Florida Business and Education Collaborative.—

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

260 (a) Members of the collaborative shall be appointed by the  
261 Governor and shall include state business leaders; state

2011946er

262 legislative members; representative leaders of state and  
263 nonpublic ~~community colleges,~~ colleges, universities, career  
264 schools, and workforce education institutions and entities; and  
265 national education and economic development policy leaders.

266 Section 7. Subsection (3) of section 1000.21, Florida  
267 Statutes, is amended to read:

268 1000.21 Systemwide definitions.—As used in the Florida K-20  
269 Education Code:

270 (3) "Florida College System institution ~~Florida college~~" or  
271 "~~community college,~~" except as otherwise specifically provided,  
272 includes all of the following public postsecondary educational  
273 institutions in the Florida College System and any branch  
274 campuses, centers, or other affiliates of the institution:

275 (a) Brevard Community College, which serves Brevard County.

276 (b) Broward College, which serves Broward County.

277 (c) College of Central Florida, which serves Citrus, Levy,  
278 and Marion Counties.

279 (d) Chipola College, which serves Calhoun, Holmes, Jackson,  
280 Liberty, and Washington Counties.

281 (e) Daytona State College, which serves Flagler and Volusia  
282 Counties.

283 (f) Edison State College, which serves Charlotte, Collier,  
284 Glades, Hendry, and Lee Counties.

285 (g) Florida State College at Jacksonville, which serves  
286 Duval and Nassau Counties.

287 (h) Florida Keys Community College, which serves Monroe  
288 County.

289 (i) Gulf Coast Community College, which serves Bay,  
290 Franklin, and Gulf Counties.

2011946er

291 (j) Hillsborough Community College, which serves  
292 Hillsborough County.

293 (k) Indian River State College, which serves Indian River,  
294 Martin, Okeechobee, and St. Lucie Counties.

295 (l) Florida Gateway College, which serves Baker, Columbia,  
296 Dixie, Gilchrist, and Union Counties.

297 (m) Lake-Sumter Community College, which serves Lake and  
298 Sumter Counties.

299 (n) State College of Florida, Manatee-Sarasota, which  
300 serves Manatee and Sarasota Counties.

301 (o) Miami Dade College, which serves Miami-Dade County.

302 (p) North Florida Community College, which serves Hamilton,  
303 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

304 (q) Northwest Florida State College, which serves Okaloosa  
305 and Walton Counties.

306 (r) Palm Beach State College, which serves Palm Beach  
307 County.

308 (s) Pasco-Hernando Community College, which serves Hernando  
309 and Pasco Counties.

310 (t) Pensacola Junior College, which serves Escambia and  
311 Santa Rosa Counties.

312 (u) Polk State College, which serves Polk County.

313 (v) St. Johns River Community College, which serves Clay,  
314 Putnam, and St. Johns Counties.

315 (w) St. Petersburg College, which serves Pinellas County.

316 (x) Santa Fe College, which serves Alachua and Bradford  
317 Counties.

318 (y) Seminole State College of Florida, which serves  
319 Seminole County.

2011946er

320 (z) South Florida Community College, which serves DeSoto,  
321 Hardee, and Highlands Counties.

322 (aa) Tallahassee Community College, which serves Gadsden,  
323 Leon, and Wakulla Counties.

324 (bb) Valencia Community College, which serves Orange and  
325 Osceola Counties.

326 Section 8. Paragraph (u) of subsection (2), paragraph (a)  
327 of subsection (3), paragraphs (a), (b), (c), (d), (e), (f), and  
328 (g) of subsection (4), and subsections (5) and (6) of section  
329 1001.02, Florida Statutes, are amended to read:

330 1001.02 General powers of State Board of Education.—

331 (2) The State Board of Education has the following duties:

332 (u) To adopt criteria and implementation plans for future  
333 growth issues, such as new Florida College System institutions  
334 ~~community colleges~~ and Florida College System institution  
335 ~~community college~~ campus mergers, and to provide for cooperative  
336 agreements between and within public and private education  
337 sectors.

338 (3) (a) The State Board of Education shall adopt a strategic  
339 plan that specifies goals and objectives for the state's public  
340 schools and Florida College System institutions ~~community~~  
341 ~~colleges~~. The plan shall be formulated in conjunction with plans  
342 of the Board of Governors in order to provide for the roles of  
343 the universities and Florida College System institutions  
344 ~~community colleges~~ to be coordinated to best meet state needs  
345 and reflect cost-effective use of state resources. The strategic  
346 plan must clarify mission statements and identify degree  
347 programs to be offered at each Florida College System  
348 institution ~~community college~~ in accordance with the objectives

2011946er

349 provided in this subsection. The strategic plan must cover a  
350 period of 5 years, with modification of the program lists after  
351 2 years. Development of each 5-year plan must be coordinated  
352 with and initiated after completion of the master plan. The  
353 strategic plans must specifically include programs and  
354 procedures for responding to the educational needs of teachers  
355 and students in the public schools of this state. The state  
356 board shall submit a report to the President of the Senate and  
357 the Speaker of the House of Representatives upon modification of  
358 the plan.

359 (4) The State Board of Education shall:

360 (a) Provide for each Florida College System institution  
361 ~~community college~~ to offer educational training and service  
362 programs designed to meet the needs of both students and the  
363 communities served.

364 (b) Specify, by rule, procedures to be used by the Florida  
365 College System institution ~~community college~~ boards of trustees  
366 in the annual evaluations of presidents and review the  
367 evaluations of presidents by the boards of trustees.

368 (c) Establish, in conjunction with the Board of Governors,  
369 an effective information system that will provide composite data  
370 concerning the Florida College System institutions ~~community~~  
371 ~~colleges~~ and state universities and ensure that special analyses  
372 and studies concerning the institutions are conducted, as  
373 necessary, for provision of accurate and cost-effective  
374 information concerning the institutions.

375 (d) Establish criteria for making recommendations for  
376 modifying district boundary lines for Florida College System  
377 institutions ~~community colleges~~.

2011946er

378 (e) Establish criteria for making recommendations  
379 concerning all proposals for the establishment of additional  
380 centers or campuses for Florida College System institutions  
381 ~~community colleges~~.

382 (f) Examine the annual administrative review of each  
383 Florida College System institution ~~community college~~.

384 (g) Specify, by rule, the college credit courses that may  
385 be taken by Florida College System institution ~~community college~~  
386 students concurrently enrolled in college-preparatory  
387 instruction.

388 (5) The State Board of Education is responsible for  
389 reviewing and administering the state program of support for the  
390 Florida College System institutions ~~community colleges~~ and,  
391 subject to existing law, shall establish the tuition and out-of-  
392 state fees for college-preparatory instruction and for credit  
393 instruction that may be counted toward an associate in arts  
394 degree, an associate in applied science degree, or an associate  
395 in science degree.

396 (6) The State Board of Education shall prescribe minimum  
397 standards, definitions, and guidelines for Florida College  
398 System institutions ~~community colleges~~ that will ensure the  
399 quality of education, coordination among the Florida College  
400 System institutions ~~community colleges~~ and state universities,  
401 and efficient progress toward accomplishing the Florida College  
402 System institution ~~community college~~ mission. At a minimum,  
403 these rules must address:

404 (a) Personnel.

405 (b) Contracting.

406 (c) Program offerings and classification, including

2011946er

407 college-level communication and computation skills associated  
408 with successful performance in college and with tests and other  
409 assessment procedures that measure student achievement of those  
410 skills. The performance measures must provide that students  
411 moving from one level of education to the next acquire the  
412 necessary competencies for that level.

413 (d) Provisions for curriculum development, graduation  
414 requirements, college calendars, and program service areas.  
415 These provisions must include rules that:

416 1. Provide for the award of an associate in arts degree to  
417 a student who successfully completes 60 semester credit hours at  
418 the Florida College System institution ~~community college~~.

419 2. Require all of the credits accepted for the associate in  
420 arts degree to be in the statewide course numbering system as  
421 credits toward a baccalaureate degree offered by a state  
422 university or a Florida College System institution ~~community~~  
423 ~~college~~.

424 3. Require no more than 36 semester credit hours in general  
425 education courses in the subject areas of communication,  
426 mathematics, social sciences, humanities, and natural sciences.

427  
428 The rules should encourage Florida College System institutions  
429 ~~community colleges~~ to enter into agreements with state  
430 universities that allow Florida College System institution  
431 ~~community college~~ students to complete upper-division-level  
432 courses at a Florida College System institution ~~community~~  
433 ~~college~~. An agreement may provide for concurrent enrollment at  
434 the Florida College System institution ~~community college~~ and the  
435 state university and may authorize the Florida College System

2011946er

436 institution ~~community college~~ to offer an upper-division-level  
437 course or distance learning.

438 (e) Student admissions, conduct and discipline,  
439 nonclassroom activities, and fees.

440 (f) Budgeting.

441 (g) Business and financial matters.

442 (h) Student services.

443 (i) Reports, surveys, and information systems, including  
444 forms and dates of submission.

445 Section 9. Subsections (10), (13), and (15) of section  
446 1001.03, Florida Statutes, are amended to read:

447 1001.03 Specific powers of State Board of Education.—

448 (10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY  
449 EDUCATION.—The State Board of Education, in conjunction with the  
450 Board of Governors, shall develop and implement a common  
451 placement test to assess the basic computation and communication  
452 skills of students who intend to enter a degree program at any  
453 Florida College System institution ~~community college~~ or state  
454 university.

455 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.—The  
456 State Board of Education shall provide for the cyclic review of  
457 all academic programs in Florida College System institutions  
458 ~~community colleges~~ at least every 7 years. Program reviews shall  
459 document how individual academic programs are achieving stated  
460 student learning and program objectives within the context of  
461 the institution's mission. The results of the program reviews  
462 shall inform strategic planning, program development, and  
463 budgeting decisions at the institutional level.

464 (15) FLORIDA COLLEGE SYSTEM INSTITUTION ~~COMMUNITY COLLEGE~~

2011946er

465 BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education  
466 shall provide for the review and approval of proposals by  
467 Florida College System institutions ~~community colleges~~ to offer  
468 baccalaureate degree programs pursuant to s. 1007.33. A Florida  
469 College System institution ~~community college~~, as defined in s.  
470 1000.21, that is approved to offer baccalaureate degrees  
471 pursuant to s. 1007.33 remains under the authority of the State  
472 Board of Education and the Florida College System institution's  
473 ~~community college's~~ board of trustees.

474 Section 10. Paragraph (k) of subsection (6) of section  
475 1001.10, Florida Statutes, is amended to read:

476 1001.10 Commissioner of Education; general powers and  
477 duties.—

478 (6) Additionally, the commissioner has the following  
479 general powers and duties:

480 (k) To implement a program of school improvement and  
481 education accountability designed to provide all students the  
482 opportunity to make adequate learning gains in each year of  
483 school as provided by statute and State Board of Education rule  
484 based upon the achievement of the state education goals,  
485 recognizing the following:

486 1. The district school board is responsible for school and  
487 student performance.

488 2. The individual school is the unit for education  
489 accountability.

490 3. The Florida College System institution ~~community college~~  
491 board of trustees is responsible for Florida College System  
492 institution ~~community college~~ performance and student  
493 performance.

2011946er

494 Section 11. Paragraphs (d) and (e) of subsection (1) of  
495 section 1001.11, Florida Statutes, are amended to read:

496 1001.11 Commissioner of Education; other duties.—

497 (1) The Commissioner of Education must independently  
498 perform the following duties:

499 (d) Integrally work with the boards of trustees of the  
500 Florida College System institutions ~~community colleges~~.

501 (e) Monitor the activities of the State Board of Education  
502 and provide information related to current and pending policies  
503 to the members of the boards of trustees of the Florida College  
504 System institutions ~~community colleges~~ and state universities.

505 Section 12. Paragraph (e) of subsection (4) of section  
506 1001.20, Florida Statutes, is amended to read:

507 1001.20 Department under direction of state board.—

508 (4) The Department of Education shall establish the  
509 following offices within the Office of the Commissioner of  
510 Education which shall coordinate their activities with all other  
511 divisions and offices:

512 (e) *Office of Inspector General*.—Organized using existing  
513 resources and funds and responsible for promoting  
514 accountability, efficiency, and effectiveness and detecting  
515 fraud and abuse within school districts, the Florida School for  
516 the Deaf and the Blind, and Florida College System institutions  
517 ~~community colleges in Florida~~. If the Commissioner of Education  
518 determines that a district school board, the Board of Trustees  
519 for the Florida School for the Deaf and the Blind, or a Florida  
520 College System institution ~~community college~~ board of trustees  
521 is unwilling or unable to address substantiated allegations made  
522 by any person relating to waste, fraud, or financial

2011946er

523 mismanagement within the school district, the Florida School for  
524 the Deaf and the Blind, or the Florida College System  
525 institution ~~community college~~, the office shall conduct,  
526 coordinate, or request investigations into such substantiated  
527 allegations. The office shall have access to all information and  
528 personnel necessary to perform its duties and shall have all of  
529 its current powers, duties, and responsibilities authorized in  
530 s. 20.055.

531 Section 13. Subsection (2) and paragraphs (b) and (c) of  
532 subsection (3) of section 1001.27, Florida Statutes, are amended  
533 to read:

534 1001.27 State satellite network.—

535 (2) The network shall consist of compatible satellite  
536 receiving equipment at public educational institutions in each  
537 of the 28 Florida College System institution ~~community college~~  
538 regions.

539 (3) The department, in consultation with the Department of  
540 Management Services, shall implement the provisions of this  
541 section and coordinate the network. Specifically, the department  
542 shall:

543 (b) Acquire by competitive sealed bid and place appropriate  
544 receiving equipment in those Florida College System institution  
545 ~~community college~~ regions of the state in which such equipment  
546 is presently not available at a public postsecondary educational  
547 institution.

548 (c) Develop an implementation plan that provides for  
549 designation of a site in each Florida College System institution  
550 ~~community college~~ region for inclusion in the initial network.

551 Criteria for selection shall include:

2011946er

552 1. Accessibility to a substantial portion of the population  
553 of the region.

554 2. Demonstrated institutional commitment to support and  
555 encourage use of the network both within the region and  
556 statewide.

557 3. Willingness to complement state support with matching  
558 institutional resources.

559 4. Evidence of cooperation and coordinated planning with  
560 other postsecondary educational institutions in the region.

561 5. Availability of existing telecommunications equipment  
562 which is compatible or adaptable for use in the network.

563 Section 14. Section 1001.271, Florida Statutes, is amended  
564 to read:

565 1001.271 Florida Information Resource Network.—Upon  
566 requisition by school districts, Florida College System  
567 institutions ~~community colleges~~, universities, or other eligible  
568 users of the Florida Information Resource Network, the  
569 Commissioner of Education shall purchase the nondiscounted  
570 portion of Internet access services, including, but not limited  
571 to, circuits, encryption, content filtering, support, and any  
572 other services needed for the effective and efficient operation  
573 of the network. For the 2009-2010 fiscal year, each school  
574 district, the Florida School for the Deaf and the Blind, and the  
575 regional educational consortia eligible for the e-rate must  
576 submit a requisition to the Commissioner of Education for at  
577 least the same level of Internet access services used through  
578 the Florida Information Resource Network contract in the 2008-  
579 2009 fiscal year. Each user shall identify in its requisition  
580 the source of funds from which the commissioner is to make

2011946er

581 payments.

582 Section 15. Section 1001.28, Florida Statutes, is amended  
583 to read:

584 1001.28 Distance learning duties.—The duties of the  
585 Department of Education concerning distance learning include,  
586 but are not limited to, the duty to:

587 (1) Facilitate the implementation of a statewide  
588 coordinated system and resource system for cost-efficient  
589 advanced telecommunications services and distance education  
590 which will increase overall student access to education.

591 (2) Coordinate the use of existing resources, including,  
592 but not limited to, the state's satellite transponders, the  
593 Florida Information Resource Network (FIRN), the Florida  
594 Knowledge Network, and distance learning initiatives.

595 (3) Assist in the coordination of the utilization of the  
596 production and uplink capabilities available through Florida's  
597 public television stations, eligible facilities, independent  
598 colleges and universities, private firms, and others as needed.

599 (4) Seek the assistance and cooperation of Florida's cable  
600 television providers in the implementation of the statewide  
601 advanced telecommunications services and distance learning  
602 network.

603 (5) Seek the assistance and cooperation of Florida's  
604 telecommunications carriers to provide affordable student access  
605 to advanced telecommunications services and to distance  
606 learning.

607 (6) Coordinate partnerships for development, acquisition,  
608 use, and distribution of distance learning.

609 (7) Secure and administer funding for programs and

2011946er

610 activities for distance learning from federal, state, local, and  
611 private sources and from fees derived from services and  
612 materials.

613 (8) Manage the state's satellite transponder resources and  
614 enter into lease agreements to maximize the use of available  
615 transponder time. All net revenue realized through the leasing  
616 of available transponder time, after deducting the costs of  
617 performing the management function, shall be recycled to support  
618 the public education distance learning in this state based upon  
619 an allocation formula of one-third to the Department of  
620 Education, one-third to Florida College System institutions  
621 ~~community colleges~~, and one-third to state universities.

622 (9) Hire appropriate staff which may include a position  
623 that shall be exempt from part II of chapter 110 and is included  
624 in the Senior Management Service in accordance with s. 110.205.

625  
626 Nothing in this section shall be construed to abrogate,  
627 supersede, alter, or amend the powers and duties of any state  
628 agency, district school board, Florida College System  
629 institution ~~community college~~ board of trustees, university  
630 board of trustees, the Board of Governors, or the State Board of  
631 Education.

632 Section 16. Subsection (13) of section 1001.43, Florida  
633 Statutes, is amended to read:

634 1001.43 Supplemental powers and duties of district school  
635 board.—The district school board may exercise the following  
636 supplemental powers and duties as authorized by this code or  
637 State Board of Education rule.

638 (13) COOPERATION WITH FLORIDA COLLEGE SYSTEM INSTITUTIONS

2011946er

639 ~~COMMUNITY COLLEGES.~~—The district school board shall work with  
640 the Florida College System institutions ~~community colleges~~ in  
641 the district to ensure that the Florida College System  
642 institution ~~community college~~ students have access to remedial  
643 education.

644 Section 17. Subsection (2) of section 1001.60, Florida  
645 Statutes, is amended to read:

646 1001.60 Florida College System.—

647 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida  
648 College System comprised of the Florida College System  
649 institutions ~~colleges~~ identified in s. 1000.21(3). A Florida  
650 College System institution ~~college~~ may not offer graduate degree  
651 programs.

652 (a) The programs and services offered by Florida College  
653 System institutions ~~colleges~~ in providing associate and  
654 baccalaureate degrees shall be delivered in a cost-effective  
655 manner that demonstrates substantial savings to the student and  
656 to the state over the cost of providing the degree at a state  
657 university.

658 (b)1. With the approval of its district board of trustees,  
659 a Florida College System institution ~~college~~ may change the  
660 institution's name set forth in s. 1000.21(3) and use the  
661 designation "college" or "state college" if it has been  
662 authorized to grant baccalaureate degrees pursuant to s. 1007.33  
663 and has been accredited as a baccalaureate-degree-granting  
664 institution by the Commission on Colleges of the Southern  
665 Association of Colleges and Schools.

666 2. With the approval of its district board of trustees, a  
667 Florida College System institution ~~college~~ that does not meet

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668 the criteria in subparagraph 1. may request approval from the  
669 State Board of Education to change the institution's name set  
670 forth in s. 1000.21(3) and use the designation "college." The  
671 State Board of Education may approve the request if the Florida  
672 College System institution ~~college~~ enters into an agreement with  
673 the State Board of Education to do the following:

674 a. Maintain as its primary mission responsibility for  
675 responding to community needs for postsecondary academic  
676 education and career degree education as prescribed in s.  
677 1004.65(5).

678 b. Maintain an open-door admissions policy for associate-  
679 level degree programs and workforce education programs.

680 c. Continue to provide outreach to underserved populations.

681 d. Continue to provide remedial education.

682 e. Comply with all provisions of the statewide articulation  
683 agreement that relate to 2-year and 4-year public degree-  
684 granting institutions as adopted by the State Board of Education  
685 pursuant to s. 1007.23.

686 (c) A district board of trustees that approves a change to  
687 the name of an institution under paragraph (b) must seek  
688 statutory codification of such name change in s. 1000.21(3)  
689 during the next regular legislative session.

690 (d) A Florida College System institution ~~college~~ may not  
691 use the designation "university."

692 Section 18. Section 1001.61, Florida Statutes, is amended  
693 to read:

694 1001.61 Florida College System institution ~~Community~~  
695 ~~college~~ boards of trustees; membership.-

696 (1) Florida College System institution ~~Community college~~

2011946er

697 boards of trustees shall be comprised of five members when a  
698 Florida College System institution ~~community college~~ district is  
699 confined to one school board district; seven members when a  
700 Florida College System institution ~~community college~~ district is  
701 confined to one school board district and the board of trustees  
702 so elects; and not more than nine members when the district  
703 contains two or more school board districts, as provided by  
704 rules of the State Board of Education. However, Florida State  
705 College at Jacksonville shall have an odd number of trustees.

706 (2) Trustees shall be appointed by the Governor and  
707 confirmed by the Senate in regular session.

708 (3) Members of the board of trustees shall receive no  
709 compensation but may receive reimbursement for expenses as  
710 provided in s. 112.061.

711 (4) At its first regular meeting after July 1 of each year,  
712 each Florida College System institution ~~community college~~ board  
713 of trustees shall organize by electing a chair, whose duty as  
714 such is to preside at all meetings of the board, to call special  
715 meetings thereof, and to attest to actions of the board, and a  
716 vice chair, whose duty as such is to act as chair during the  
717 absence or disability of the elected chair. It is the further  
718 duty of the chair of each board of trustees to notify the  
719 Governor, in writing, whenever a board member fails to attend  
720 three consecutive regular board meetings in any one fiscal year,  
721 which absences may be grounds for removal.

722 (5) A Florida College System institution ~~community college~~  
723 president shall serve as the executive officer and corporate  
724 secretary of the board of trustees and shall be responsible to  
725 the board of trustees for setting the agenda for meetings of the

2011946er

726 board of trustees in consultation with the chair. The president  
727 also serves as the chief administrative officer of the Florida  
728 College System institution ~~community college~~, and all the  
729 components of the institution and all aspects of its operation  
730 are responsible to the board of trustees through the president.

731 Section 19. Section 1001.62, Florida Statutes, is amended  
732 to read:

733 1001.62 Transfer of benefits arising under local or special  
734 acts.—All local or special acts in force on July 1, 1968, that  
735 provide benefits for a Florida College System institution  
736 ~~community college~~ through a district school board shall continue  
737 in full force and effect, and such benefits shall be transmitted  
738 to the Florida College System institution ~~community college~~  
739 board of trustees.

740 Section 20. Section 1001.63, Florida Statutes, is amended  
741 to read:

742 1001.63 Florida College System institution ~~Community~~  
743 ~~college~~ board of trustees; board of trustees to constitute a  
744 corporation.—Each Florida College System institution ~~community~~  
745 ~~college~~ board of trustees is constituted a body corporate by the  
746 name of "The District Board of Trustees of ... (name of Florida  
747 College System institution ~~community college~~)..., Florida" with  
748 all the powers and duties of a body corporate, including the  
749 power to adopt a corporate seal, to contract and be contracted  
750 with, to sue or be sued, to plead and be impleaded in all courts  
751 of law or equity, and to give and receive donations. In all  
752 suits against a board of trustees, service of process shall be  
753 made on the chair of the board of trustees or, in the absence of  
754 the chair, the corporate secretary or designee of the chair.

2011946er

755 Section 21. Section 1001.64, Florida Statutes, is amended  
756 to read:

757 1001.64 Florida College System institution ~~Community~~  
758 ~~college~~ boards of trustees; powers and duties.—

759 (1) The boards of trustees shall be responsible for cost-  
760 effective policy decisions appropriate to the Florida College  
761 System institution's ~~community college's~~ mission, the  
762 implementation and maintenance of high-quality education  
763 programs within law and rules of the State Board of Education,  
764 the measurement of performance, the reporting of information,  
765 and the provision of input regarding state policy, budgeting,  
766 and education standards.

767 (2) Each board of trustees is vested with the  
768 responsibility to govern its respective Florida College System  
769 institution ~~community college~~ and with such necessary authority  
770 as is needed for the proper operation and improvement thereof in  
771 accordance with rules of the State Board of Education.

772 (3) A board of trustees shall have the power to take action  
773 without a recommendation from the president and shall have the  
774 power to require the president to deliver to the board of  
775 trustees all data and information required by the board of  
776 trustees in the performance of its duties.

777 (4) (a) The board of trustees, after considering  
778 recommendations submitted by the Florida College System  
779 institution ~~community college~~ president, may adopt rules  
780 pursuant to ss. 120.536(1) and 120.54 to implement the  
781 provisions of law conferring duties upon it. These rules may  
782 supplement those prescribed by the State Board of Education if  
783 they will contribute to the more orderly and efficient operation

2011946er

784 of Florida College System institutions ~~community colleges~~.

785 (b) Each board of trustees is specifically authorized to  
786 adopt rules, procedures, and policies, consistent with law and  
787 rules of the State Board of Education, related to its mission  
788 and responsibilities as set forth in s. 1004.65, its governance,  
789 personnel, budget and finance, administration, programs,  
790 curriculum and instruction, buildings and grounds, travel and  
791 purchasing, technology, students, contracts and grants, or  
792 college property.

793 (5) Each board of trustees shall have responsibility for  
794 the use, maintenance, protection, and control of Florida College  
795 System institution ~~community college~~ owned or Florida College  
796 System institution ~~community college~~ controlled buildings and  
797 grounds, property and equipment, name, trademarks and other  
798 proprietary marks, and the financial and other resources of the  
799 Florida College System institution ~~community college~~. Such  
800 authority may include placing restrictions on activities and on  
801 access to facilities, firearms, food, tobacco, alcoholic  
802 beverages, distribution of printed materials, commercial  
803 solicitation, animals, and sound.

804 (6) Each board of trustees has responsibility for the  
805 establishment and discontinuance of program and course offerings  
806 in accordance with law and rule; provision for instructional and  
807 noninstructional community services, location of classes, and  
808 services provided; and dissemination of information concerning  
809 such programs and services. New programs must be approved  
810 pursuant to s. 1004.03.

811 (7) Each board of trustees has responsibility for: ensuring  
812 that students have access to general education courses as

2011946er

813 identified in rule; requiring no more than 60 semester hours of  
814 degree program coursework, including 36 semester hours of  
815 general education coursework, for an associate in arts degree;  
816 notifying students that earned hours in excess of 60 semester  
817 hours may not be accepted by state universities; notifying  
818 students of unique program prerequisites; and ensuring that  
819 degree program coursework beyond general education coursework is  
820 consistent with degree program prerequisite requirements adopted  
821 pursuant to s. 1007.25(5).

822 (8) Each board of trustees has authority for policies  
823 related to students, enrollment of students, student records,  
824 student activities, financial assistance, and other student  
825 services.

826 (a) Each board of trustees shall govern admission of  
827 students pursuant to s. 1007.263 and rules of the State Board of  
828 Education. A board of trustees may establish additional  
829 admissions criteria, which shall be included in the district  
830 interinstitutional articulation agreement developed according to  
831 s. 1007.235, to ensure student readiness for postsecondary  
832 instruction. Each board of trustees may consider the past  
833 actions of any person applying for admission or enrollment and  
834 may deny admission or enrollment to an applicant because of  
835 misconduct if determined to be in the best interest of the  
836 Florida College System institution ~~community college~~.

837 (b) Each board of trustees shall adopt rules establishing  
838 student performance standards for the award of degrees and  
839 certificates pursuant to s. 1004.68.

840 (c) Boards of trustees are authorized to establish  
841 intrainstitutional and interinstitutional programs to maximize

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842 articulation pursuant to s. 1007.22.

843 (d) Boards of trustees shall identify their core curricula,  
844 which shall include courses required by the State Board of  
845 Education, pursuant to the provisions of s. 1007.25(6).

846 (e) Each board of trustees must adopt a written antihazing  
847 policy, provide a program for the enforcement of such rules, and  
848 adopt appropriate penalties for violations of such rules  
849 pursuant to the provisions of s. 1006.63.

850 (f) Each board of trustees may establish a uniform code of  
851 conduct and appropriate penalties for violation of its rules by  
852 students and student organizations, including rules governing  
853 student academic honesty. Such penalties, unless otherwise  
854 provided by law, may include fines, the withholding of diplomas  
855 or transcripts pending compliance with rules or payment of  
856 fines, and the imposition of probation, suspension, or  
857 dismissal.

858 (g) Each board of trustees pursuant to s. 1006.53 shall  
859 adopt a policy in accordance with rules of the State Board of  
860 Education that reasonably accommodates the religious observance,  
861 practice, and belief of individual students in regard to  
862 admissions, class attendance, and the scheduling of examinations  
863 and work assignments.

864 (9) A board of trustees may contract with the board of  
865 trustees of a state university for the Florida College System  
866 institution ~~community college~~ to provide college-preparatory  
867 instruction on the state university campus.

868 (10) Each board of trustees shall establish fees pursuant  
869 to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27.

870 (11) Each board of trustees shall submit an institutional

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871 budget request, including a request for fixed capital outlay,  
872 and an operating budget to the State Board of Education for  
873 approval in accordance with guidelines established by the State  
874 Board of Education.

875 (12) Each board of trustees shall account for expenditures  
876 of all state, local, federal and other funds in the manner  
877 described by the Department of Education.

878 (13) Each board of trustees is responsible for the uses for  
879 the proceeds of academic improvement trust funds pursuant to s.  
880 1011.85.

881 (14) Each board of trustees shall develop a strategic plan  
882 specifying institutional goals and objectives for the Florida  
883 College System institution ~~community college~~ for recommendation  
884 to the State Board of Education.

885 (15) Each board of trustees shall develop an accountability  
886 plan pursuant to s. 1008.45.

887 (16) Each board of trustees must expend performance funds  
888 provided for workforce education pursuant to the provisions of  
889 s. 1011.80.

890 (17) Each board of trustees is accountable for performance  
891 in certificate career education and diploma programs pursuant to  
892 s. 1008.43.

893 (18) Each board of trustees shall establish the personnel  
894 program for all employees of the Florida College System  
895 institution ~~community college~~, including the president, pursuant  
896 to the provisions of chapter 1012 and rules and guidelines of  
897 the State Board of Education, including: compensation and other  
898 conditions of employment; recruitment and selection;  
899 nonreappointment; standards for performance and conduct;

2011946er

900 evaluation; benefits and hours of work; leave policies;  
901 recognition; inventions and work products; travel; learning  
902 opportunities; exchange programs; academic freedom and  
903 responsibility; promotion; assignment; demotion; transfer;  
904 ethical obligations and conflict of interest; restrictive  
905 covenants; disciplinary actions; complaints; appeals and  
906 grievance procedures; and separation and termination from  
907 employment.

908 (19) Each board of trustees shall appoint, suspend, or  
909 remove the president of the Florida College System institution  
910 ~~community college~~. The board of trustees may appoint a search  
911 committee. The board of trustees shall conduct annual  
912 evaluations of the president in accordance with rules of the  
913 State Board of Education and submit such evaluations to the  
914 State Board of Education for review. The evaluation must address  
915 the achievement of the performance goals established by the  
916 accountability process implemented pursuant to s. 1008.45 and  
917 the performance of the president in achieving the annual and  
918 long-term goals and objectives established in the Florida  
919 College System institution's ~~community college's~~ employment  
920 accountability program implemented pursuant to s. 1012.86.

921 (20) Each board of trustees is authorized to enter into  
922 contracts to provide a State Community College System Optional  
923 Retirement Program pursuant to s. 1012.875 and to enter into  
924 consortia with other boards of trustees for this purpose.

925 (21) Each board of trustees is authorized to purchase  
926 annuities for its Florida College System institution ~~community~~  
927 ~~college~~ personnel who have 25 or more years of creditable  
928 service and who have reached age 55 and have applied for

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929 retirement under the Florida Retirement System pursuant to the  
930 provisions of s. 1012.87.

931 (22) A board of trustees may defray all costs of defending  
932 civil actions against officers, employees, or agents of the  
933 board of trustees pursuant to s. 1012.85.

934 (23) Each board of trustees has authority for risk  
935 management, safety, security, and law enforcement operations.  
936 Each board of trustees is authorized to employ personnel,  
937 including police officers pursuant to s. 1012.88, to carry out  
938 the duties imposed by this subsection.

939 (24) Each board of trustees shall provide rules governing  
940 parking and the direction and flow of traffic within campus  
941 boundaries. Except for sworn law enforcement personnel, persons  
942 employed to enforce campus parking rules have no authority to  
943 arrest or issue citations for moving traffic violations. The  
944 board of trustees may adopt a uniform code of appropriate  
945 penalties for violations. Such penalties, unless otherwise  
946 provided by law, may include the levying of fines, the  
947 withholding of diplomas or transcripts pending compliance with  
948 rules or payment of fines, and the imposition of probation,  
949 suspension, or dismissal. Moneys collected from parking rule  
950 infractions shall be deposited in appropriate funds at each  
951 Florida College System institution ~~community college~~ for student  
952 financial aid purposes.

953 (25) Each board of trustees constitutes the contracting  
954 agent of the Florida College System institution ~~community~~  
955 ~~college~~. It may when acting as a body make contracts, sue, and  
956 be sued in the name of the board of trustees. In any suit, a  
957 change in personnel of the board of trustees shall not abate the

2011946er

958 suit, which shall proceed as if such change had not taken place.

959 (26) Each board of trustees is authorized to contract for  
960 the purchase, sale, lease, license, or acquisition in any  
961 manner, including purchase by installment or lease-purchase  
962 contract which may provide for the payment of interest on the  
963 unpaid portion of the purchase price and for the granting of a  
964 security interest in the items purchased, subject to the  
965 provisions of subsection (38) and ss. 1009.22 and 1009.23, of  
966 goods, materials, equipment, and services required by the  
967 Florida College System institution ~~community college~~. The board  
968 of trustees may choose to consolidate equipment contracts under  
969 master equipment financing agreements made pursuant to s.  
970 287.064.

971 (27) Each board of trustees shall be responsible for  
972 managing and protecting real and personal property acquired or  
973 held in trust for use by and for the benefit of such Florida  
974 College System institution ~~community college~~. To that end, any  
975 board of trustees is authorized to be self-insured, to enter  
976 into risk management programs, or to purchase insurance for  
977 whatever coverage it may choose, or to have any combination  
978 thereof, in anticipation of any loss, damage, or destruction. A  
979 board of trustees may contract for self-insurance services  
980 pursuant to s. 1004.725.

981 (28) Each board of trustees is authorized to enter into  
982 agreements for, and accept, credit card, charge card, and debit  
983 card payments as compensation for goods, services, tuition, and  
984 fees. Each Florida College System institution ~~community college~~  
985 is further authorized to establish accounts in credit card,  
986 charge card, and debit card banks for the deposit of sales

2011946er

987 invoices.

988 (29) Each board of trustees may provide incubator  
989 facilities to eligible small business concerns pursuant to s.  
990 1004.79.

991 (30) Each board of trustees may establish a technology  
992 transfer center for the purpose of providing institutional  
993 support to local business and industry and governmental agencies  
994 in the application of new research in technology pursuant to the  
995 provisions of s. 1004.78.

996 (31) Each board of trustees may establish economic  
997 development centers for the purpose of serving as liaisons  
998 between Florida College System institutions ~~community colleges~~  
999 and the business sector pursuant to the provisions of s.  
1000 1004.80.

1001 (32) Each board of trustees may establish a child  
1002 development training center pursuant to s. 1004.81.

1003 (33) Each board of trustees is authorized to develop and  
1004 produce work products relating to educational endeavors that are  
1005 subject to trademark, copyright, or patent statutes pursuant to  
1006 chapter 1004.

1007 (34) Each board of trustees shall administer the facilities  
1008 program pursuant to chapter 1013, including but not limited to:  
1009 the construction of public educational and ancillary plants; the  
1010 acquisition and disposal of property; compliance with building  
1011 and life safety codes; submission of data and information  
1012 relating to facilities and construction; use of buildings and  
1013 grounds; establishment of safety and sanitation programs for the  
1014 protection of building occupants; and site planning and  
1015 selection.

2011946er

1016 (35) Each board of trustees may exercise the right of  
1017 eminent domain pursuant to the provisions of chapter 1013.

1018 (36) Each board of trustees may enter into lease-purchase  
1019 arrangements with private individuals or corporations for  
1020 necessary grounds and buildings for Florida College System  
1021 institution ~~community college~~ purposes, other than dormitories,  
1022 or for buildings other than dormitories to be erected for  
1023 Florida College System institution ~~community college~~ purposes.  
1024 Such arrangements shall be paid from capital outlay and debt  
1025 service funds as provided by s. 1011.84(2), with terms not to  
1026 exceed 30 years at a stipulated rate. The provisions of such  
1027 contracts, including building plans, are subject to approval by  
1028 the Department of Education, and no such contract may be entered  
1029 into without such approval.

1030 (37) Each board of trustees may purchase, acquire, receive,  
1031 hold, own, manage, lease, sell, dispose of, and convey title to  
1032 real property, in the best interests of the Florida College  
1033 System institution ~~community college~~.

1034 (38) Each board of trustees is authorized to enter into  
1035 short-term loans and installment, lease-purchase, and other  
1036 financing contracts for a term of not more than 5 years,  
1037 including renewals, extensions, and refundings. Payments on  
1038 short-term loans and installment, lease-purchase, and other  
1039 financing contracts pursuant to this subsection shall be subject  
1040 to annual appropriation by the board of trustees. Each board of  
1041 trustees is authorized to borrow funds and incur long-term debt,  
1042 including promissory notes, installment sales agreements, lease-  
1043 purchase agreements, certificates of participation, and other  
1044 similar long-term financing arrangements, only as specifically

2011946er

1045 provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At  
1046 the option of the board of trustees, bonds issued pursuant to  
1047 ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured  
1048 by a combination of revenues authorized to be pledged to bonds  
1049 pursuant to such subsections. Revenue bonds may not be secured  
1050 by or paid from, directly or indirectly, tuition, financial aid  
1051 fees, the Florida College System ~~Community College~~ Program Fund,  
1052 or any other operating revenues of a Florida College System  
1053 institution ~~community college~~. Lease-purchase agreements may be  
1054 secured by a combination of revenues as specifically authorized  
1055 pursuant to ss. 1009.22(7) and 1009.23(10).

1056 (39) Each board of trustees shall prescribe conditions for  
1057 direct-support organizations to be certified and to use Florida  
1058 College System institution ~~community college~~ property and  
1059 services. Conditions relating to certification must provide for  
1060 audit review and oversight by the board of trustees.

1061 (40) Each board of trustees may adopt policies pursuant to  
1062 s. 1010.02 that provide procedures for transferring to the  
1063 direct-support organization of that Florida College System  
1064 institution ~~community college~~ for administration by such  
1065 organization contributions made to the Florida College System  
1066 institution ~~community college~~.

1067 (41) The board of trustees shall exert every effort to  
1068 collect all delinquent accounts pursuant to s. 1010.03.

1069 (42) Each board of trustees shall implement a plan, in  
1070 accordance with guidelines of the State Board of Education, for  
1071 working on a regular basis with the other Florida College System  
1072 institution ~~community college~~ boards of trustees,  
1073 representatives of the university boards of trustees, and

2011946er

1074 representatives of the district school boards to achieve the  
1075 goals of the seamless education system.

1076 (43) Each board of trustees has responsibility for  
1077 compliance with state and federal laws, rules, regulations, and  
1078 requirements.

1079 (44) Each board of trustees may adopt rules, procedures,  
1080 and policies related to institutional governance,  
1081 administration, and management in order to promote orderly and  
1082 efficient operation, including, but not limited to, financial  
1083 management, budget management, physical plant management, and  
1084 property management.

1085 (45) Each board of trustees may adopt rules and procedures  
1086 related to data or technology, including, but not limited to,  
1087 information systems, communications systems, computer hardware  
1088 and software, and networks.

1089 (46) Each board of trustees may consider the past actions  
1090 of any person applying for employment and may deny employment to  
1091 a person because of misconduct if determined to be in the best  
1092 interest of the Florida College System institution ~~community~~  
1093 ~~college~~.

1094 (47) A board of trustees may not enter into an employment  
1095 contract that requires the Florida College System institution  
1096 ~~community college~~ to pay a Florida College System institution  
1097 ~~community college~~ president an amount from state funds in excess  
1098 of 1 year of the president's annual salary for termination,  
1099 buyout, or any other type of contract settlement. This  
1100 subsection does not prohibit the payment of leave and benefits  
1101 accrued by the president in accordance with the Florida College  
1102 System institution's ~~community college's~~ leave and benefits

2011946er

1103 policies before the contract terminates.

1104 Section 22. Section 1001.65, Florida Statutes, is amended  
1105 to read:

1106 1001.65 Florida College System institution ~~Community~~  
1107 ~~college~~ presidents; powers and duties.—The president is the  
1108 chief executive officer of the Florida College System  
1109 institution ~~community college~~, shall be corporate secretary of  
1110 the Florida College System institution ~~community college~~ board  
1111 of trustees, and is responsible for the operation and  
1112 administration of the Florida College System institution  
1113 ~~community college~~. Each Florida College System institution  
1114 ~~community college~~ president shall:

1115 (1) Recommend the adoption of rules, as appropriate, to the  
1116 Florida College System institution ~~community college~~ board of  
1117 trustees to implement provisions of law governing the operation  
1118 and administration of the Florida College System institution  
1119 ~~community college~~, which shall include the specific powers and  
1120 duties enumerated in this section. Such rules shall be  
1121 consistent with law, the mission of the Florida College System  
1122 institution ~~community college~~ and the rules and policies of the  
1123 State Board of Education.

1124 (2) Prepare a budget request and an operating budget  
1125 pursuant to s. 1011.30 for approval by the Florida College  
1126 System institution ~~community college~~ board of trustees at such  
1127 time and in such format as the State Board of Education may  
1128 prescribe.

1129 (3) Establish and implement policies and procedures to  
1130 recruit, appoint, transfer, promote, compensate, evaluate,  
1131 reward, demote, discipline, and remove personnel, within law and

2011946er

1132 rules of the State Board of Education and in accordance with  
1133 rules or policies approved by the Florida College System  
1134 institution ~~community college~~ board of trustees.

1135 (4) Govern admissions, subject to law and rules or policies  
1136 of the Florida College System institution ~~community college~~  
1137 board of trustees and the State Board of Education.

1138 (5) Approve, execute, and administer contracts for and on  
1139 behalf of the Florida College System institution ~~community~~  
1140 ~~college~~ board of trustees for licenses; the acquisition or  
1141 provision of commodities, goods, equipment, and services; leases  
1142 of real and personal property; and planning and construction to  
1143 be rendered to or by the Florida College System institution  
1144 ~~community college~~, provided such contracts are within law and  
1145 guidelines of the State Board of Education and in conformance  
1146 with policies of the Florida College System institution  
1147 ~~community college~~ board of trustees, and are for the  
1148 implementation of approved programs of the Florida College  
1149 System institution ~~community college~~.

1150 (6) Act for the Florida College System institution  
1151 ~~community college~~ board of trustees as custodian of all Florida  
1152 College System institution ~~community college~~ property and  
1153 financial resources. The authority vested in the Florida College  
1154 System institution ~~community college~~ president under this  
1155 subsection includes the authority to prioritize the use of  
1156 Florida College System institution ~~community college~~ space,  
1157 property, equipment, and resources and the authority to impose  
1158 charges for the use of those items.

1159 (7) Establish the internal academic calendar of the Florida  
1160 College System institution ~~community college~~ within general

2011946er

1161 guidelines of the State Board of Education.

1162 (8) Administer the Florida College System institution's  
1163 ~~community college's~~ program of intercollegiate athletics.

1164 (9) Recommend to the board of trustees the establishment  
1165 and termination of programs within the approved role and scope  
1166 of the Florida College System institution ~~community college~~.

1167 (10) Award degrees.

1168 (11) Recommend to the board of trustees a schedule of  
1169 tuition and fees to be charged by the Florida College System  
1170 institution ~~community college~~, within law and rules of the State  
1171 Board of Education.

1172 (12) Organize the Florida College System institution  
1173 ~~community college~~ to efficiently and effectively achieve the  
1174 goals of the Florida College System institution ~~community~~  
1175 ~~college~~.

1176 (13) Review periodically the operations of the Florida  
1177 College System institution ~~community college~~ in order to  
1178 determine how effectively and efficiently the Florida College  
1179 System institution ~~community college~~ is being administered and  
1180 whether it is meeting the goals of its strategic plan adopted by  
1181 the State Board of Education.

1182 (14) Enter into agreements for student exchange programs  
1183 that involve students at the Florida College System institution  
1184 ~~community college~~ and students in other institutions of higher  
1185 learning.

1186 (15) Approve the internal procedures of student government  
1187 organizations and provide purchasing, contracting, and budgetary  
1188 review processes for these organizations.

1189 (16) Ensure compliance with federal and state laws, rules,

2011946er

1190 regulations, and other requirements that are applicable to the  
1191 Florida College System institution ~~community college~~.

1192 (17) Maintain all data and information pertaining to the  
1193 operation of the Florida College System institution ~~community~~  
1194 ~~college~~, and report on the attainment by the Florida College  
1195 System institution ~~community college~~ of institutional and  
1196 statewide performance accountability goals.

1197 (18) Certify to the department a project's compliance with  
1198 the requirements for expenditure of PECO funds prior to release  
1199 of funds pursuant to the provisions of chapter 1013.

1200 (19) Provide to the law enforcement agency and fire  
1201 department that has jurisdiction over the Florida College System  
1202 institution ~~community college~~ a copy of the floor plans and  
1203 other relevant documents for each educational facility as  
1204 defined in s. 1013.01(6). After the initial submission of the  
1205 floor plans and other relevant documents, the Florida College  
1206 System institution ~~community college~~ president shall submit, by  
1207 October 1 of each year, revised floor plans and other relevant  
1208 documents for each educational facility that was modified during  
1209 the preceding year.

1210 (20) Establish a committee to consider requests for waivers  
1211 from the provisions of s. 1008.29 and approve or disapprove the  
1212 committee's recommendations.

1213 (21) Develop and implement jointly with school  
1214 superintendents a comprehensive articulated acceleration  
1215 program, including a comprehensive interinstitutional  
1216 articulation agreement, for the students enrolled in their  
1217 respective school districts and service areas pursuant to the  
1218 provisions of s. 1007.235.

2011946er

1219 (22) Have authority, after notice to the student of the  
1220 charges and after a hearing thereon, to expel, suspend, or  
1221 otherwise discipline any student who is found to have violated  
1222 any law, ordinance, or rule or regulation of the State Board of  
1223 Education or of the board of trustees of the Florida College  
1224 System institution ~~community college~~ pursuant to the provisions  
1225 of s. 1006.62.

1226 (23) Submit an annual employment accountability plan to the  
1227 Department of Education pursuant to the provisions of s.  
1228 1012.86.

1229 (24) Annually evaluate, or have a designee annually  
1230 evaluate, each department chairperson, dean, provost, and vice  
1231 president in achieving the annual and long-term goals and  
1232 objectives of the Florida College System institution's ~~community~~  
1233 ~~college's~~ employment accountability plan.

1234 (25) Have vested with the president or the president's  
1235 designee the authority that is vested with the Florida College  
1236 System institution ~~community college~~.

1237 Section 23. Paragraph (b) of subsection (2) of section  
1238 1001.705, Florida Statutes, is amended to read:

1239 1001.705 Responsibility for the State University System  
1240 under s. 7, Art. IX of the State Constitution.—

1241 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE  
1242 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the  
1243 State Constitution, the Board of Governors of the State  
1244 University System has the duty to operate, regulate, control,  
1245 and be fully responsible for the management of the whole  
1246 publicly funded State University System and the board, or the  
1247 board's designee, has responsibility for:

2011946er

1248 (b) Defining the articulation of each constituent  
1249 university in conjunction with the Legislature's authority over  
1250 the public schools and Florida College System institutions  
1251 ~~community colleges~~.

1252 Section 24. Subsection (9) of section 1001.706, Florida  
1253 Statutes, is amended to read:

1254 1001.706 Powers and duties of the Board of Governors.—

1255 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors  
1256 shall implement a plan for working on a regular basis with the  
1257 State Board of Education, the Commission for Independent  
1258 Education, the university boards of trustees, representatives of  
1259 the Florida College System institution ~~community college~~ boards  
1260 of trustees, representatives of the private colleges and  
1261 universities, and representatives of the district school boards  
1262 to achieve a seamless education system.

1263 Section 25. Paragraph (d) of subsection (19) of section  
1264 1002.20, Florida Statutes, is amended to read:

1265 1002.20 K-12 student and parent rights.—Parents of public  
1266 school students must receive accurate and timely information  
1267 regarding their child's academic progress and must be informed  
1268 of ways they can help their child to succeed in school. K-12  
1269 students and their parents are afforded numerous statutory  
1270 rights including, but not limited to, the following:

1271 (19) INSTRUCTIONAL MATERIALS.—

1272 (d) *Dual enrollment students*.—Instructional materials  
1273 purchased by a district school board or Florida College System  
1274 institution ~~community college~~ board of trustees on behalf of  
1275 public school dual enrollment students shall be made available  
1276 to the dual enrollment students free of charge, in accordance

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1277 with the provisions of s. 1007.271(14) and (15).

1278 Section 26. Subsections (4) and (5) of section 1002.21,  
1279 Florida Statutes, are amended to read:

1280 1002.21 Postsecondary student and parent rights.—

1281 (4) STUDENT HANDBOOKS.—Each state university and Florida  
1282 College System institution ~~community college~~ shall provide its  
1283 students with an up-to-date student handbook that includes  
1284 student rights and responsibilities, appeals processes available  
1285 to students, contact persons available to help students, student  
1286 conduct code, and information regarding HIV and AIDS, in  
1287 accordance with the provisions of s. 1006.50.

1288 (5) STUDENT OMBUDSMAN OFFICE.—Each state university and  
1289 Florida College System institution ~~community college~~ shall  
1290 maintain a student ombudsman office and established procedures  
1291 for students to appeal to the office regarding decisions about  
1292 the student's access to courses and credit granted toward the  
1293 student's degree, in accordance with the provisions of s.  
1294 1006.51.

1295 Section 27. Paragraph (b) of subsection (5) and paragraph  
1296 (c) of subsection (18) of section 1002.33, Florida Statutes, are  
1297 amended to read:

1298 1002.33 Charter schools.—

1299 (5) SPONSOR; DUTIES.—

1300 (b) *Sponsor duties.*—

1301 1.a. The sponsor shall monitor and review the charter  
1302 school in its progress toward the goals established in the  
1303 charter.

1304 b. The sponsor shall monitor the revenues and expenditures  
1305 of the charter school and perform the duties provided in s.

2011946er

1306 1002.345.

1307 c. The sponsor may approve a charter for a charter school  
1308 before the applicant has identified space, equipment, or  
1309 personnel, if the applicant indicates approval is necessary for  
1310 it to raise working funds.

1311 d. The sponsor's policies shall not apply to a charter  
1312 school unless mutually agreed to by both the sponsor and the  
1313 charter school.

1314 e. The sponsor shall ensure that the charter is innovative  
1315 and consistent with the state education goals established by s.  
1316 1000.03(5).

1317 f. The sponsor shall ensure that the charter school  
1318 participates in the state's education accountability system. If  
1319 a charter school falls short of performance measures included in  
1320 the approved charter, the sponsor shall report such shortcomings  
1321 to the Department of Education.

1322 g. The sponsor shall not be liable for civil damages under  
1323 state law for personal injury, property damage, or death  
1324 resulting from an act or omission of an officer, employee,  
1325 agent, or governing body of the charter school.

1326 h. The sponsor shall not be liable for civil damages under  
1327 state law for any employment actions taken by an officer,  
1328 employee, agent, or governing body of the charter school.

1329 i. The sponsor's duties to monitor the charter school shall  
1330 not constitute the basis for a private cause of action.

1331 j. The sponsor shall not impose additional reporting  
1332 requirements on a charter school without providing reasonable  
1333 and specific justification in writing to the charter school.

1334 2. Immunity for the sponsor of a charter school under

2011946er

1335 subparagraph 1. applies only with respect to acts or omissions  
1336 not under the sponsor's direct authority as described in this  
1337 section.

1338 3. This paragraph does not waive a district school board's  
1339 sovereign immunity.

1340 4. A Florida College System institution ~~community college~~  
1341 may work with the school district or school districts in its  
1342 designated service area to develop charter schools that offer  
1343 secondary education. These charter schools must include an  
1344 option for students to receive an associate degree upon high  
1345 school graduation. District school boards shall cooperate with  
1346 and assist the Florida College System institution ~~community~~  
1347 ~~college~~ on the charter application. Florida College System  
1348 institution ~~Community college~~ applications for charter schools  
1349 are not subject to the time deadlines outlined in subsection (6)  
1350 and may be approved by the district school board at any time  
1351 during the year. Florida College System institutions ~~Community~~  
1352 ~~colleges~~ may not report FTE for any students who receive FTE  
1353 funding through the Florida Education Finance Program.

1354 (18) FACILITIES.—

1355 (c) Any facility, or portion thereof, used to house a  
1356 charter school whose charter has been approved by the sponsor  
1357 and the governing board, pursuant to subsection (7), shall be  
1358 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
1359 community service, museum, performing arts, theatre, cinema,  
1360 church, Florida College System institution ~~community college~~,  
1361 college, and university facilities may provide space to charter  
1362 schools within their facilities under their preexisting zoning  
1363 and land use designations.

2011946er

1364 Section 28. Subsections (1), (3), (4), (5), (6), (8), and  
1365 (9), paragraphs (b) and (c) of subsection (11), paragraphs (e),  
1366 (g), and (h) of subsection (12), and subsections (14) and (16)  
1367 of section 1002.34, Florida Statutes, are amended to read:

1368 1002.34 Charter technical career centers.—

1369 (1) AUTHORIZATION.—The Legislature finds that the  
1370 establishment of charter technical career centers can assist in  
1371 promoting advances and innovations in workforce preparation and  
1372 economic development. A charter technical career center may  
1373 provide a learning environment that better serves the needs of a  
1374 specific population group or a group of occupations, thus  
1375 promoting diversity and choices within the public education and  
1376 public postsecondary technical education community in this  
1377 state. Therefore, the creation of such centers is authorized as  
1378 part of the state's program of public education. A charter  
1379 technical career center may be formed by creating a new school  
1380 or converting an existing school district or Florida College  
1381 System institution ~~community college~~ program to charter  
1382 technical status.

1383 (3) DEFINITIONS.—As used in this section, the term:

1384 (a) "Charter technical career center" or "center" means a  
1385 public school or a public technical center operated under a  
1386 charter granted by a district school board or Florida College  
1387 System institution ~~community college~~ board of trustees or a  
1388 consortium, including one or more district school boards and  
1389 Florida College System institution ~~community college~~ boards of  
1390 trustees, that includes the district in which the facility is  
1391 located, that is nonsectarian in its programs, admission  
1392 policies, employment practices, and operations, and is managed

2011946er

1393 by a board of directors.

1394 (b) "Sponsor" means a district school board, a Florida  
1395 College System institution ~~community college~~ board of trustees,  
1396 or a consortium of one or more of each.

1397 (4) CHARTER.—A sponsor may designate centers as provided in  
1398 this section. An application to establish a center may be  
1399 submitted by a sponsor or another organization that is  
1400 determined, by rule of the State Board of Education, to be  
1401 appropriate. However, an independent school is not eligible for  
1402 status as a center. The charter must be signed by the governing  
1403 body of the center and the sponsor and must be approved by the  
1404 district school board and Florida College System institution  
1405 ~~community college~~ board of trustees in whose geographic region  
1406 the facility is located. If a charter technical career center is  
1407 established by the conversion to charter status of a public  
1408 technical center formerly governed by a district school board,  
1409 the charter status of that center takes precedence in any  
1410 question of governance. The governance of the center or of any  
1411 program within the center remains with its board of directors  
1412 unless the board agrees to a change in governance or its charter  
1413 is revoked as provided in subsection (15). Such a conversion  
1414 charter technical career center is not affected by a change in  
1415 the governance of public technical centers or of programs within  
1416 other centers that are or have been governed by district school  
1417 boards. A charter technical career center, or any program within  
1418 such a center, that was governed by a district school board and  
1419 transferred to a Florida College System institution ~~community~~  
1420 ~~college~~ prior to the effective date of this act is not affected  
1421 by this provision. An applicant who wishes to establish a center

2011946er

1422 must submit to the district school board or Florida College  
1423 System institution ~~community college~~ board of trustees, or a  
1424 consortium of one or more of each, an application on a form  
1425 developed by the Department of Education which includes:

1426 (a) The name of the proposed center.

1427 (b) The proposed structure of the center, including a list  
1428 of proposed members of the board of directors or a description  
1429 of the qualifications for and method of their appointment or  
1430 election.

1431 (c) The workforce development goals of the center, the  
1432 curriculum to be offered, and the outcomes and the methods of  
1433 assessing the extent to which the outcomes are met.

1434 (d) The admissions policy and criteria for evaluating the  
1435 admission of students.

1436 (e) A description of the staff responsibilities and the  
1437 proposed qualifications of the teaching staff.

1438 (f) A description of the procedures to be implemented to  
1439 ensure significant involvement of representatives of business  
1440 and industry in the operation of the center.

1441 (g) A method for determining whether a student has  
1442 satisfied the requirements for graduation specified in s.  
1443 1003.43 and for completion of a postsecondary certificate or  
1444 degree.

1445 (h) A method for granting secondary and postsecondary  
1446 diplomas, certificates, and degrees.

1447 (i) A description of and address for the physical facility  
1448 in which the center will be located.

1449 (j) A method for resolving conflicts between the governing  
1450 body of the center and the sponsor and between consortium

2011946er

1451 members, if applicable.

1452 (k) A method for reporting student data as required by law  
1453 and rule.

1454 (l) A statement that the applicant has participated in the  
1455 training provided by the Department of Education.

1456 (m) The identity of all relatives employed by the charter  
1457 technical career center who are related to the center owner,  
1458 president, chairperson of the governing board of directors,  
1459 superintendent, governing board member, principal, assistant  
1460 principal, or any other person employed by the center who has  
1461 equivalent decisionmaking authority. As used in this paragraph,  
1462 the term "relative" means father, mother, son, daughter,  
1463 brother, sister, uncle, aunt, first cousin, nephew, niece,  
1464 husband, wife, father-in-law, mother-in-law, son-in-law,  
1465 daughter-in-law, brother-in-law, sister-in-law, stepfather,  
1466 stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
1467 brother, or half sister.

1468 (n) Other information required by the district school board  
1469 or Florida College System institution ~~community college~~ board of  
1470 trustees.

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1472 Students at a center must meet the same testing and academic  
1473 performance standards as those established by law and rule for  
1474 students at public schools and public technical centers. The  
1475 students must also meet any additional assessment indicators  
1476 that are included within the charter approved by the district  
1477 school board or Florida College System institution ~~community~~  
1478 ~~college~~ board of trustees.

1479 (5) APPLICATION.—An application to establish a center must

2011946er

1480 be submitted by February 1 of the year preceding the school year  
1481 in which the center will begin operation. The sponsor must  
1482 review the application using an evaluation instrument developed  
1483 by the Department of Education and make a final decision on  
1484 whether to approve the application and grant the charter by  
1485 March 1, and may condition the granting of a charter on the  
1486 center's taking certain actions or maintaining certain  
1487 conditions. Such actions and conditions must be provided to the  
1488 applicant in writing. The district school board or Florida  
1489 College System institution ~~community college~~ board of trustees  
1490 is not required to issue a charter to any person.

1491 (6) SPONSOR.—A district school board or Florida College  
1492 System institution ~~community college~~ board of trustees or a  
1493 consortium of one or more of each may sponsor a center in the  
1494 county in which the board has jurisdiction.

1495 (a) A sponsor must review all applications for centers  
1496 received through at least February 1 of each calendar year for  
1497 centers to be opened at the beginning of the sponsor's next  
1498 school year. A sponsor may receive applications later than this  
1499 date if it so chooses. To facilitate an accurate budget  
1500 projection process, a sponsor shall be held harmless for FTE  
1501 students who are not included in the FTE projection due to  
1502 approval of applications after the FTE projection deadline. A  
1503 sponsor must, by a majority vote, approve or deny an application  
1504 no later than 60 days after the application is received. If an  
1505 application is denied, the sponsor must, within 10 days, notify  
1506 the applicant in writing of the specific reasons for denial,  
1507 which must be based upon good cause. Upon approval of a charter  
1508 application, the initial startup must be consistent with the

2011946er

1509 beginning of the public school or Florida College System  
1510 institution ~~community college~~ calendar for the district in which  
1511 the charter is granted, unless the sponsor allows a waiver of  
1512 this provision for good cause.

1513 (b) An applicant may appeal any denial of its application  
1514 to the State Board of Education within 30 days after the  
1515 sponsor's denial and shall notify the sponsor of its appeal. Any  
1516 response of the sponsor must be submitted to the state board  
1517 within 30 days after notification of the appeal. The State Board  
1518 of Education must, by majority vote, accept or reject the  
1519 decision of the sponsor no later than 60 days after an appeal is  
1520 filed, pursuant to State Board of Education rule. The State  
1521 Board of Education may reject an appeal for failure to comply  
1522 with procedural rules governing the appeals process, and the  
1523 rejection must describe the submission errors. The appellant may  
1524 have up to 15 days after notice of rejection to resubmit an  
1525 appeal. An application for appeal submitted after a rejection is  
1526 timely if the original appeal was filed within 30 days after the  
1527 sponsor's denial. The State Board of Education shall remand the  
1528 application to the sponsor with a written recommendation that  
1529 the sponsor approve or deny the application, consistent with the  
1530 state board's decision. The decision of the State Board of  
1531 Education is not subject to the provisions of chapter 120.

1532 (c) The sponsor must act upon the recommendation of the  
1533 State Board of Education within 30 days after it is received,  
1534 unless the sponsor determines by competent substantial evidence  
1535 that approving the state board's recommendation would be  
1536 contrary to law or the best interests of the students or the  
1537 community. The sponsor must notify the applicant in writing

2011946er

1538 concerning the specific reasons for its failure to follow the  
1539 state board's recommendation. The sponsor's action on the state  
1540 board's recommendation is a final action, subject to judicial  
1541 review.

1542 (d)1. The Department of Education shall offer or arrange  
1543 for training and technical assistance to applicants in  
1544 developing business plans and estimating costs and income. This  
1545 assistance shall address estimating startup costs, projecting  
1546 enrollment, and identifying the types and amounts of state and  
1547 federal financial assistance the center may be eligible to  
1548 receive. The training shall include instruction in accurate  
1549 financial planning and good business practices.

1550 2. An applicant must participate in the training provided  
1551 by the Department of Education before filing an application. The  
1552 Department of Education may provide technical assistance to an  
1553 applicant upon written request.

1554 (e) The terms and conditions for the operation of a center  
1555 must be agreed to by the sponsor and the applicant in a written  
1556 contract. The sponsor may not impose unreasonable requirements  
1557 that violate the intent of giving centers greater flexibility to  
1558 meet educational goals. The applicant and sponsor must reach an  
1559 agreement on the provisions of the contract or the application  
1560 is deemed denied.

1561 (f) The sponsor shall monitor and review the center's  
1562 progress toward charter goals and shall monitor the center's  
1563 revenues and expenditures. The sponsor shall perform the duties  
1564 provided in s. 1002.345.

1565 (8) ELIGIBLE STUDENTS.—A center must be open to all  
1566 students as space is available and may not discriminate in

2011946er

1567 admissions policies or practices on the basis of an individual's  
1568 physical disability or proficiency in English or on any other  
1569 basis that would be unlawful if practiced by a public school or  
1570 a Florida College System institution ~~community college~~. A center  
1571 may establish reasonable criteria by which to evaluate  
1572 prospective students, which criteria must be outlined in the  
1573 charter.

1574 (9) FACILITIES.—A center may be located in any suitable  
1575 location, including part of an existing public school or Florida  
1576 College System institution ~~community college~~ building, space  
1577 provided on a public worksite, or a public building. A center's  
1578 facilities must comply with the State Uniform Building Code for  
1579 Public Educational Facilities Construction adopted pursuant to  
1580 s. 1013.37, or with applicable state minimum building codes  
1581 pursuant to chapter 553, and state minimum fire protection codes  
1582 pursuant to s. 633.025, adopted by the authority in whose  
1583 jurisdiction the facility is located. If K-12 public school  
1584 funds are used for construction, the facility must remain on the  
1585 local school district's Florida Inventory of School Houses  
1586 (FISH) school building inventory of the district school board  
1587 and must revert to the district school board if the consortium  
1588 dissolves and the program is discontinued. If Florida College  
1589 System institution ~~community college~~ public school funds are  
1590 used for construction, the facility must remain on the local  
1591 Florida College System institution's ~~community college's~~  
1592 facilities inventory and must revert to the local Florida  
1593 College System institution ~~community college~~ board of trustees  
1594 if the consortium dissolves and the program is discontinued. The  
1595 additional student capacity created by the addition of the

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1596 center to the local school district's FISH may not be calculated  
1597 in the permanent student capacity for the purpose of determining  
1598 need or eligibility for state capital outlay funds while the  
1599 facility is used as a center. If the construction of the center  
1600 is funded jointly by K-12 public school funds and Florida  
1601 College System institution ~~community college~~ funds, the  
1602 sponsoring entities must agree, before granting the charter, on  
1603 the appropriate owner and terms of transfer of the facility if  
1604 the charter is dissolved.

1605 (11) FUNDING.—

1606 (b) Each district school board and Florida College System  
1607 institution ~~community college~~ that sponsors a charter technical  
1608 career center shall pay directly to the center an amount stated  
1609 in the charter. State funding shall be generated for the center  
1610 for its student enrollment and program outcomes as provided in  
1611 law. A center is eligible for funding from workforce education  
1612 funds, the Florida Education Finance Program, and the Florida  
1613 College System ~~Community College~~ Program Fund, depending upon  
1614 the programs conducted by the center.

1615 (c) A center may receive other state and federal aid,  
1616 grants, and revenue through the district school board or Florida  
1617 College System institution ~~community college~~ board of trustees.

1618 (12) EMPLOYEES OF A CENTER.—

1619 (e) As a public employer, a center may participate in:

1620 1. The Florida Retirement System upon application and  
1621 approval as a "covered group" under s. 121.021(34). If a center  
1622 participates in the Florida Retirement System, its employees are  
1623 compulsory members of the Florida Retirement System.

1624 2. The State Community College System Optional Retirement

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1625 Program pursuant to s. 1012.875(2), if the charter is granted by  
1626 a Florida College System institution ~~community college~~ that  
1627 participates in the optional retirement program and meets the  
1628 eligibility criteria of s. 121.051(2)(c).

1629 (g) A public school or Florida College System institution  
1630 ~~community college~~ teacher or administrator may take a leave of  
1631 absence to accept employment in a charter technical career  
1632 center upon the approval of the school district or Florida  
1633 College System institution ~~community college~~.

1634 (h) An employee who is on a leave of absence under this  
1635 section may retain seniority accrued in that school district or  
1636 Florida College System institution ~~community college~~ and may  
1637 continue to be covered by the benefit programs of that district  
1638 or Florida College System institution ~~community college~~ if the  
1639 center and the district school board or Florida College System  
1640 institution ~~community college~~ board of trustees agree to this  
1641 arrangement and its financing.

1642 (14) ACCOUNTABILITY.—Each center must submit a report to  
1643 the participating district school board or Florida College  
1644 System institution ~~community college~~ board of trustees by August  
1645 1 of each year. The report must be in such form as the sponsor  
1646 prescribes and must include:

1647 (a) A discussion of progress made toward the achievement of  
1648 the goals outlined in the center's charter.

1649 (b) A financial statement setting forth by appropriate  
1650 categories the revenue and expenditures for the previous school  
1651 year.

1652 (16) TRANSPORTATION.—The center may provide transportation,  
1653 pursuant to chapter 1006, through a contract with the district

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1654 school board or the Florida College System institution ~~community~~  
1655 ~~college~~ board of trustees, a private provider, or parents of  
1656 students. The center must ensure that transportation is not a  
1657 barrier to equal access for all students in grades K-12 residing  
1658 within a reasonable distance of the facility.

1659 Section 29. Subsection (7) of section 1002.41, Florida  
1660 Statutes, is amended to read:

1661 1002.41 Home education programs.—

1662 (7) Home education students are eligible for admission to  
1663 Florida College System institutions ~~community colleges~~ in  
1664 accordance with the provisions of s. 1007.263.

1665 Section 30. Paragraphs (a) and (b) of subsection (1),  
1666 paragraph (a) of subsection (2), and paragraph (c) of subsection  
1667 (7) of section 1002.45, Florida Statutes, are amended to read:

1668 1002.45 School district virtual instruction programs.—

1669 (1) PROGRAM.—

1670 (a) For purposes of this section, the term:

1671 1. "Approved provider" means a provider that is approved by  
1672 the Department of Education under subsection (2), the Florida  
1673 Virtual School, a franchise of the Florida Virtual School, or a  
1674 Florida College System institution ~~community college~~.

1675 2. "Virtual instruction program" means a program of  
1676 instruction provided in an interactive learning environment  
1677 created through technology in which students are separated from  
1678 their teachers by time or space, or both, and in which a  
1679 Florida-certified teacher under chapter 1012 is responsible for  
1680 at least:

1681 a. Fifty percent of the direct instruction to students in  
1682 kindergarten through grade 5; or

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1683           b. Eighty percent of the direct instruction to students in  
1684 grades 6 through 12.

1685           (b) Beginning with the 2009-2010 school year, each school  
1686 district shall provide eligible students within its boundaries  
1687 the option of participating in a virtual instruction program.  
1688 The purpose of the program is to make instruction available to  
1689 students using online and distance learning technology in the  
1690 nontraditional classroom. The program shall be:

1691           1. Full-time for students enrolled in kindergarten through  
1692 grade 12.

1693           2. Full-time or part-time for students in grades 9 through  
1694 12 who are enrolled in dropout prevention and academic  
1695 intervention programs under s. 1003.53, Department of Juvenile  
1696 Justice education programs under s. 1003.52, core-curricula  
1697 courses to meet class size requirements under s. 1003.03, or  
1698 Florida College System institutions ~~community colleges~~ under  
1699 this section.

1700           (2) PROVIDER QUALIFICATIONS.—

1701           (a) The department shall annually provide school districts  
1702 with a list of providers approved to offer virtual instruction  
1703 programs. To be approved by the department, a provider must  
1704 document that it:

1705           1. Is nonsectarian in its programs, admission policies,  
1706 employment practices, and operations;

1707           2. Complies with the antidiscrimination provisions of s.  
1708 1000.05;

1709           3. Locates an administrative office or offices in this  
1710 state, requires its administrative staff to be state residents,  
1711 requires all instructional staff to be Florida-certified

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1712 teachers under chapter 1012, and conducts background screenings  
1713 for all employees or contracted personnel, as required by s.  
1714 1012.32, using state and national criminal history records;

1715 4. Possesses prior, successful experience offering online  
1716 courses to elementary, middle, or high school students;

1717 5. Is accredited by the Southern Association of Colleges  
1718 and Schools Council on Accreditation and School Improvement, the  
1719 North Central Association Commission on Accreditation and School  
1720 Improvement, the Middle States Association of Colleges and  
1721 Schools Commission on Elementary Schools and Commission on  
1722 Secondary Schools, the New England Association of Schools and  
1723 Colleges, the Northwest Association of Accredited Schools, the  
1724 Western Association of Schools and Colleges, or the Commission  
1725 on International and Trans-Regional Accreditation; and

1726 6. If the provider is a Florida College System institution  
1727 ~~community college~~, employs instructors who meet the  
1728 certification requirements for instructional staff under chapter  
1729 1012.

1730 (7) FUNDING.—

1731 (c) A Florida College System institution ~~community college~~  
1732 provider may not report students who are served in a school  
1733 district virtual instruction program for funding under the  
1734 Florida College System ~~Community College~~ Program Fund.

1735 Section 31. Paragraph (f) of subsection (3) of section  
1736 1003.03, Florida Statutes, is amended to read:

1737 1003.03 Maximum class size.—

1738 (3) IMPLEMENTATION OPTIONS.—District school boards must  
1739 consider, but are not limited to, implementing the following  
1740 items in order to meet the constitutional class size maximums

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1741 described in subsection (1):

1742 (f) Use joint-use facilities through partnerships with  
1743 Florida College System institutions ~~community colleges~~, state  
1744 universities, and private colleges and universities. Joint-use  
1745 facilities available for use as K-12 classrooms that do not meet  
1746 the K-12 State Regulations for Educational Facilities in the  
1747 Florida Building Code may be used at the discretion of the  
1748 district school board provided that such facilities meet all  
1749 other health, life, safety, and fire codes.

1750 Section 32. Paragraph (b) of subsection (3) of section  
1751 1003.41, Florida Statutes, is amended to read:

1752 1003.41 Sunshine State Standards.—

1753 (3)

1754 (b) The commissioner shall submit the proposed standards  
1755 for review and comment by Florida educators, school  
1756 administrators, representatives of Florida College System  
1757 institutions ~~community colleges~~ and state universities who have  
1758 expertise in the content knowledge and skills necessary to  
1759 prepare a student for postsecondary education, and leaders in  
1760 business and industry. The commissioner, after considering any  
1761 comments and making any revisions to the proposed standards,  
1762 shall submit the standards for written evaluation by renowned  
1763 experts on K-12 curricular standards and content.

1764 Section 33. Paragraph (a) of subsection (1) of section  
1765 1003.4156, Florida Statutes, is amended to read:

1766 1003.4156 General requirements for middle grades  
1767 promotion.—

1768 (1) Beginning with students entering grade 6 in the 2006-  
1769 2007 school year, promotion from a school composed of middle

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1770 grades 6, 7, and 8 requires that:

1771 (a) The student must successfully complete academic courses  
1772 as follows:

1773 1. Three middle school or higher courses in English. These  
1774 courses shall emphasize literature, composition, and technical  
1775 text.

1776 2. Three middle school or higher courses in mathematics.  
1777 Each middle school must offer at least one high school level  
1778 mathematics course for which students may earn high school  
1779 credit. Successful completion of a high school level Algebra I  
1780 or geometry course is not contingent upon the student's  
1781 performance on the end-of-course assessment required under s.  
1782 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012  
1783 school year, to earn high school credit for an Algebra I course,  
1784 a middle school student must pass the Algebra I end-of-course  
1785 assessment, and beginning with the 2012-2013 school year, to  
1786 earn high school credit for a geometry course, a middle school  
1787 student must pass the geometry end-of-course assessment.

1788 3. Three middle school or higher courses in social studies,  
1789 one semester of which must include the study of state and  
1790 federal government and civics education. Beginning with students  
1791 entering grade 6 in the 2012-2013 school year, one of these  
1792 courses must be at least a one-semester civics education course  
1793 that a student successfully completes in accordance with s.  
1794 1008.22(3)(c) and that includes the roles and responsibilities  
1795 of federal, state, and local governments; the structures and  
1796 functions of the legislative, executive, and judicial branches  
1797 of government; and the meaning and significance of historic  
1798 documents, such as the Articles of Confederation, the

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1799 Declaration of Independence, and the Constitution of the United  
1800 States.

1801 4. Three middle school or higher courses in science.  
1802 Successful completion of a high school level Biology I course is  
1803 not contingent upon the student's performance on the end-of-  
1804 course assessment required under s. 1008.22(3)(c)2.a.(II).  
1805 However, beginning with the 2012-2013 school year, to earn high  
1806 school credit for a Biology I course, a middle school student  
1807 must pass the Biology I end-of-course assessment.

1808 5. One course in career and education planning to be  
1809 completed in 7th or 8th grade. The course may be taught by any  
1810 member of the instructional staff; must include career  
1811 exploration using Florida CHOICES or a comparable cost-effective  
1812 program; must include educational planning using the online  
1813 student advising system known as Florida Academic Counseling and  
1814 Tracking for Students at the Internet website FACTS.org; and  
1815 shall result in the completion of a personalized academic and  
1816 career plan. The required personalized academic and career plan  
1817 must inform students of high school graduation requirements,  
1818 high school assessment and college entrance test requirements,  
1819 Florida Bright Futures Scholarship Program requirements, state  
1820 university and Florida College System institution admission  
1821 requirements, and programs through which a high school student  
1822 can earn college credit, including Advanced Placement,  
1823 International Baccalaureate, Advanced International Certificate  
1824 of Education, dual enrollment, career academy opportunities, and  
1825 courses that lead to national industry certification.

1826  
1827 Each school must hold a parent meeting either in the evening or

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1828 on a weekend to inform parents about the course curriculum and  
1829 activities. Each student shall complete an electronic personal  
1830 education plan that must be signed by the student; the student's  
1831 instructor, guidance counselor, or academic advisor; and the  
1832 student's parent. The Department of Education shall develop  
1833 course frameworks and professional development materials for the  
1834 career exploration and education planning course. The course may  
1835 be implemented as a stand-alone course or integrated into  
1836 another course or courses. The Commissioner of Education shall  
1837 collect longitudinal high school course enrollment data by  
1838 student ethnicity in order to analyze course-taking patterns.

1839 Section 34. Paragraph (b) of subsection (2) of section  
1840 1003.433, Florida Statutes, is amended to read:

1841 1003.433 Learning opportunities for out-of-state and out-  
1842 of-country transfer students and students needing additional  
1843 instruction to meet high school graduation requirements.—

1844 (2) Students who have met all requirements for the standard  
1845 high school diploma except for passage of the grade 10 FCAT or  
1846 an alternate assessment by the end of grade 12 must be provided  
1847 the following learning opportunities:

1848 (b) Upon receipt of a certificate of completion, be allowed  
1849 to take the College Placement Test and be admitted to remedial  
1850 or credit courses at a Florida College System institution ~~state~~  
1851 ~~community college~~, as appropriate.

1852 Section 35. Subsection (5) and paragraph (a) of subsection  
1853 (6) of section 1003.435, Florida Statutes, are amended to read:

1854 1003.435 High school equivalency diploma program.—

1855 (5) Each district school board shall develop, in  
1856 cooperation with the area Florida College System institution

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1857 ~~community college~~ board of trustees, a plan for the provision of  
1858 advanced instruction for those students who attain satisfactory  
1859 performance on the high school equivalency examination or the  
1860 subject area examinations or who demonstrate through other means  
1861 a readiness to engage in postsecondary-level academic work. The  
1862 plan shall include provisions for the equitable distribution of  
1863 generated funds to cover personnel, maintenance, and other costs  
1864 of offering the advanced instruction. Priority shall be given to  
1865 programs of advanced instruction offered in high school  
1866 facilities.

1867 (6) (a) All high school equivalency diplomas issued under  
1868 the provisions of this section shall have equal status with  
1869 other high school diplomas for all state purposes, including  
1870 admission to any state university or Florida College System  
1871 institution ~~community college~~.

1872 Section 36. Subsection (1) of section 1003.49, Florida  
1873 Statutes, is amended to read:

1874 1003.49 Graduation and promotion requirements for publicly  
1875 operated schools.—

1876 (1) Each state or local public agency, including the  
1877 Department of Children and Family Services, the Department of  
1878 Corrections, the boards of trustees of universities and Florida  
1879 College System institutions ~~community colleges~~, and the Board of  
1880 Trustees of the Florida School for the Deaf and the Blind, which  
1881 agency is authorized to operate educational programs for  
1882 students at any level of grades kindergarten through 12 shall be  
1883 subject to all applicable requirements of ss. 1003.43, 1008.23,  
1884 and 1008.25. Within the content of these cited statutes each  
1885 such state or local public agency or entity shall be considered

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1886 a "district school board."

1887 Section 37. Subsection (4) of section 1003.51, Florida  
1888 Statutes, is amended to read:

1889 1003.51 Other public educational services.—

1890 (4) The Department of Education shall ensure that district  
1891 school boards notify students in juvenile justice residential or  
1892 nonresidential facilities who attain the age of 16 years of the  
1893 provisions of law regarding compulsory school attendance and  
1894 make available the option of enrolling in a program to attain a  
1895 Florida high school diploma by taking the general educational  
1896 development test prior to release from the facility. District  
1897 school boards or Florida College System institutions ~~community~~  
1898 ~~colleges~~, or both, shall waive GED testing fees for youth in  
1899 Department of Juvenile Justice residential programs and shall,  
1900 upon request, designate schools operating for the purpose of  
1901 providing educational services to youth in Department of  
1902 Juvenile Justice programs as GED testing centers, subject to GED  
1903 testing center requirements. The administrative fees for the  
1904 general education development test required by the Department of  
1905 Education are the responsibility of district school boards and  
1906 may be required of providers by contractual agreement.

1907 Section 38. Subsections (6) and (22) of section 1003.52,  
1908 Florida Statutes, are amended to read:

1909 1003.52 Educational services in Department of Juvenile  
1910 Justice programs.—

1911 (6) Participation in the program by students of compulsory  
1912 school-attendance age as provided for in s. 1003.21 shall be  
1913 mandatory. All students of noncompulsory school-attendance age  
1914 who have not received a high school diploma or its equivalent

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1915 shall participate in the educational program, unless the student  
1916 files a formal declaration of his or her intent to terminate  
1917 school enrollment as described in s. 1003.21 and is afforded the  
1918 opportunity to take the general educational development test and  
1919 attain a Florida high school diploma prior to release from a  
1920 facility. A youth who has received a high school diploma or its  
1921 equivalent and is not employed shall participate in workforce  
1922 development or other career or technical education or Florida  
1923 College System institution ~~community college~~ or university  
1924 courses while in the program, subject to available funding.

1925 (22) The Department of Juvenile Justice and the Department  
1926 of Education, in consultation with Workforce Florida, Inc., the  
1927 statewide Workforce Development Youth Council, district school  
1928 boards, Florida College System institutions ~~community colleges~~,  
1929 providers, and others, shall jointly develop a multiagency plan  
1930 for career education which describes the funding, curriculum,  
1931 transfer of credits, goals, and outcome measures for career  
1932 education programming in juvenile commitment facilities,  
1933 pursuant to s. 985.622. The plan must be reviewed annually.

1934 Section 39. Subsections (8), (18), (19), (20), and (23) of  
1935 section 1004.02, Florida Statutes, are amended to read:

1936 1004.02 Definitions.—As used in this chapter:

1937 (8) "Applied technology diploma program" means a course of  
1938 study that is part of a technical degree program, is less than  
1939 60 credit hours, and leads to employment in a specific  
1940 occupation. An applied technology diploma program may consist of  
1941 either technical credit or college credit. A public school  
1942 district may offer an applied technology diploma program only as  
1943 technical credit, with college credit awarded to a student upon

2011946er

1944 articulation to a Florida College System institution ~~community~~  
1945 ~~college~~. Statewide articulation among public schools and Florida  
1946 College System institutions ~~community colleges~~ is guaranteed by  
1947 s. 1007.23, and is subject to guidelines and standards adopted  
1948 by the State Board of Education pursuant to ss. 1007.24 and  
1949 1007.25.

1950 (18) "Lifelong learning" means a noncredit course or  
1951 activity offered by a school district or Florida College System  
1952 institution ~~community college~~ that seeks to address community  
1953 social and economic issues related to health and human  
1954 relations, government, parenting, consumer economics, and senior  
1955 citizens.

1956 (19) "Local educational agency" means a Florida College  
1957 System institution ~~community college~~ or school district.

1958 (20) "Local sponsor" means a district school board, Florida  
1959 College System institution ~~community college~~ board of trustees,  
1960 public library, other public entity, or private nonprofit  
1961 entity, or any combination of these entities, that provides  
1962 adult literacy instruction.

1963 (23) "Career education planning region" means the  
1964 geographic area in which career or adult education is provided.  
1965 Each career region is contiguous with one of the 28 Florida  
1966 College System institution ~~community college~~ service areas.

1967 Section 40. Subsection (2) of section 1004.03, Florida  
1968 Statutes, is amended to read:

1969 1004.03 Program approval.—

1970 (2) The State Board of Education shall establish criteria  
1971 for the approval of new programs at Florida College System  
1972 institutions ~~community colleges~~, which criteria include, but are

2011946er

1973 not limited to, the following:

1974 (a) New programs may not be approved unless the same  
1975 objectives cannot be met through use of educational technology.

1976 (b) Unnecessary duplication of programs offered by  
1977 independent institutions shall be avoided.

1978 (c) Cooperative programs, particularly within regions,  
1979 should be encouraged.

1980 (d) New programs may be approved only if they are  
1981 consistent with the state master plan adopted by the State Board  
1982 of Education.

1983 Section 41. Subsections (9), (10), and (11) of section  
1984 1004.04, Florida Statutes, are amended to read:

1985 1004.04 Public accountability and state approval for  
1986 teacher preparation programs.—

1987 (9) FLORIDA COLLEGE SYSTEM INSTITUTIONS ~~COMMUNITY~~  
1988 ~~COLLEGES~~.—To the extent practical, postsecondary educational  
1989 institutions offering teacher preparation programs shall  
1990 establish articulation agreements on a core of liberal arts  
1991 courses and introductory professional courses with field  
1992 experience components which shall be offered at Florida College  
1993 System institutions ~~community colleges~~.

1994 (10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.—  
1995 Postsecondary institutions offering teacher preparation programs  
1996 and Florida College System institutions ~~community colleges~~, in  
1997 collaboration with school districts, may develop and implement a  
1998 program to provide short-term experiences as teacher assistants  
1999 prior to beginning a teacher preparation program or alternative  
2000 certification program. The program shall serve individuals with  
2001 baccalaureate degrees who are interested in the teaching

2011946er

2002 profession. This experience may be accepted for use in teacher  
2003 preparation programs and competency-based alternative  
2004 certification programs, where applicable.

2005 (11) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—State  
2006 universities and Florida College System institutions ~~community~~  
2007 ~~colleges~~ may establish preteacher education and teacher  
2008 education pilot programs to encourage promising minority  
2009 students to prepare for a career in education. These pilot  
2010 programs shall be designed to recruit and provide additional  
2011 academic, clinical, and counseling support for students whom the  
2012 institution judges to be potentially successful teacher  
2013 education candidates, but who may not meet teacher education  
2014 program admission standards. Priority consideration shall be  
2015 given to those pilot programs that are jointly submitted by  
2016 Florida College System institutions ~~community colleges~~ and state  
2017 universities.

2018 (a) These pilot programs shall be approved by the State  
2019 Board of Education and shall be designed to provide help and  
2020 support for program participants during the preteacher education  
2021 period of general academic preparation at a Florida College  
2022 System institution ~~community college~~ or state university and  
2023 during professional preparation in a state-approved teacher  
2024 education program. Emphasis shall be placed on development of  
2025 the basic skills needed by successful teachers.

2026 (b) State universities and Florida College System  
2027 institutions ~~community colleges~~ may admit into the pilot program  
2028 those incoming students who demonstrate an interest in teaching  
2029 as a career, but who may not meet the requirements for entrance  
2030 into an approved teacher education program.

2011946er

2031           1. Flexibility may be given to colleges of education to  
2032 develop and market innovative teacher training programs directed  
2033 at specific target groups such as graduates from the colleges of  
2034 arts and sciences, employed education paraprofessionals,  
2035 substitute teachers, early federal retirees, and nontraditional  
2036 college students. Programs must be submitted to the State Board  
2037 of Education for approval.

2038           2. Academically successful graduates in the fields of  
2039 liberal arts and science may be encouraged to embark upon a  
2040 career in education.

2041           3. Models may be developed to provide a positive initial  
2042 experience in teaching in order to encourage retention. Priority  
2043 should be given to models that encourage minority graduates.

2044           (c) In order to be certified, a graduate from a pilot  
2045 program shall meet all requirements for teacher certification  
2046 specified by s. 1012.56. Should a graduate of a pilot program  
2047 not meet the requirements of s. 1012.56, that person shall not  
2048 be included in the calculations required by paragraph (5) (a) and  
2049 State Board of Education rules for continued program approval,  
2050 or in the statutes used by the State Board of Education in  
2051 deciding which teacher education programs to approve.

2052           (d) Institutions participating in the pilot program shall  
2053 submit an annual report evaluating the success of the program to  
2054 the Commissioner of Education by March 1 of each year. The  
2055 report shall include, at a minimum, the number of pilot program  
2056 participants, including the number participating in general  
2057 education and the number admitted to approved teacher education  
2058 programs, the number of pilot program graduates, and the number  
2059 of pilot program graduates who met the requirements of s.

2011946er

2060 1012.56. The commissioner shall consider the number of  
2061 participants recruited, the number of graduates, and the number  
2062 of graduates successfully meeting the requirements of s. 1012.56  
2063 reported by each institution, and shall make an annual  
2064 recommendation to the State Board of Education regarding the  
2065 institution's continued participation in the pilot program.

2066 Section 42. Subsection (1) of section 1004.05, Florida  
2067 Statutes, is amended to read:

2068 1004.05 Substance abuse training programs.—

2069 (1) Each state university and Florida College System  
2070 institution ~~community college~~ may develop courses designed for  
2071 public school teachers, counselors, physicians, law enforcement  
2072 personnel, and other professionals to assist them in recognizing  
2073 symptoms of substance abuse impairment and identifying  
2074 appropriate service providers for referral and treatment.

2075 Section 43. Section 1004.06, Florida Statutes, is amended  
2076 to read:

2077 1004.06 Prohibited expenditures.—No Florida College System  
2078 institution ~~community college~~, state university, Florida College  
2079 System institution ~~community college~~ direct-support  
2080 organization, or state university direct-support organization  
2081 shall expend any funds, regardless of source, to purchase  
2082 membership in, or goods and services from, any organization that  
2083 discriminates on the basis of race, national origin, gender, or  
2084 religion.

2085 Section 44. Subsections (1), (2), and (3) of section  
2086 1004.07, Florida Statutes, are amended to read:

2087 1004.07 Student withdrawal from courses due to military  
2088 service; effect.—

2011946er

2089           (1) Each district school board, Florida College System  
2090 institution ~~community college~~ board of trustees, and state  
2091 university board of trustees shall establish policies regarding  
2092 currently enrolled students who are called to, or enlist in,  
2093 active military service.

2094           (2) Such policies shall provide that any student enrolled  
2095 in a postsecondary course or courses at a career center, a  
2096 Florida College System institution ~~public community college, a~~  
2097 ~~public college~~, or a state university shall not incur academic  
2098 or financial penalties by virtue of performing military service  
2099 on behalf of our country. Such student shall be permitted the  
2100 option of either completing the course or courses at a later  
2101 date without penalty or withdrawing from the course or courses  
2102 with a full refund of fees paid. If the student chooses to  
2103 withdraw, the student's record shall reflect that the withdrawal  
2104 is due to active military service.

2105           (3) Policies of district school boards and Florida College  
2106 System institution ~~community college~~ boards of trustees shall be  
2107 established by rule and pursuant to guidelines of the State  
2108 Board of Education.

2109           Section 45. Subsections (1), (3), and (4) of section  
2110 1004.085, Florida Statutes, are amended to read:

2111           1004.085 Textbook affordability.—

2112           (1) No employee of a Florida College System institution  
2113 ~~community college~~ or state university may demand or receive any  
2114 payment, loan, subscription, advance, deposit of money, service,  
2115 or anything of value, present or promised, in exchange for  
2116 requiring students to purchase a specific textbook for  
2117 coursework or instruction.

2011946er

2118           (3) Florida College System institutions ~~Community colleges~~  
2119 and state universities shall post on their websites, as early as  
2120 is feasible, but not less than 30 days prior to the first day of  
2121 class for each term, a list of each textbook required for each  
2122 course offered at the institution during the upcoming term. The  
2123 posted list must include the International Standard Book Number  
2124 (ISBN) for each required textbook or other identifying  
2125 information, which must include, at a minimum, all of the  
2126 following: the title, all authors listed, publishers, edition  
2127 number, copyright date, published date, and other relevant  
2128 information necessary to identify the specific textbook or  
2129 textbooks required for each course. The State Board of Education  
2130 and the Board of Governors shall include in the policies,  
2131 procedures, and guidelines adopted under subsection (4) certain  
2132 limited exceptions to this notification requirement for classes  
2133 added after the notification deadline.

2134           (4) The State Board of Education and the Board of  
2135 Governors each shall adopt policies, procedures, and guidelines  
2136 for implementation by Florida College System institutions  
2137 ~~community colleges~~ and state universities, respectively, that  
2138 further efforts to minimize the cost of textbooks for students  
2139 attending such institutions while maintaining the quality of  
2140 education and academic freedom. The policies, procedures, and  
2141 guidelines shall provide for the following:

2142           (a) That textbook adoptions are made with sufficient lead  
2143 time to bookstores so as to confirm availability of the  
2144 requested materials and, where possible, ensure maximum  
2145 availability of used books.

2146           (b) That, in the textbook adoption process, the intent to

2011946er

2147 use all items ordered, particularly each individual item sold as  
2148 part of a bundled package, is confirmed by the course instructor  
2149 or the academic department offering the course before the  
2150 adoption is finalized.

2151 (c) That a course instructor or the academic department  
2152 offering the course determines, before a textbook is adopted,  
2153 the extent to which a new edition differs significantly and  
2154 substantively from earlier versions and the value of changing to  
2155 a new edition or the extent to which an open-access textbook may  
2156 exist and be used.

2157 (d) That the establishment of policies shall address the  
2158 availability of required textbooks to students otherwise unable  
2159 to afford the cost, including consideration of the extent to  
2160 which an open-access textbook may be used.

2161 (e) That course instructors and academic departments are  
2162 encouraged to participate in the development, adaptation, and  
2163 review of open-access textbooks and, in particular, open-access  
2164 textbooks for high-demand general education courses.

2165 Section 46. Section 1004.095, Florida Statutes, is amended  
2166 to read:

2167 1004.095 Senior Reserve Officers' Training Corps; military  
2168 recruiters; access to Florida College System institution  
2169 ~~community college~~ and state university campuses.-

2170 (1) A Florida College System institution ~~community college~~  
2171 or state university may not ban any branch of the United States  
2172 Armed Forces from establishing, maintaining, or operating a unit  
2173 of the Senior Reserve Officers' Training Corps at the college or  
2174 university.

2175 (2) (a) A Florida College System institution ~~community~~

2011946er

2176 ~~college~~ or state university shall grant military recruiters of  
2177 the United States Armed Forces and United States Department of  
2178 Homeland Security the same access to the college's or  
2179 university's students, and to campus facilities and grounds,  
2180 which the college or university grants to other employers.

2181 (b) A Florida College System institution ~~community college~~  
2182 or state university shall, to the extent required in 10 U.S.C.  
2183 s. 983(b)(2), grant military recruiters access to the names,  
2184 addresses, telephone listings, dates and places of birth, levels  
2185 of education, academic majors, degrees received, and most recent  
2186 educational institutions enrolled in by the college's or  
2187 university's students.

2188 Section 47. Paragraphs (b) and (e) of subsection (3) and  
2189 paragraph (b) of subsection (6) of section 1004.226, Florida  
2190 Statutes, are amended to read:

2191 1004.226 The 21st Century Technology, Research, and  
2192 Scholarship Enhancement Act.—

2193 (3) DEFINITIONS.—As used in this section, the term:

2194 (b) "Applicant" means any state university, private  
2195 university located in this state, or any private or public  
2196 research center, Florida College System institution ~~community~~  
2197 ~~college~~, or training center in this state which coordinates with  
2198 a state university for purposes of this act.

2199 (e) "Florida College System institution ~~Community college~~"  
2200 means a Florida College System institution ~~public community~~  
2201 ~~college~~ in this state as defined in s. 1000.21.

2202 (6) CENTERS OF EXCELLENCE.—

2203 (b) The following entities are eligible to submit proposals  
2204 for a center of excellence:

2011946er

- 2205 1. Any state university.  
2206 2. Any private university.  
2207 3. The H. Lee Moffitt Cancer Center and Research Institute.  
2208 4. The Florida Institute for Human and Machine Cognition,  
2209 Inc.  
2210 5. Any Florida College System institution ~~community~~  
2211 ~~college~~, training center, or other public or private research  
2212 center in the state which coordinates with a state university  
2213 for purposes of this act.

2214 Section 48. Section 1004.645, Florida Statutes, is amended  
2215 to read:

2216 1004.645 Florida Center for Reading Research.—There is  
2217 created at the Florida State University, the Florida Center for  
2218 Reading Research (FCRR). The center shall include two outreach  
2219 centers, one at a Florida College System institution in central  
2220 Florida ~~community college~~ and one at a south Florida state  
2221 university. The center and the outreach centers, under the  
2222 center's leadership, shall:

2223 (1) Provide technical assistance and support to all school  
2224 districts and schools in this state in the implementation of  
2225 evidence-based literacy instruction, assessments, programs, and  
2226 professional development.

2227 (2) Conduct applied research that will have an immediate  
2228 impact on policy and practices related to literacy instruction  
2229 and assessment in this state with an emphasis on struggling  
2230 readers and reading in the content area strategies and methods  
2231 for secondary teachers.

2232 (3) Conduct basic research on reading, reading growth,  
2233 reading assessment, and reading instruction which will

2011946er

2234 contribute to scientific knowledge about reading.

2235 (4) Collaborate with the Just Read! Florida Office and  
2236 school districts in the development of frameworks for  
2237 comprehensive reading intervention courses for possible use in  
2238 middle schools and secondary schools.

2239 (5) Collaborate with the Just Read! Florida Office and  
2240 school districts in the development of frameworks for  
2241 professional development activities, using multiple delivery  
2242 methods for teaching reading in the content area.

2243 (6) Disseminate information about research-based practices  
2244 related to literacy instruction, assessment, and programs for  
2245 students in preschool through grade 12.

2246 (7) Collect, manage, and report on assessment information  
2247 from screening, progress monitoring, and outcome assessments  
2248 through the Florida Progress Monitoring and Reporting Network.  
2249 The network is a statewide resource that is operated to provide  
2250 valid and timely reading assessment data for parents, teachers,  
2251 principals, and district-level and state-level staff in the  
2252 management of instruction at the individual, classroom, and  
2253 school levels.

2254 Section 49. Paragraph (d) of subsection (9) of section  
2255 1004.648, Florida Statutes, is amended to read:

2256 1004.648 Florida Energy Systems Consortium.—

2257 (9) Through collaborative research and development across  
2258 the State University System and the industry, the goal of the  
2259 consortium is to become a world leader in energy research,  
2260 education, technology, and energy systems analysis. In so doing,  
2261 the consortium shall:

2262 (d) Develop education and outreach programs to prepare a

2011946er

2263 qualified energy workforce and informed public. Specifically,  
2264 the faculty associated with the consortium shall coordinate a  
2265 statewide workforce development initiative focusing on college-  
2266 level degrees, technician training, and public and commercial  
2267 sectors awareness. The consortium shall develop specific  
2268 programs targeted at preparing graduates who have a background  
2269 in energy, continuing education courses for technical and  
2270 nontechnical professionals, and modules, laboratories, and  
2271 courses to be shared among the universities. Additionally, the  
2272 consortium shall work with the Florida ~~Community~~ College System  
2273 using the Florida Advanced Technological Education Center for  
2274 the coordination and design of industry-specific training  
2275 programs for technicians.

2276 Section 50. Section 1004.65, Florida Statutes, is amended  
2277 to read:

2278 1004.65 Florida College System institutions ~~colleges~~;  
2279 governance, mission, and responsibilities.-

2280 (1) Each Florida College System institution shall be  
2281 governed by a district board of trustees under statutory  
2282 authority and rules of the State Board of Education.

2283 (2) Each Florida College System institution district shall:

2284 (a) Consist of the county or counties served by the Florida  
2285 College System institution pursuant to s. 1000.21(3).

2286 (b) Be an independent, separate, legal entity created for  
2287 the operation of a Florida College System institution.

2288 (3) Florida College System institutions ~~colleges~~ are  
2289 locally based and governed entities with statutory and funding  
2290 ties to state government. As such, the mission for Florida  
2291 College System institutions ~~colleges~~ reflects a commitment to be

2011946er

2292 responsive to local educational needs and challenges. In  
2293 achieving this mission, Florida College System institutions  
2294 ~~colleges~~ strive to maintain sufficient local authority and  
2295 flexibility while preserving appropriate legal accountability to  
2296 the state.

2297 (4) As comprehensive institutions, Florida College System  
2298 institutions ~~colleges~~ shall provide high-quality, affordable  
2299 education and training opportunities, shall foster a climate of  
2300 excellence, and shall provide opportunities to all while  
2301 combining high standards with an open-door admission policy for  
2302 lower-division programs. Florida College System institutions  
2303 ~~colleges~~ shall, as open-access institutions, serve all who can  
2304 benefit, without regard to age, race, gender, creed, or ethnic  
2305 or economic background, while emphasizing the achievement of  
2306 social and educational equity so that all can be prepared for  
2307 full participation in society.

2308 (5) The primary mission and responsibility of Florida  
2309 College System institutions ~~colleges~~ is responding to community  
2310 needs for postsecondary academic education and career degree  
2311 education. This mission and responsibility includes being  
2312 responsible for:

2313 (a) Providing lower level undergraduate instruction and  
2314 awarding associate degrees.

2315 (b) Preparing students directly for careers requiring less  
2316 than baccalaureate degrees. This may include preparing for job  
2317 entry, supplementing of skills and knowledge, and responding to  
2318 needs in new areas of technology. Career education in a Florida  
2319 College System institution shall consist of career certificates,  
2320 credit courses leading to associate in science degrees and

2011946er

2321 associate in applied science degrees, and other programs in  
2322 fields requiring substantial academic work, background, or  
2323 qualifications. A Florida College System institution may offer  
2324 career education programs in fields having lesser academic or  
2325 technical requirements.

2326 (c) Providing student development services, including  
2327 assessment, student tracking, support for disabled students,  
2328 advisement, counseling, financial aid, career development, and  
2329 remedial and tutorial services, to ensure student success.

2330 (d) Promoting economic development for the state within  
2331 each Florida College System institution district through the  
2332 provision of special programs, including, but not limited to,  
2333 the:

- 2334 1. Enterprise Florida-related programs.
- 2335 2. Technology transfer centers.
- 2336 3. Economic development centers.
- 2337 4. Workforce literacy programs.

2338 (e) Providing dual enrollment instruction.

2339 (f) Providing upper level instruction and awarding  
2340 baccalaureate degrees as specifically authorized by law.

2341 (6) A separate and secondary role for Florida College  
2342 System institutions ~~colleges~~ includes the offering of programs  
2343 in:

2344 (a) Community services that are not directly related to  
2345 academic or occupational advancement.

2346 (b) Adult education services, including adult basic  
2347 education, adult general education, adult secondary education,  
2348 and General Educational Development test instruction.

2349 (c) Recreational and leisure services.

2011946er

2350 (7) Funding for Florida College System institutions  
2351 ~~colleges~~ shall reflect their mission as follows:  
2352 (a) Postsecondary academic and career education programs  
2353 and adult general education programs shall have first priority  
2354 in Florida College System institution funding.  
2355 (b) Community service programs shall be presented to the  
2356 Legislature with rationale for state funding. The Legislature  
2357 may identify priority areas for use of these funds.  
2358 (c) The resources of a Florida College System institution,  
2359 including staff, faculty, land, and facilities, shall not be  
2360 used to support the establishment of a new independent nonpublic  
2361 educational institution. If any institution uses resources for  
2362 such purpose, the Division of Florida Colleges shall notify the  
2363 President of the Senate and the Speaker of the House of  
2364 Representatives.  
2365 (8) Florida College System institutions ~~colleges~~ are  
2366 authorized to:  
2367 (a) Offer such programs and courses as are necessary to  
2368 fulfill their mission.  
2369 (b) Grant associate in arts degrees, associate in science  
2370 degrees, associate in applied science degrees, certificates,  
2371 awards, and diplomas.  
2372 (c) Make provisions for the General Educational Development  
2373 test.  
2374 (d) Provide access to and award baccalaureate degrees in  
2375 accordance with law.  
2376  
2377 Authority to offer one or more baccalaureate degree programs  
2378 does not alter the governance relationship of the Florida

2011946er

2379 College System institution with its district board of trustees  
2380 or the State Board of Education.

2381 Section 51. Section 1004.66, Florida Statutes, is amended  
2382 to read:

2383 1004.66 "Florida College System institution," "community  
2384 college," and "junior college" used interchangeably.—Whenever  
2385 the terms "Florida College System institution," "community  
2386 college," and "junior college" appear in the Florida Statutes in  
2387 reference to a tax-supported institution, they shall be  
2388 construed identically.

2389 Section 52. Section 1004.67, Florida Statutes, is amended  
2390 to read:

2391 1004.67 Florida College System institutions ~~Community~~  
2392 ~~colleges~~; legislative intent.—It is the legislative intent that  
2393 Florida College System institutions ~~community colleges~~,  
2394 constituted as political subdivisions of the state, continue to  
2395 be operated by Florida College System institution ~~community~~  
2396 ~~college~~ boards of trustees as provided in s. 1001.63 and that no  
2397 department, bureau, division, agency, or subdivision of the  
2398 state exercise any responsibility and authority to operate any  
2399 Florida College System institution ~~community college~~ of the  
2400 state except as specifically provided by law or rules of the  
2401 State Board of Education.

2402 Section 53. Section 1004.68, Florida Statutes, is amended  
2403 to read:

2404 1004.68 Florida College System institution ~~Community~~  
2405 ~~college~~; degrees and certificates; tests for certain skills.—

2406 (1) Each Florida College System institution ~~community~~  
2407 ~~college~~ board of trustees shall adopt rules establishing student

2011946er

2408 performance standards for the award of degrees and certificates.

2409 (2) Each Florida College System institution ~~community~~  
2410 ~~college~~ board of trustees shall require the use of scores on  
2411 tests for college-level communication and computation skills  
2412 provided in s. 1008.345(7) as a condition for graduation with an  
2413 associate in arts degree.

2414 Section 54. Section 1004.70, Florida Statutes, is amended  
2415 to read:

2416 1004.70 Florida College System institution ~~Community~~  
2417 ~~college~~ direct-support organizations.-

2418 (1) DEFINITIONS.—For the purposes of this section:

2419 (a) "Florida College System institution ~~Community college~~  
2420 direct-support organization" means an organization that is:

2421 1. A Florida corporation not for profit, incorporated under  
2422 the provisions of chapter 617 and approved by the Department of  
2423 State.

2424 2. Organized and operated exclusively to receive, hold,  
2425 invest, and administer property and to make expenditures to, or  
2426 for the benefit of, a Florida College System institution  
2427 ~~community college~~ in this state.

2428 3. An organization that the Florida College System  
2429 institution ~~community college~~ board of trustees, after review,  
2430 has certified to be operating in a manner consistent with the  
2431 goals of the Florida College System institution ~~community~~  
2432 ~~college~~ and in the best interest of the state. Any organization  
2433 that is denied certification by the board of trustees may not  
2434 use the name of the Florida College System institution ~~community~~  
2435 ~~college~~ that it serves.

2436 (b) "Personal services" includes full-time or part-time

2011946er

2437 personnel as well as payroll processing.

2438 (2) BOARD OF DIRECTORS.—The chair of the board of trustees  
2439 shall appoint a representative to the board of directors and the  
2440 executive committee of each direct-support organization  
2441 established under this section, including those established  
2442 before July 1, 1998. The president of the Florida College System  
2443 institution ~~community college~~ for which the direct-support  
2444 organization is established, or the president's designee, shall  
2445 also serve on the board of directors and the executive committee  
2446 of the direct-support organization, including any direct-support  
2447 organization established before July 1, 1998.

2448 (3) USE OF PROPERTY.—

2449 (a) The board of trustees is authorized to permit the use  
2450 of property, facilities, and personal services at any Florida  
2451 College System institution ~~community college~~ by any Florida  
2452 College System institution ~~community college~~ direct-support  
2453 organization, subject to the provisions of this section.

2454 (b) The board of trustees is authorized to prescribe by  
2455 rule any condition with which a Florida College System  
2456 institution ~~community college~~ direct-support organization must  
2457 comply in order to use property, facilities, or personal  
2458 services at any Florida College System institution ~~community~~  
2459 ~~college~~.

2460 (c) The board of trustees may not permit the use of  
2461 property, facilities, or personal services at any Florida  
2462 College System institution ~~community college~~ by any Florida  
2463 College System institution ~~community college~~ direct-support  
2464 organization that does not provide equal employment  
2465 opportunities to all persons regardless of race, color, national

2011946er

2466 origin, gender, age, or religion.

2467 (4) ACTIVITIES; RESTRICTIONS.—

2468 (a) A direct-support organization may, at the request of  
2469 the board of trustees, provide residency opportunities on or  
2470 near campus for students.

2471 (b) A direct-support organization that constructs  
2472 facilities for use by a Florida College System institution  
2473 ~~community college~~ or its students must comply with all  
2474 requirements of law relating to the construction of facilities  
2475 by a Florida College System institution ~~community college~~,  
2476 including requirements for competitive bidding.

2477 (c) Any transaction or agreement between one direct-support  
2478 organization and another direct-support organization or between  
2479 a direct-support organization and a center of technology  
2480 innovation designated under s. 1004.77 must be approved by the  
2481 board of trustees.

2482 (d) A Florida College System institution ~~community college~~  
2483 direct-support organization is prohibited from giving, either  
2484 directly or indirectly, any gift to a political committee or  
2485 committee of continuous existence as defined in s. 106.011 for  
2486 any purpose other than those certified by a majority roll call  
2487 vote of the governing board of the direct-support organization  
2488 at a regularly scheduled meeting as being directly related to  
2489 the educational mission of the Florida College System  
2490 institution ~~community college~~.

2491 (e) A Florida College System institution ~~community college~~  
2492 board of trustees must authorize all debt, including lease-  
2493 purchase agreements, incurred by a direct-support organization.  
2494 Authorization for approval of short-term loans and lease-

2011946er

2495 purchase agreements for a term of not more than 5 years,  
2496 including renewals, extensions, and refundings, for goods,  
2497 materials, equipment, and services may be delegated by the board  
2498 of trustees to the board of directors of the direct-support  
2499 organization. Trustees shall evaluate proposals for debt  
2500 according to guidelines issued by the Division of Florida  
2501 Colleges. Revenues of the Florida College System institution  
2502 ~~community college~~ may not be pledged to debt issued by direct-  
2503 support organizations.

2504 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support  
2505 organization shall submit to the board of trustees its federal  
2506 Internal Revenue Service Application for Recognition of  
2507 Exemption form (Form 1023) and its federal Internal Revenue  
2508 Service Return of Organization Exempt from Income Tax form (Form  
2509 990).

2510 (6) ANNUAL AUDIT.—Each direct-support organization shall  
2511 provide for an annual financial audit in accordance with rules  
2512 adopted by the Auditor General pursuant to s. 11.45(8). The  
2513 annual audit report must be submitted, within 9 months after the  
2514 end of the fiscal year, to the Auditor General, the State Board  
2515 of Education, and the board of trustees for review. The board of  
2516 trustees, the Auditor General, and the Office of Program Policy  
2517 Analysis and Government Accountability may require and receive  
2518 from the organization or from its independent auditor any detail  
2519 or supplemental data relative to the operation of the  
2520 organization. The identity of donors who desire to remain  
2521 anonymous shall be protected, and that anonymity shall be  
2522 maintained in the auditor's report. All records of the  
2523 organization, other than the auditor's report, any information

2011946er

2524 necessary for the auditor's report, any information related to  
2525 the expenditure of funds, and any supplemental data requested by  
2526 the board of trustees, the Auditor General, and the Office of  
2527 Program Policy Analysis and Government Accountability, shall be  
2528 confidential and exempt from the provisions of s. 119.07(1).

2529 Section 55. Section 1004.71, Florida Statutes, is amended  
2530 to read:

2531 1004.71 Statewide Florida College System institution  
2532 ~~community college~~ direct-support organizations.-

2533 (1) DEFINITIONS.-For the purposes of this section:

2534 (a) "Statewide Florida College System institution ~~community~~  
2535 ~~college~~ direct-support organization" means an organization that  
2536 is:

2537 1. A Florida corporation not for profit, incorporated under  
2538 the provisions of chapter 617 and approved by the Department of  
2539 State.

2540 2. Organized and operated exclusively to receive, hold,  
2541 invest, and administer property and to make expenditures to, or  
2542 for the benefit of, the Florida College System institutions  
2543 ~~community colleges~~ in this state.

2544 3. An organization that the State Board of Education, after  
2545 review, has certified to be operating in a manner consistent  
2546 with the goals of the Florida College System institutions  
2547 ~~community colleges~~ and in the best interest of the state.

2548 (b) "Personal services" includes full-time or part-time  
2549 personnel as well as payroll processing.

2550 (2) BOARD OF DIRECTORS.-The chair of the State Board of  
2551 Education may appoint a representative to the board of directors  
2552 and the executive committee of any statewide, direct-support

2011946er

2553 organization established under this section or s. 1004.70. The  
2554 chair of the State Board of Education, or the chair's designee,  
2555 shall also serve on the board of directors and the executive  
2556 committee of any direct-support organization established to  
2557 benefit Florida College System institutions ~~the community~~  
2558 ~~colleges of Florida~~.

2559 (3) USE OF PROPERTY.—

2560 (a) The State Board of Education may permit the use of  
2561 property, facilities, and personal services of the Department of  
2562 Education by any statewide Florida College System institution  
2563 ~~community college~~ direct-support organization, subject to the  
2564 provisions of this section.

2565 (b) The State Board of Education may prescribe by rule any  
2566 condition with which a statewide Florida College System  
2567 institution ~~community college~~ direct-support organization must  
2568 comply in order to use property, facilities, or personal  
2569 services of the Department of Education.

2570 (c) The State Board of Education may not permit the use of  
2571 property, facilities, or personal services of the Department of  
2572 Education by any statewide Florida College System institution  
2573 ~~community college~~ direct-support organization that does not  
2574 provide equal employment opportunities to all persons regardless  
2575 of race, color, national origin, gender, age, or religion.

2576 (4) RESTRICTIONS.—

2577 (a) A statewide, direct-support organization may not use  
2578 public funds to acquire, construct, maintain, or operate any  
2579 facilities.

2580 (b) Any transaction or agreement between a statewide,  
2581 direct-support organization and any other direct-support

2011946er

2582 organization or between a statewide, direct-support organization  
2583 and a center of technology innovation designated under s.  
2584 1004.77 must be approved by the State Board of Education.

2585 (c) A statewide Florida College System institution  
2586 ~~community college~~ direct-support organization is prohibited from  
2587 giving, either directly or indirectly, any gift to a political  
2588 committee or committee of continuous existence as defined in s.  
2589 106.011 for any purpose other than those certified by a majority  
2590 roll call vote of the governing board of the direct-support  
2591 organization at a regularly scheduled meeting as being directly  
2592 related to the educational mission of the State Board of  
2593 Education.

2594 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support  
2595 organization shall submit to the State Board of Education its  
2596 federal Internal Revenue Service Application for Recognition of  
2597 Exemption form (Form 1023) and its federal Internal Revenue  
2598 Service Return of Organization Exempt from Income Tax form (Form  
2599 990).

2600 (6) ANNUAL AUDIT.—A statewide Florida College System  
2601 institution ~~community college~~ direct-support organization shall  
2602 provide for an annual financial audit in accordance with s.  
2603 1004.70. The identity of a donor or prospective donor who  
2604 desires to remain anonymous and all information identifying such  
2605 donor or prospective donor are confidential and exempt from the  
2606 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
2607 Constitution. Such anonymity shall be maintained in the  
2608 auditor's report.

2609 Section 56. Subsection (1) of section 1004.725, Florida  
2610 Statutes, is amended to read:

2011946er

2611 1004.725 Expenditures for self-insurance services; special  
2612 account.—

2613 (1) The Florida College System institution ~~community~~  
2614 ~~college~~ boards of trustees, singly or collectively, are  
2615 authorized to contract with an administrator or service company  
2616 approved pursuant to chapter 626 to provide self-insurance  
2617 services, including, but not limited to, the evaluation,  
2618 settlement, and payment of self-insurance claims on behalf of  
2619 the board of trustees or a consortium of boards of trustees.

2620 Section 57. Section 1004.726, Florida Statutes, is amended  
2621 to read:

2622 1004.726 Trademarks, copyrights, or patents.—Each Florida  
2623 College System institution ~~community college~~ board of trustees  
2624 may develop and produce work products relating to educational  
2625 endeavors that are subject to trademark, copyright, or patent  
2626 statutes. To this end, the board of trustees shall consider the  
2627 relative contribution by the personnel employed in the  
2628 development of such work products and shall enter into binding  
2629 agreements with such personnel, organizations, corporations, or  
2630 government entities, which agreements shall establish the  
2631 percentage of ownership of such trademarks, copyrights, or  
2632 patents. Any other law to the contrary notwithstanding, the  
2633 board of trustees may in its own name:

2634 (1) Perform all things necessary to secure letters of  
2635 patent, copyrights, and trademarks on any such work products and  
2636 enforce its rights therein.

2637 (2) License, lease, assign, or otherwise give written  
2638 consent to any person, firm, or corporation for the manufacture  
2639 or use of its work products on a royalty basis or for such other

2011946er

2640 consideration as the board of trustees deems proper.

2641 (3) Take any action necessary, including legal action, to  
2642 protect its work products against improper or unlawful use of  
2643 infringement.

2644 (4) Enforce the collection of any sums due the board of  
2645 trustees for the manufacture or use of its work products by any  
2646 other party.

2647 (5) Sell any of its work products and execute all  
2648 instruments necessary to consummate any such sale.

2649 (6) Do all other acts necessary and proper for the  
2650 execution of powers and duties provided by this section.

2651 Section 58. Subsection (4) of section 1004.74, Florida  
2652 Statutes, is amended to read:

2653 1004.74 Florida School of the Arts.—

2654 (4) The Council for the Florida School of the Arts shall be  
2655 established to advise the Florida College System institution  
2656 ~~community college~~ district board of trustees on matters  
2657 pertaining to the operation of the school. The council shall  
2658 consist of nine members, appointed by the Commissioner of  
2659 Education for 4-year terms. A member may serve three terms and  
2660 may serve until replaced.

2661 Section 59. Subsections (2), (3), (4), (5), and (6) of  
2662 section 1004.75, Florida Statutes, are amended to read:

2663 1004.75 Training school consolidation pilot projects.—

2664 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING PROGRAMS.—  
2665 Notwithstanding ss. 1001.31, 1001.33, and 1007.25, or any other  
2666 provision of law to the contrary, criminal justice training  
2667 programs in the pilot counties will transfer to Florida College  
2668 System institutions ~~community colleges~~, effective July 1, 1999,

2011946er

2669 at which time responsibility for the provision of basic recruit,  
2670 advanced, career development, and continuing training courses  
2671 and programs offered in public criminal justice training  
2672 programs and for the operation of existing public criminal  
2673 justice training programs will be shifted from the school  
2674 district to the Florida College System institution ~~community~~  
2675 ~~college~~ in whose service area the public criminal justice  
2676 training program is located. Certification of the program  
2677 granted by the Criminal Justice Standards and Training  
2678 Commission will be transferred to the respective Florida College  
2679 System institution ~~community college~~ and the college must  
2680 continue to meet the requirements of the commission.

2681 (3) FACILITIES.—

2682 (a) Criminal justice training program educational  
2683 facilities, educational plants, and related equipment as defined  
2684 in s. 1013.01(6) and (7) which are owned by the state and paid  
2685 for with only state funds shall be transferred to the Florida  
2686 College System institution ~~community college~~, except that, if  
2687 such an educational facility or educational plant or part of  
2688 such facility or plant is used for other purposes in addition to  
2689 public criminal justice training, the Criminal Justice Standards  
2690 and Training Commission shall mediate the transfer or a suitable  
2691 multiuse arrangement.

2692 (b) Criminal justice training program educational  
2693 facilities, educational plants, and related equipment as defined  
2694 in s. 1013.01(6) and (7) which are owned by the school district  
2695 and paid for in whole or in part with local tax funds shall be  
2696 leased to the Florida College System institution ~~community~~  
2697 ~~college~~. However, if such an educational facility or educational

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2698 plant, or part of such facility or plant, is used for other  
2699 purposes in addition to public criminal justice training, the  
2700 Criminal Justice Standards and Training Commission shall mediate  
2701 a suitable lease agreement. If a school district and a Florida  
2702 College System institution ~~community college~~ cannot agree on the  
2703 terms and conditions of the lease agreement, the Criminal  
2704 Justice Standards and Training Commission shall finalize the  
2705 agreement and report its decision to the Legislature. The  
2706 Department of Education, Office of Educational Facilities, shall  
2707 conduct an analysis, by December 31, 1999, to determine the  
2708 amount of local tax contribution used in the construction of a  
2709 school-district-owned criminal justice training program,  
2710 educational facility, or educational plant affected by the  
2711 transfer. This analysis shall be used to establish a purchase  
2712 price for the facility or plant. The Florida College System  
2713 institution ~~community college~~ board of trustees may make a  
2714 legislative budget request through the State Board of Education  
2715 to purchase the facility or plant, or it may continue to lease  
2716 the facility or plant.

2717 (4) PROGRAM REQUIREMENTS.—Each pilot training center will  
2718 be regional in nature, as defined by the Criminal Justice  
2719 Standards and Training Commission. Each Florida College System  
2720 institution ~~community college~~ with responsibility for a public  
2721 criminal justice training program must:

2722 (a) Establish a pilot training center advisory committee  
2723 made up of professionals from the field of each training program  
2724 included in the pilot project.

2725 (b) Provide certificate and noncredit options for students  
2726 and training components of the pilot training center that so

2011946er

2727 require.

2728 (c) Develop an articulation agreement with state  
2729 universities to facilitate the transfer of graduates of a  
2730 Florida College System institution ~~community college~~ degree  
2731 training program to the upper division of a state university  
2732 with a corresponding program.

2733 (5) STAFFING.—The Florida College System institution  
2734 ~~community college~~ board of trustees may provide for school  
2735 district public criminal justice training staff employed in  
2736 full-time budgeted positions to be transferred into the Florida  
2737 College System institution ~~community college~~ personnel system at  
2738 the same rate of salary. Retirement and leave provisions will be  
2739 transferred according to law.

2740 (6) FUNDING.—The Department of Education shall shift funds  
2741 generated by students in the pilot training centers established  
2742 by this section, including workforce development recurring and  
2743 nonrecurring funds, from the appropriate school district to the  
2744 respective Florida College System institution ~~community college~~.  
2745 The Florida College System institution ~~community college~~ shall  
2746 qualify for future facilities funding upon transfer of the  
2747 facility.

2748 (a) Consistent with s. 1011.62(8), school districts that  
2749 transfer programs will receive an amount equal to 15 percent of  
2750 the funding generated for the program under the FEFP in 1996-  
2751 1997.

2752 (b) Reflecting the lower program costs in Florida College  
2753 System institutions ~~community colleges~~, notwithstanding the  
2754 funding generated in paragraph (a), Florida College System  
2755 institutions ~~community colleges~~ will receive 90 percent of the

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2756 funding generated for the program under the FEFP in 1996-1997.  
2757 The school district will retain the remaining 10 percent.

2758 (c) Notwithstanding ss. 1009.22(3)(a) and 1011.80(5)(a), or  
2759 any other provision of law to the contrary, fees for continuing  
2760 workforce education for public law enforcement officers at these  
2761 pilot centers shall not exceed 25 percent of the cost of the  
2762 course, and state funding shall not under any circumstances  
2763 exceed 50 percent of the cost of the course.

2764 Section 60. Subsections (1) and (2), paragraphs (a) and (b)  
2765 of subsection (4), subsection (5), and paragraphs (b), (c), and  
2766 (d) of subsection (7) of section 1004.77, Florida Statutes, are  
2767 amended to read:

2768 1004.77 Centers of technology innovation.—

2769 (1) The State Board of Education may designate centers of  
2770 technology innovation at single Florida College System  
2771 institutions ~~community colleges~~, consortia of Florida College  
2772 System institutions ~~community colleges~~, or consortia of Florida  
2773 College System institutions ~~community colleges~~ with other  
2774 educational institutions. The state board shall adopt rules  
2775 necessary to implement the provisions of this section. The state  
2776 board shall cooperate with the Workforce Florida, Inc., in the  
2777 designation of the centers as it relates to the centers of  
2778 applied technology.

2779 (2) Centers shall be designated when a Florida College  
2780 System institution ~~community college~~ or consortia provides  
2781 evidence that it has developed expertise in one or more  
2782 specialized technologies. To be designated, the Florida College  
2783 System institution ~~community college~~ or consortia must provide  
2784 benefits to the state, which may include, but are not limited

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2785 to:

2786 (a) Curriculum development.

2787 (b) Faculty development.

2788 (c) Research, testing, and technology transfer.

2789 (d) Instructional equipment and materials identification  
2790 and development.

2791 (e) Partnerships with industries dependent upon staying  
2792 current in the related technologies and in the development of  
2793 workforce capabilities.

2794 (f) Partnerships with industries needing to convert their  
2795 existing technology base to other technologies in order to  
2796 continue conducting business in Florida, including converting  
2797 defense-related technologies to other technologies.

2798 (4) Centers may provide instruction, as follows:

2799 (a) To students enrolled in the Florida College System  
2800 institution ~~community college~~, especially for purposes of  
2801 providing training for technicians in areas that support the  
2802 employers involved in the technology specialization.

2803 (b) To students enrolled at the undergraduate and graduate  
2804 level in a university, college, or Florida College System  
2805 institution ~~community college~~ which is a member of the  
2806 designated consortia. Such enrollment shall be funded by the  
2807 enrolling institution.

2808 (5) The State Board of Education shall give priority in the  
2809 designation of centers to those Florida College System  
2810 institutions ~~community colleges~~ that specialize in technology in  
2811 environmental areas and in areas related to target industries of  
2812 Enterprise Florida, Inc. Priority in designation shall also be  
2813 given to Florida College System institutions ~~community colleges~~

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2814 that develop new and improved manufacturing techniques and  
2815 related business practices.

2816 (7) Each center shall have a board of directors with at  
2817 least five members who shall be appointed by the district board  
2818 of trustees. The board of directors is responsible for  
2819 overseeing the operation of the center, approval of the annual  
2820 budget, and setting policy to guide the director in the  
2821 operation of the center. The board of directors shall consist of  
2822 at least the following:

2823 (b) The vice president of academic affairs, or the  
2824 equivalent, of the Florida College System institution ~~community~~  
2825 ~~college~~.

2826 (c) The vice president of business affairs, or the  
2827 equivalent, of the Florida College System institution ~~community~~  
2828 ~~college~~.

2829 (d) Two members designated by the president of the Florida  
2830 College System institution ~~community college~~.

2831 Section 61. Section 1004.78, Florida Statutes, is amended  
2832 to read:

2833 1004.78 Technology transfer centers at Florida College  
2834 System institutions ~~community colleges~~.—

2835 (1) Each Florida College System institution ~~community~~  
2836 ~~college~~ may establish a technology transfer center for the  
2837 purpose of providing institutional support to local business and  
2838 industry and governmental agencies in the application of new  
2839 research in technology. The primary responsibilities of such  
2840 centers may include: identifying technology research developed  
2841 by universities, research institutions, businesses, industries,  
2842 the United States Armed Forces, and other state or federal

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2843 governmental agencies; determining and demonstrating the  
2844 application of technologies; training workers to integrate  
2845 advanced equipment and production processes; and determining for  
2846 business and industry the feasibility and efficiency of  
2847 accommodating advanced technologies.

2848 (2) The Florida College System institution ~~community~~  
2849 ~~college~~ board of trustees shall set such policies to regulate  
2850 the activities of the technology transfer center as it may  
2851 consider necessary to effectuate the purposes of this section  
2852 and to administer the programs of the center in a manner which  
2853 assures efficiency and effectiveness, producing the maximum  
2854 benefit for the educational programs and maximum service to the  
2855 state. To this end, materials that relate to methods of  
2856 manufacture or production, potential trade secrets, potentially  
2857 patentable material, actual trade secrets, business  
2858 transactions, or proprietary information received, generated,  
2859 ascertained, or discovered during the course of activities  
2860 conducted within the Florida College System institutions  
2861 ~~community colleges~~ shall be confidential and exempt from the  
2862 provisions of s. 119.07(1), except that a Florida College System  
2863 institution ~~community college~~ shall make available upon request  
2864 the title and description of a project, the name of the  
2865 investigator, and the amount and source of funding provided for  
2866 such project.

2867 (3) A technology transfer center created under the  
2868 provisions of this section shall be under the supervision of the  
2869 board of trustees of that Florida College System institution  
2870 ~~community college~~, which is authorized to appoint a director; to  
2871 employ full-time and part-time staff, research personnel, and

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2872 professional services; to employ on a part-time basis personnel  
2873 of the Florida College System institution ~~community college~~; and  
2874 to employ temporary employees whose salaries are paid entirely  
2875 from the permanent technology transfer fund or from that fund in  
2876 combination with other nonstate sources, with such positions  
2877 being exempt from the requirements of the Florida Statutes  
2878 relating to salaries, except that no such appointment shall be  
2879 made for a total period of longer than 1 year.

2880 (4) The board of trustees of the Florida College System  
2881 institution ~~community college~~ in which a technology transfer  
2882 center is created, or its designee, may negotiate, enter into,  
2883 and execute contracts; solicit and accept grants and donations;  
2884 and fix and collect fees, other payments, and donations that may  
2885 accrue by reason thereof for technology transfer activities. The  
2886 board of trustees or its designee may negotiate, enter into, and  
2887 execute contracts on a cost-reimbursement basis and may provide  
2888 temporary financing of such costs prior to reimbursement from  
2889 moneys on deposit in the technology transfer fund, except as may  
2890 be prohibited elsewhere by law.

2891 (5) A technology transfer center shall be financed from the  
2892 Academic Improvement Program or from moneys of a Florida College  
2893 System institution ~~community college~~ which are on deposit or  
2894 received for use in the activities conducted in the center. Such  
2895 moneys shall be deposited by the Florida College System  
2896 institution ~~community college~~ in a permanent technology transfer  
2897 fund in a depository or depositories approved for the deposit of  
2898 state funds and shall be accounted for and disbursed subject to  
2899 audit by the Auditor General.

2900 (6) The fund balance in any existing research trust fund of

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2901 a Florida College System institution ~~community college~~ at the  
2902 time a technology transfer center is created shall be  
2903 transferred to a permanent technology transfer fund established  
2904 for the Florida College System institution ~~community college~~,  
2905 and thereafter the fund balance of the technology transfer fund  
2906 at the end of any fiscal period may be used during any  
2907 succeeding period pursuant to this section.

2908 (7) Moneys deposited in the permanent technology transfer  
2909 fund of a Florida College System institution ~~community college~~  
2910 shall be disbursed in accordance with the terms of the contract,  
2911 grant, or donation under which they are received. Moneys  
2912 received for overhead or indirect costs and other moneys not  
2913 required for the payment of direct costs shall be applied to the  
2914 cost of operating the technology transfer center.

2915 (8) All purchases of a technology transfer center shall be  
2916 made in accordance with the policies and procedures of the  
2917 Florida College System institution ~~community college~~.

2918 (9) The Florida College System institution ~~community~~  
2919 ~~college~~ board of trustees may authorize the construction,  
2920 alteration, or remodeling of buildings when the funds used are  
2921 derived entirely from the technology transfer fund of a Florida  
2922 College System institution ~~community college~~ or from that fund  
2923 in combination with other nonstate sources, provided that such  
2924 construction, alteration, or remodeling is for use exclusively  
2925 by the center. It also may authorize the acquisition of real  
2926 property when the cost is entirely from said funds. Title to all  
2927 real property shall vest in the board of trustees.

2928 (10) The State Board of Education may award grants to  
2929 Florida College System institutions ~~community colleges~~, or

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2930 consortia of public and private colleges and universities and  
2931 other public and private entities, for the purpose of supporting  
2932 the objectives of this section. Grants awarded pursuant to this  
2933 subsection shall be in accordance with rules of the State Board  
2934 of Education. Such rules shall include the following provisions:

2935 (a) The number of centers established with state funds  
2936 provided expressly for the purpose of technology transfer shall  
2937 be limited, but shall be geographically located to maximize  
2938 public access to center resources and services.

2939 (b) Grants to centers funded with state revenues  
2940 appropriated specifically for technology transfer activities  
2941 shall be reviewed and approved by the State Board of Education  
2942 using proposal solicitation, evaluation, and selection  
2943 procedures established by the state board in consultation with  
2944 Enterprise Florida, Inc. Such procedures may include designation  
2945 of specific areas or applications of technology as priorities  
2946 for the receipt of funding.

2947 (c) Priority for the receipt of state funds appropriated  
2948 specifically for the purpose of technology transfer shall be  
2949 given to grant proposals developed jointly by Florida College  
2950 System institutions ~~community colleges~~ and public and private  
2951 colleges and universities.

2952 (11) Each technology transfer center established under the  
2953 provisions of this section shall establish a technology transfer  
2954 center advisory committee. Each committee shall include  
2955 representatives of a university or universities conducting  
2956 research in the area of specialty of the center. Other members  
2957 shall be determined by the Florida College System institution  
2958 ~~community college~~ board of trustees.

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2959 Section 62. Section 1004.79, Florida Statutes, is amended  
2960 to read:

2961 1004.79 Incubator facilities for small business concerns.-

2962 (1) Each Florida College System institution ~~community~~  
2963 ~~college~~ established pursuant to s. 1004.02(2) may provide  
2964 incubator facilities to eligible small business concerns. As  
2965 used in this section, "small business concern" shall be defined  
2966 as an independently owned and operated business concern  
2967 incorporated in Florida which is not an affiliate or a  
2968 subsidiary of a business dominant in its field of operation, and  
2969 which employs 25 or fewer full-time employees. "Incubator  
2970 facility" shall be defined as a facility in which small business  
2971 concerns share common space, equipment, and support personnel  
2972 and through which such concerns have access to professional  
2973 consultants for advice related to the technical and business  
2974 aspects of conducting a commercial enterprise. The Florida  
2975 College System institution ~~community college~~ board of trustees  
2976 shall authorize concerns for inclusion in the incubator  
2977 facility.

2978 (2) Each Florida College System institution ~~community~~  
2979 ~~college~~ that provides an incubator facility shall provide the  
2980 following:

2981 (a) Management and maintenance of the incubator facility.

2982 (b) Secretarial and other support personnel, equipment, and  
2983 utilities.

2984 (c) Mechanisms to assist with the acquisition of technical,  
2985 management, and entrepreneurial expertise to resident and other  
2986 local small business concerns.

2987 (3) The incubator facility and any improvements to the

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2988 facility shall be owned or leased by the Florida College System  
2989 institution ~~community college~~. The Florida College System  
2990 institution ~~community college~~ may charge residents of the  
2991 facility all or part of the cost for facilities, utilities, and  
2992 support personnel and equipment. No small business concern shall  
2993 reside in the incubator facility for more than 5 calendar years.  
2994 The state shall not be liable for any act or failure to act of  
2995 any small business concern residing in an incubator facility  
2996 pursuant to this section or of any such concern benefiting from  
2997 the incubator facilities program.

2998 (4) Florida College System institutions ~~Community colleges~~  
2999 are encouraged to establish incubator facilities through which  
3000 emerging small businesses supportive of spaceport endeavors and  
3001 other high-technology enterprises may be served.

3002 (5) Florida College System institutions ~~Community colleges~~  
3003 are encouraged to establish incubator facilities through which  
3004 emerging small businesses supportive of development of content  
3005 and technology for digital broadband media and digital  
3006 broadcasting may be served.

3007 Section 63. Subsections (1), (2), and (3) of section  
3008 1004.80, Florida Statutes, are amended to read:

3009 1004.80 Economic development centers.—

3010 (1) Florida College System institutions ~~Community colleges~~  
3011 may establish economic development centers for the purpose of  
3012 serving as liaisons between Florida College System institutions  
3013 ~~community colleges~~ and the business sector. The responsibilities  
3014 of each center shall include:

3015 (a) Promoting the economic well-being of businesses and  
3016 industries.

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3017 (b) Coordinating, with chambers of commerce, government  
3018 agencies, district school boards, and other organizations,  
3019 efforts to provide educational programs which promote economic  
3020 development, including, but not limited to, business incubators,  
3021 industrial development and research parks, industry recruitment  
3022 efforts, publication of business research and resource guides,  
3023 and sponsorship of workshops, conferences, seminars, and  
3024 consultation services.

3025 (2) The board of trustees of a Florida College System  
3026 institution ~~community college~~ in which an economic development  
3027 center is created, or its designee, may negotiate, enter into,  
3028 and execute contracts; solicit and accept grants and donations;  
3029 and fix and collect fees, other payments, and donations that may  
3030 accrue by reason of activities of the center and its staff.

3031 (3) Economic development centers shall operate under  
3032 policies and procedures established by the Florida College  
3033 System institution ~~community college~~ board of trustees.

3034 Section 64. Section 1004.81, Florida Statutes, is amended  
3035 to read:

3036 1004.81 Establishment of child development training centers  
3037 at Florida College System institutions ~~community colleges~~.-

3038 (1) The Legislature recognizes the importance of preschool  
3039 developmental education and the need for adult students with  
3040 limited economic resources to have access to high-quality,  
3041 affordable child care at variable hours for their children. It  
3042 is therefore the intent of the Legislature that Florida College  
3043 System institutions ~~community colleges~~ provide high-quality,  
3044 affordable child care to the children of adult students enrolled  
3045 in Florida College System institutions ~~community colleges~~. The

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3046 primary purpose of these child development training centers is  
3047 to provide affordable child care for children of adult students,  
3048 particularly those who demonstrate financial need, as well as  
3049 for employees and staff of the institution. Further, the child  
3050 development training centers are intended to provide both  
3051 preschool instruction to the children and clinical experiences  
3052 for prospective child care and early childhood instructional and  
3053 administrative personnel. A secondary mission of the centers  
3054 shall be to provide instruction in parenting skills for the  
3055 clients of the center as well as for the community.

3056 (2) In consultation with the student government association  
3057 or a recognized student group representing the student body, a  
3058 Florida College System institution ~~community college~~ board of  
3059 trustees may establish a child development training center in  
3060 accordance with this section. Each child development training  
3061 center shall be a child care center established to provide child  
3062 care during the day and at variable hours, including evenings  
3063 and weekends, for the children of students. Emphasis should be  
3064 placed on serving students who demonstrate financial need as  
3065 defined by the board of trustees. At least 50 percent of the  
3066 child care slots must be made available to students, and  
3067 financially needy students, as defined by the board of trustees,  
3068 shall receive child care slots first. The center may serve the  
3069 children of staff, employees, and faculty; however, a designated  
3070 number of child care slots shall not be allocated for employees.  
3071 Whenever possible, the center shall be located on the campus of  
3072 the Florida College System institution ~~community college~~.  
3073 However, the board may elect to provide child care services for  
3074 students through alternative mechanisms, which may include

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3075 contracting with private providers.

3076 (3) There shall be a board of directors of each child  
3077 development training center, consisting of the president or his  
3078 or her designee, the student government president or his or her  
3079 designee, the chair of the department participating in the  
3080 center or his or her designee, and one parent for each 25  
3081 children enrolled in the center, elected by the parents of the  
3082 children enrolled in the center. There shall be a director of  
3083 each center, selected by the board of directors of the center.  
3084 The director shall be an ex officio, nonvoting member of the  
3085 board. The board of trustees shall establish local policies and  
3086 perform local oversight and operational guidance for the center.

3087 (4) Each center may charge fees for the care and services  
3088 it provides. Each board of trustees shall establish mechanisms  
3089 to facilitate access to center services for students with  
3090 financial need, which shall include a sliding fee scale and  
3091 other methods adopted by the board of trustees to reduce or  
3092 defray payment of fees for students. The board of trustees is  
3093 authorized to seek and receive grants and other resources to  
3094 support the operation of the child development center.

3095 (5) In addition to revenues derived from child care fees  
3096 charged to parents and other external resources, each child  
3097 development training center may be funded by a portion of funds  
3098 from the student activity and service fee authorized by s.  
3099 1009.23(7) and the capital improvement fee authorized by s.  
3100 1009.23(11). Florida College System institutions ~~Community~~  
3101 ~~colleges~~ are authorized to transfer funds as necessary from the  
3102 Florida College System institution's ~~community college's~~ general  
3103 fund to support the operation of the child development training

2011946er

3104 center.

3105 (6) This section does not preclude the continuation of or  
3106 in any way affect child care centers operated by Florida College  
3107 System institutions ~~community colleges~~ that were established by  
3108 the district board of trustees prior to July 1, 1994.

3109 Section 65. Paragraph (g) of subsection (1) of section  
3110 1004.86, Florida Statutes, is amended to read:

3111 1004.86 Florida Center for Mathematics and Science  
3112 Education Research.—

3113 (1) The Department of Education shall contract with a  
3114 competitively selected public or private university to create  
3115 and operate the Florida Center for Mathematics and Science  
3116 Education Research. The purpose of the center is increasing  
3117 student achievement in mathematics and science, with an emphasis  
3118 on K-12 education. The center shall:

3119 (g) Establish partnerships with public and private  
3120 universities, Florida College System institutions ~~community~~  
3121 ~~colleges~~, school districts, and other appropriate entities to  
3122 further increase student achievement in mathematics and science.

3123 Section 66. Subsection (1) of section 1004.91, Florida  
3124 Statutes, is amended to read:

3125 1004.91 Career-preparatory instruction.—

3126 (1) The State Board of Education shall adopt, by rule,  
3127 standards of basic skill mastery for certificate career  
3128 education programs. Each school district and Florida College  
3129 System institution ~~community college~~ that conducts programs that  
3130 confer career credit shall provide career-preparatory  
3131 instruction through which students receive the basic skills  
3132 instruction required pursuant to this section.

2011946er

3133 Section 67. Subsections (1) and (2) of section 1004.92,  
3134 Florida Statutes, are amended to read:

3135 1004.92 Purpose and responsibilities for career education.—

3136 (1) The purpose of career education is to enable students  
3137 who complete career programs to attain and sustain employment  
3138 and realize economic self-sufficiency. The purpose of this  
3139 section is to identify issues related to career education for  
3140 which school boards and Florida College System institution  
3141 ~~community college~~ boards of trustees are accountable. It is the  
3142 intent of the Legislature that the standards articulated in  
3143 subsection (2) be considered in the development of  
3144 accountability standards for public schools pursuant to ss.  
3145 1000.03, 1001.42(18), and 1008.345 and for Florida College  
3146 System institutions ~~community colleges~~ pursuant to s. 1008.45.

3147 (2) (a) School board, superintendent, and career center, and  
3148 Florida College System institution ~~community college~~ board of  
3149 trustees and president, accountability for career education  
3150 programs includes, but is not limited to:

3151 1. Student demonstration of the academic skills necessary  
3152 to enter an occupation.

3153 2. Student preparation to enter an occupation in an entry-  
3154 level position or continue postsecondary study.

3155 3. Career program articulation with other corresponding  
3156 postsecondary programs and job training experiences.

3157 4. Employer satisfaction with the performance of students  
3158 who complete career education or reach occupational completion  
3159 points.

3160 5. Student completion, placement, and retention rates  
3161 pursuant to s. 1008.43.

2011946er

3162 (b) Department of Education accountability for career  
3163 education includes, but is not limited to:

3164 1. The provision of timely, accurate technical assistance  
3165 to school districts and Florida College System institutions  
3166 ~~community colleges~~.

3167 2. The provision of timely, accurate information to the  
3168 State Board of Education, the Legislature, and the public.

3169 3. The development of policies, rules, and procedures that  
3170 facilitate institutional attainment of the accountability  
3171 standards and coordinate the efforts of all divisions within the  
3172 department.

3173 4. The development of program standards and industry-driven  
3174 benchmarks for career, adult, and community education programs,  
3175 which must be updated every 3 years. The standards must include  
3176 career, academic, and workplace skills; viability of distance  
3177 learning for instruction; and work/learn cycles that are  
3178 responsive to business and industry.

3179 5. Overseeing school district and Florida College System  
3180 institution ~~community college~~ compliance with the provisions of  
3181 this chapter.

3182 6. Ensuring that the educational outcomes for the technical  
3183 component of career programs are uniform and designed to provide  
3184 a graduate who is capable of entering the workforce on an  
3185 equally competitive basis regardless of the institution of  
3186 choice.

3187 Section 68. Paragraphs (a) and (b) of subsection (3),  
3188 paragraphs (d) and (e) of subsection (4), and subsections (6)  
3189 and (7) of section 1004.93, Florida Statutes, are amended to  
3190 read:

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3191 1004.93 Adult general education.—

3192 (3) (a) Each district school board or Florida College System  
3193 institution ~~community college~~ board of trustees shall negotiate  
3194 with the regional workforce board for basic and functional  
3195 literacy skills assessments for participants in the welfare  
3196 transition employment and training programs. Such assessments  
3197 shall be conducted at a site mutually acceptable to the district  
3198 school board or Florida College System institution ~~community~~  
3199 ~~college~~ board of trustees and the regional workforce board.

3200 (b) State employees who are employed in local or regional  
3201 offices of state agencies shall inform clients of the  
3202 availability of adult basic and secondary programs in the  
3203 region. The identities of clients who do not possess high school  
3204 diplomas or who demonstrate skills below the level of functional  
3205 literacy shall be conveyed, with their consent, to the local  
3206 school district or Florida College System institution ~~community~~  
3207 ~~college~~, or both.

3208 (4)

3209 (d) Expenditures for college-preparatory and lifelong  
3210 learning students shall be reported separately. Allocations for  
3211 college-preparatory courses shall be based on proportional full-  
3212 time equivalent enrollment. Program review results shall be  
3213 included in the determination of subsequent allocations. A  
3214 student shall be funded to enroll in the same college-  
3215 preparatory class within a skill area only twice, after which  
3216 time the student shall pay 100 percent of the full cost of  
3217 instruction to support the continuous enrollment of that student  
3218 in the same class; however, students who withdraw or fail a  
3219 class due to extenuating circumstances may be granted an

2011946er

3220 exception only once for each class, provided approval is granted  
3221 according to policy established by the board of trustees. Each  
3222 Florida College System institution ~~community college~~ shall have  
3223 the authority to review and reduce payment for increased fees  
3224 due to continued enrollment in a college-preparatory class on an  
3225 individual basis contingent upon the student's financial  
3226 hardship, pursuant to definitions and fee levels established by  
3227 the State Board of Education. College-preparatory and lifelong  
3228 learning courses do not generate credit toward an associate or  
3229 baccalaureate degree.

3230 (e) A district school board or a Florida College System  
3231 institution ~~community college~~ board of trustees may negotiate a  
3232 contract with the regional workforce board for specialized  
3233 services for participants in the welfare transition program,  
3234 beyond what is routinely provided for the general public, to be  
3235 funded by the regional workforce board.

3236 (6) The commissioner shall recommend the level of funding  
3237 for public school and Florida College System institution  
3238 ~~community college~~ adult education within the legislative budget  
3239 request and make other recommendations and reports considered  
3240 necessary or required by rules of the State Board of Education.

3241 (7) Buildings, land, equipment, and other property owned by  
3242 a district school board or Florida College System institution  
3243 ~~community college~~ board of trustees may be used for the conduct  
3244 of the adult education program. Buildings, land, equipment, and  
3245 other property owned or leased by cooperating public or private  
3246 agencies, organizations, or institutions may also be used for  
3247 the purposes of this section.

3248 Section 69. Paragraph (a) of subsection (1) and subsection

2011946er

3249 (4) of section 1004.94, Florida Statutes, are amended to read:  
3250 1004.94 Adult literacy.—

3251 (1)(a) An adult, individualized literacy instruction  
3252 program is created for adults who possess literacy skills below  
3253 the ninth grade level. The purpose of the program is to provide  
3254 self-paced, competency-based, individualized tutorial  
3255 instruction. The commissioner shall administer this section in  
3256 coordination with Florida College System institution ~~community~~  
3257 ~~college~~ boards of trustees, local school boards, and the  
3258 Division of Library and Information Services of the Department  
3259 of State.

3260 (4)(a) The commissioner shall submit a state adult literacy  
3261 plan to the State Board of Education to serve as a reference for  
3262 district school boards and Florida College System institutions  
3263 ~~community colleges~~ boards of trustees to increase adult literacy  
3264 in their service areas as prescribed in the agency functional  
3265 plan of the Department of Education. The plan must include, at a  
3266 minimum:

3267 1. Policies and objectives for adult literacy programs,  
3268 including evaluative criteria.

3269 2. Strategies for coordinating adult literacy activities  
3270 with programs and services provided by other state and local  
3271 nonprofit agencies, as well as strategies for maximizing other  
3272 funding, resources, and expertise.

3273 3. Procedures for identifying, recruiting, and retaining  
3274 adults who possess literacy skills below the ninth grade level.

3275 4. Sources of relevant demographic information and methods  
3276 of projecting the number of adults who possess literacy skills  
3277 below the ninth grade level.

2011946er

3278 5. Acceptable methods of demonstrating compliance with the  
3279 provisions of this section.

3280 6. Guidelines for the development and implementation of  
3281 local adult literacy plans. At a minimum, such guidelines must  
3282 address:

3283 a. The recruitment and preparation of volunteer tutors.

3284 b. Interagency and intraagency cooperation and  
3285 coordination, especially with public libraries and other  
3286 sponsors of literacy programs.

3287 c. Desirable learning environments, including class size.

3288 d. Program evaluation standards.

3289 e. Methods for identifying, recruiting, and retaining  
3290 adults in literacy programs.

3291 f. Adult literacy through family literacy and workforce  
3292 literacy programs.

3293 (b) Every 3 years, the district school board or Florida  
3294 College System institution ~~community college~~ board of trustees  
3295 shall develop and maintain a local adult literacy plan.

3296 Section 70. Subsection (1) of section 1004.95, Florida  
3297 Statutes, is amended to read:

3298 1004.95 Adult literacy centers.—

3299 (1) The Commissioner of Education shall select Florida  
3300 College System institutions ~~community colleges~~ and public school  
3301 districts to establish and operate adult literacy centers to  
3302 complement existing public and private instructional adult  
3303 literacy programs. The centers shall identify, contact, counsel,  
3304 and refer persons considered to be lacking basic or functional  
3305 literacy skills or competencies related to prose, document, and  
3306 quantitative literacy skills to the appropriate private and

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3307 public agencies, including human service agencies. The centers  
3308 may not duplicate or supplant the existing services provided by  
3309 public and private agencies operating within the district.

3310 Section 71. Subsection (2), paragraph (a) of subsection  
3311 (3), and subsections (4) and (6) of section 1004.97, Florida  
3312 Statutes, are amended to read:

3313 1004.97 Florida Literacy Corps.—

3314 (2) There is created a Florida Literacy Corps to be  
3315 administered by the Department of Education pursuant to this  
3316 section and rules of the State Board of Education. Participating  
3317 students earn college credit for tutoring adults who do not  
3318 possess basic or functional literacy skills pursuant to an  
3319 agreement between the institution in which the student is  
3320 enrolled and the district school board, Florida College System  
3321 institution ~~community college~~ board of trustees, public library,  
3322 or nonprofit organization offering literacy instruction to  
3323 adults pursuant to s. 1004.94. The district school board,  
3324 Florida College System institution ~~community college~~ board of  
3325 trustees, public library, or nonprofit organization is solely  
3326 responsible for providing literacy programs and instructing  
3327 participating postsecondary students.

3328 (3) In order to be eligible to participate in the Florida  
3329 Literacy Corps, a student must:

3330 (a) Be enrolled in an eligible state university or Florida  
3331 College System institution ~~community college~~ at least half time  
3332 and be in good standing, as defined by the institution.

3333 (4) In order to be eligible to participate in the Florida  
3334 Literacy Corps, a state university or Florida College System  
3335 institution ~~community college~~ must:

2011946er

3336 (a) Establish one or more undergraduate or graduate  
3337 courses, or both, in which participating students may earn a  
3338 maximum of 3 credit hours per semester, and a maximum of 6  
3339 credit hours over two or more semesters, by tutoring adults who  
3340 do not possess basic or functional literacy skills. The  
3341 institution shall establish such courses in the common course  
3342 designation and numbering system. The courses must require  
3343 students to complete instruction for prospective tutors, tutor  
3344 adults for at least 25 hours per semester for each hour of  
3345 credit awarded, and satisfy any other requirements imposed by  
3346 the institution.

3347 (b) Submit a proposal to the Department of Education for  
3348 review and approval. The proposal must include, but is not  
3349 limited to:

3350 1. Identification of the school district, Florida College  
3351 System institution ~~community college~~, public library, or  
3352 nonprofit organization with which participating students will be  
3353 working.

3354 2. Demonstration of the need for literacy tutors by the  
3355 school district, Florida College System institution ~~community~~  
3356 ~~college~~, public library, or nonprofit organization.

3357 3. Demonstration of commitment by the public school,  
3358 Florida College System institution ~~community college~~, public  
3359 library, or nonprofit organization to provide instruction for  
3360 tutors.

3361 4. Description of the literacy program.

3362 5. Demonstration of student interest in program  
3363 participation.

3364 6. Designation of one or more faculty to conduct the

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3365 Florida Literacy Corps course and identification of the  
3366 qualifications of such faculty.

3367 (6) Each participating state university and Florida College  
3368 System institution ~~community college~~ shall submit an annual  
3369 report to the Commissioner of Education which includes, but is  
3370 not limited to:

3371 (a) The number of hours of tutoring conducted by  
3372 participating students.

3373 (b) The number of students enrolled in the courses.

3374 (c) The number of students who successfully complete the  
3375 courses.

3376 (d) An evaluation of the tutors' effectiveness as judged by  
3377 the participating school district, Florida College System  
3378 institution ~~community college~~, public library, or nonprofit  
3379 organization. The department shall develop a common evaluation  
3380 form for this purpose.

3381 (e) The number of full-time equivalent enrollments  
3382 generated by the participating students.

3383 Section 72. Section 1004.98, Florida Statutes, is amended  
3384 to read:

3385 1004.98 Workforce literacy programs.—

3386 (1) The workforce literacy program is established within  
3387 the Florida College System institutions ~~community colleges~~ and  
3388 school districts to ensure the existence of sufficient numbers  
3389 of employees who possess the skills necessary to perform in  
3390 entry-level occupations and to adapt to technological advances  
3391 in the workplace. Workforce literacy programs are intended to  
3392 support economic development by increasing adult literacy and  
3393 producing an educated workforce.

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3394 (2) Each Florida College System institution ~~community~~  
3395 ~~college~~ and school district may conduct courses and programs  
3396 through which adults gain the communication and computation  
3397 skills necessary to complete a career program, to gain or  
3398 maintain entry-level employment, or to upgrade employment.  
3399 Courses may not be conducted until the Florida College System  
3400 institution ~~community college~~ or school district identifies  
3401 current and prospective employees who do not possess the skills  
3402 necessary to enter career programs or to obtain or maintain  
3403 employment.

3404 (3) A Florida College System institution ~~community college~~  
3405 or school district may be eligible to fund a workforce literacy  
3406 program pursuant to the provisions of s. 1004.94.

3407 Section 73. Subsection (2) of section 1004.99, Florida  
3408 Statutes, is amended to read:

3409 1004.99 Florida Ready to Work Certification Program.—

3410 (2) The Florida Ready to Work Certification Program may be  
3411 conducted in public middle and high schools, Florida College  
3412 System institutions ~~community colleges~~, technical centers, one-  
3413 stop career centers, vocational rehabilitation centers, and  
3414 Department of Juvenile Justice educational facilities. The  
3415 program may be made available to other entities that provide job  
3416 training. The Department of Education shall establish  
3417 institutional readiness criteria for program implementation.

3418 Section 74. Paragraph (c) of subsection (2) of section  
3419 1005.21, Florida Statutes, is amended to read:

3420 1005.21 Commission for Independent Education.—

3421 (2) The Commission for Independent Education shall consist  
3422 of seven members who are residents of this state. The commission

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3423 shall function in matters concerning independent postsecondary  
3424 educational institutions in consumer protection, program  
3425 improvement, and licensure for institutions under its purview.  
3426 The Governor shall appoint the members of the commission who are  
3427 subject to confirmation by the Senate. The membership of the  
3428 commission shall consist of:

3429 (c) One member from a public school district or Florida  
3430 College System institution ~~community college~~ who is an  
3431 administrator of career education.

3432 Section 75. Paragraph (c) of subsection (3) of section  
3433 1006.15, Florida Statutes, is amended to read:

3434 1006.15 Student standards for participation in  
3435 interscholastic and intrascholastic extracurricular student  
3436 activities; regulation.—

3437 (3)

3438 (c) An individual home education student is eligible to  
3439 participate at the public school to which the student would be  
3440 assigned according to district school board attendance area  
3441 policies or which the student could choose to attend pursuant to  
3442 district or interdistrict controlled open enrollment provisions,  
3443 or may develop an agreement to participate at a private school,  
3444 in the interscholastic extracurricular activities of that  
3445 school, provided the following conditions are met:

3446 1. The home education student must meet the requirements of  
3447 the home education program pursuant to s. 1002.41.

3448 2. During the period of participation at a school, the home  
3449 education student must demonstrate educational progress as  
3450 required in paragraph (b) in all subjects taken in the home  
3451 education program by a method of evaluation agreed upon by the

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3452 parent and the school principal which may include: review of the  
3453 student's work by a certified teacher chosen by the parent;  
3454 grades earned through correspondence; grades earned in courses  
3455 taken at a Florida College System institution ~~community college~~,  
3456 university, or trade school; standardized test scores above the  
3457 35th percentile; or any other method designated in s. 1002.41.

3458 3. The home education student must meet the same residency  
3459 requirements as other students in the school at which he or she  
3460 participates.

3461 4. The home education student must meet the same standards  
3462 of acceptance, behavior, and performance as required of other  
3463 students in extracurricular activities.

3464 5. The student must register with the school his or her  
3465 intent to participate in interscholastic extracurricular  
3466 activities as a representative of the school before the  
3467 beginning date of the season for the activity in which he or she  
3468 wishes to participate. A home education student must be able to  
3469 participate in curricular activities if that is a requirement  
3470 for an extracurricular activity.

3471 6. A student who transfers from a home education program to  
3472 a public school before or during the first grading period of the  
3473 school year is academically eligible to participate in  
3474 interscholastic extracurricular activities during the first  
3475 grading period provided the student has a successful evaluation  
3476 from the previous school year, pursuant to subparagraph 2.

3477 7. Any public school or private school student who has been  
3478 unable to maintain academic eligibility for participation in  
3479 interscholastic extracurricular activities is ineligible to  
3480 participate in such activities as a home education student until

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3481 the student has successfully completed one grading period in  
3482 home education pursuant to subparagraph 2. to become eligible to  
3483 participate as a home education student.

3484 Section 76. Subsections (1), (2), and (5) of section  
3485 1006.17, Florida Statutes, are amended to read:

3486 1006.17 Sponsorship of athletic activities similar to those  
3487 for which scholarships offered; rulemaking.—

3488 (1) If a district school board sponsors an athletic  
3489 activity or sport that is similar to a sport for which a state  
3490 university or Florida College System institution ~~public~~  
3491 ~~community college~~ offers an athletic scholarship, it must  
3492 sponsor the athletic activity or sport for which a scholarship  
3493 is offered. This section does not affect academic requirements  
3494 for participation or prevent the school districts or Florida  
3495 College System institutions ~~community colleges~~ from sponsoring  
3496 activities in addition to those for which scholarships are  
3497 provided.

3498 (2) If a Florida College System institution ~~public~~  
3499 ~~community college~~ sponsors an athletic activity or sport that is  
3500 similar to a sport for which a state university offers an  
3501 athletic scholarship, it must sponsor the athletic activity or  
3502 sport for which a scholarship is offered.

3503 (5) The State Board of Education shall adopt rules to  
3504 administer this section, including rules that determine which  
3505 athletic activities are similar to sports for which state  
3506 universities and Florida College System institutions ~~community~~  
3507 ~~colleges~~ offer scholarships.

3508 Section 77. Subsection (1) of section 1006.50, Florida  
3509 Statutes, is amended to read:

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3510 1006.50 Student handbooks.—

3511 (1) Each Florida College System institution ~~community~~  
3512 ~~college~~ and state university shall compile and update annually a  
3513 student handbook that includes, but is not limited to, a  
3514 comprehensive calendar that emphasizes important dates and  
3515 deadlines, student rights and responsibilities, appeals  
3516 processes available to students, and a roster of contact persons  
3517 within the administrative staff available to respond to student  
3518 inquiries.

3519 Section 78. Subsections (1) and (3) of section 1006.51,  
3520 Florida Statutes, are amended to read:

3521 1006.51 Student ombudsman office.—

3522 (1) There is created at each Florida College System  
3523 institution ~~community college~~ and state university a student  
3524 ombudsman office, which is accountable to the president.

3525 (3) Each Florida College System institution ~~community~~  
3526 ~~college~~ and state university shall develop minimum standards for  
3527 the role of ombudsman or student advocate. The standards shall  
3528 address the issue of notification of students of opportunities  
3529 for assistance or appeal.

3530 Section 79. Subsection (4) of section 1006.55, Florida  
3531 Statutes, is amended to read:

3532 1006.55 Law libraries of certain institutions of higher  
3533 learning designated as state legal depositories.—

3534 (4) The libraries of all Florida College System  
3535 institutions ~~community colleges~~ are designated as state  
3536 depositories for the Florida Statutes and supplements published  
3537 by or under the authority of the state; these depositories each  
3538 may receive upon request one copy of each volume without charge,

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3539 except for payment of shipping costs.

3540 Section 80. Subsections (1), (2), (4), and (5) of section  
3541 1006.60, Florida Statutes, are amended to read:

3542 1006.60 Codes of conduct; disciplinary measures; authority  
3543 to adopt rules or regulations.—

3544 (1) Each Florida College System institution ~~community~~  
3545 ~~college~~ may adopt, by rule, and each state university may adopt,  
3546 by regulation, codes of conduct and appropriate penalties for  
3547 violations of rules or regulations by students, to be  
3548 administered by the institution. Such penalties, unless  
3549 otherwise provided by law, may include: reprimand; restitution;  
3550 fines; withholding of diplomas or transcripts pending compliance  
3551 with rules or regulations, completion of any student judicial  
3552 process or sanction, or payment of fines; restrictions on the  
3553 use of or removal from campus facilities; community service;  
3554 educational requirements; and the imposition of probation,  
3555 suspension, dismissal, or expulsion.

3556 (2) Each Florida College System institution ~~community~~  
3557 ~~college~~ may adopt, by rule, and each state university may adopt,  
3558 by regulation, a code of conduct and appropriate penalties for  
3559 violations of rules or regulations by student organizations, to  
3560 be administered by the institution. Such penalties, unless  
3561 otherwise provided by law, may include: reprimand; restitution;  
3562 suspension, cancellation, or revocation of the registration or  
3563 official recognition of a student organization; and restrictions  
3564 on the use of, or removal from, campus facilities.

3565 (4) Each Florida College System institution ~~community~~  
3566 ~~college~~ may establish and adopt, by rule, and each state  
3567 university may establish and adopt, by regulation, codes of

2011946er

3568 appropriate penalties for violations of rules or regulations  
3569 governing student academic honesty. Such penalties, unless  
3570 otherwise provided by law, may include: reprimand; reduction of  
3571 grade; denial of academic credit; invalidation of university  
3572 credit or of the degree based upon such credit; probation;  
3573 suspension; dismissal; or expulsion. In addition to any other  
3574 penalties that may be imposed, an individual may be denied  
3575 admission or further registration, and the institution may  
3576 invalidate academic credit for work done by a student and may  
3577 invalidate or revoke the degree based upon such credit if it is  
3578 determined that the student has made false, fraudulent, or  
3579 incomplete statements in the application, residence affidavit,  
3580 or accompanying documents or statements in connection with, or  
3581 supplemental to, the application for admission to or graduation  
3582 from the institution.

3583 (5) Each Florida College System institution ~~community~~  
3584 ~~college~~ shall adopt rules and each state university shall adopt  
3585 regulations for the lawful discipline of any student who  
3586 intentionally acts to impair, interfere with, or obstruct the  
3587 orderly conduct, processes, and functions of the institution.  
3588 Said rules or regulations may apply to acts conducted on or off  
3589 campus when relevant to such orderly conduct, processes, and  
3590 functions.

3591 Section 81. Section 1006.62, Florida Statutes, is amended  
3592 to read:

3593 1006.62 Expulsion and discipline of students of Florida  
3594 College System institutions ~~community colleges~~ and state  
3595 universities.-

3596 (1) Each student in a Florida College System institution

2011946er

3597 ~~community college~~ or state university is subject to federal and  
3598 state law, respective county and municipal ordinances, and all  
3599 rules and regulations of the State Board of Education, the Board  
3600 of Governors regarding the State University System, or the board  
3601 of trustees of the institution.

3602 (2) Violation of these published laws, ordinances, or rules  
3603 and regulations may subject the violator to appropriate action  
3604 by the institution's authorities.

3605 (3) Each president of a Florida College System institution  
3606 ~~community college~~ or state university may, after notice to the  
3607 student of the charges and after a hearing thereon, expel,  
3608 suspend, or otherwise discipline any student who is found to  
3609 have violated any law, ordinance, or rule or regulation of the  
3610 State Board of Education, the Board of Governors regarding the  
3611 State University System, or the board of trustees of the  
3612 institution. A student may be entitled to waiver of expulsion:

3613 (a) If the student provides substantial assistance in the  
3614 identification, arrest, or conviction of any of his or her  
3615 accomplices, accessories, coconspirators, or principals or of  
3616 any other person engaged in violations of chapter 893 within a  
3617 state university or Florida College System institution ~~community~~  
3618 ~~college~~;

3619 (b) If the student voluntarily discloses his or her  
3620 violations of chapter 893 prior to his or her arrest; or

3621 (c) If the student commits himself or herself, or is  
3622 referred by the court in lieu of sentence, to a state-licensed  
3623 drug abuse program and successfully completes the program.

3624 Section 82. Paragraphs (a) and (b) of subsection (8) and  
3625 subsection (10) of section 1006.63, Florida Statutes, are

2011946er

3626 amended to read:

3627 1006.63 Hazing prohibited.—

3628 (8) Public and nonpublic postsecondary educational  
3629 institutions must provide a program for the enforcement of such  
3630 rules and must adopt appropriate penalties for violations of  
3631 such rules, to be administered by the person at the institution  
3632 responsible for the sanctioning of such organizations.

3633 (a) Such penalties at Florida College System institutions  
3634 ~~community colleges~~ and state universities may include the  
3635 imposition of fines; the withholding of diplomas or transcripts  
3636 pending compliance with the rules or pending payment of fines;  
3637 and the imposition of probation, suspension, or dismissal.

3638 (b) In the case of an organization at a Florida College  
3639 System institution ~~community college~~ or state university that  
3640 authorizes hazing in blatant disregard of such rules, penalties  
3641 may also include rescission of permission for that organization  
3642 to operate on campus property or to otherwise operate under the  
3643 sanction of the institution.

3644 (10) Upon approval of the antihazing policy of a Florida  
3645 College System institution ~~community college~~ or state university  
3646 and of the rules and penalties adopted pursuant thereto, the  
3647 institution shall provide a copy of such policy, rules, and  
3648 penalties to each student enrolled in that institution and shall  
3649 require the inclusion of such policy, rules, and penalties in  
3650 the bylaws of every organization operating under the sanction of  
3651 the institution.

3652 Section 83. Subsection (1) of section 1006.65, Florida  
3653 Statutes, is amended to read:

3654 1006.65 Safety issues in courses offered by public

2011946er

3655 postsecondary educational institutions.—

3656 (1) The State Board of Education shall adopt rules to  
3657 ensure that policies and procedures are in place to protect the  
3658 health and safety of students, instructional personnel, and  
3659 visitors who participate in courses offered by a Florida College  
3660 System institution ~~community college~~.

3661 Section 84. Section 1006.68, Florida Statutes, is amended  
3662 to read:

3663 1006.68 HIV and AIDS policy.—Each Florida College System  
3664 institution ~~community college~~ and state university shall develop  
3665 a comprehensive policy that addresses the provision of  
3666 instruction, information, and activities regarding human  
3667 immunodeficiency virus infection and acquired immune deficiency  
3668 syndrome. Such instruction, information, or activities shall  
3669 emphasize the known modes of transmission of human  
3670 immunodeficiency virus infection and acquired immune deficiency  
3671 syndrome, signs and symptoms, associated risk factors,  
3672 appropriate behavior and attitude change, and means used to  
3673 control the spread of human immunodeficiency virus infection and  
3674 acquired immune deficiency syndrome.

3675 Section 85. Subsections (1) and (2) of section 1006.70,  
3676 Florida Statutes, are amended to read:

3677 1006.70 Sponsorship of athletic activities similar to those  
3678 for which scholarships offered; rulemaking.—

3679 (1) If a district school board sponsors an athletic  
3680 activity or sport that is similar to a sport for which a Florida  
3681 College System institution ~~community college~~ or state university  
3682 offers an athletic scholarship, it must sponsor the athletic  
3683 activity or sport for which a scholarship is offered. This

2011946er

3684 section does not affect academic requirements for participation  
3685 or prevent the districts or Florida College System institutions  
3686 ~~community colleges~~ from sponsoring activities in addition to  
3687 those for which scholarships are provided.

3688 (2) If a Florida College System institution ~~community~~  
3689 ~~college~~ sponsors an athletic activity or sport that is similar  
3690 to a sport for which a state university offers an athletic  
3691 scholarship, it must sponsor the athletic activity or sport for  
3692 which a scholarship is offered.

3693 Section 86. Paragraphs (a), (c), (e), and (g) of subsection  
3694 (1), paragraph (b) of subsection (2), and subsection (3) of  
3695 section 1006.71, Florida Statutes, are amended to read:

3696 1006.71 Gender equity in intercollegiate athletics.—

3697 (1) GENDER EQUITY PLAN.—

3698 (a) Each Florida College System institution ~~community~~  
3699 ~~college~~ and state university shall develop a gender equity plan  
3700 pursuant to s. 1000.05.

3701 (c) The Commissioner of Education shall annually assess the  
3702 progress of each Florida College System institution's ~~community~~  
3703 ~~college's~~ plan and advise the State Board of Education and the  
3704 Legislature regarding compliance.

3705 (e) Each board of trustees of a Florida College System  
3706 institution ~~public community college~~ or state university shall  
3707 annually evaluate the presidents on the extent to which the  
3708 gender equity goals have been achieved.

3709 (g)1. If a Florida College System institution ~~community~~  
3710 ~~college~~ is not in compliance with Title IX of the Education  
3711 Amendments of 1972 and the Florida Educational Equity Act, the  
3712 State Board of Education shall:

2011946er

3713 a. Declare the Florida College System institution ~~community~~  
3714 ~~college~~ ineligible for competitive state grants.

3715 b. Withhold funds sufficient to obtain compliance.

3716  
3717 The Florida College System institution ~~community college~~ shall  
3718 remain ineligible and the funds shall not be paid until the  
3719 Florida College System institution ~~community college~~ comes into  
3720 compliance or the Commissioner of Education approves a plan for  
3721 compliance.

3722 2. If a state university is not in compliance with Title IX  
3723 of the Education Amendments of 1972 and the Florida Educational  
3724 Equity Act, the Board of Governors shall:

3725 a. Declare the state university ineligible for competitive  
3726 state grants.

3727 b. Withhold funds sufficient to obtain compliance.

3728  
3729 The state university shall remain ineligible and the funds shall  
3730 not be paid until the state university comes into compliance or  
3731 the Board of Governors approves a plan for compliance.

3732 (2) FUNDING.—

3733 (b) The level of funding and percentage share of support  
3734 for women's intercollegiate athletics for Florida College System  
3735 institutions ~~community colleges~~ shall be determined by the State  
3736 Board of Education. The level of funding and percentage share of  
3737 support for women's intercollegiate athletics for state  
3738 universities shall be determined by the Board of Governors. The  
3739 level of funding and percentage share attained in the 1980-1981  
3740 fiscal year shall be the minimum level and percentage maintained  
3741 by each institution, except as the State Board of Education or

2011946er

3742 the Board of Governors otherwise directs its respective  
3743 institutions for the purpose of assuring equity. Consideration  
3744 shall be given by the State Board of Education or the Board of  
3745 Governors to emerging athletic programs at institutions which  
3746 may not have the resources to secure external funds to provide  
3747 athletic opportunities for women. It is the intent that the  
3748 effect of any redistribution of funds among institutions shall  
3749 not negate the requirements as set forth in this section.

3750 (3) STATE BOARD OF EDUCATION.—The State Board of Education  
3751 shall assure equal opportunity for female athletes at Florida  
3752 College System institutions ~~community colleges~~ and establish:

3753 (a) Guidelines for reporting of intercollegiate athletics  
3754 data concerning financial, program, and facilities information  
3755 for review by the State Board of Education annually.

3756 (b) Systematic audits for the evaluation of such data.

3757 (c) Criteria for determining and assuring equity.

3758 Section 87. Section 1006.72, Florida Statutes, is amended  
3759 to read:

3760 1006.72 Licensing electronic library resources.—

3761 (1) FINDINGS.—The Legislature finds that the most cost-  
3762 efficient and cost-effective means of licensing electronic  
3763 library resources requires that Florida College System  
3764 institutions ~~colleges~~ and state universities collaborate with  
3765 school districts and public libraries in the identification and  
3766 acquisition of such resources needed by more than one sector.

3767 (2) PROCESS TO IDENTIFY RESOURCES.—Library staff from  
3768 Florida College System institutions ~~colleges~~, state  
3769 universities, school districts, and public libraries shall  
3770 implement a process that annually identifies the electronic

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3771 library resources for each of the core categories established in  
3772 this section. To the extent possible, the Florida Center for  
3773 Library Automation, the College Center for Library Automation,  
3774 and the Division of Library and Information Services within the  
3775 Department of State shall jointly coordinate this annual  
3776 process.

3777 (3) STATEWIDE CORE RESOURCES.—For purposes of licensing  
3778 electronic library resources of the Florida Electronic Library,  
3779 library representatives from public libraries, school districts,  
3780 Florida College System institutions ~~colleges~~, and state  
3781 universities shall identify the statewide core resources that  
3782 will be available to all students, teachers, and citizens of the  
3783 state.

3784 (4) POSTSECONDARY EDUCATION CORE RESOURCES.—For purposes of  
3785 licensing electronic library resources required by both the  
3786 Florida Center for Library Automation and the College Center for  
3787 Library Automation from funds appropriated to the centers,  
3788 Florida College System institution and state university library  
3789 staff shall identify the postsecondary education core resources  
3790 that will be available to all public postsecondary education  
3791 students.

3792 (5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of  
3793 licensing electronic library resources beyond the postsecondary  
3794 education core resources by the Florida Center for Library  
3795 Automation from funds appropriated to the center, state  
3796 university library staff, in consultation with Florida College  
3797 System institution library staff, shall identify the 4-year  
3798 degree core resources that will be available to all 4-year  
3799 degree-seeking students in the State University System and the

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3800 Florida College System. The Florida Center for Library  
3801 Automation shall include in the negotiated pricing model any  
3802 Florida College System institution interested in licensing a  
3803 resource.

3804 (6) TWO-YEAR DEGREE CORE RESOURCES.—For purposes of  
3805 licensing electronic library resources beyond the postsecondary  
3806 education core resources by the College Center for Library  
3807 Automation from funds appropriated to the center, Florida  
3808 College System institution library staff shall identify the 2-  
3809 year degree core resources that will be available to all Florida  
3810 College System institution students. The College Center for  
3811 Library Automation shall include in the negotiated pricing model  
3812 any state university interested in licensing a resource.

3813 Section 88. Paragraph (a) of subsection (2) of section  
3814 1007.21, Florida Statutes, is amended to read:

3815 1007.21 Readiness for postsecondary education and the  
3816 workplace.—

3817 (2) (a) Students entering the 9th grade and their parents  
3818 shall have developed during the middle grades a 4- to 5-year  
3819 academic and career plan based on postsecondary and career  
3820 goals. Alternate career and academic destinations should be  
3821 considered with bridges between destinations to enable students  
3822 to shift academic and career priorities if they choose to change  
3823 goals. The destinations shall accommodate the needs of students  
3824 served in exceptional education programs to the extent  
3825 appropriate for individual students. Exceptional education  
3826 students may continue to follow the courses outlined in the  
3827 district school board student progression plan. Students and  
3828 their parents shall choose among destinations, which must

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3829 include:

- 3830 1. Four-year college or university, Florida College System  
3831 institution ~~community college~~ plus university, or military  
3832 academy degree.
- 3833 2. Two-year postsecondary degree.
- 3834 3. Postsecondary career certificate.
- 3835 4. Immediate employment or entry-level military.
- 3836 5. A combination of the above.

3837 Section 89. Subsection (1) of section 1007.22, Florida  
3838 Statutes, is amended to read:

3839 1007.22 Articulation; postsecondary institution  
3840 coordination and collaboration.—

3841 (1) The university boards of trustees, Florida College  
3842 System institution ~~community college~~ boards of trustees, and  
3843 district school boards are encouraged to establish  
3844 intrainstitutional and interinstitutional programs to maximize  
3845 articulation. Programs may include upper-division-level courses  
3846 offered at the Florida College System institution ~~community~~  
3847 ~~college~~, distance learning, transfer agreements that facilitate  
3848 the transfer of credits between public and nonpublic  
3849 postsecondary institutions, and the concurrent enrollment of  
3850 students at a Florida College System institution ~~community~~  
3851 ~~college~~ and a state university to enable students to take any  
3852 level of baccalaureate degree coursework.

3853 Section 90. Paragraphs (b), (c), and (d) of subsection (1)  
3854 and subsections (2) and (3) of section 1007.23, Florida  
3855 Statutes, are amended to read:

3856 1007.23 Statewide articulation agreement.—

3857 (1) The State Board of Education and the Board of Governors

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3858 shall enter into a statewide articulation agreement which the  
3859 State Board of Education shall adopt by rule. The agreement must  
3860 preserve Florida's "2+2" system of articulation, facilitate the  
3861 seamless articulation of student credit across and among  
3862 Florida's educational entities, and reinforce the provisions of  
3863 this chapter by governing:

3864 (b) Admission of associate in arts degree graduates from  
3865 Florida College System institutions ~~community colleges~~ and state  
3866 universities;

3867 (c) Admission of applied technology diploma program  
3868 graduates from Florida College System institutions ~~community~~  
3869 ~~colleges~~ or career centers;

3870 (d) Admission of associate in science degree and associate  
3871 in applied science degree graduates from Florida College System  
3872 institutions ~~community colleges~~;

3873 (2) (a) The articulation agreement must specifically provide  
3874 that every associate in arts graduate of a Florida College  
3875 System institution shall have met all general education  
3876 requirements and must be granted admission to the upper division  
3877 of a:

3878 1. State university, except for a limited access or teacher  
3879 certification program or a major program requiring an audition.

3880 2. Florida College System institution if it offers  
3881 baccalaureate degree programs, except for a limited access or  
3882 teacher certification program or a major program requiring an  
3883 audition.

3884 (b) Florida College System institution associate in arts  
3885 graduates shall receive priority for admission to the upper  
3886 division of a Florida College System institution or to a state

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3887 university over out-of-state students. Orientation programs,  
3888 catalogs, and student handbooks provided to freshman enrollees  
3889 and transfer students at Florida College System institutions  
3890 ~~colleges~~ and state universities must include an explanation of  
3891 this provision of the articulation agreement.

3892 (3) The articulation agreement must guarantee the statewide  
3893 articulation of appropriate workforce development programs and  
3894 courses between school districts and Florida College System  
3895 institutions ~~community colleges~~ and specifically provide that  
3896 every applied technology diploma graduate must be granted the  
3897 same amount of credit upon admission to an associate in science  
3898 degree or associate in applied science degree program unless it  
3899 is a limited access program. Preference for admission must be  
3900 given to graduates who are residents of Florida.

3901 Section 91. Subsection (1), paragraphs (b) and (c) of  
3902 subsection (2), and subsections (3), (6), and (7) of section  
3903 1007.235, Florida Statutes, are amended to read:

3904 1007.235 District interinstitutional articulation  
3905 agreements.—

3906 (1) District school superintendents and Florida College  
3907 System institution ~~community college~~ presidents shall jointly  
3908 develop and implement a comprehensive articulated acceleration  
3909 program for the students enrolled in their respective school  
3910 districts and service areas. Within this general responsibility,  
3911 each superintendent and president shall develop a comprehensive  
3912 interinstitutional articulation agreement for the school  
3913 district and Florida College System institution ~~community~~  
3914 ~~college~~ that serves the school district. The district school  
3915 superintendent and president shall establish an articulation

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3916 committee for the purpose of developing this agreement. Each  
3917 state university president is encouraged to designate a  
3918 university representative to participate in the development of  
3919 the interinstitutional articulation agreements for each school  
3920 district within the university service area.

3921 (2) The district interinstitutional articulation agreement  
3922 for each school year must be completed before high school  
3923 registration for the fall term of the following school year. The  
3924 agreement must include, but is not limited to, the following  
3925 components:

3926 (b)1. A delineation of courses and programs available to  
3927 students eligible to participate in dual enrollment. This  
3928 delineation must include a plan for the Florida College System  
3929 institution ~~community college~~ to provide guidance services to  
3930 participating students on the selection of courses in the dual  
3931 enrollment program. The process of Florida College System  
3932 institution ~~community college~~ guidance should make maximum use  
3933 of the automated advisement system for Florida College System  
3934 institutions ~~community colleges~~. The plan must assure that each  
3935 dual enrollment student is encouraged to identify a  
3936 postsecondary education objective with which to guide the course  
3937 selection. At a minimum, each student's plan should include a  
3938 list of courses that will result in an Applied Technology  
3939 Diploma, an Associate in Science degree, or an Associate in Arts  
3940 degree. If the student identifies a baccalaureate degree as the  
3941 objective, the plan must include courses that will meet the  
3942 general education requirements and any prerequisite requirements  
3943 for entrance into a selected baccalaureate degree program.

3944 2. A delineation of the process by which students and their

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3945 parents are informed about opportunities to participate in  
3946 articulated acceleration programs.

3947 3. A delineation of the process by which students and their  
3948 parents exercise their option to participate in an articulated  
3949 acceleration program.

3950 4. A delineation of high school credits earned for  
3951 completion of each dual enrollment course.

3952 5. Provision for postsecondary courses that meet the  
3953 criteria for inclusion in a district articulated acceleration  
3954 program to be counted toward meeting the graduation requirements  
3955 of s. 1003.43.

3956 6. An identification of eligibility criteria for student  
3957 participation in dual enrollment courses and programs.

3958 7. A delineation of institutional responsibilities  
3959 regarding student screening prior to enrollment and monitoring  
3960 student performance subsequent to enrollment in dual enrollment  
3961 courses and programs.

3962 8. An identification of the criteria by which the quality  
3963 of dual enrollment courses and programs are to be judged and a  
3964 delineation of institutional responsibilities for the  
3965 maintenance of instructional quality.

3966 9. A delineation of institutional responsibilities for  
3967 assuming the cost of dual enrollment courses and programs that  
3968 includes such responsibilities for student instructional  
3969 materials.

3970 10. An identification of responsibility for providing  
3971 student transportation if the dual enrollment instruction is  
3972 conducted at a facility other than the high school campus.

3973 11. A delineation of the process for converting college

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3974 credit hours earned through dual enrollment and early admission  
3975 programs to high school credit based on mastery of course  
3976 outcomes as determined by the Department of Education in  
3977 accordance with s. 1007.271(6).

3978 12. An identification of the responsibility of the  
3979 postsecondary educational institution for assigning letter  
3980 grades for dual enrollment courses and the responsibility of  
3981 school districts for posting dual enrollment course grades to  
3982 the high school transcript as assigned by the postsecondary  
3983 institution awarding the credit.

3984 (c) Mechanisms and strategies for reducing the incidence of  
3985 postsecondary remediation in math, reading, and writing for  
3986 first-time-enrolled recent high school graduates, based upon the  
3987 findings in the postsecondary readiness-for-college report  
3988 produced pursuant to s. 1008.37. Each articulation committee  
3989 shall annually analyze and assess the effectiveness of the  
3990 mechanisms toward meeting the goal of reducing postsecondary  
3991 remediation needs. Results of the assessment shall be annually  
3992 presented to participating district school boards and Florida  
3993 College System institution ~~community college~~ boards of trustees  
3994 and shall include, but not be limited to:

- 3995 1. Mechanisms currently being initiated.  
3996 2. An analysis of problems and corrective actions.  
3997 3. Anticipated outcomes.  
3998 4. Strategies for the better preparation of students upon  
3999 graduation from high school.  
4000 5. An analysis of costs associated with the implementation  
4001 of postsecondary remedial education and secondary-level  
4002 corrective actions.

2011946er

4003           6. The identification of strategies for reducing costs of  
4004 the delivery of postsecondary remediation for recent high school  
4005 graduates, including the consideration and assessment of  
4006 alternative instructional methods and services such as those  
4007 produced by private providers.

4008  
4009           Wherever possible, public schools and Florida College System  
4010 institutions ~~community colleges~~ are encouraged to share  
4011 resources, form partnerships with private industries, and  
4012 implement innovative strategies and mechanisms such as distance  
4013 learning, summer student and faculty workshops, parental  
4014 involvement activities, and the distribution of information over  
4015 the Internet.

4016           (3) The district interinstitutional articulation agreement  
4017 shall include a plan that outlines the mechanisms and strategies  
4018 for improving the preparation of elementary, middle, and high  
4019 school teachers. Effective collaboration among school districts,  
4020 postsecondary institutions, and practicing educators is  
4021 essential to improving teaching in Florida's elementary and  
4022 secondary schools and consequently, the retention and success of  
4023 students through high school graduation and into postsecondary  
4024 education. Professional development programs shall be developed  
4025 cooperatively and include curricular content which focuses upon  
4026 local and state needs and responds to state, national, and  
4027 district policy and program priorities. School districts and  
4028 Florida College System institutions ~~community colleges~~ are  
4029 encouraged to develop plans which utilize new technologies,  
4030 address critical needs in their implementation, and include both  
4031 preservice and inservice initiatives.

2011946er

4032 (6) District school boards and Florida College System  
4033 institutions ~~community colleges~~ may enter into additional  
4034 interinstitutional articulation agreements with state  
4035 universities for the purposes of this section. School districts  
4036 may also enter into interinstitutional articulation agreements  
4037 with eligible independent colleges and universities pursuant to  
4038 s. 1011.62(1)(i).

4039 (7) State universities and Florida College System  
4040 institutions ~~community colleges~~ may enter into  
4041 interinstitutional articulation agreements with nonpublic  
4042 secondary schools pursuant to s. 1007.271(2).

4043 Section 92. Paragraph (c) of subsection (2) and subsection  
4044 (5) of section 1007.24, Florida Statutes, are amended to read:  
4045 1007.24 Statewide course numbering system.—

4046 (2) The Commissioner of Education, in conjunction with the  
4047 Chancellor of the State University System, shall appoint faculty  
4048 committees representing faculties of participating institutions  
4049 to recommend a single level for each course, including  
4050 postsecondary career education courses, included in the  
4051 statewide course numbering system.

4052 (c) A course designated as lower-division may be offered by  
4053 any Florida College System institution ~~community college~~.

4054 (5) The registration process at each state university and  
4055 Florida College System institution ~~community college~~ shall  
4056 include the courses at their designated levels and statewide  
4057 course number.

4058 Section 93. Subsections (2), (5), (6), (8), (9), and (11)  
4059 of section 1007.25, Florida Statutes, are amended to read:

4060 1007.25 General education courses; common prerequisites;

2011946er

4061 and other degree requirements.—

4062 (2) The department shall identify postsecondary career  
4063 education programs offered by Florida College System  
4064 institutions ~~community colleges~~ and district school boards. The  
4065 department shall also identify career courses designated as  
4066 college credit courses applicable toward a career education  
4067 diploma or degree. Such courses must be identified within the  
4068 statewide course numbering system.

4069 (5) The department shall identify common prerequisite  
4070 courses and course substitutions for degree programs across all  
4071 institutions. Common degree program prerequisites shall be  
4072 offered and accepted by all state universities and Florida  
4073 College System institutions ~~community colleges~~, except in cases  
4074 approved by the State Board of Education for Florida College  
4075 System institutions ~~community colleges~~ and the Board of  
4076 Governors for state universities. The department shall develop a  
4077 centralized database containing the list of courses and course  
4078 substitutions that meet the prerequisite requirements for each  
4079 baccalaureate degree program.

4080 (6) The boards of trustees of the Florida College System  
4081 institutions ~~community colleges~~ shall identify their core  
4082 curricula, which shall include courses required by the State  
4083 Board of Education. The boards of trustees of the state  
4084 universities shall identify their core curricula, which shall  
4085 include courses required by the Board of Governors. The  
4086 universities and Florida College System institutions ~~community~~  
4087 ~~colleges~~ shall work with their school districts to assure that  
4088 high school curricula coordinate with the core curricula and to  
4089 prepare students for college-level work. Core curricula for

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4090 associate in arts programs shall be adopted in rule by the State  
4091 Board of Education and shall include 36 semester hours of  
4092 general education courses in the subject areas of communication,  
4093 mathematics, social sciences, humanities, and natural sciences.

4094 (8) A baccalaureate degree program shall require no more  
4095 than 120 semester hours of college credit, including 36 semester  
4096 hours of general education coursework, unless prior approval has  
4097 been granted by the Board of Governors for baccalaureate degree  
4098 programs offered by state universities and by the State Board of  
4099 Education for baccalaureate degree programs offered by Florida  
4100 College System institutions ~~community colleges~~.

4101 (9) A student who received an associate in arts degree for  
4102 successfully completing 60 semester credit hours may continue to  
4103 earn additional credits at a Florida College System institution  
4104 ~~community college~~. The university must provide credit toward the  
4105 student's baccalaureate degree for an additional Florida College  
4106 System institution ~~community college~~ course if, according to the  
4107 statewide course numbering, the Florida College System  
4108 institution ~~community college~~ course is a course listed in the  
4109 university catalog as required for the degree or as prerequisite  
4110 to a course required for the degree. Of the courses required for  
4111 the degree, at least half of the credit hours required for the  
4112 degree shall be achievable through courses designated as lower  
4113 division, except in degree programs approved by the State Board  
4114 of Education for programs offered by Florida College System  
4115 institutions ~~community colleges~~ and by the Board of Governors  
4116 for programs offered by state universities.

4117 (11) The Commissioner of Education shall appoint faculty  
4118 committees representing both Florida College System institution

2011946er

4119 ~~community college~~ and public school faculties to recommend to  
4120 the commissioner for approval by the State Board of Education a  
4121 standard program length and appropriate occupational completion  
4122 points for each postsecondary career certificate program,  
4123 diploma, and degree offered by a school district or a Florida  
4124 College System institution ~~community college~~.

4125 Section 94. Paragraph (a) of subsection (3) of section  
4126 1007.2615, Florida Statutes, is amended to read:

4127 1007.2615 American Sign Language; findings; foreign-  
4128 language credits authorized; teacher licensing.—

4129 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
4130 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN  
4131 FOR POSTSECONDARY EDUCATION PROVIDERS.—

4132 (a) The Commissioner of Education shall appoint a seven-  
4133 member task force that includes representatives from two state  
4134 universities and one private college or university located  
4135 within this state which currently offer a 4-year deaf education  
4136 or sign language interpretation program as a part of their  
4137 respective curricula, two representatives from the Florida  
4138 American Sign Language Teachers' Association (FASLTA), and two  
4139 representatives from Florida College System institutions  
4140 ~~community colleges~~ located within this state which have  
4141 established Interpreter Training Programs (ITPs). This task  
4142 force shall develop and submit to the Commissioner of Education  
4143 a report that contains the most up-to-date information about  
4144 American Sign Language (ASL) and guidelines for developing and  
4145 maintaining ASL courses as a part of the curriculum. This  
4146 information must be made available to any administrator of a  
4147 public or an independent school upon request of the

2011946er

4148 administrator.

4149 Section 95. Section 1007.262, Florida Statutes, is amended  
4150 to read:

4151 1007.262 Foreign language competence; equivalence  
4152 determinations.—The Department of Education shall identify the  
4153 competencies demonstrated by students upon the successful  
4154 completion of 2 credits of sequential high school foreign  
4155 language instruction. For the purpose of determining  
4156 postsecondary equivalence, the department shall develop rules  
4157 through which Florida College System institutions ~~community~~  
4158 ~~colleges~~ correlate such competencies to the competencies  
4159 required of students in the colleges' respective courses. Based  
4160 on this correlation, each Florida College System institution  
4161 ~~community college~~ shall identify the minimum number of  
4162 postsecondary credits that students must earn in order to  
4163 demonstrate a level of competence in a foreign language at least  
4164 equivalent to that of students who have completed 2 credits of  
4165 such instruction in high school. The department may also specify  
4166 alternative means by which students can demonstrate equivalent  
4167 foreign language competence, including means by which a student  
4168 whose native language is not English may demonstrate proficiency  
4169 in the native language. A student who demonstrates proficiency  
4170 in a native language other than English is exempt from a  
4171 requirement of completing foreign language courses at the  
4172 secondary or Florida College System ~~community college~~ level.

4173 Section 96. Section 1007.263, Florida Statutes, is amended  
4174 to read:

4175 1007.263 Florida College System institutions ~~Community~~  
4176 ~~colleges~~; admissions of students.—Each Florida College System

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4177 institution ~~community college~~ board of trustees is authorized to  
4178 adopt rules governing admissions of students subject to this  
4179 section and rules of the State Board of Education. These rules  
4180 shall include the following:

4181 (1) Admissions counseling shall be provided to all students  
4182 entering college or career credit programs. Counseling shall  
4183 utilize tests to measure achievement of college-level  
4184 communication and computation competencies by all students  
4185 entering college credit programs or tests to measure achievement  
4186 of basic skills for career programs as prescribed in s. 1004.91.

4187 (2) Admission to associate degree programs is subject to  
4188 minimum standards adopted by the State Board of Education and  
4189 shall require:

4190 (a) A standard high school diploma, a high school  
4191 equivalency diploma as prescribed in s. 1003.435, previously  
4192 demonstrated competency in college credit postsecondary  
4193 coursework, or, in the case of a student who is home educated, a  
4194 signed affidavit submitted by the student's parent or legal  
4195 guardian attesting that the student has completed a home  
4196 education program pursuant to the requirements of s. 1002.41.  
4197 Students who are enrolled in a dual enrollment or early  
4198 admission program pursuant to ss. 1007.27 and 1007.271 and  
4199 secondary students enrolled in college-level instruction  
4200 creditable toward the associate degree, but not toward the high  
4201 school diploma, shall be exempt from this requirement.

4202 (b) A demonstrated level of achievement of college-level  
4203 communication and computation skills.

4204 (c) Any other requirements established by the board of  
4205 trustees.

2011946er

4206 (3) Admission to other programs within the Florida College  
4207 System institution ~~community college~~ shall include education  
4208 requirements as established by the board of trustees.

4209 (4) A student who has been awarded a special diploma as  
4210 defined in s. 1003.438 or a certificate of completion as defined  
4211 in s. 1003.43(10) is eligible to enroll in certificate career  
4212 education programs.

4213 (5) A student with a documented disability may be eligible  
4214 for reasonable substitutions, as prescribed in ss. 1007.264 and  
4215 1007.265.

4216  
4217 Each board of trustees shall establish policies that notify  
4218 students about, and place students into, adult basic education,  
4219 adult secondary education, or other instructional programs that  
4220 provide students with alternatives to traditional college-  
4221 preparatory instruction, including private provider instruction.  
4222 A student is prohibited from enrolling in additional college-  
4223 level courses until the student scores above the cut-score on  
4224 all sections of the common placement test.

4225 Section 97. Subsection (2) of section 1007.264, Florida  
4226 Statutes, is amended to read:

4227 1007.264 Persons with disabilities; admission to  
4228 postsecondary educational institutions; substitute requirements;  
4229 rules and regulations.—

4230 (2) The State Board of Education, in consultation with the  
4231 Board of Governors, shall adopt rules to implement this section  
4232 for Florida College System institutions ~~community colleges~~ and  
4233 shall develop substitute admission requirements where  
4234 appropriate.

2011946er

4235 Section 98. Subsection (2) of section 1007.265, Florida  
4236 Statutes, is amended to read:

4237 1007.265 Persons with disabilities; graduation, study  
4238 program admission, and upper-division entry; substitute  
4239 requirements; rules and regulations.—

4240 (2) The State Board of Education, in consultation with the  
4241 Board of Governors, shall adopt rules to implement this section  
4242 for Florida College System institutions ~~community colleges~~ and  
4243 shall develop substitute requirements where appropriate.

4244 Section 99. Subsections (1), (2), (3), (7), (8), and (9) of  
4245 section 1007.27, Florida Statutes, are amended to read:

4246 1007.27 Articulated acceleration mechanisms.—

4247 (1) It is the intent of the Legislature that a variety of  
4248 articulated acceleration mechanisms be available for secondary  
4249 and postsecondary students attending public educational  
4250 institutions. It is intended that articulated acceleration serve  
4251 to shorten the time necessary for a student to complete the  
4252 requirements associated with the conference of a high school  
4253 diploma and a postsecondary degree, broaden the scope of  
4254 curricular options available to students, or increase the depth  
4255 of study available for a particular subject. Articulated  
4256 acceleration mechanisms shall include, but not be limited to,  
4257 dual enrollment as provided for in s. 1007.271, early admission,  
4258 advanced placement, credit by examination, the International  
4259 Baccalaureate Program, and the Advanced International  
4260 Certificate of Education Program. Credit earned through the  
4261 Florida Virtual School shall provide additional opportunities  
4262 for early graduation and acceleration. Students of Florida  
4263 public secondary schools enrolled pursuant to this subsection

2011946er

4264 shall be deemed authorized users of the state-funded electronic  
4265 library resources that are licensed for Florida College System  
4266 institutions ~~colleges~~ and state universities by the Florida  
4267 Center for Library Automation and the College Center for Library  
4268 Automation. Verification of eligibility shall be in accordance  
4269 with rules established by the State Board of Education and  
4270 regulations established by the Board of Governors and processes  
4271 implemented by Florida College System institutions ~~colleges~~ and  
4272 state universities.

4273 (2) The Department of Education shall identify the minimum  
4274 scores, maximum credit, and course or courses for which credit  
4275 is to be awarded for each College Level Examination Program  
4276 (CLEP) general examination, CLEP subject examination, College  
4277 Board Advanced Placement Program examination, and International  
4278 Baccalaureate examination. In addition, the department shall  
4279 identify such courses in the general education core curriculum  
4280 of each state university and Florida College System institution  
4281 ~~community college~~.

4282 (3) Each Florida College System institution ~~community~~  
4283 ~~college~~ and state university must award credit for specific  
4284 courses for which competency has been demonstrated by successful  
4285 passage of one of the examinations in subsection (2) unless the  
4286 award of credit duplicates credit already awarded. Florida  
4287 College System institutions ~~Community colleges~~ and state  
4288 universities may not exempt students from courses without the  
4289 award of credit if competencies have been so demonstrated.

4290 (7) Credit by examination shall be the program through  
4291 which secondary and postsecondary students generate  
4292 postsecondary credit based on the receipt of a specified minimum

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4293 score on nationally standardized general or subject-area  
4294 examinations. For the purpose of statewide application, such  
4295 examinations and the corresponding minimum scores required for  
4296 an award of credit shall be delineated by the State Board of  
4297 Education and the Board of Governors in the statewide  
4298 articulation agreement required by s. 1007.23(1). The maximum  
4299 credit generated by a student pursuant to this subsection shall  
4300 be mitigated by any related postsecondary credit earned by the  
4301 student prior to the administration of the examination. This  
4302 subsection shall not preclude Florida College System  
4303 institutions ~~community colleges~~ and universities from awarding  
4304 credit by examination based on student performance on  
4305 examinations developed within and recognized by the individual  
4306 postsecondary institutions.

4307 (8) The International Baccalaureate Program shall be the  
4308 curriculum in which eligible secondary students are enrolled in  
4309 a program of studies offered through the International  
4310 Baccalaureate Program administered by the International  
4311 Baccalaureate Office. The State Board of Education and the Board  
4312 of Governors shall specify in the statewide articulation  
4313 agreement required by s. 1007.23(1) the cutoff scores and  
4314 International Baccalaureate Examinations which will be used to  
4315 grant postsecondary credit at Florida College System  
4316 institutions ~~community colleges~~ and universities. Any changes to  
4317 the articulation agreement, which have the effect of raising the  
4318 required cutoff score or of changing the International  
4319 Baccalaureate Examinations which will be used to grant  
4320 postsecondary credit, shall only apply to students taking  
4321 International Baccalaureate Examinations after such changes are

2011946er

4322 adopted by the State Board of Education and the Board of  
4323 Governors. Students shall be awarded a maximum of 30 semester  
4324 credit hours pursuant to this subsection. The specific course  
4325 for which a student may receive such credit shall be specified  
4326 in the statewide articulation agreement required by s.  
4327 1007.23(1). Students enrolled pursuant to this subsection shall  
4328 be exempt from the payment of any fees for administration of the  
4329 examinations regardless of whether or not the student achieves a  
4330 passing score on the examination.

4331 (9) The Advanced International Certificate of Education  
4332 Program and the International General Certificate of Secondary  
4333 Education (pre-AICE) Program shall be the curricula in which  
4334 eligible secondary students are enrolled in programs of study  
4335 offered through the Advanced International Certificate of  
4336 Education Program or the International General Certificate of  
4337 Secondary Education (pre-AICE) Program administered by the  
4338 University of Cambridge Local Examinations Syndicate. The State  
4339 Board of Education and the Board of Governors shall specify in  
4340 the statewide articulation agreement required by s. 1007.23(1)  
4341 the cutoff scores and Advanced International Certificate of  
4342 Education examinations which will be used to grant postsecondary  
4343 credit at Florida College System institutions ~~community colleges~~  
4344 and universities. Any changes to the cutoff scores, which  
4345 changes have the effect of raising the required cutoff score or  
4346 of changing the Advanced International Certification of  
4347 Education examinations which will be used to grant postsecondary  
4348 credit, shall apply to students taking Advanced International  
4349 Certificate of Education examinations after such changes are  
4350 adopted by the State Board of Education and the Board of

2011946er

4351 Governors. Students shall be awarded a maximum of 30 semester  
4352 credit hours pursuant to this subsection. The specific course  
4353 for which a student may receive such credit shall be determined  
4354 by the Florida College System institution ~~community college~~ or  
4355 university that accepts the student for admission. Students  
4356 enrolled in either program of study pursuant to this subsection  
4357 shall be exempt from the payment of any fees for administration  
4358 of the examinations regardless of whether the student achieves a  
4359 passing score on the examination.

4360 Section 100. Subsections (3), (4), (6), and (8), paragraph  
4361 (b) of subsection (10), and subsections (14), (15), and (16) of  
4362 section 1007.271, Florida Statutes, are amended to read:

4363 1007.271 Dual enrollment programs.—

4364 (3) The Department of Education shall adopt guidelines  
4365 designed to achieve comparability across school districts of  
4366 both student qualifications and teacher qualifications for dual  
4367 enrollment courses. Student qualifications must demonstrate  
4368 readiness for college-level coursework if the student is to be  
4369 enrolled in college courses. Student qualifications must  
4370 demonstrate readiness for career-level coursework if the student  
4371 is to be enrolled in career courses. In addition to the common  
4372 placement examination, student qualifications for enrollment in  
4373 college credit dual enrollment courses must include a 3.0  
4374 unweighted grade point average, and student qualifications for  
4375 enrollment in career certificate dual enrollment courses must  
4376 include a 2.0 unweighted grade point average. Exceptions to the  
4377 required grade point averages may be granted if the educational  
4378 entities agree and the terms of the agreement are contained  
4379 within the dual enrollment interinstitutional articulation

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4380 agreement. Florida College System institution ~~Community college~~  
4381 boards of trustees may establish additional admissions criteria,  
4382 which shall be included in the district interinstitutional  
4383 articulation agreement developed according to s. 1007.235, to  
4384 ensure student readiness for postsecondary instruction.  
4385 Additional requirements included in the agreement shall not  
4386 arbitrarily prohibit students who have demonstrated the ability  
4387 to master advanced courses from participating in dual enrollment  
4388 courses. District school boards may not refuse to enter into an  
4389 agreement with a local Florida College System institution  
4390 ~~community college~~ if that Florida College System institution  
4391 ~~community college~~ has the capacity to offer dual enrollment  
4392 courses.

4393 (4) Career dual enrollment shall be provided as a  
4394 curricular option for secondary students to pursue in order to  
4395 earn a series of elective credits toward the high school  
4396 diploma. Career dual enrollment shall be available for secondary  
4397 students seeking a degree or certificate from a complete career-  
4398 preparatory program, and shall not be used to enroll students in  
4399 isolated career courses. It is the intent of the Legislature  
4400 that career dual enrollment provide a comprehensive academic and  
4401 career dual enrollment program within the career center or  
4402 Florida College System institution ~~community college~~.

4403 (6) The Commissioner of Education shall appoint faculty  
4404 committees representing public school, Florida College System  
4405 institution ~~community college~~, and university faculties to  
4406 identify postsecondary courses that meet the high school  
4407 graduation requirements of s. 1003.43, and to establish the  
4408 number of postsecondary semester credit hours of instruction and

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4409 equivalent high school credits earned through dual enrollment  
4410 pursuant to this section that are necessary to meet high school  
4411 graduation requirements. Such equivalencies shall be determined  
4412 solely on comparable course content and not on seat time  
4413 traditionally allocated to such courses in high school. The  
4414 Commissioner of Education shall recommend to the State Board of  
4415 Education those postsecondary courses identified to meet high  
4416 school graduation requirements, based on mastery of course  
4417 outcomes, by their course numbers, and all high schools shall  
4418 accept these postsecondary education courses toward meeting the  
4419 requirements of s. 1003.43.

4420 (8) Career early admission is a form of career dual  
4421 enrollment through which eligible secondary students enroll full  
4422 time in a career center or a Florida College System institution  
4423 ~~community college~~ in courses that are creditable toward the high  
4424 school diploma and the certificate or associate degree.

4425 Participation in the career early admission program shall be  
4426 limited to students who have completed a minimum of 6 semesters  
4427 of full-time secondary enrollment, including studies undertaken  
4428 in the ninth grade. Students enrolled pursuant to this section  
4429 are exempt from the payment of registration, tuition, and  
4430 laboratory fees.

4431 (10)

4432 (b) Each career center, Florida College System institution  
4433 ~~community college~~, and state university shall:

4434 1. Delineate courses and programs for dually enrolled home  
4435 education students. Courses and programs may be added, revised,  
4436 or deleted at any time.

4437 2. Identify eligibility criteria for home education student

2011946er

4438 participation, not to exceed those required of other dually  
4439 enrolled students.

4440 (14) Instructional materials assigned for use within dual  
4441 enrollment courses shall be made available to dual enrollment  
4442 students from Florida public high schools free of charge. This  
4443 subsection shall not be construed to prohibit a Florida College  
4444 System institution ~~community college~~ from providing  
4445 instructional materials at no cost to a home education student  
4446 or student from a private school. Students enrolled in  
4447 postsecondary instruction not creditable toward a high school  
4448 diploma shall not be considered dual enrollments and shall be  
4449 required to assume the cost of instructional materials necessary  
4450 for such instruction.

4451 (15) Instructional materials purchased by a district school  
4452 board or Florida College System institution ~~community college~~  
4453 board of trustees on behalf of dual enrollment students shall be  
4454 the property of the board against which the purchase is charged.

4455 (16) Beginning with students entering grade 9 in the 2006-  
4456 2007 school year, school districts and Florida College System  
4457 institutions ~~community colleges~~ must weigh dual enrollment  
4458 courses the same as advanced placement, International  
4459 Baccalaureate, and Advanced International Certificate of  
4460 Education courses when grade point averages are calculated.  
4461 Alternative grade calculation or weighting systems that  
4462 discriminate against dual enrollment courses are prohibited.

4463 Section 101. Subsection (1) of section 1007.272, Florida  
4464 Statutes, is amended to read:

4465 1007.272 Joint dual enrollment and advanced placement  
4466 instruction.-

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4467 (1) Each school district, Florida College System  
4468 institution ~~community college~~, and state university may conduct  
4469 advanced placement instruction within dual enrollment courses.  
4470 Each joint dual enrollment and advanced placement course shall  
4471 be incorporated within and subject to the provisions of the  
4472 district interinstitutional articulation agreement pursuant to  
4473 s. 1007.235. Such agreement shall certify that each joint dual  
4474 enrollment and advanced placement course integrates, at a  
4475 minimum, the course structure recommended by the College Board  
4476 and the structure that corresponds to the common course number.

4477 Section 102. Section 1007.28, Florida Statutes, is amended  
4478 to read:

4479 1007.28 Computer-assisted student advising system.—The  
4480 Department of Education, in conjunction with the Board of  
4481 Governors, shall establish and maintain a single, statewide  
4482 computer-assisted student advising system, which must be an  
4483 integral part of the process of advising, registering, and  
4484 certifying students for graduation and must be accessible to all  
4485 Florida students. The state universities and Florida College  
4486 System institutions ~~community colleges~~ shall interface  
4487 institutional systems with the computer-assisted advising system  
4488 required by this section. The State Board of Education and the  
4489 Board of Governors shall specify in the statewide articulation  
4490 agreement required by s. 1007.23(1) the roles and  
4491 responsibilities of the department, the state universities, and  
4492 the Florida College System institutions ~~community colleges~~ in  
4493 the design, implementation, promotion, development, and analysis  
4494 of the system. The system shall consist of a degree audit and an  
4495 articulation component that includes the following

2011946er

4496 characteristics:

4497 (1) The system shall constitute an integral part of the  
4498 process of advising students and assisting them in course  
4499 selection. The system shall be accessible to students in the  
4500 following ways:

4501 (a) A student must be able to access the system, at any  
4502 time, to identify course options that will meet the requirements  
4503 of a selected path toward a degree.

4504 (b) A status report from the system shall be generated and  
4505 sent with each grade report to each student enrolled in public  
4506 postsecondary educational institutions with a declared major.

4507 (2) The system shall be an integral part of the  
4508 registration process at public postsecondary educational  
4509 institutions. As part of the process, the system shall:

4510 (a) Provide reports that document each student's status  
4511 toward completion of a degree.

4512 (b) Verify that a student has completed requirements for  
4513 graduation.

4514 (3) The system must provide students information related to  
4515 career descriptions and corresponding educational requirements,  
4516 admissions requirements, and available sources of student  
4517 financial assistance. Such advising must enable students to  
4518 examine their interests and aptitudes for the purpose of  
4519 curricular and career planning.

4520 (4) The system must provide management information to  
4521 decisionmakers, including information relating student  
4522 enrollment patterns and course demands to plans for  
4523 corresponding course offerings and information useful in  
4524 planning the student registration process.

2011946er

4525 Section 103. Subsections (1), (2), (3), (4), and (5) and  
4526 paragraphs (a), (b), (c), and (d) of subsection (6) of section  
4527 1007.33, Florida Statutes, are amended to read:

4528 1007.33 Site-determined baccalaureate degree access.—

4529 (1) (a) The Legislature recognizes that public and private  
4530 postsecondary educational institutions play an essential role in  
4531 improving the quality of life and economic well-being of the  
4532 state and its residents. The Legislature also recognizes that  
4533 economic development needs and the educational needs of place-  
4534 bound, nontraditional students have increased the demand for  
4535 local access to baccalaureate degree programs. It is therefore  
4536 the intent of the Legislature to further expand access to  
4537 baccalaureate degree programs through the use of Florida College  
4538 System institutions ~~colleges~~.

4539 (b) For purposes of this section, the term "district"  
4540 refers to the county or counties served by a Florida College  
4541 System institution pursuant to s. 1000.21(3).

4542 (2) Any Florida College System institution that offers one  
4543 or more baccalaureate degree programs must:

4544 (a) Maintain as its primary mission:

4545 1. Responsibility for responding to community needs for  
4546 postsecondary academic education and career degree education as  
4547 prescribed in s. 1004.65(5).

4548 2. The provision of associate degrees that provide access  
4549 to a university.

4550 (b) Maintain an open-door admission policy for associate-  
4551 level degree programs and workforce education programs.

4552 (c) Continue to provide outreach to underserved  
4553 populations.

2011946er

4554 (d) Continue to provide remedial education.

4555 (e) Comply with all provisions of the statewide  
4556 articulation agreement which relate to 2-year and 4-year public  
4557 degree-granting institutions as adopted by the State Board of  
4558 Education pursuant to s. 1007.23.

4559 (f) Not award graduate credit.

4560 (g) Not participate in intercollegiate athletics beyond the  
4561 2-year level.

4562 (3) A Florida College System institution may not terminate  
4563 its associate in arts or associate in science degree programs as  
4564 a result of being authorized to offer one or more baccalaureate  
4565 degree programs. The Legislature intends that the primary  
4566 responsibility of a Florida College System institution,  
4567 including a Florida College System institution that offers  
4568 baccalaureate degree programs, continues to be the provision of  
4569 associate degrees that provide access to a university.

4570 (4) A Florida College System institution may:

4571 (a) Offer specified baccalaureate degree programs through  
4572 formal agreements between the Florida College System institution  
4573 and other regionally accredited postsecondary educational  
4574 institutions pursuant to s. 1007.22.

4575 (b) Offer baccalaureate degree programs that were  
4576 authorized by law prior to July 1, 2009.

4577 (c) Beginning July 1, 2009, establish a first or subsequent  
4578 baccalaureate degree program for purposes of meeting district,  
4579 regional, or statewide workforce needs if approved by the State  
4580 Board of Education under this section.

4581

4582 Beginning July 1, 2009, the Board of Trustees of the St.

2011946er

4583 Petersburg College is authorized to establish one or more  
4584 bachelor of applied science degree programs based on an analysis  
4585 of workforce needs in Pinellas, Pasco, and Hernando Counties and  
4586 other counties approved by the Department of Education. For each  
4587 program selected, St. Petersburg College must offer a related  
4588 associate in science or associate in applied science degree  
4589 program, and the baccalaureate degree level program must be  
4590 designed to articulate fully with at least one associate in  
4591 science degree program. The college is encouraged to develop  
4592 articulation agreements for enrollment of graduates of related  
4593 associate in applied science degree programs. The Board of  
4594 Trustees of the St. Petersburg College is authorized to  
4595 establish additional baccalaureate degree programs if it  
4596 determines a program is warranted and feasible based on each of  
4597 the factors in paragraph (5)(d). Prior to developing or  
4598 proposing a new baccalaureate degree program, St. Petersburg  
4599 College shall engage in need, demand, and impact discussions  
4600 with the state university in its service district and other  
4601 local and regional, accredited postsecondary providers in its  
4602 region. Documentation, data, and other information from inter-  
4603 institutional discussions regarding program need, demand, and  
4604 impact shall be provided to the college's board of trustees to  
4605 inform the program approval process. Employment at St.  
4606 Petersburg College is governed by the same laws that govern  
4607 Florida College System institutions ~~community colleges~~, except  
4608 that upper-division faculty are eligible for continuing  
4609 contracts upon the completion of the fifth year of teaching.  
4610 Employee records for all personnel shall be maintained as  
4611 required by s. 1012.81.

2011946er

4612 (5) The approval process for baccalaureate degree programs  
4613 shall require:

4614 (a) Each Florida College System institution to submit a  
4615 notice of its intent to propose a baccalaureate degree program  
4616 to the Division of Florida Colleges at least 100 days before the  
4617 submission of its proposal under paragraph (d). The notice must  
4618 include a brief description of the program, the workforce demand  
4619 and unmet need for graduates of the program, the geographic  
4620 region to be served, and an estimated timeframe for  
4621 implementation. Notices of intent may be submitted by a Florida  
4622 College System institution at any time throughout the year.

4623 (b) The Division of Florida Colleges to forward the notice  
4624 of intent within 10 business days after receiving such notice to  
4625 the Chancellor of the State University System, the President of  
4626 the Independent Colleges and Universities of Florida, and the  
4627 Executive Director of the Council for Independent Education.  
4628 State universities shall have 60 days following receipt of the  
4629 notice by the Chancellor of the State University System to  
4630 submit an alternative proposal to offer the baccalaureate degree  
4631 program. If a proposal from a state university is not received  
4632 within the 60-day period, the State Board of Education shall  
4633 provide regionally accredited private colleges and universities  
4634 30 days to submit an alternative proposal. Alternative proposals  
4635 shall be submitted to the Division of Florida Colleges and must  
4636 be considered by the State Board of Education in making its  
4637 decision to approve or deny a Florida College System  
4638 institution's ~~college's~~ proposal.

4639 (c) An alternative proposal submitted by a state university  
4640 or private college or university to adequately address:

2011946er

4641 1. The extent to which the workforce demand and unmet need  
4642 described in the notice of intent will be met.

4643 2. The extent to which students will be able to complete  
4644 the degree in the geographic region proposed to be served by the  
4645 Florida College System institution.

4646 3. The level of financial commitment of the college or  
4647 university to the development, implementation, and maintenance  
4648 of the specified degree program, including timelines.

4649 4. The extent to which faculty at both the Florida College  
4650 System institution and the college or university will  
4651 collaborate in the development and offering of the curriculum.

4652 5. The ability of the Florida College System institution  
4653 and the college or university to develop and approve the  
4654 curriculum for the specified degree program within 6 months  
4655 after an agreement between the Florida College System  
4656 institution and the college or university is signed.

4657 6. The extent to which the student may incur additional  
4658 costs above what the student would expect to incur if the  
4659 program were offered by the Florida College System institution.

4660 (d) Each proposal submitted by a Florida College System  
4661 institution to, at a minimum, include:

4662 1. A description of the planning process and timeline for  
4663 implementation.

4664 2. An analysis of workforce demand and unmet need for  
4665 graduates of the program on a district, regional, or statewide  
4666 basis, as appropriate.

4667 3. Identification of the facilities, equipment, and library  
4668 and academic resources that will be used to deliver the program.

4669 4. The program cost analysis of creating a new

2011946er

4670 baccalaureate degree when compared to alternative proposals and  
4671 other program delivery options.

4672 5. The program's admission requirements, academic content,  
4673 curriculum, faculty credentials, student-to-teacher ratios, and  
4674 accreditation plan.

4675 6. The program's enrollment projections and funding  
4676 requirements.

4677 7. A plan of action if the program is terminated.

4678 (e) The Division of Florida Colleges to review the  
4679 proposal, notify the Florida College System institution of any  
4680 deficiencies in writing within 30 days following receipt of the  
4681 proposal, and provide the Florida College System institution  
4682 with an opportunity to correct the deficiencies. Within 45 days  
4683 following receipt of a completed proposal by the Division of  
4684 Florida Colleges, the Commissioner of Education shall recommend  
4685 approval or disapproval of the proposal to the State Board of  
4686 Education. The State Board of Education shall consider such  
4687 recommendation, the proposal, and any alternative proposals at  
4688 its next meeting. If the State Board of Education disapproves  
4689 the Florida College System institution's ~~college's~~ proposal, it  
4690 shall provide the Florida College System institution with  
4691 written reasons for that determination.

4692 (f) The Florida College System institution to obtain from  
4693 the Commission on Colleges of the Southern Association of  
4694 Colleges and Schools accreditation as a baccalaureate-degree-  
4695 granting institution if approved by the State Board of Education  
4696 to offer its first baccalaureate degree program.

4697 (g) The Florida College System institution to notify the  
4698 Commission on Colleges of the Southern Association of Colleges

2011946er

4699 and Schools of subsequent degree programs that are approved by  
4700 the State Board of Education and to comply with the  
4701 association's required substantive change protocols for  
4702 accreditation purposes.

4703 (6) (a) Beginning July 1, 2010, and each subsequent July 1,  
4704 the Division of Florida Colleges may accept and review  
4705 applications from a Florida College System institution to obtain  
4706 an exemption from the State Board of Education's approval for  
4707 subsequent degrees as required in subsection (5), if the Florida  
4708 College System institution is accredited by the Commission on  
4709 Colleges of the Southern Association of Colleges and Schools as  
4710 a baccalaureate-degree-granting institution and has been  
4711 offering baccalaureate degree programs for 3 or more years. The  
4712 division shall develop criteria for determining eligibility for  
4713 an exemption based upon demonstrated compliance with the  
4714 requirements for baccalaureate degrees, primary mission, and  
4715 fiscal, including, but not limited to:

4716 1. Obtaining and maintaining appropriate SACS  
4717 accreditation;

4718 2. The maintenance of qualified faculty and institutional  
4719 resources;

4720 3. The maintenance of enrollment projections in previously  
4721 approved programs;

4722 4. The appropriate management of fiscal resources;

4723 5. Compliance with the primary mission and responsibility  
4724 requirements in subsections (2) and (3);

4725 6. The timely submission of the institution's annual  
4726 performance accountability report; and

4727 7. Other indicators of success such as program completers,

2011946er

4728 placements, and surveys of students and employers.

4729 (b) If the Florida College System institution has  
4730 demonstrated satisfactory progress in fulfilling the eligibility  
4731 criteria in this subsection, the Division of Florida Colleges  
4732 may recommend to the State Board of Education that the  
4733 institution be exempt from the requirement in subsection (5) for  
4734 approval of future baccalaureate degree programs. The State  
4735 Board of Education shall review the division's recommendation  
4736 and determine if an exemption is warranted. If the State Board  
4737 of Education approves the application, the Florida College  
4738 System institution is exempt from subsequent program approval  
4739 under subsection (5) and such authority is delegated to the  
4740 Florida College System institution board of trustees. If the  
4741 State Board of Education disapproves of the Florida College  
4742 System institution's ~~college's~~ request for an exemption, the  
4743 college shall continue to be subject to the State Board of  
4744 Education's approval of subsequent baccalaureate degree  
4745 programs.

4746 (c) Prior to developing or proposing a new baccalaureate  
4747 degree program, all Florida College System institutions  
4748 ~~colleges~~, regardless of an exemption from subsection (5), shall:

4749 1. Engage in need, demand, and impact discussions with the  
4750 state university in their service district and other local and  
4751 regional, accredited postsecondary providers in their region.

4752 2. Send documentation, data, and other information from the  
4753 inter-institutional discussions regarding program need, demand,  
4754 and impact required in subparagraph 1. to the college's board of  
4755 trustees, the Division of Florida Colleges, and the Chancellor  
4756 of the State University System.

2011946er

4757           3. Base board of trustees approval of the new program upon  
4758 the documentation, data, and other information required in this  
4759 paragraph and the factors in subsection (5) (d).

4760  
4761 The Division of Florida Colleges shall use the documentation,  
4762 data, and other information required in this subsection,  
4763 including information from the Chancellor of the State  
4764 University System, in its compliance review.

4765           (d) The board of trustees of a Florida College System  
4766 institution that is exempt from subsection (5) must submit newly  
4767 approved programs to the Division of Florida Colleges and SACS  
4768 within 30 days after approval.

4769           Section 104. Subsection (1) of section 1007.34, Florida  
4770 Statutes, is amended to read:

4771           1007.34 College reach-out program.—

4772           (1) There is established a college reach-out program to  
4773 increase the number of low-income educationally disadvantaged  
4774 students in grades 6-12 who, upon high school graduation, are  
4775 admitted to and successfully complete postsecondary education.  
4776 Participants should be students who otherwise would be unlikely  
4777 to seek admission to a Florida College System institution  
4778 ~~community college~~, state university, or independent  
4779 postsecondary institution without special support and  
4780 recruitment efforts. The State Board of Education shall adopt  
4781 rules that provide for the following:

4782           (a) Definition of "low-income educationally disadvantaged  
4783 student."

4784           (b) Specific criteria and guidelines for selection of  
4785 college reach-out participants.

2011946er

4786 Section 105. Paragraphs (f) and (j) of subsection (6) of  
4787 section 1007.35, Florida Statutes, are amended to read:

4788 1007.35 Florida Partnership for Minority and  
4789 Underrepresented Student Achievement.—

4790 (6) The partnership shall:

4791 (f) Consider ways to incorporate Florida College System  
4792 institutions ~~community colleges~~ in the mission of preparing all  
4793 students for postsecondary success.

4794 (j) Provide information to students, parents, teachers,  
4795 counselors, administrators, districts, Florida College System  
4796 institutions ~~community colleges~~, and state universities  
4797 regarding PSAT/NMSQT or PLAN administration, including, but not  
4798 limited to:

4799 1. Test administration dates and times.

4800 2. That participation in the PSAT/NMSQT or PLAN is open to  
4801 all grade 10 students.

4802 3. The value of such tests in providing diagnostic feedback  
4803 on student skills.

4804 4. The value of student scores in predicting the  
4805 probability of success on AP or other advanced course  
4806 examinations.

4807 Section 106. Subsections (3) and (4) of section 1008.30,  
4808 Florida Statutes, are amended to read:

4809 1008.30 Common placement testing for public postsecondary  
4810 education.—

4811 (3) The State Board of Education shall adopt rules that  
4812 require high schools to evaluate before the beginning of grade  
4813 12 the college readiness of each student who indicates an  
4814 interest in postsecondary education and scores at Level 2 or

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4815 Level 3 on the reading portion of the grade 10 FCAT or Level 2,  
4816 Level 3, or Level 4 on the mathematics assessments under s.  
4817 1008.22(3)(c). High schools shall perform this evaluation using  
4818 results from the corresponding component of the common placement  
4819 test prescribed in this section, or an equivalent test  
4820 identified by the State Board of Education. The Department of  
4821 Education shall purchase or develop the assessments necessary to  
4822 perform the evaluations required by this subsection and shall  
4823 work with the school districts to administer the assessments.  
4824 The State Board of Education shall establish by rule the minimum  
4825 test scores a student must achieve to demonstrate readiness.  
4826 Students who demonstrate readiness by achieving the minimum test  
4827 scores established by the state board and enroll in a Florida  
4828 College System institution ~~community college~~ within 2 years of  
4829 achieving such scores shall not be required to enroll in  
4830 remediation courses as a condition of acceptance to any Florida  
4831 College System institution ~~community college~~. The high school  
4832 shall use the results of the test to advise the students of any  
4833 identified deficiencies and to the maximum extent practicable  
4834 provide 12th grade students access to appropriate remedial  
4835 instruction prior to high school graduation. The remedial  
4836 instruction provided under this subsection shall be a  
4837 collaborative effort between secondary and postsecondary  
4838 educational institutions. To the extent courses are available,  
4839 the Florida Virtual School may be used to provide the remedial  
4840 instruction required by this subsection.

4841 (4)(a) Public postsecondary educational institution  
4842 students who have been identified as requiring additional  
4843 preparation pursuant to subsection (1) shall enroll in college-

2011946er

4844 preparatory or other adult education pursuant to s. 1004.93 in  
4845 Florida College System institutions ~~community colleges~~ to  
4846 develop needed college-entry skills. These students shall be  
4847 permitted to take courses within their degree program  
4848 concurrently in other curriculum areas for which they are  
4849 qualified while enrolled in college-preparatory instruction  
4850 courses. A student enrolled in a college-preparatory course may  
4851 concurrently enroll only in college credit courses that do not  
4852 require the skills addressed in the college-preparatory course.  
4853 The State Board of Education, in conjunction with the Board of  
4854 Governors, shall specify the college credit courses that are  
4855 acceptable for students enrolled in each college-preparatory  
4856 skill area. A student who wishes to earn an associate in arts or  
4857 a baccalaureate degree, but who is required to complete a  
4858 college-preparatory course, must successfully complete the  
4859 required college-preparatory studies by the time the student has  
4860 accumulated 12 hours of lower-division college credit degree  
4861 coursework; however, a student may continue enrollment in  
4862 degree-earning coursework provided the student maintains  
4863 enrollment in college-preparatory coursework for each subsequent  
4864 semester until college-preparatory coursework requirements are  
4865 completed, and the student demonstrates satisfactory performance  
4866 in degree-earning coursework. A passing score on a standardized,  
4867 institutionally developed test must be achieved before a student  
4868 is considered to have met basic computation and communication  
4869 skills requirements; however, no student shall be required to  
4870 retake any test or subtest that was previously passed by said  
4871 student. Credit awarded for college-preparatory instruction may  
4872 not be counted toward fulfilling the number of credits required

2011946er

4873 for a degree.

4874 (b) A university board of trustees may contract with a  
4875 Florida College System institution ~~community college~~ board of  
4876 trustees for the Florida College System institution ~~community~~  
4877 ~~college~~ to provide such instruction on the state university  
4878 campus. Any state university in which the percentage of incoming  
4879 students requiring college-preparatory instruction equals or  
4880 exceeds the average percentage of such students for the Florida  
4881 ~~community~~ College System may offer college-preparatory  
4882 instruction without contracting with a Florida College System  
4883 institution ~~community college~~; however, any state university  
4884 offering college-preparatory instruction as of January 1, 1996,  
4885 may continue to provide such services.

4886 Section 107. Paragraph (e) of subsection (1) of section  
4887 1008.31, Florida Statutes, is amended to read:

4888 1008.31 Florida's K-20 education performance accountability  
4889 system; legislative intent; mission, goals, and systemwide  
4890 measures; data quality improvements.-

4891 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
4892 that:

4893 (e)1. The State Board of Education establish performance  
4894 measures and set performance standards for individual public  
4895 schools and Florida College System institutions ~~community~~  
4896 ~~colleges~~, with measures and standards based primarily on student  
4897 achievement.

4898 2. The Board of Governors of the State University System  
4899 establish performance measures and set performance standards for  
4900 individual state universities, including actual completion  
4901 rates.

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4902 Section 108. Section 1008.32, Florida Statutes, is amended  
4903 to read:

4904 1008.32 State Board of Education oversight enforcement  
4905 authority.—The State Board of Education shall oversee the  
4906 performance of district school boards and Florida College System  
4907 institution ~~community college~~ boards of trustees in enforcement  
4908 of all laws and rules. District school boards and Florida  
4909 College System institution ~~community college~~ boards of trustees  
4910 shall be primarily responsible for compliance with law and state  
4911 board rule.

4912 (1) In order to ensure compliance with law or state board  
4913 rule, the State Board of Education shall have the authority to  
4914 request and receive information, data, and reports from school  
4915 districts and Florida College System institutions ~~community~~  
4916 ~~colleges~~. District school superintendents and Florida College  
4917 System institution ~~community college~~ presidents are responsible  
4918 for the accuracy of the information and data reported to the  
4919 state board.

4920 (2) The Commissioner of Education may investigate  
4921 allegations of noncompliance with law or state board rule and  
4922 determine probable cause. The commissioner shall report  
4923 determinations of probable cause to the State Board of Education  
4924 which shall require the district school board or Florida College  
4925 System institution ~~community college~~ board of trustees to  
4926 document compliance with law or state board rule.

4927 (3) If the district school board or Florida College System  
4928 institution ~~community college~~ board of trustees cannot  
4929 satisfactorily document compliance, the State Board of Education  
4930 may order compliance within a specified timeframe.

2011946er

4931 (4) If the State Board of Education determines that a  
4932 district school board or Florida College System institution  
4933 ~~community college~~ board of trustees is unwilling or unable to  
4934 comply with law or state board rule within the specified time,  
4935 the state board shall have the authority to initiate any of the  
4936 following actions:

4937 (a) Report to the Legislature that the school district or  
4938 Florida College System institution ~~community college~~ has been  
4939 unwilling or unable to comply with law or state board rule and  
4940 recommend action to be taken by the Legislature.

4941 (b) Reduce the discretionary lottery appropriation until  
4942 the school district or Florida College System institution  
4943 ~~community college~~ complies with the law or state board rule.

4944 (c) Withhold the transfer of state funds, discretionary  
4945 grant funds, or any other funds specified as eligible for this  
4946 purpose by the Legislature until the school district or Florida  
4947 College System institution ~~community college~~ complies with the  
4948 law or state board rule.

4949 (d) Declare the school district or Florida College System  
4950 institution ~~community college~~ ineligible for competitive grants.

4951 (e) Require monthly or periodic reporting on the situation  
4952 related to noncompliance until it is remedied.

4953 (5) Nothing in this section shall be construed to create a  
4954 private cause of action or create any rights for individuals or  
4955 entities in addition to those provided elsewhere in law or rule.

4956 Section 109. Paragraphs (g) and (h) of subsection (7) of  
4957 section 1008.345, Florida Statutes, are amended to read:

4958 1008.345 Implementation of state system of school  
4959 improvement and education accountability.-

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4960 (7) As a part of the system of educational accountability,  
4961 the Department of Education shall:

4962 (g) Maintain for the information of the State Board of  
4963 Education, the Board of Governors, and the Legislature a file of  
4964 data to reflect achievement of college-level communication and  
4965 mathematics competencies by students in state universities and  
4966 Florida College System institutions ~~community colleges~~.

4967 (h) Develop or contract for, and submit to the State Board  
4968 of Education and the Board of Governors for approval, tests  
4969 which measure and diagnose student achievement of college-level  
4970 communication and mathematics skills. Any tests and related  
4971 documents developed are exempt from the provisions of s.  
4972 119.07(1). The commissioner shall maintain statewide  
4973 responsibility for the administration of such tests and may  
4974 assign administrative responsibilities for the tests to any  
4975 state university or Florida College System institution ~~community~~  
4976 ~~college~~. The state board, upon recommendation of the  
4977 commissioner, may enter into contracts for such services  
4978 beginning in one fiscal year and continuing into the next year  
4979 which are paid from the appropriation for either or both fiscal  
4980 years.

4981 Section 110. Paragraph (b) of subsection (1) and paragraph  
4982 (a) of subsection (2) of section 1008.385, Florida Statutes, are  
4983 amended to read:

4984 1008.385 Educational planning and information systems.—

4985 (1) EDUCATIONAL PLANNING.—

4986 (b) Each district school board shall maintain a continuing  
4987 system of planning and budgeting designed to aid in identifying  
4988 and meeting the educational needs of students and the public.

2011946er

4989 Provision shall be made for coordination between district school  
4990 boards and Florida College System institution ~~community college~~  
4991 boards of trustees concerning the planning for career education  
4992 and adult educational programs. The major emphasis of the system  
4993 shall be upon locally determined goals and objectives, the state  
4994 plan for education, and the Sunshine State Standards developed  
4995 by the Department of Education and adopted by the State Board of  
4996 Education. The district planning and budgeting system must  
4997 include consideration of student achievement data obtained  
4998 pursuant to ss. 1008.22 and 1008.34. The system shall be  
4999 structured to meet the specific management needs of the district  
5000 and to align the budget adopted by the district school board  
5001 with the plan the board has also adopted. Each district school  
5002 board shall utilize its system of planning and budgeting to  
5003 emphasize a system of school-based management in which  
5004 individual school centers become the principal planning units  
5005 and to integrate planning and budgeting at the school level.

5006 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The  
5007 Commissioner of Education shall develop and implement an  
5008 integrated information system for educational management. The  
5009 system must be designed to collect, via electronic transfer, all  
5010 student and school performance data required to ascertain the  
5011 degree to which schools and school districts are meeting state  
5012 performance standards, and must be capable of producing data for  
5013 a comprehensive annual report on school and district  
5014 performance. In addition, the system shall support, as feasible,  
5015 the management decisions to be made in each division of the  
5016 department and at the individual school and district levels.  
5017 Similar data elements among divisions and levels shall be

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5018 compatible. The system shall be based on an overall conceptual  
5019 design; the information needed for such decisions, including  
5020 fiscal, student, program, personnel, facility, community,  
5021 evaluation, and other relevant data; and the relationship  
5022 between cost and effectiveness. The system shall be managed and  
5023 administered by the commissioner and shall include a district  
5024 subsystem component to be administered at the district level,  
5025 with input from the reports-and-forms control management  
5026 committees. Each district school system with a unique management  
5027 information system shall assure that compatibility exists  
5028 between its unique system and the district component of the  
5029 state system so that all data required as input to the state  
5030 system is made available via electronic transfer and in the  
5031 appropriate input format.

5032 (a) The specific responsibilities of the commissioner shall  
5033 include:

5034 1. Consulting with school district representatives in the  
5035 development of the system design model and implementation plans  
5036 for the management information system for public school  
5037 education management;

5038 2. Providing operational definitions for the proposed  
5039 system;

5040 3. Determining the information and specific data elements  
5041 required for the management decisions made at each educational  
5042 level, recognizing that the primary unit for information input  
5043 is the individual school and recognizing that time and effort of  
5044 instructional personnel expended in collection and compilation  
5045 of data should be minimized;

5046 4. Developing standardized terminology and procedures to be

2011946er

5047 followed at all levels of the system;

5048         5. Developing a standard transmittal format to be used for  
5049 collection of data from the various levels of the system;

5050         6. Developing appropriate computer programs to assure  
5051 integration of the various information components dealing with  
5052 students, personnel, facilities, fiscal, program, community, and  
5053 evaluation data;

5054         7. Developing the necessary programs to provide statistical  
5055 analysis of the integrated data provided in subparagraph 6. in  
5056 such a way that required reports may be disseminated,  
5057 comparisons may be made, and relationships may be determined in  
5058 order to provide the necessary information for making management  
5059 decisions at all levels;

5060         8. Developing output report formats which will provide  
5061 district school systems with information for making management  
5062 decisions at the various educational levels;

5063         9. Developing a phased plan for distributing computer  
5064 services equitably among all public schools and school districts  
5065 in the state as rapidly as possible. The plan shall describe  
5066 alternatives available to the state in providing such computing  
5067 services and shall contain estimates of the cost of each  
5068 alternative, together with a recommendation for action. In  
5069 developing the plan, the feasibility of shared use of computing  
5070 hardware and software by school districts, Florida College  
5071 System institutions ~~community colleges~~, and universities shall  
5072 be examined. Laws or administrative rules regulating procurement  
5073 of data processing equipment, communication services, or data  
5074 processing services by state agencies shall not be construed to  
5075 apply to local agencies which share computing facilities with

2011946er

5076 state agencies;

5077 10. Assisting the district school systems in establishing  
5078 their subsystem components and assuring compatibility with  
5079 current district systems;

5080 11. Establishing procedures for continuous evaluation of  
5081 system efficiency and effectiveness;

5082 12. Initiating a reports-management and forms-management  
5083 system to ascertain that duplication in collection of data does  
5084 not exist and that forms and reports for reporting under state  
5085 and federal requirements and other forms and reports are  
5086 prepared in a logical and uncomplicated format, resulting in a  
5087 reduction in the number and complexity of required reports,  
5088 particularly at the school level; and

5089 13. Initiating such other actions as are necessary to carry  
5090 out the intent of the Legislature that a management information  
5091 system for public school management needs be implemented. Such  
5092 other actions shall be based on criteria including, but not  
5093 limited to:

- 5094 a. The purpose of the reporting requirement;  
5095 b. The origination of the reporting requirement;  
5096 c. The date of origin of the reporting requirement; and  
5097 d. The date of repeal of the reporting requirement.

5098 Section 111. Section 1008.405, Florida Statutes, is amended  
5099 to read:

5100 1008.405 Adult student information.—Each school district  
5101 and Florida College System institution ~~community college~~ shall  
5102 maintain sufficient information for each student enrolled in  
5103 workforce education to allow local and state administrators to  
5104 locate such student upon the termination of instruction and to

2011946er

5105 determine the appropriateness of student placement in specific  
5106 instructional programs. The State Board of Education shall  
5107 adopt, by rule, specific information that must be maintained and  
5108 acceptable means of maintaining that information.

5109 Section 112. Subsections (1) and (2) of section 1008.41,  
5110 Florida Statutes, are amended to read:

5111 1008.41 Workforce education; management information  
5112 system.—

5113 (1) The Commissioner of Education shall coordinate uniform  
5114 program structures, common definitions, and uniform management  
5115 information systems for workforce education for all divisions  
5116 within the department. In performing these functions, the  
5117 commissioner shall designate deadlines after which data elements  
5118 may not be changed for the coming fiscal or school year. School  
5119 districts and Florida College System institutions ~~community~~  
5120 ~~colleges~~ shall be notified of data element changes at least 90  
5121 days prior to the start of the subsequent fiscal or school year.  
5122 Such systems must provide for:

5123 (a) Individual student reporting.

5124 (b) Compliance with state and federal confidentiality  
5125 requirements, except that the department shall have access to  
5126 the unemployment insurance wage reports to collect and report  
5127 placement information about former students. Such placement  
5128 reports must not disclose the individual identities of former  
5129 students.

5130 (c) Maximum use of automated technology and records in  
5131 existing databases and data systems. To the extent feasible, the  
5132 Florida Information Resource Network may be employed for this  
5133 purpose.

2011946er

5134 (d) Annual reports of student enrollment, completion, and  
5135 placement by program.

5136 (2) The State Board of Education shall identify, by rule,  
5137 the components to be included in the workforce education  
5138 management information system. All such components shall be  
5139 comparable between school districts and Florida College System  
5140 institutions ~~community colleges~~.

5141 Section 113. Paragraph (b) of subsection (2) of section  
5142 1008.42, Florida Statutes, is amended to read:

5143 1008.42 Public information on career education programs.—

5144 (2) The dissemination shall be conducted in accordance with  
5145 the following procedures:

5146 (b)1. Each district school board shall publish, at a  
5147 minimum, the most recently available placement rate for each  
5148 career certificate program conducted by that school district at  
5149 the secondary school level and at the career degree level. The  
5150 placement rates for the preceding 3 years shall be published if  
5151 available, shall be included in each publication that informs  
5152 the public of the availability of the program, and shall be made  
5153 available to each school guidance counselor. If a program does  
5154 not have a placement rate, a publication that lists or describes  
5155 that program must state that the rate is unavailable.

5156 2. Each Florida College System institution ~~community~~  
5157 ~~college~~ shall publish, at a minimum, the most recent placement  
5158 rate for each career certificate program and for each career  
5159 degree program in its annual catalog. The placement rates for  
5160 the preceding 3 years shall be published, if available, and  
5161 shall be included in any publication that informs the public of  
5162 the availability of the program. If a program does not have a

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5163 placement rate, the publication that lists or describes that  
5164 program must state that the rate is unavailable.

5165 3. If a school district or a Florida College System  
5166 institution ~~community college~~ has calculated for a program a  
5167 placement rate that differs from the rate reported by the  
5168 department, and if each record of a placement was obtained  
5169 through a process that was capable of being audited,  
5170 procedurally sound, and consistent statewide, the district or  
5171 the Florida College System institution ~~community college~~ may use  
5172 the locally calculated placement rate in the report required by  
5173 this section. However, that rate may not be combined with the  
5174 rate maintained in the computer files of the Department of  
5175 Education's Florida Education and Training Placement Information  
5176 Program.

5177 4. An independent career, trade, or business school may not  
5178 publish a placement rate unless the placement rate was  
5179 determined as provided by this section.

5180 Section 114. Paragraphs (b) and (c) of subsection (1) and  
5181 subsections (2) and (3) of section 1008.43, Florida Statutes,  
5182 are amended to read:

5183 1008.43 Career program reporting requirements.—

5184 (1)

5185 (b) To measure and report program enrollment and completion  
5186 rates, the Department of Education shall use data in the  
5187 automated student databases generated by the public schools and  
5188 Florida College System institutions ~~community colleges~~. To  
5189 measure and report placement rates and amount of earnings at the  
5190 time of placement, the department shall use data in the reports  
5191 produced by the Florida Education and Training Placement

2011946er

5192 Information Program as required in s. 1008.39. If any placement  
5193 information is not available from the Florida Education and  
5194 Training Placement Information Program, the school district or  
5195 the Florida College System institution ~~community college~~ may  
5196 provide placement information collected by the school district  
5197 or the Florida College System institution ~~community college~~.  
5198 However, this supplemental information must be verifiable by the  
5199 department and must not be commingled with the database  
5200 maintained by the Florida Education and Training Placement  
5201 Information Program. The State Board of Education shall specify  
5202 by rule the statistically valid, verifiable, uniform procedures  
5203 by which school districts and Florida College System  
5204 institutions ~~community colleges~~ may collect and report placement  
5205 information to supplement the reports from the Florida Education  
5206 and Training Placement Information Program.

5207 (c) The State Board of Education shall adopt standards for  
5208 the department, district school boards, and Florida College  
5209 System institution ~~community college~~ district boards of trustees  
5210 to use in program planning, program review, and program  
5211 evaluation. The standards must include, at a minimum, the  
5212 completion rates, placement rates, and earnings from employment  
5213 of former students of career education programs.

5214 (2) The State Board of Education shall adopt procedures for  
5215 reviewing the career education programs administered by the  
5216 district school boards and the Florida College System  
5217 institution ~~community college~~ district boards of trustees when  
5218 program performance falls below the standards required by this  
5219 section.

5220 (3) Annually, the department shall compile the reports

2011946er

5221 submitted in compliance with the rules adopted under this  
5222 section and shall produce a statewide report that addresses the  
5223 extent to which school districts and Florida College System  
5224 institutions ~~community colleges~~ are meeting the standards  
5225 established under paragraph (1)(c).

5226 Section 115. Section 1008.45, Florida Statutes, is amended  
5227 to read:

5228 1008.45 Florida College System institution ~~Community~~  
5229 ~~college~~ accountability process.—

5230 (1) It is the intent of the Legislature that a management  
5231 and accountability process be implemented which provides for the  
5232 systematic, ongoing improvement and assessment of the  
5233 improvement of the quality and efficiency of the Florida College  
5234 System institutions ~~community colleges~~. Accordingly, the State  
5235 Board of Education and the Florida College System institution  
5236 ~~community college~~ boards of trustees shall develop and implement  
5237 an accountability plan to improve and evaluate the instructional  
5238 and administrative efficiency and effectiveness of the Florida  
5239 ~~Community~~ College System. This plan shall be designed in  
5240 consultation with staff of the Governor and the Legislature and  
5241 must address the following issues:

5242 (a) Graduation rates of A.A. and A.S. degree-seeking  
5243 students compared to first-time-enrolled students seeking the  
5244 associate degree.

5245 (b) Minority student enrollment and retention rates.

5246 (c) Student performance, including student performance in  
5247 college-level academic skills, mean grade point averages for  
5248 Florida College System institution ~~community college~~ A.A.  
5249 transfer students, and Florida College System institution

2011946er

5250 ~~community college~~ student performance on state licensure  
5251 examinations.

5252 (d) Job placement rates of Florida College System  
5253 institution ~~community college~~ career students.

5254 (e) Student progression by admission status and program.

5255 (f) Career accountability standards identified in s.  
5256 1008.42.

5257 (g) Institutional assessment efforts related to the  
5258 requirements of s. III in the Criteria for Accreditation of the  
5259 Commission on Colleges of the Southern Association of Colleges  
5260 and Schools.

5261 (h) Other measures approved by the State Board of  
5262 Education.

5263 (2) The State Board of Education shall submit an annual  
5264 report, to coincide with the submission of the agency strategic  
5265 plan required by law, providing the results of initiatives taken  
5266 during the prior year and the initiatives and related objective  
5267 performance measures proposed for the next year.

5268 (3) The State Board of Education shall address within the  
5269 annual evaluation of the performance of the executive director,  
5270 and the Florida College System institution ~~community college~~  
5271 boards of trustees shall address within the annual evaluation of  
5272 the presidents, the achievement of the performance goals  
5273 established by the accountability process.

5274 Section 116. Section 1009.21, Florida Statutes, is amended  
5275 to read:

5276 1009.21 Determination of resident status for tuition  
5277 purposes.—Students shall be classified as residents or  
5278 nonresidents for the purpose of assessing tuition in

2011946er

5279 postsecondary educational programs offered by charter technical  
5280 career centers or career centers operated by school districts,  
5281 in Florida College System institutions ~~community colleges~~, and  
5282 in state universities.

5283 (1) As used in this section, the term:

5284 (a) "Dependent child" means any person, whether or not  
5285 living with his or her parent, who is eligible to be claimed by  
5286 his or her parent as a dependent under the federal income tax  
5287 code.

5288 (b) "Initial enrollment" means the first day of class at an  
5289 institution of higher education.

5290 (c) "Institution of higher education" means any charter  
5291 technical career center as defined in s. 1002.34, career center  
5292 operated by a school district as defined in s. 1001.44, Florida  
5293 College System institution ~~community college~~ as defined in s.  
5294 1000.21(3), or state university as defined in s. 1000.21(6).

5295 (d) "Legal resident" or "resident" means a person who has  
5296 maintained his or her residence in this state for the preceding  
5297 year, has purchased a home which is occupied by him or her as  
5298 his or her residence, or has established a domicile in this  
5299 state pursuant to s. 222.17.

5300 (e) "Nonresident for tuition purposes" means a person who  
5301 does not qualify for the in-state tuition rate.

5302 (f) "Parent" means the natural or adoptive parent or legal  
5303 guardian of a dependent child.

5304 (g) "Resident for tuition purposes" means a person who  
5305 qualifies as provided in this section for the in-state tuition  
5306 rate.

5307 (2) (a) To qualify as a resident for tuition purposes:

2011946er

5308           1. A person or, if that person is a dependent child, his or  
5309 her parent or parents must have established legal residence in  
5310 this state and must have maintained legal residence in this  
5311 state for at least 12 consecutive months immediately prior to  
5312 his or her initial enrollment in an institution of higher  
5313 education.

5314           2. Every applicant for admission to an institution of  
5315 higher education shall be required to make a statement as to his  
5316 or her length of residence in the state and, further, shall  
5317 establish that his or her presence or, if the applicant is a  
5318 dependent child, the presence of his or her parent or parents in  
5319 the state currently is, and during the requisite 12-month  
5320 qualifying period was, for the purpose of maintaining a bona  
5321 fide domicile, rather than for the purpose of maintaining a mere  
5322 temporary residence or abode incident to enrollment in an  
5323 institution of higher education.

5324           (b) However, with respect to a dependent child living with  
5325 an adult relative other than the child's parent, such child may  
5326 qualify as a resident for tuition purposes if the adult relative  
5327 is a legal resident who has maintained legal residence in this  
5328 state for at least 12 consecutive months immediately prior to  
5329 the child's initial enrollment in an institution of higher  
5330 education, provided the child has resided continuously with such  
5331 relative for the 5 years immediately prior to the child's  
5332 initial enrollment in an institution of higher education, during  
5333 which time the adult relative has exercised day-to-day care,  
5334 supervision, and control of the child.

5335           (c) The legal residence of a dependent child whose parents  
5336 are divorced, separated, or otherwise living apart will be

2011946er

5337 deemed to be this state if either parent is a legal resident of  
5338 this state, regardless of which parent is entitled to claim, and  
5339 does in fact claim, the minor as a dependent pursuant to federal  
5340 individual income tax provisions.

5341 (3) (a) An individual shall not be classified as a resident  
5342 for tuition purposes and, thus, shall not be eligible to receive  
5343 the in-state tuition rate until he or she has provided such  
5344 evidence related to legal residence and its duration or, if that  
5345 individual is a dependent child, evidence of his or her parent's  
5346 legal residence and its duration, as may be required by law and  
5347 by officials of the institution of higher education from which  
5348 he or she seeks the in-state tuition rate.

5349 (b) Except as otherwise provided in this section, evidence  
5350 of legal residence and its duration shall include clear and  
5351 convincing documentation that residency in this state was for a  
5352 minimum of 12 consecutive months prior to a student's initial  
5353 enrollment in an institution of higher education.

5354 (c) Each institution of higher education shall  
5355 affirmatively determine that an applicant who has been granted  
5356 admission to that institution as a Florida resident meets the  
5357 residency requirements of this section at the time of initial  
5358 enrollment. The residency determination must be documented by  
5359 the submission of written or electronic verification that  
5360 includes two or more of the documents identified in this  
5361 paragraph. No single piece of evidence shall be conclusive.

5362 1. The documents must include at least one of the  
5363 following:

5364 a. A Florida voter's registration card.

5365 b. A Florida driver's license.

2011946er

- 5366 c. A State of Florida identification card.
- 5367 d. A Florida vehicle registration.
- 5368 e. Proof of a permanent home in Florida which is occupied  
5369 as a primary residence by the individual or by the individual's  
5370 parent if the individual is a dependent child.
- 5371 f. Proof of a homestead exemption in Florida.
- 5372 g. Transcripts from a Florida high school for multiple  
5373 years if the Florida high school diploma or GED was earned  
5374 within the last 12 months.
- 5375 h. Proof of permanent full-time employment in Florida for  
5376 at least 30 hours per week for a 12-month period.
- 5377 2. The documents may include one or more of the following:
- 5378 a. A declaration of domicile in Florida.
- 5379 b. A Florida professional or occupational license.
- 5380 c. Florida incorporation.
- 5381 d. A document evidencing family ties in Florida.
- 5382 e. Proof of membership in a Florida-based charitable or  
5383 professional organization.
- 5384 f. Any other documentation that supports the student's  
5385 request for resident status, including, but not limited to,  
5386 utility bills and proof of 12 consecutive months of payments; a  
5387 lease agreement and proof of 12 consecutive months of payments;  
5388 or an official state, federal, or court document evidencing  
5389 legal ties to Florida.
- 5390 (4) With respect to a dependent child, the legal residence  
5391 of the dependent child's parent or parents is prima facie  
5392 evidence of the dependent child's legal residence, which  
5393 evidence may be reinforced or rebutted, relative to the age and  
5394 general circumstances of the dependent child, by the other

2011946er

5395 evidence of legal residence required of or presented by the  
5396 dependent child. However, the legal residence of a dependent  
5397 child's parent or parents who are domiciled outside this state  
5398 is not prima facie evidence of the dependent child's legal  
5399 residence if that dependent child has lived in this state for 5  
5400 consecutive years prior to enrolling or reregistering at the  
5401 institution of higher education at which resident status for  
5402 tuition purposes is sought.

5403 (5) In making a domiciliary determination related to the  
5404 classification of a person as a resident or nonresident for  
5405 tuition purposes, the domicile of a married person, irrespective  
5406 of sex, shall be determined, as in the case of an unmarried  
5407 person, by reference to all relevant evidence of domiciliary  
5408 intent. For the purposes of this section:

5409 (a) A person shall not be precluded from establishing or  
5410 maintaining legal residence in this state and subsequently  
5411 qualifying or continuing to qualify as a resident for tuition  
5412 purposes solely by reason of marriage to a person domiciled  
5413 outside this state, even when that person's spouse continues to  
5414 be domiciled outside of this state, provided such person  
5415 maintains his or her legal residence in this state.

5416 (b) A person shall not be deemed to have established or  
5417 maintained a legal residence in this state and subsequently to  
5418 have qualified or continued to qualify as a resident for tuition  
5419 purposes solely by reason of marriage to a person domiciled in  
5420 this state.

5421 (c) In determining the domicile of a married person,  
5422 irrespective of sex, the fact of the marriage and the place of  
5423 domicile of such person's spouse shall be deemed relevant

2011946er

5424 evidence to be considered in ascertaining domiciliary intent.

5425       (6) (a) Except as otherwise provided in this section, a  
5426 person who is classified as a nonresident for tuition purposes  
5427 may become eligible for reclassification as a resident for  
5428 tuition purposes if that person or, if that person is a  
5429 dependent child, his or her parent presents clear and convincing  
5430 documentation that supports permanent legal residency in this  
5431 state for at least 12 consecutive months rather than temporary  
5432 residency for the purpose of pursuing an education, such as  
5433 documentation of full-time permanent employment for the prior 12  
5434 months or the purchase of a home in this state and residence  
5435 therein for the prior 12 months while not enrolled in an  
5436 institution of higher education.

5437       (b) If a person who is a dependent child and his or her  
5438 parent move to this state while such child is a high school  
5439 student and the child graduates from a high school in this  
5440 state, the child may become eligible for reclassification as a  
5441 resident for tuition purposes when the parent submits evidence  
5442 that the parent qualifies for permanent residency.

5443       (c) If a person who is a dependent child and his or her  
5444 parent move to this state after such child graduates from high  
5445 school, the child may become eligible for reclassification as a  
5446 resident for tuition purposes after the parent submits evidence  
5447 that he or she has established legal residence in the state and  
5448 has maintained legal residence in the state for at least 12  
5449 consecutive months.

5450       (d) A person who is classified as a nonresident for tuition  
5451 purposes and who marries a legal resident of the state or  
5452 marries a person who becomes a legal resident of the state may,

2011946er

5453 upon becoming a legal resident of the state, become eligible for  
5454 reclassification as a resident for tuition purposes upon  
5455 submitting evidence of his or her own legal residency in the  
5456 state, evidence of his or her marriage to a person who is a  
5457 legal resident of the state, and evidence of the spouse's legal  
5458 residence in the state for at least 12 consecutive months  
5459 immediately preceding the application for reclassification.

5460 (7) A person shall not lose his or her resident status for  
5461 tuition purposes solely by reason of serving, or, if such person  
5462 is a dependent child, by reason of his or her parent's or  
5463 parents' serving, in the Armed Forces outside this state.

5464 (8) A person who has been properly classified as a resident  
5465 for tuition purposes but who, while enrolled in an institution  
5466 of higher education in this state, loses his or her resident  
5467 tuition status because the person or, if he or she is a  
5468 dependent child, the person's parent or parents establish  
5469 domicile or legal residence elsewhere shall continue to enjoy  
5470 the in-state tuition rate for a statutory grace period, which  
5471 period shall be measured from the date on which the  
5472 circumstances arose that culminated in the loss of resident  
5473 tuition status and shall continue for 12 months. However, if the  
5474 12-month grace period ends during a semester or academic term  
5475 for which such former resident is enrolled, such grace period  
5476 shall be extended to the end of that semester or academic term.

5477 (9) Any person who ceases to be enrolled at or who  
5478 graduates from an institution of higher education while  
5479 classified as a resident for tuition purposes and who  
5480 subsequently abandons his or her domicile in this state shall be  
5481 permitted to reenroll at an institution of higher education in

2011946er

5482 this state as a resident for tuition purposes without the  
5483 necessity of meeting the 12-month durational requirement of this  
5484 section if that person has reestablished his or her domicile in  
5485 this state within 12 months of such abandonment and continuously  
5486 maintains the reestablished domicile during the period of  
5487 enrollment. The benefit of this subsection shall not be accorded  
5488 more than once to any one person.

5489 (10) The following persons shall be classified as residents  
5490 for tuition purposes:

5491 (a) Active duty members of the Armed Services of the United  
5492 States residing or stationed in this state, their spouses, and  
5493 dependent children, and active drilling members of the Florida  
5494 National Guard.

5495 (b) Active duty members of the Armed Services of the United  
5496 States and their spouses and dependents attending a Florida  
5497 College System institution ~~public community college~~ or state  
5498 university within 50 miles of the military establishment where  
5499 they are stationed, if such military establishment is within a  
5500 county contiguous to Florida.

5501 (c) United States citizens living on the Isthmus of Panama,  
5502 who have completed 12 consecutive months of college work at the  
5503 Florida State University Panama Canal Branch, and their spouses  
5504 and dependent children.

5505 (d) Full-time instructional and administrative personnel  
5506 employed by state public schools and institutions of higher  
5507 education and their spouses and dependent children.

5508 (e) Students from Latin America and the Caribbean who  
5509 receive scholarships from the federal or state government. Any  
5510 student classified pursuant to this paragraph shall attend, on a

2011946er

5511 full-time basis, a Florida institution of higher education.

5512 (f) Southern Regional Education Board's Academic Common  
5513 Market graduate students attending Florida's state universities.

5514 (g) Full-time employees of state agencies or political  
5515 subdivisions of the state when the student fees are paid by the  
5516 state agency or political subdivision for the purpose of job-  
5517 related law enforcement or corrections training.

5518 (h) McKnight Doctoral Fellows and Finalists who are United  
5519 States citizens.

5520 (i) United States citizens living outside the United States  
5521 who are teaching at a Department of Defense Dependent School or  
5522 in an American International School and who enroll in a graduate  
5523 level education program which leads to a Florida teaching  
5524 certificate.

5525 (j) Active duty members of the Canadian military residing  
5526 or stationed in this state under the North American Air Defense  
5527 (NORAD) agreement, and their spouses and dependent children,  
5528 attending a Florida College System institution ~~community college~~  
5529 or state university within 50 miles of the military  
5530 establishment where they are stationed.

5531 (k) Active duty members of a foreign nation's military who  
5532 are serving as liaison officers and are residing or stationed in  
5533 this state, and their spouses and dependent children, attending  
5534 a Florida College System institution ~~community college~~ or state  
5535 university within 50 miles of the military establishment where  
5536 the foreign liaison officer is stationed.

5537 (11) Once a student has been classified as a resident for  
5538 tuition purposes, an institution of higher education to which  
5539 the student transfers is not required to reevaluate the

2011946er

5540 classification unless inconsistent information suggests that an  
5541 erroneous classification was made or the student's situation has  
5542 changed. However, the student must have attended the institution  
5543 making the initial classification within the prior 12 months,  
5544 and the residency classification must be noted on the student's  
5545 transcript. The Higher Education Coordinating Council shall  
5546 consider issues related to residency determinations and make  
5547 recommendations relating to efficiency and effectiveness of  
5548 current law.

5549 (12) Each institution of higher education shall establish a  
5550 residency appeal committee comprised of at least three members  
5551 to consider student appeals of residency determinations, in  
5552 accordance with the institution's official appeal process. The  
5553 residency appeal committee must render to the student the final  
5554 residency determination in writing. The institution must advise  
5555 the student of the reasons for the determination.

5556 (13) The State Board of Education and the Board of  
5557 Governors shall adopt rules to implement this section.

5558 Section 117. Subsection (1), paragraphs (a), (b), (e), (f),  
5559 and (g) of subsection (3), subsections (4) and (5), paragraph  
5560 (a) of subsection (6), and subsections (7), (8), (9), (10),  
5561 (11), and (12) of section 1009.22, Florida Statutes, are amended  
5562 to read:

5563 1009.22 Workforce education postsecondary student fees.—

5564 (1) This section applies to students enrolled in workforce  
5565 education programs who are reported for funding, except that  
5566 college credit fees for the Florida College System institutions  
5567 ~~community colleges~~ are governed by s. 1009.23.

5568 (3) (a) Except as otherwise provided by law, fees for

2011946er

5569 students who are nonresidents for tuition purposes must offset  
5570 the full cost of instruction. Fee-nonexempt students enrolled in  
5571 vocational-preparatory instruction shall be charged fees equal  
5572 to the fees charged for certificate career education  
5573 instruction. Each Florida College System institution ~~community~~  
5574 ~~college~~ that conducts college-preparatory and vocational-  
5575 preparatory instruction in the same class section may charge a  
5576 single fee for both types of instruction.

5577 (b) Fees for continuing workforce education shall be  
5578 locally determined by the district school board or Florida  
5579 College System institution ~~community college~~ board. Expenditures  
5580 for the continuing workforce education program provided by the  
5581 Florida College System institution ~~community college~~ or school  
5582 district must be fully supported by fees. Enrollments in  
5583 continuing workforce education courses may not be counted for  
5584 purposes of funding full-time equivalent enrollment.

5585 (e) Each district school board and each Florida College  
5586 System institution ~~community college~~ board of trustees may adopt  
5587 tuition and out-of-state fees that may vary no more than 5  
5588 percent below and 5 percent above the combined total of the  
5589 standard tuition and out-of-state fees established in paragraph  
5590 (c).

5591 (f) The maximum increase in resident tuition for any school  
5592 district or Florida College System institution ~~community college~~  
5593 during the 2007-2008 fiscal year shall be 5 percent over the  
5594 tuition charged during the 2006-2007 fiscal year.

5595 (g) The State Board of Education may adopt, by rule, the  
5596 definitions and procedures that district school boards and  
5597 Florida College System institution ~~community college~~ boards of

2011946er

5598 trustees shall use in the calculation of cost borne by students.

5599 (4) A district school board or Florida College System  
5600 institution ~~community college~~ board that has a service area that  
5601 borders another state may implement a plan for a differential  
5602 out-of-state fee.

5603 (5) Each district school board and Florida College System  
5604 institution ~~community college~~ board of trustees may establish a  
5605 separate fee for financial aid purposes in an additional amount  
5606 of up to 10 percent of the student fees collected for workforce  
5607 education programs. All fees collected shall be deposited into a  
5608 separate workforce education student financial aid fee trust  
5609 fund of the school district or Florida College System  
5610 institution ~~community college~~ to support students enrolled in  
5611 workforce education programs. Any undisbursed balance remaining  
5612 in the trust fund and interest income accruing to investments  
5613 from the trust fund shall increase the total funds available for  
5614 distribution to workforce education students. Awards shall be  
5615 based on student financial need and distributed in accordance  
5616 with a nationally recognized system of need analysis approved by  
5617 the State Board of Education. Fees collected pursuant to this  
5618 subsection shall be allocated in an expeditious manner.

5619 (6) (a) Each district school board and Florida College  
5620 System institution ~~community college~~ board of trustees may  
5621 establish a separate fee for capital improvements, technology  
5622 enhancements, or equipping buildings which may not exceed 5  
5623 percent of tuition for resident students or 5 percent of tuition  
5624 and out-of-state fees for nonresident students. Funds collected  
5625 by Florida College System institutions ~~community colleges~~  
5626 through the fee may be bonded only for the purpose of financing

2011946er

5627 or refinancing new construction and equipment, renovation, or  
5628 remodeling of educational facilities. The fee shall be collected  
5629 as a component part of the tuition and fees, paid into a  
5630 separate account, and expended only to construct and equip,  
5631 maintain, improve, or enhance the certificate career education  
5632 or adult education facilities of the school district or Florida  
5633 College System institution ~~community college~~. Projects funded  
5634 through the use of the capital improvement fee must meet the  
5635 survey and construction requirements of chapter 1013. Pursuant  
5636 to s. 216.0158, each district school board and Florida College  
5637 System institution ~~community college~~ board of trustees shall  
5638 identify each project, including maintenance projects, proposed  
5639 to be funded in whole or in part by such fee. Capital  
5640 improvement fee revenues may be pledged by a board of trustees  
5641 as a dedicated revenue source to the repayment of debt,  
5642 including lease-purchase agreements, with an overall term of not  
5643 more than 7 years, including renewals, extensions, and  
5644 refundings, and revenue bonds with a term not exceeding 20 years  
5645 and not exceeding the useful life of the asset being financed,  
5646 only for the new construction and equipment, renovation, or  
5647 remodeling of educational facilities. Bonds authorized pursuant  
5648 to this paragraph shall be requested by the Florida College  
5649 System institution ~~community college~~ board of trustees and shall  
5650 be issued by the Division of Bond Finance in compliance with s.  
5651 11(d), Art. VII of the State Constitution and the State Bond  
5652 Act. The Division of Bond Finance may pledge fees collected by  
5653 one or more Florida College System institutions ~~community~~  
5654 ~~colleges~~ to secure such bonds. Any project included in the  
5655 approved educational plant survey pursuant to chapter 1013 is

2011946er

5656 approved pursuant to s. 11(f), Art. VII of the State  
5657 Constitution. Bonds issued pursuant to the State Bond Act may be  
5658 validated in the manner provided by chapter 75. The complaint  
5659 for such validation shall be filed in the circuit court of the  
5660 county where the seat of state government is situated, the  
5661 notice required to be published by s. 75.06 shall be published  
5662 only in the county where the complaint is filed, and the  
5663 complaint and order of the circuit court shall be served only on  
5664 the state attorney of the circuit in which the action is  
5665 pending. A maximum of 15 cents per credit hour may be allocated  
5666 from the capital improvement fee for child care centers  
5667 conducted by the district school board or Florida College System  
5668 institution ~~community college~~ board of trustees. The use of  
5669 capital improvement fees for such purpose shall be subordinate  
5670 to the payment of any bonds secured by the fees.

5671 (7) Each district school board and Florida College System  
5672 institution ~~community college~~ board of trustees is authorized to  
5673 establish a separate fee for technology, not to exceed 5 percent  
5674 of tuition per credit hour or credit-hour equivalent for  
5675 resident students and not to exceed 5 percent of tuition and the  
5676 out-of-state fee per credit hour or credit-hour equivalent for  
5677 nonresident students. Revenues generated from the technology fee  
5678 shall be used to enhance instructional technology resources for  
5679 students and faculty and shall not be included in any award  
5680 under the Florida Bright Futures Scholarship Program. Fifty  
5681 percent of technology fee revenues may be pledged by a Florida  
5682 College System institution ~~community college~~ board of trustees  
5683 as a dedicated revenue source for the repayment of debt,  
5684 including lease-purchase agreements, not to exceed the useful

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5685 life of the asset being financed. Revenues generated from the  
5686 technology fee may not be bonded.

5687 (8) Each district school board and Florida College System  
5688 institution ~~community college~~ board of trustees is authorized to  
5689 establish specific fees for workforce development instruction  
5690 not reported for state funding purposes or for workforce  
5691 development instruction not reported as state funded full-time  
5692 equivalent students. District school boards and Florida College  
5693 System institution ~~community college~~ boards of trustees are not  
5694 required to charge any other fee specified in this section for  
5695 this type of instruction.

5696 (9) Florida College System institution ~~Community college~~  
5697 boards of trustees and district school boards are not authorized  
5698 to charge students enrolled in workforce development programs  
5699 any fee that is not specifically authorized by statute. In  
5700 addition to tuition, out-of-state, financial aid, capital  
5701 improvement, and technology fees, as authorized in this section,  
5702 Florida College System institution ~~community college~~ boards of  
5703 trustees and district school boards are authorized to establish  
5704 fee schedules for the following user fees and fines: laboratory  
5705 fees; parking fees and fines; library fees and fines; fees and  
5706 fines relating to facilities and equipment use or damage; access  
5707 or identification card fees; duplicating, photocopying, binding,  
5708 or microfilming fees; standardized testing fees; diploma  
5709 replacement fees; transcript fees; application fees; graduation  
5710 fees; and late fees related to registration and payment. Such  
5711 user fees and fines shall not exceed the cost of the services  
5712 provided and shall only be charged to persons receiving the  
5713 service. Parking fee revenues may be pledged by a Florida

2011946er

5714 College System institution ~~community college~~ board of trustees  
5715 as a dedicated revenue source for the repayment of debt,  
5716 including lease-purchase agreements, with an overall term of not  
5717 more than 7 years, including renewals, extensions, and  
5718 refundings, and revenue bonds with a term not exceeding 20 years  
5719 and not exceeding the useful life of the asset being financed.  
5720 Florida College System institutions ~~Community colleges~~ shall use  
5721 the services of the Division of Bond Finance of the State Board  
5722 of Administration to issue any revenue bonds authorized by this  
5723 subsection. Any such bonds issued by the Division of Bond  
5724 Finance shall be in compliance with the provisions of the State  
5725 Bond Act. Bonds issued pursuant to the State Bond Act may be  
5726 validated in the manner established in chapter 75. The complaint  
5727 for such validation shall be filed in the circuit court of the  
5728 county where the seat of state government is situated, the  
5729 notice required to be published by s. 75.06 shall be published  
5730 only in the county where the complaint is filed, and the  
5731 complaint and order of the circuit court shall be served only on  
5732 the state attorney of the circuit in which the action is  
5733 pending.

5734 (10) Each school district and Florida College System  
5735 institution ~~community college~~ may assess a service charge for  
5736 the payment of tuition and fees in installments. Such service  
5737 charge must be approved by the district school board or Florida  
5738 College System institution ~~community college~~ board of trustees.

5739 (11) Any school district or Florida College System  
5740 institution ~~community college~~ that reports students who have not  
5741 paid fees in an approved manner in calculations of full-time  
5742 equivalent enrollments for state funding purposes shall be

2011946er

5743 penalized at a rate equal to 2 times the value of such  
5744 enrollments. Such penalty shall be charged against the following  
5745 year's allocation from workforce education funds or the Florida  
5746 ~~Community~~ College System Program Fund and shall revert to the  
5747 General Revenue Fund. The State Board of Education shall  
5748 specify, as necessary in rule, approved methods of student fee  
5749 payment. Such methods must include, but need not be limited to,  
5750 student fee payment; payment through federal, state, or  
5751 institutional financial aid; and employer fee payments.

5752 (12) Each school district and Florida College System  
5753 institution ~~community college~~ shall report only those students  
5754 who have actually enrolled in instruction provided or supervised  
5755 by instructional personnel under contract with the district or  
5756 Florida College System institution ~~community college~~ in  
5757 calculations of actual full-time enrollments for state funding  
5758 purposes. A student who has been exempted from taking a course  
5759 or who has been granted academic or technical credit through  
5760 means other than actual coursework completed at the granting  
5761 institution may not be calculated for enrollment in the course  
5762 from which the student has been exempted or for which the  
5763 student has been granted credit. School districts and Florida  
5764 College System institutions ~~community colleges~~ that report  
5765 enrollments in violation of this subsection shall be penalized  
5766 at a rate equal to 2 times the value of such enrollments. Such  
5767 penalty shall be charged against the following year's allocation  
5768 from workforce education funds and shall revert to the General  
5769 Revenue Fund.

5770 Section 118. Section 1009.23, Florida Statutes, is amended  
5771 to read:

2011946er

5772 1009.23 Florida College System institution ~~Community~~  
5773 ~~college~~ student fees.—

5774 (1) Unless otherwise provided, this section applies only to  
5775 fees charged for college credit instruction leading to an  
5776 associate in arts degree, an associate in applied science  
5777 degree, an associate in science degree, or a baccalaureate  
5778 degree authorized pursuant to s. 1007.33, for noncollege credit  
5779 college-preparatory courses defined in s. 1004.02, and for  
5780 educator preparation institute programs defined in s. 1004.85.

5781 (2) (a) All students shall be charged fees except students  
5782 who are exempt from fees or students whose fees are waived.

5783 (b) Tuition and out-of-state fees for upper-division  
5784 courses must reflect the fact that the Florida College System  
5785 institution ~~community college~~ has a less expensive cost  
5786 structure than that of a state university. Therefore, the board  
5787 of trustees shall establish tuition and out-of-state fees for  
5788 upper-division courses in baccalaureate degree programs approved  
5789 pursuant to s. 1007.33 consistent with law and proviso language  
5790 in the General Appropriations Act. However, the board of  
5791 trustees may not vary tuition and out-of-state fees as provided  
5792 in subsection (4).

5793 (3) (a) Effective January 1, 2008, for advanced and  
5794 professional, postsecondary vocational, college preparatory, and  
5795 educator preparation institute programs, the following tuition  
5796 and fee rates shall apply:

5797 1. The standard tuition shall be \$51.35 per credit hour for  
5798 students who are residents for tuition purposes.

5799 2. The standard tuition shall be \$51.35 per credit hour and  
5800 the out-of-state fee shall be \$154.14 per credit hour for

2011946er

5801 students who are nonresidents for tuition purposes.

5802 (b) Effective January 1, 2008, for baccalaureate degree  
5803 programs, the following tuition and fee rates shall apply:

5804 1. The tuition shall be \$65.47 per credit hour for students  
5805 who are residents for tuition purposes.

5806 2. The sum of the tuition and the out-of-state fee per  
5807 credit hour for students who are nonresidents for tuition  
5808 purposes shall be no more than 85 percent of the sum of the  
5809 tuition and the out-of-state fee at the state university nearest  
5810 the Florida College System institution ~~community college~~.

5811 (c) Beginning with the 2008-2009 fiscal year and each year  
5812 thereafter, the tuition and the out-of-state fee shall increase  
5813 at the beginning of each fall semester at a rate equal to  
5814 inflation, unless otherwise provided in the General  
5815 Appropriations Act. The Office of Economic and Demographic  
5816 Research shall report the rate of inflation to the President of  
5817 the Senate, the Speaker of the House of Representatives, the  
5818 Governor, and the State Board of Education each year prior to  
5819 March 1. For purposes of this paragraph, the rate of inflation  
5820 shall be defined as the rate of the 12-month percentage change  
5821 in the Consumer Price Index for All Urban Consumers, U.S. City  
5822 Average, All Items, or successor reports as reported by the  
5823 United States Department of Labor, Bureau of Labor Statistics,  
5824 or its successor for December of the previous year. In the event  
5825 the percentage change is negative, the tuition and the out-of-  
5826 state fee per credit hour shall remain at the same levels as the  
5827 prior fiscal year.

5828 (4) Each Florida College System institution ~~community~~  
5829 ~~college~~ board of trustees shall establish tuition and out-of-

2011946er

5830 state fees, which may vary no more than 10 percent below and 15  
5831 percent above the combined total of the standard tuition and  
5832 fees established in subsection (3).

5833 (5) Except as otherwise provided in law, the sum of  
5834 nonresident student tuition and out-of-state fees must be  
5835 sufficient to defray the full cost of each program.

5836 (6) A Florida College System institution ~~community college~~  
5837 board of trustees that has a service area that borders another  
5838 state may implement a plan for a differential out-of-state fee.

5839 (7) Each Florida College System institution ~~community~~  
5840 ~~college~~ board of trustees may establish a separate activity and  
5841 service fee not to exceed 10 percent of the tuition fee,  
5842 according to rules of the State Board of Education. The student  
5843 activity and service fee shall be collected as a component part  
5844 of the tuition and fees. The student activity and service fees  
5845 shall be paid into a student activity and service fund at the  
5846 Florida College System institution ~~community college~~ and shall  
5847 be expended for lawful purposes to benefit the student body in  
5848 general. These purposes include, but are not limited to, student  
5849 publications and grants to duly recognized student  
5850 organizations, the membership of which is open to all students  
5851 at the Florida College System institution ~~community college~~  
5852 without regard to race, sex, or religion. No Florida College  
5853 System institution ~~community college~~ shall be required to lower  
5854 any activity and service fee approved by the board of trustees  
5855 of the Florida College System institution ~~community college~~ and  
5856 in effect prior to October 26, 2007, in order to comply with the  
5857 provisions of this subsection.

5858 (8) (a) Each Florida College System institution ~~community~~

2011946er

5859 ~~college~~ board of trustees is authorized to establish a separate  
5860 fee for financial aid purposes in an additional amount up to,  
5861 but not to exceed, 5 percent of the total student tuition or  
5862 out-of-state fees collected. Each Florida College System  
5863 institution ~~community college~~ board of trustees may collect up  
5864 to an additional 2 percent if the amount generated by the total  
5865 financial aid fee is less than \$500,000. If the amount generated  
5866 is less than \$500,000, a Florida College System institution  
5867 ~~community college~~ that charges tuition and out-of-state fees at  
5868 least equal to the average fees established by rule may transfer  
5869 from the general current fund to the scholarship fund an amount  
5870 equal to the difference between \$500,000 and the amount  
5871 generated by the total financial aid fee assessment. No other  
5872 transfer from the general current fund to the loan, endowment,  
5873 or scholarship fund, by whatever name known, is authorized.

5874 (b) All funds collected under this program shall be placed  
5875 in the loan and endowment fund or scholarship fund of the  
5876 college, by whatever name known. Such funds shall be disbursed  
5877 to students as quickly as possible. An amount not greater than  
5878 40 percent of the fees collected in a fiscal year may be carried  
5879 forward unexpended to the following fiscal year. However, funds  
5880 collected prior to July 1, 1989, and placed in an endowment fund  
5881 may not be considered part of the balance of funds carried  
5882 forward unexpended to the following fiscal year.

5883 (c) Up to 25 percent or \$600,000, whichever is greater, of  
5884 the financial aid fees collected may be used to assist students  
5885 who demonstrate academic merit; who participate in athletics,  
5886 public service, cultural arts, and other extracurricular  
5887 programs as determined by the institution; or who are identified

2011946er

5888 as members of a targeted gender or ethnic minority population.  
5889 The financial aid fee revenues allocated for athletic  
5890 scholarships and fee exemptions provided pursuant to s.  
5891 1009.25(3) for athletes shall be distributed equitably as  
5892 required by s. 1000.05(3)(d). A minimum of 75 percent of the  
5893 balance of these funds for new awards shall be used to provide  
5894 financial aid based on absolute need, and the remainder of the  
5895 funds shall be used for academic merit purposes and other  
5896 purposes approved by the boards of trustees. Such other purposes  
5897 shall include the payment of child care fees for students with  
5898 financial need. The State Board of Education shall develop  
5899 criteria for making financial aid awards. Each college shall  
5900 report annually to the Department of Education on the revenue  
5901 collected pursuant to this paragraph, the amount carried  
5902 forward, the criteria used to make awards, the amount and number  
5903 of awards for each criterion, and a delineation of the  
5904 distribution of such awards. The report shall include an  
5905 assessment by category of the financial need of every student  
5906 who receives an award, regardless of the purpose for which the  
5907 award is received. Awards which are based on financial need  
5908 shall be distributed in accordance with a nationally recognized  
5909 system of need analysis approved by the State Board of  
5910 Education. An award for academic merit shall require a minimum  
5911 overall grade point average of 3.0 on a 4.0 scale or the  
5912 equivalent for both initial receipt of the award and renewal of  
5913 the award.

5914 (d) These funds may not be used for direct or indirect  
5915 administrative purposes or salaries.

5916 (9) Any Florida College System institution ~~community~~

2011946er

5917 ~~college~~ that reports students who have not paid fees in an  
5918 approved manner in calculations of full-time equivalent  
5919 enrollments for state funding purposes shall be penalized at a  
5920 rate equal to two times the value of such enrollments. Such  
5921 penalty shall be charged against the following year's allocation  
5922 from the Florida Community College System Program Fund and shall  
5923 revert to the General Revenue Fund.

5924 (10) Each Florida College System institution ~~community~~  
5925 ~~college~~ board of trustees is authorized to establish a separate  
5926 fee for technology, which may not exceed 5 percent of tuition  
5927 per credit hour or credit-hour equivalent for resident students  
5928 and may not exceed 5 percent of tuition and the out-of-state fee  
5929 per credit hour or credit-hour equivalent for nonresident  
5930 students. Revenues generated from the technology fee shall be  
5931 used to enhance instructional technology resources for students  
5932 and faculty. The technology fee may apply to both college credit  
5933 and college-preparatory instruction and shall not be included in  
5934 any award under the Florida Bright Futures Scholarship Program.  
5935 Fifty percent of technology fee revenues may be pledged by a  
5936 Florida College System institution ~~community college~~ board of  
5937 trustees as a dedicated revenue source for the repayment of  
5938 debt, including lease-purchase agreements, not to exceed the  
5939 useful life of the asset being financed. Revenues generated from  
5940 the technology fee may not be bonded.

5941 (11) (a) Each Florida College System institution ~~community~~  
5942 ~~college~~ board of trustees may establish a separate fee for  
5943 capital improvements, technology enhancements, or equipping  
5944 student buildings which may not exceed 10 percent of tuition for  
5945 resident students or 10 percent of the sum of tuition and out-

2011946er

5946 of-state fees for nonresident students. The fee for resident  
5947 students shall be limited to an increase of \$2 per credit hour  
5948 over the prior year. Funds collected by Florida College System  
5949 institutions ~~community colleges~~ through the fee may be bonded  
5950 only as provided in this subsection for the purpose of financing  
5951 or refinancing new construction and equipment, renovation, or  
5952 remodeling of educational facilities. The fee shall be collected  
5953 as a component part of the tuition and fees, paid into a  
5954 separate account, and expended only to construct and equip,  
5955 maintain, improve, or enhance the educational facilities of the  
5956 Florida College System institution ~~community college~~. Projects  
5957 funded through the use of the capital improvement fee shall meet  
5958 the survey and construction requirements of chapter 1013.  
5959 Pursuant to s. 216.0158, each Florida College System institution  
5960 ~~community college~~ shall identify each project, including  
5961 maintenance projects, proposed to be funded in whole or in part  
5962 by such fee.

5963 (b) Capital improvement fee revenues may be pledged by a  
5964 board of trustees as a dedicated revenue source to the repayment  
5965 of debt, including lease-purchase agreements, with an overall  
5966 term of not more than 7 years, including renewals, extensions,  
5967 and refundings, and revenue bonds with a term not exceeding 20  
5968 annual maturities and not exceeding the useful life of the asset  
5969 being financed, only for financing or refinancing of the new  
5970 construction and equipment, renovation, or remodeling of  
5971 educational facilities. Bonds authorized pursuant to this  
5972 subsection shall be requested by the Florida College System  
5973 institution ~~community college~~ board of trustees and shall be  
5974 issued by the Division of Bond Finance in compliance with s.

2011946er

5975 11(d), Art. VII of the State Constitution and the State Bond  
5976 Act. The Division of Bond Finance may pledge fees collected by  
5977 one or more Florida College System institutions ~~community~~  
5978 ~~colleges~~ to secure such bonds. Any project included in the  
5979 approved educational plant survey pursuant to chapter 1013 is  
5980 approved pursuant to s. 11(f), Art. VII of the State  
5981 Constitution.

5982 (c) Bonds issued pursuant to this subsection may be  
5983 validated in the manner provided by chapter 75. Only the initial  
5984 series of bonds is required to be validated. The complaint for  
5985 such validation shall be filed in the circuit court of the  
5986 county where the seat of state government is situated, the  
5987 notice required to be published by s. 75.06 shall be published  
5988 only in the county where the complaint is filed, and the  
5989 complaint and order of the circuit court shall be served only on  
5990 the state attorney of the circuit in which the action is  
5991 pending.

5992 (d) A maximum of 15 percent may be allocated from the  
5993 capital improvement fee for child care centers conducted by the  
5994 Florida College System institution ~~community college~~. The use of  
5995 capital improvement fees for such purpose shall be subordinate  
5996 to the payment of any bonds secured by the fees.

5997 (e) The state does hereby covenant with the holders of the  
5998 bonds issued under this subsection that it will not take any  
5999 action that will materially and adversely affect the rights of  
6000 such holders so long as the bonds authorized by this subsection  
6001 are outstanding.

6002 (12) (a) In addition to tuition, out-of-state, financial  
6003 aid, capital improvement, student activity and service, and

2011946er

6004 technology fees authorized in this section, each Florida College  
6005 System institution ~~community college~~ board of trustees is  
6006 authorized to establish fee schedules for the following user  
6007 fees and fines: laboratory fees, which do not apply to a  
6008 distance learning course; parking fees and fines; library fees  
6009 and fines; fees and fines relating to facilities and equipment  
6010 use or damage; access or identification card fees; duplicating,  
6011 photocopying, binding, or microfilming fees; standardized  
6012 testing fees; diploma replacement fees; transcript fees;  
6013 application fees; graduation fees; and late fees related to  
6014 registration and payment. Such user fees and fines shall not  
6015 exceed the cost of the services provided and shall only be  
6016 charged to persons receiving the service. A Florida College  
6017 System institution ~~community college~~ may not charge any fee  
6018 except as authorized by law. Parking fee revenues may be pledged  
6019 by a Florida College System institution ~~community college~~ board  
6020 of trustees as a dedicated revenue source for the repayment of  
6021 debt, including lease-purchase agreements, with an overall term  
6022 of not more than 7 years, including renewals, extensions, and  
6023 refundings, and revenue bonds with a term not exceeding 20 years  
6024 and not exceeding the useful life of the asset being financed.  
6025 Florida College System institutions ~~Community colleges~~ shall use  
6026 the services of the Division of Bond Finance of the State Board  
6027 of Administration to issue any revenue bonds authorized by this  
6028 subsection. Any such bonds issued by the Division of Bond  
6029 Finance shall be in compliance with the provisions of the State  
6030 Bond Act. Bonds issued pursuant to the State Bond Act may be  
6031 validated in the manner established in chapter 75. The complaint  
6032 for such validation shall be filed in the circuit court of the

2011946er

6033 county where the seat of state government is situated, the  
6034 notice required to be published by s. 75.06 shall be published  
6035 only in the county where the complaint is filed, and the  
6036 complaint and order of the circuit court shall be served only on  
6037 the state attorney of the circuit in which the action is  
6038 pending.

6039 (b) The State Board of Education may adopt rules pursuant  
6040 to ss. 120.536(1) and 120.54 to administer this subsection.

6041 (13) The State Board of Education shall specify, as  
6042 necessary, by rule, approved methods of student fee payment.  
6043 Such methods shall include, but not be limited to, student fee  
6044 payment; payment through federal, state, or institutional  
6045 financial aid; and employer fee payments.

6046 (14) Each Florida College System institution ~~community~~  
6047 ~~college~~ board of trustees shall report only those students who  
6048 have actually enrolled in instruction provided or supervised by  
6049 instructional personnel under contract with the Florida College  
6050 System institution ~~community college~~ in calculations of actual  
6051 full-time equivalent enrollments for state funding purposes. No  
6052 student who has been exempted from taking a course or who has  
6053 been granted academic or career credit through means other than  
6054 actual coursework completed at the granting institution shall be  
6055 calculated for enrollment in the course from which he or she has  
6056 been exempted or granted credit. Florida College System  
6057 institutions ~~Community colleges~~ that report enrollments in  
6058 violation of this subsection shall be penalized at a rate equal  
6059 to two times the value of such enrollments. Such penalty shall  
6060 be charged against the following year's allocation from the  
6061 Florida ~~Community~~ College System Program Fund and shall revert

2011946er

6062 to the General Revenue Fund.

6063 (15) Each Florida College System institution ~~community~~  
6064 ~~college~~ may assess a service charge for the payment of tuition  
6065 and fees in installments and a convenience fee for the  
6066 processing of automated or online credit card payments. However,  
6067 the amount of the convenience fee may not exceed the total cost  
6068 charged by the credit card company to the Florida College System  
6069 institution ~~community college~~. Such service charge or  
6070 convenience fee must be approved by the Florida College System  
6071 institution ~~community college~~ board of trustees.

6072 (16) (a) Each Florida College System institution ~~community~~  
6073 ~~college~~ may assess a student who enrolls in a course listed in  
6074 the Florida Higher Education Distance Learning Catalog,  
6075 established pursuant to s. 1004.09, a per-credit-hour distance  
6076 learning course user fee. For purposes of assessing this fee, a  
6077 distance learning course is a course in which at least 80  
6078 percent of the direct instruction of the course is delivered  
6079 using some form of technology when the student and instructor  
6080 are separated by time or space, or both.

6081 (b) The amount of the distance learning course user fee may  
6082 not exceed the additional costs of the services provided which  
6083 are attributable to the development and delivery of the distance  
6084 learning course. If a Florida College System institution  
6085 ~~community college~~ assesses the distance learning course user  
6086 fee, the institution may not assess any other fees to cover the  
6087 additional costs. By September 1 of each year, each board of  
6088 trustees shall report to the Division of Florida Colleges the  
6089 total amount of revenue generated by the distance learning  
6090 course user fee for the prior fiscal year and how the revenue

2011946er

6091 was expended.

6092 (c) The link for the catalog must be prominently displayed  
6093 within the advising and distance learning sections of the  
6094 institution's website, using a graphic and description provided  
6095 by the Florida Distance Learning Consortium, to inform students  
6096 of the catalog.

6097 (17) The State Board of Education shall adopt a rule  
6098 specifying the definitions and procedures to be used in the  
6099 calculation of the percentage of cost paid by students. The rule  
6100 must provide for the calculation of the full cost of educational  
6101 programs based on the allocation of all funds provided through  
6102 the general current fund to programs of instruction, and other  
6103 activities as provided in the annual expenditure analysis. The  
6104 rule shall be developed in consultation with the Legislature.

6105 Section 119. Subsections (2) and (3) of section 1009.25,  
6106 Florida Statutes, are amended to read:

6107 1009.25 Fee exemptions.—

6108 (2) The following students are exempt from the payment of  
6109 tuition and fees, including lab fees, at a school district that  
6110 provides postsecondary career programs, Florida College System  
6111 institution ~~community college~~, or state university:

6112 (a) A student enrolled in a dual enrollment or early  
6113 admission program pursuant to s. 1007.27 or s. 1007.271.

6114 (b) A student enrolled in an approved apprenticeship  
6115 program, as defined in s. 446.021.

6116 (c) A student who is or was at the time he or she reached  
6117 18 years of age in the custody of the Department of Children and  
6118 Family Services or who, after spending at least 6 months in the  
6119 custody of the department after reaching 16 years of age, was

2011946er

6120 placed in a guardianship by the court. Such exemption includes  
6121 fees associated with enrollment in career-preparatory  
6122 instruction. The exemption remains valid until the student  
6123 reaches 28 years of age.

6124 (d) A student who is or was at the time he or she reached  
6125 18 years of age in the custody of a relative under s. 39.5085 or  
6126 who was adopted from the Department of Children and Family  
6127 Services after May 5, 1997. Such exemption includes fees  
6128 associated with enrollment in career-preparatory instruction.  
6129 The exemption remains valid until the student reaches 28 years  
6130 of age.

6131 (e) A student enrolled in an employment and training  
6132 program under the welfare transition program. The regional  
6133 workforce board shall pay the state university, Florida College  
6134 System institution ~~community college~~, or school district for  
6135 costs incurred for welfare transition program participants.

6136 (f) A student who lacks a fixed, regular, and adequate  
6137 nighttime residence or whose primary nighttime residence is a  
6138 public or private shelter designed to provide temporary  
6139 residence for individuals intended to be institutionalized, or a  
6140 public or private place not designed for, or ordinarily used as,  
6141 a regular sleeping accommodation for human beings.

6142 (g) A student who is a proprietor, owner, or worker of a  
6143 company whose business has been at least 50 percent negatively  
6144 financially impacted by the buyout of property around Lake  
6145 Apopka by the State of Florida. Such student may receive a fee  
6146 exemption only if the student has not received compensation  
6147 because of the buyout, the student is designated a Florida  
6148 resident for tuition purposes, pursuant to s. 1009.21, and the

2011946er

6149 student has applied for and been denied financial aid, pursuant  
6150 to s. 1009.40, which would have provided, at a minimum, payment  
6151 of all student fees. The student is responsible for providing  
6152 evidence to the postsecondary education institution verifying  
6153 that the conditions of this paragraph have been met, including  
6154 supporting documentation provided by the Department of Revenue.  
6155 The student must be currently enrolled in, or begin coursework  
6156 within, a program area by fall semester 2000. The exemption is  
6157 valid for a period of 4 years after the date that the  
6158 postsecondary education institution confirms that the conditions  
6159 of this paragraph have been met.

6160 (3) Each Florida College System institution ~~community~~  
6161 ~~college~~ is authorized to grant student fee exemptions from all  
6162 fees adopted by the State Board of Education and the Florida  
6163 College System institution ~~community college~~ board of trustees  
6164 for up to 40 full-time equivalent students at each institution.

6165 Section 120. Subsections (1), (7), (8), and (10) of section  
6166 1009.26, Florida Statutes, are amended to read:

6167 1009.26 Fee waivers.—

6168 (1) School districts and Florida College System  
6169 institutions ~~community colleges~~ may waive fees for any fee-  
6170 nonexempt student. The total value of fee waivers granted by the  
6171 school district or Florida College System institution ~~community~~  
6172 ~~college~~ may not exceed the amount established annually in the  
6173 General Appropriations Act. Any student whose fees are waived in  
6174 excess of the authorized amount may not be reported for state  
6175 funding purposes. Any school district or Florida College System  
6176 institution ~~community college~~ that waives fees and requests  
6177 state funding for a student in violation of the provisions of

2011946er

6178 this section shall be penalized at a rate equal to 2 times the  
6179 value of the full-time student enrollment reported.

6180 (7) The spouse of a deceased state employee is entitled,  
6181 when eligible for the payment of student fees by the state as  
6182 employer pursuant to s. 440.16, in lieu of such payment, to a  
6183 full waiver of student fees for up to 80 semester hours in any  
6184 Florida College System institution ~~community college~~.

6185 (8) A state university or Florida College System  
6186 institution ~~community college~~ shall waive undergraduate tuition  
6187 for each recipient of a Purple Heart or another combat  
6188 decoration superior in precedence who:

6189 (a) Is enrolled as a full-time, part-time, or summer-school  
6190 student in an undergraduate program that terminates in a degree  
6191 or certificate;

6192 (b) Is currently, and was at the time of the military  
6193 action that resulted in the awarding of the Purple Heart or  
6194 other combat decoration superior in precedence, a resident of  
6195 this state; and

6196 (c) Submits to the state university or the Florida College  
6197 System institution ~~community college~~ the DD-214 form issued at  
6198 the time of separation from service as documentation that the  
6199 student has received a Purple Heart or another combat decoration  
6200 superior in precedence.

6201  
6202 Such a waiver for a Purple Heart recipient or recipient of  
6203 another combat decoration superior in precedence shall be  
6204 applicable for 110 percent of the number of required credit  
6205 hours of the degree or certificate program for which the student  
6206 is enrolled.

2011946er

6207 (10) A state university or Florida College System  
6208 institution ~~community college~~ may waive tuition and fees for a  
6209 classroom teacher, as defined in s. 1012.01(2) (a), who is  
6210 employed full-time by a school district and who meets the  
6211 academic requirements established by the Florida College System  
6212 institution ~~community college~~ or state university for up to 6  
6213 credit hours per term on a space-available basis in  
6214 undergraduate courses approved by the Department of Education.  
6215 Such courses shall be limited to undergraduate courses related  
6216 to special education, mathematics, or science. The waiver may  
6217 not be used for courses scheduled during the school district's  
6218 regular school day. The State Board of Education shall adopt a  
6219 rule that prescribes the process for the approval of courses by  
6220 the department.

6221 Section 121. Subsections (1), (2), (3), and (4) of section  
6222 1009.265, Florida Statutes, are amended to read:

6223 1009.265 State employee fee waivers.—

6224 (1) As a benefit to the employer and employees of the  
6225 state, subject to approval by an employee's agency head or the  
6226 equivalent, each state university and Florida College System  
6227 institution ~~community college~~ shall waive tuition and fees for  
6228 state employees to enroll for up to 6 credit hours of courses  
6229 per term on a space-available basis.

6230 (2) The Chief Financial Officer, in cooperation with the  
6231 Florida College System institutions ~~community colleges~~ and state  
6232 universities, shall identify and implement ways to ease the  
6233 administrative burden to Florida College System institutions  
6234 ~~community colleges~~ and state universities, including, but not  
6235 limited to, providing easier access to verify state employment.

2011946er

6236 (3) From funds appropriated by the Legislature for  
6237 administrative costs to implement this section, Florida College  
6238 System institutions ~~community colleges~~ and state universities  
6239 shall be reimbursed on a pro rata basis according to the cost  
6240 assessment data developed by the Department of Education.

6241 (4) The Auditor General shall include a review of the cost  
6242 assessment data in conjunction with his or her audit  
6243 responsibilities for Florida College System institutions  
6244 ~~community colleges~~, state universities, and the Department of  
6245 Education.

6246 Section 122. Subsections (1) and (3) of section 1009.27,  
6247 Florida Statutes, are amended to read:

6248 1009.27 Deferral of fees.—

6249 (1) School districts, Florida College System institutions  
6250 ~~community colleges~~, and state universities may defer tuition and  
6251 fees for students receiving financial aid from a federal or  
6252 state assistance program when the aid is delayed in being  
6253 transmitted to the student through circumstances beyond the  
6254 control of the student. The failure to make timely application  
6255 for the aid is an insufficient reason to receive a deferral of  
6256 fees.

6257 (3) Each school district, Florida College System  
6258 institution ~~community college~~, and state university is  
6259 responsible for collecting all deferred fees. If a school  
6260 district, Florida College System institution ~~community college~~,  
6261 or state university has not collected a deferred fee, the  
6262 student may not earn state funding for any course for which the  
6263 student subsequently registers until the fee has been paid.

6264 Section 123. Section 1009.28, Florida Statutes, is amended

2011946er

6265 to read:

6266       1009.28 Fees for repeated enrollment in college-preparatory  
6267 classes.—A student enrolled in the same college-preparatory  
6268 class more than twice shall pay 100 percent of the full cost of  
6269 instruction to support continuous enrollment of that student in  
6270 the same class, and the student shall not be included in  
6271 calculations of full-time equivalent enrollments for state  
6272 funding purposes; however, students who withdraw or fail a class  
6273 due to extenuating circumstances may be granted an exception  
6274 only once for each class, provided approval is granted according  
6275 to policy established by the board of trustees. Each Florida  
6276 College System institution ~~community college~~ may review and  
6277 reduce fees paid by students due to continued enrollment in a  
6278 college-preparatory class on an individual basis contingent upon  
6279 the student's financial hardship, pursuant to definitions and  
6280 fee levels established by the State Board of Education.

6281       Section 124. Section 1009.285, Florida Statutes, is amended  
6282 to read:

6283       1009.285 Fees for repeated enrollment in college-credit  
6284 courses.—A student enrolled in the same undergraduate college-  
6285 credit course more than twice shall pay tuition at 100 percent  
6286 of the full cost of instruction and shall not be included in  
6287 calculations of full-time equivalent enrollments for state  
6288 funding purposes. However, students who withdraw or fail a class  
6289 due to extenuating circumstances may be granted an exception  
6290 only once for each class, provided that approval is granted  
6291 according to policy established by the Florida College System  
6292 institution ~~community college~~ board of trustees or the  
6293 university board of trustees. Each Florida College System

2011946er

6294 institution ~~community college~~ and state university may review  
6295 and reduce fees paid by students due to continued enrollment in  
6296 a college-credit class on an individual basis contingent upon  
6297 the student's financial hardship. For purposes of this section,  
6298 first-time enrollment in a class shall mean enrollment in a  
6299 class beginning fall semester 1997, and calculations of the full  
6300 cost of instruction shall be based on the systemwide average of  
6301 the prior year's cost of undergraduate programs for the Florida  
6302 College System institutions ~~community colleges~~ and the state  
6303 universities. Boards of trustees may make exceptions to this  
6304 section for individualized study, elective coursework, courses  
6305 that are repeated as a requirement of a major, and courses that  
6306 are intended as continuing over multiple semesters, excluding  
6307 the repeat of coursework more than two times to increase grade  
6308 point average or meet minimum course grade requirements.

6309 Section 125. Subsections (5), (6), and (7) of section  
6310 1009.286, Florida Statutes, are amended to read:

6311 1009.286 Additional student payment for hours exceeding  
6312 baccalaureate degree program completion requirements at state  
6313 universities.—

6314 (5) Each state university and Florida College System  
6315 institution ~~community college~~ shall implement a process for  
6316 notifying students regarding the provisions of this section.  
6317 Notice must be provided by a state university or a Florida  
6318 College System institution ~~community college~~ upon a student's  
6319 initial enrollment in the institution. Such notice must be  
6320 provided a second time by a state university when a student has  
6321 earned the credit hours required to complete the baccalaureate  
6322 degree program in which the student is enrolled. The notice must

2011946er

6323 include a recommendation that each student who intends to earn  
6324 credit hours at the institution in excess of the credit hours  
6325 required for the baccalaureate degree program in which the  
6326 student is enrolled meet with his or her academic advisor.

6327 (6) For purposes of this section, the term "state  
6328 university" includes the institutions identified in s.  
6329 1000.21(6) and the term "Florida College System institution  
6330 ~~community college~~" includes the institutions identified in s.  
6331 1000.21(3).

6332 (7) The provisions of this section become effective for  
6333 students who enter a Florida College System institution  
6334 ~~community college~~ or a state university for the first time in  
6335 the 2009-2010 academic year and thereafter.

6336 Section 126. Subsection (1) of section 1009.29, Florida  
6337 Statutes, is amended to read:

6338 1009.29 Increased fees for funding financial aid program.-

6339 (1) Student tuition and registration fees at each state  
6340 university and Florida College System institution ~~community~~  
6341 ~~college~~ shall include up to \$4.68 per quarter, or \$7.02 per  
6342 semester, per full-time student, or the per-student credit hour  
6343 equivalents of such amounts. The fees provided for by this  
6344 section shall be adjusted from time to time, as necessary, to  
6345 comply with the debt service coverage requirements of the  
6346 student loan revenue bonds issued pursuant to s. 1009.79. If the  
6347 Division of Bond Finance of the State Board of Administration  
6348 and the Commissioner of Education determine that such fees are  
6349 no longer required as security for revenue bonds issued pursuant  
6350 to ss. 1009.78-1009.88, moneys previously collected pursuant to  
6351 this section which are held in escrow, after administrative

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6352 expenses have been met and up to \$150,000 has been used to  
6353 establish a financial aid data processing system for the state  
6354 universities incorporating the necessary features to meet the  
6355 needs of all 11 universities for application through  
6356 disbursement processing, shall be reallocated to the generating  
6357 institutions to be used for student financial aid programs,  
6358 including, but not limited to, scholarships and grants for  
6359 educational purposes. Upon such determination, such fees shall  
6360 no longer be assessed and collected.

6361 Section 127. Paragraph (a) of subsection (1) of section  
6362 1009.40, Florida Statutes, is amended to read:

6363 1009.40 General requirements for student eligibility for  
6364 state financial aid awards and tuition assistance grants.—

6365 (1)(a) The general requirements for eligibility of students  
6366 for state financial aid awards and tuition assistance grants  
6367 consist of the following:

6368 1. Achievement of the academic requirements of and  
6369 acceptance at a state university or Florida College System  
6370 institution ~~community college~~; a nursing diploma school approved  
6371 by the Florida Board of Nursing; a Florida college, or  
6372 university, ~~or community college~~ which is accredited by an  
6373 accrediting agency recognized by the State Board of Education;  
6374 any Florida institution the credits of which are acceptable for  
6375 transfer to state universities; any career center; or any  
6376 private career institution accredited by an accrediting agency  
6377 recognized by the State Board of Education.

6378 2. Residency in this state for no less than 1 year  
6379 preceding the award of aid or a tuition assistance grant for a  
6380 program established pursuant to s. 1009.50, s. 1009.505, s.

2011946er

6381 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.  
6382 1009.57, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.  
6383 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in  
6384 this state must be for purposes other than to obtain an  
6385 education. Resident status for purposes of receiving state  
6386 financial aid awards shall be determined in the same manner as  
6387 resident status for tuition purposes pursuant to s. 1009.21.

6388 3. Submission of certification attesting to the accuracy,  
6389 completeness, and correctness of information provided to  
6390 demonstrate a student's eligibility to receive state financial  
6391 aid awards or tuition assistance grants. Falsification of such  
6392 information shall result in the denial of any pending  
6393 application and revocation of any award or grant currently held  
6394 to the extent that no further payments shall be made.  
6395 Additionally, students who knowingly make false statements in  
6396 order to receive state financial aid awards or tuition  
6397 assistance grants commit a misdemeanor of the second degree  
6398 subject to the provisions of s. 837.06 and shall be required to  
6399 return all state financial aid awards or tuition assistance  
6400 grants wrongfully obtained.

6401 Section 128. Subsection (2) of section 1009.42, Florida  
6402 Statutes, is amended to read:

6403 1009.42 Financial aid appeal process.—

6404 (2) The president of each state university and each Florida  
6405 College System institution ~~community college~~ shall establish a  
6406 procedure for appeal, by students, of grievances related to the  
6407 award or administration of financial aid at the institution.

6408 Section 129. Section 1009.44, Florida Statutes, is amended  
6409 to read:

2011946er

6410           1009.44 Need-based financial aid; no preference to students  
6411 receiving other aid.—From the funds collected by state  
6412 universities and Florida College System institutions ~~community~~  
6413 ~~colleges~~ as a financial aid fee and from other funds  
6414 appropriated by the Legislature for financial aid from the  
6415 Educational Enhancement Trust Fund, institutions shall expend  
6416 those moneys designated as need-based financial aid with no  
6417 preference given to students who also qualify for merit-based or  
6418 other financial aid awards.

6419           Section 130. Paragraph (a) of subsection (2) and paragraph  
6420 (b) of subsection (4) of section 1009.50, Florida Statutes, are  
6421 amended to read:

6422           1009.50 Florida Public Student Assistance Grant Program;  
6423 eligibility for grants.—

6424           (2) (a) State student assistance grants through the program  
6425 may be made only to degree-seeking students who enroll in at  
6426 least 6 semester hours, or the equivalent per term, and who meet  
6427 the general requirements for student eligibility as provided in  
6428 s. 1009.40, except as otherwise provided in this section. The  
6429 grants shall be awarded annually for the amount of demonstrated  
6430 unmet need for the cost of education and may not exceed an  
6431 amount equal to the average prior academic year cost of tuition  
6432 fees and other registration fees for 30 credit hours at state  
6433 universities or such other amount as specified in the General  
6434 Appropriations Act, to any recipient. A demonstrated unmet need  
6435 of less than \$200 shall render the applicant ineligible for a  
6436 state student assistance grant. Recipients of the grants must  
6437 have been accepted at a state university or Florida College  
6438 System institution ~~community college~~ authorized by Florida law.

2011946er

6439 A student is eligible for the award for 110 percent of the  
6440 number of credit hours required to complete the program in which  
6441 enrolled, except as otherwise provided in s. 1009.40(3).

6442 (4)

6443 (b) Payment of Florida public student assistance grants  
6444 shall be transmitted to the president of the state university or  
6445 Florida College System institution ~~community college~~, or to his  
6446 or her representative, in advance of the registration period.  
6447 Institutions shall notify students of the amount of their  
6448 awards.

6449 Section 131. Paragraphs (b) and (c) of subsection (2),  
6450 paragraph (a) of subsection (3), and paragraphs (a) and (b) of  
6451 subsection (4) of section 1009.505, Florida Statutes, are  
6452 amended to read:

6453 1009.505 Florida Public Postsecondary Career Education  
6454 Student Assistance Grant Program.—

6455 (2) For purposes of this section, the term:

6456 (b) "Half-time" means the equivalent in clock hours at a  
6457 public postsecondary career certificate program of 6 semester  
6458 credit hours at a Florida College System institution ~~community~~  
6459 ~~college~~.

6460 (c) "Public postsecondary career certificate program" means  
6461 a postsecondary program that consists of 450 or more clock  
6462 hours, is offered by a Florida College System institution  
6463 ~~community college~~ authorized by Florida law or by a career  
6464 center operated by a district school board under s. 1001.44, and  
6465 terminates in a career certificate.

6466 (3) (a) Student assistance grants through the program may be  
6467 made only to certificate-seeking students enrolled at least

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6468 half-time in a public postsecondary career certificate program  
6469 who meet the general requirements for student eligibility as  
6470 provided in s. 1009.40, except as otherwise provided in this  
6471 section. The grants shall be awarded annually to any recipient  
6472 for the amount of demonstrated unmet need for the cost of  
6473 education and may not exceed the average annual cost of tuition  
6474 and registration fees or such other amount as specified in the  
6475 General Appropriations Act. A demonstrated unmet need of less  
6476 than \$200 shall render the applicant ineligible for a grant  
6477 under this section. Recipients of the grants must have been  
6478 accepted at a Florida College System institution ~~community~~  
6479 ~~college~~ authorized by Florida law or a career center operated by  
6480 a district school board under s. 1001.44. A student is eligible  
6481 for the award for 110 percent of the number of clock hours  
6482 required to complete the program in which enrolled.

6483 (4) (a) The funds appropriated for the Florida Public  
6484 Postsecondary Career Education Student Assistance Grant Program  
6485 shall be distributed to eligible Florida College System  
6486 institutions ~~community colleges~~ and district school boards in  
6487 accordance with a formula approved by the department.

6488 (b) Payment of Florida public postsecondary career  
6489 education student assistance grants shall be transmitted to the  
6490 president of the Florida College System institution ~~community~~  
6491 ~~college~~ or to the district school superintendent, or to the  
6492 designee thereof, in advance of the registration period.  
6493 Institutions shall notify students of the amount of their  
6494 awards.

6495 Section 132. Subsection (1) of section 1009.533, Florida  
6496 Statutes, is amended to read:

2011946er

6497 1009.533 Florida Bright Futures Scholarship Program;  
6498 eligible postsecondary education institutions.—A student is  
6499 eligible for an award or the renewal of an award from the  
6500 Florida Bright Futures Scholarship Program if the student meets  
6501 the requirements for the program as described in this act and is  
6502 enrolled in a postsecondary education institution that meets the  
6503 description in any one of the following subsections:

6504 (1) A Florida public university, Florida College System  
6505 institution ~~community college~~, or career center.

6506 Section 133. Subsection (2) of section 1009.535, Florida  
6507 Statutes, is amended to read:

6508 1009.535 Florida Medallion Scholars award.—

6509 (2) A Florida Medallion Scholar is eligible for an award  
6510 equal to the amount required to pay 75 percent of tuition and  
6511 fees if the student is enrolled in a state university or a  
6512 baccalaureate degree program authorized pursuant to s. 1007.33.  
6513 A Florida Medallion Scholar is eligible for an award equal to  
6514 the amount required to pay 100 percent of tuition and fees for  
6515 college credit courses leading to an associate degree if the  
6516 student is enrolled in a Florida College System institution  
6517 ~~community college~~. A student who is enrolled in a nonpublic  
6518 postsecondary education institution is eligible for an award  
6519 equal to the amount that would be required to pay 75 percent of  
6520 the tuition and fees of a public postsecondary education  
6521 institution at the comparable level.

6522 Section 134. Paragraph (d) of subsection (2) and paragraph  
6523 (c) of subsection (3) of section 1009.55, Florida Statutes, are  
6524 amended to read:

6525 1009.55 Rosewood Family Scholarship Program.—

2011946er

6526 (2) The Rosewood Family Scholarship Program shall be  
6527 administered by the Department of Education. The State Board of  
6528 Education shall adopt rules for administering this program which  
6529 shall at a minimum provide for the following:

6530 (d) Payment of an award shall be transmitted in advance of  
6531 the registration period each semester on behalf of the student  
6532 to the president of the university or Florida College System  
6533 institution ~~community college~~, or his or her representative, or  
6534 to the director of the career center which the recipient is  
6535 attending.

6536 (3) Beginning with the 1994-1995 academic year, the  
6537 department is authorized to make awards for undergraduate study  
6538 to students who:

6539 (c) Enroll as certificate-seeking or degree-seeking  
6540 students at a state university, Florida College System  
6541 institution ~~community college~~, or career center authorized by  
6542 law.

6543 Section 135. Paragraph (b) of subsection (2) of section  
6544 1009.56, Florida Statutes, is amended to read:

6545 1009.56 Seminole and Miccosukee Indian Scholarships.—

6546 (2) The department shall award scholarships to students  
6547 who:

6548 (b) Are enrolled at a state university or Florida College  
6549 System institution ~~community college~~ authorized by Florida law;  
6550 a nursing diploma school approved by the Board of Nursing; any  
6551 Florida college, or university, ~~or community college~~ which is  
6552 accredited by an accrediting association whose standards are  
6553 comparable to the minimum standards required to operate an  
6554 institution at that level in Florida, as determined by rules of

2011946er

6555 the Commission for Independent Education; or any Florida  
6556 institution the credits of which are acceptable for transfer to  
6557 state universities;

6558 Section 136. Section 1009.60, Florida Statutes, is amended  
6559 to read:

6560 1009.60 Minority teacher education scholars program.—There  
6561 is created the minority teacher education scholars program,  
6562 which is a collaborative performance-based scholarship program  
6563 for African-American, Hispanic-American, Asian-American, and  
6564 Native American students. The participants in the program  
6565 include Florida's Florida College System institutions ~~community~~  
6566 ~~colleges~~ and its public and private universities that have  
6567 teacher education programs.

6568 (1) The minority teacher education scholars program shall  
6569 provide an annual scholarship in an amount that shall be  
6570 prorated based on available appropriations and may not exceed  
6571 \$4,000 for each approved minority teacher education scholar who  
6572 is enrolled in one of Florida's public or private universities  
6573 in the junior year and is admitted into a teacher education  
6574 program.

6575 (2) To assist each participating education institution in  
6576 the recruitment and retention of minority teacher scholars, the  
6577 administrators of the Florida Fund for Minority Teachers, Inc.,  
6578 shall implement a systemwide training program. The training  
6579 program must include an annual conference or series of  
6580 conferences for students who are in the program or who are  
6581 identified by a high school or a Florida College System  
6582 institution ~~community college~~ as likely candidates for the  
6583 program. The training program must also include research about

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6584 and dissemination concerning successful activities or programs  
6585 that recruit minority students for teacher education and retain  
6586 them through graduation, certification, and employment. Staff  
6587 employed by the corporation may work with each participating  
6588 education institution to assure that local faculty and  
6589 administrators receive the benefit of all available research and  
6590 resources to increase retention of their minority teacher  
6591 education scholars.

6592 (3) The total amount appropriated annually for new  
6593 scholarships in the program must be divided by \$4,000 and by the  
6594 number of participating colleges and universities. Each  
6595 participating institution has access to the same number of  
6596 scholarships and may award all of them to eligible minority  
6597 students. If a college or university does not award all of its  
6598 scholarships by the date set by the program administration at  
6599 the Florida Fund for Minority Teachers, Inc., the remaining  
6600 scholarships must be transferred to another institution that has  
6601 eligible students. If the total amount appropriated for new  
6602 scholarships is insufficient to award \$4,000 to each eligible  
6603 student, the amount of the scholarship shall be prorated based  
6604 on available appropriations.

6605 (4) A student may receive a scholarship from the program  
6606 for 3 consecutive years if the student remains enrolled full-  
6607 time in the program and makes satisfactory progress toward a  
6608 baccalaureate degree with a major in education.

6609 (5) If a minority teacher education scholar graduates and  
6610 is employed as a teacher by a Florida district school board, the  
6611 scholar is not required to repay the scholarship amount so long  
6612 as the scholar teaches in a Florida public school. A scholar may

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6613 repay the entire scholarship amount by remaining employed as a  
6614 Florida public school teacher for 1 year for each year he or she  
6615 received the scholarship.

6616 (6) If a minority teacher education scholar does not  
6617 graduate within 3 years, or if the scholar graduates but does  
6618 not teach in a Florida public school, the scholar must repay the  
6619 total amount awarded, plus annual interest of 8 percent.

6620 (a) Interest begins accruing the first day of the 13th  
6621 month after the month in which the recipient completes an  
6622 approved teacher education program or after the month in which  
6623 enrollment as a full-time student is terminated. Interest does  
6624 not accrue during any period of deferment or eligible teaching  
6625 service.

6626 (b) The repayment period begins the first day of the 13th  
6627 month after the month in which the recipient completes an  
6628 approved teacher education program or after the month in which  
6629 enrollment as a full-time student is terminated.

6630 (c) The terms and conditions of the scholarship repayment  
6631 must be contained in a promissory note and a repayment schedule.  
6632 The loan must be paid within 10 years after the date of  
6633 graduation or termination of full-time enrollment, including any  
6634 periods of deferment. A shorter repayment period may be granted.  
6635 The minimum monthly repayment is \$50 or the unpaid balance,  
6636 unless otherwise approved, except that the monthly payment may  
6637 not be less than the accruing interest. The recipient may prepay  
6638 any part of the scholarship without penalty.

6639 (d) The holder of the promissory note may grant a deferment  
6640 of repayment for a recipient who is a full-time student, who is  
6641 unable to secure a teaching position that would qualify as

2011946er

6642 repayment, who becomes disabled, or who experiences other  
6643 hardships. Such a deferment may be granted for a total of 24  
6644 months.

6645 (e) If a student defaults on the scholarship, the entire  
6646 unpaid balance, including interest accrued, becomes due and  
6647 payable at the option of the holder of the promissory note, or  
6648 when the recipient is no longer able to pay or no longer intends  
6649 to pay. The recipient is responsible for paying all reasonable  
6650 attorney's fees and other costs and charges necessary for  
6651 administration of the collection process.

6652 Section 137. Subsection (3) of section 1009.605, Florida  
6653 Statutes, is amended to read:

6654 1009.605 Florida Fund for Minority Teachers, Inc.—

6655 (3) A board of directors shall administer the corporation.  
6656 The Governor shall appoint to the board at least 15 but not more  
6657 than 25 members, who shall serve terms of 3 years, except that 4  
6658 of the initial members shall serve 1-year terms and 4 shall  
6659 serve 2-year terms. At least 4 members must be employed by  
6660 Florida College System institutions ~~public community colleges~~  
6661 and at least 11 members must be employed by public or private  
6662 postsecondary institutions that operate colleges of education.  
6663 At least one member must be a financial aid officer employed by  
6664 a postsecondary education institution operating in Florida.  
6665 Administrative costs for support of the Board of Directors and  
6666 the Florida Fund for Minority Teachers may not exceed 5 percent  
6667 of funds allocated for the program. The board shall:

6668 (a) Hold meetings to implement this section.

6669 (b) Select a chairperson annually.

6670 (c) Make rules for its own government.

2011946er

6671 (d) Appoint an executive director to serve at its pleasure.  
6672 The executive director shall be the chief administrative officer  
6673 and agent of the board.

6674 (e) Maintain a record of its proceedings.

6675 (f) Delegate to the chairperson the responsibility for  
6676 signing final orders.

6677 (g) Carry out the training program as required for the  
6678 minority teacher education scholars program. No more than 5  
6679 percent of the funds appropriated for the minority teacher  
6680 education scholars program may be expended for administration,  
6681 including administration of the required training program.

6682 Section 138. Subsection (3) of section 1009.65, Florida  
6683 Statutes, is amended to read:

6684 1009.65 Medical Education Reimbursement and Loan Repayment  
6685 Program.—

6686 (3) The Department of Health may adopt any rules necessary  
6687 for the administration of the Medical Education Reimbursement  
6688 and Loan Repayment Program. The department may also solicit  
6689 technical advice regarding conduct of the program from the  
6690 Department of Education and Florida universities and Florida  
6691 College System institutions ~~community colleges~~. The Department  
6692 of Health shall submit a budget request for an amount sufficient  
6693 to fund medical education reimbursement, loan repayments, and  
6694 program administration.

6695 Section 139. Paragraphs (a) and (b) of subsection (4) of  
6696 section 1009.67, Florida Statutes, are amended to read:

6697 1009.67 Nursing scholarship program.—

6698 (4) Credit for repayment of a scholarship shall be as  
6699 follows:

2011946er

6700 (a) For each full year of scholarship assistance, the  
6701 recipient agrees to work for 12 months in a faculty position in  
6702 a college of nursing or Florida College System institution  
6703 ~~community college~~ nursing program in this state or at a health  
6704 care facility in a medically underserved area as approved by the  
6705 Department of Health. Scholarship recipients who attend school  
6706 on a part-time basis shall have their employment service  
6707 obligation prorated in proportion to the amount of scholarship  
6708 payments received.

6709 (b) Eligible health care facilities include nursing homes  
6710 and hospitals in this state, state-operated medical or health  
6711 care facilities, public schools, county health departments,  
6712 federally sponsored community health centers, colleges of  
6713 nursing in universities in this state, and Florida College  
6714 System institution ~~community college~~ nursing programs in this  
6715 state, family practice teaching hospitals as defined in s.  
6716 395.805, or specialty children's hospitals as described in s.  
6717 409.9119. The recipient shall be encouraged to complete the  
6718 service obligation at a single employment site. If continuous  
6719 employment at the same site is not feasible, the recipient may  
6720 apply to the department for a transfer to another approved  
6721 health care facility.

6722 Section 140. Paragraph (a) of subsection (4) of section  
6723 1009.70, Florida Statutes, is amended to read:

6724 1009.70 Florida Education Fund.—

6725 (4) The Florida Education Fund shall be administered by a  
6726 board of directors, which is hereby established.

6727 (a) The board of directors shall consist of 12 members, to  
6728 be appointed as follows:

2011946er

- 6729 1. Two laypersons appointed by the Governor;  
6730 2. Two laypersons appointed by the President of the Senate;  
6731 3. Two laypersons appointed by the Speaker of the House of  
6732 Representatives; and  
6733 4. Two representatives of state universities, two  
6734 representatives of Florida College System institutions ~~public~~  
6735 ~~community colleges~~, and two representatives of independent  
6736 colleges or universities appointed by the State Board of  
6737 Education.

6738  
6739 The board of directors may appoint to the board an additional  
6740 five members from the private sector for the purpose of  
6741 assisting in the procurement of private contributions. Such  
6742 members shall serve as voting members of the board.

6743 Section 141. Paragraph (a) of subsection (5) of section  
6744 1009.72, Florida Statutes, is amended to read:

6745 1009.72 Jose Marti Scholarship Challenge Grant Program.—

6746 (5) (a) In order to be eligible to receive a scholarship  
6747 pursuant to this section, an applicant shall:

6748 1. Be a Hispanic-American, or a person of Spanish culture  
6749 with origins in Mexico, South America, Central America, or the  
6750 Caribbean, regardless of race.

6751 2. Be a citizen of the United States and meet the general  
6752 requirements for student eligibility as provided in s. 1009.40,  
6753 except as otherwise provided in this section.

6754 3. Be accepted at a state university, ~~or~~ Florida College  
6755 System institution, ~~community college~~ or any Florida college or  
6756 university that is accredited by an association whose standards  
6757 are comparable to the minimum standards required to operate a

2011946er

6758 postsecondary education institution at that level in Florida.

6759 4. Enroll as a full-time undergraduate or graduate student.

6760 5. Earn a 3.0 unweighted grade point average on a 4.0  
6761 scale, or the equivalent for high school subjects creditable  
6762 toward a diploma. If an applicant applies as a graduate student,  
6763 he or she shall have earned a 3.0 cumulative grade point average  
6764 for undergraduate college-level courses.

6765 Section 142. Paragraph (a) of subsection (1) and paragraph  
6766 (a) of subsection (8) of section 1009.77, Florida Statutes, are  
6767 amended to read:

6768 1009.77 Florida Work Experience Program.—

6769 (1) There is established the Florida Work Experience  
6770 Program to be administered by the Department of Education. The  
6771 purpose of the program is to introduce eligible students to work  
6772 experience that will complement and reinforce their educational  
6773 program and career goals and provide a self-help student aid  
6774 program that reduces student loan indebtedness. Additionally,  
6775 the program's opportunities for employment at a student's school  
6776 will serve as a retention tool because students employed on  
6777 campus are more likely to complete their postsecondary  
6778 education. The program shall be available to:

6779 (a) Any student attending a state university or Florida  
6780 College System institution ~~community college~~ authorized by  
6781 Florida law;

6782 (8) A student is eligible to participate in the Florida  
6783 Work Experience Program if the student:

6784 (a) Is enrolled:

6785 1. At an eligible college or university as no less than a  
6786 half-time undergraduate student in good standing;

2011946er

6787           2. In an eligible postsecondary career certificate program  
6788 as no less than a half-time student in good standing. Eligible  
6789 programs must be approved by the Department of Education and  
6790 must consist of no less than 450 clock hours of instruction.  
6791 Such programs must be offered by a career center operated by a  
6792 district school board under s. 1001.44 or by a Florida College  
6793 System institution ~~community college~~; or

6794           3. At an educator preparation institute established under  
6795 s. 1004.85 as no less than a half-time student in good standing.

6796  
6797 However, a student may be employed during the break between two  
6798 consecutive terms or employed, although not enrolled, during a  
6799 term if the student was enrolled at least half time during the  
6800 preceding term and preregisters as no less than a half-time  
6801 student for the subsequent academic term. A student who attends  
6802 an institution that does not provide preregistration shall  
6803 provide documentation of intent to enroll as no less than a  
6804 half-time student for the subsequent academic term.

6805           Section 143. Subsection (3) of section 1009.89, Florida  
6806 Statutes, is amended to read:

6807           1009.89 The William L. Boyd, IV, Florida resident access  
6808 grants.—

6809           (3) The department shall issue through the program a  
6810 William L. Boyd, IV, Florida resident access grant to any full-  
6811 time degree-seeking undergraduate student registered at an  
6812 independent nonprofit college or university which is located in  
6813 and chartered by the state; which is accredited by the  
6814 Commission on Colleges of the Southern Association of Colleges  
6815 and Schools; which grants baccalaureate degrees; which is not a

2011946er

6816 state university or Florida College System institution ~~state~~  
6817 ~~community college~~; and which has a secular purpose, so long as  
6818 the receipt of state aid by students at the institution would  
6819 not have the primary effect of advancing or impeding religion or  
6820 result in an excessive entanglement between the state and any  
6821 religious sect. Any independent college or university that was  
6822 eligible to receive tuition vouchers on January 1, 1989, and  
6823 which continues to meet the criteria under which its eligibility  
6824 was established, shall remain eligible to receive William L.  
6825 Boyd, IV, Florida resident access grant payments.

6826 Section 144. Subsection (3) of section 1009.891, Florida  
6827 Statutes, is amended to read:

6828 1009.891 The Access to Better Learning and Education Grant  
6829 Program.—

6830 (3) The department shall issue an access grant to any full-  
6831 time student seeking a baccalaureate degree who is registered at  
6832 a for-profit college or university that is located in and  
6833 chartered by the state and that is accredited by the Commission  
6834 on Colleges of the Southern Association of Colleges and Schools  
6835 or who is registered at a nonprofit college or university that  
6836 is chartered out of the state, that has been located in the  
6837 state for 10 years or more, and that is accredited by the  
6838 Commission on Colleges of the Southern Association of Colleges  
6839 and Schools, the Middle States Association of Colleges and  
6840 Schools, the North Central Association of Colleges and Schools,  
6841 or the New England Association of Colleges and Schools; that  
6842 grants baccalaureate degrees; that is not a state university or  
6843 Florida College System institution ~~state community college~~; and  
6844 that has a secular purpose, if the receipt of state aid by

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6845 students at the institution would not have the primary effect of  
6846 advancing or impeding religion or result in an excessive  
6847 entanglement between the state and any religious sect.  
6848 Institutions eligible for the Access to Better Learning and  
6849 Education Grant Program in the initial year of funding shall  
6850 include only those for-profit colleges or universities  
6851 identified in this subsection. Nonprofit colleges or  
6852 universities identified in this subsection shall be eligible for  
6853 financial support in the second year of funding.

6854 Section 145. Paragraph (h) of subsection (3) of section  
6855 1009.97, Florida Statutes, is amended to read:

6856 1009.97 General provisions.—

6857 (3) DEFINITIONS.—As used in ss. 1009.97-1009.984, the term:

6858 (h) "State postsecondary institution" means any Florida  
6859 College System institution ~~public community college~~ or state  
6860 university.

6861 Section 146. Paragraph (e) of subsection (4) of section  
6862 1009.971, Florida Statutes, is amended to read:

6863 1009.971 Florida Prepaid College Board.—

6864 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
6865 board shall have the powers and duties necessary or proper to  
6866 carry out the provisions of ss. 1009.97-1009.984, including, but  
6867 not limited to, the power and duty to:

6868 (e) Establish agreements or other transactions with  
6869 federal, state, and local agencies, including state universities  
6870 and Florida College System institutions ~~community colleges~~.

6871 Section 147. Subsection (2), paragraph (e) of subsection  
6872 (5), and subsection (6) of section 1009.98, Florida Statutes,  
6873 are amended to read:

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6874 1009.98 Stanley G. Tate Florida Prepaid College Program.—

6875 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall  
6876 make advance payment contracts available for two independent  
6877 plans to be known as the Florida College System institution  
6878 ~~community college~~ plan and the university plan. The board may  
6879 also make advance payment contracts available for a dormitory  
6880 residence plan. The board may restrict the number of  
6881 participants in the Florida College System institution ~~community~~  
6882 ~~college~~ plan, university plan, and dormitory residence plan,  
6883 respectively. However, any person denied participation solely on  
6884 the basis of such restriction shall be granted priority for  
6885 participation during the succeeding year.

6886 (a)1. Through the Florida College System institution  
6887 ~~community college~~ plan, the advance payment contract may provide  
6888 prepaid registration fees for a specified number of  
6889 undergraduate semester credit hours not to exceed the average  
6890 number of hours required for the conference of an associate  
6891 degree. Qualified beneficiaries shall bear the cost of any  
6892 laboratory fees associated with enrollment in specific courses.  
6893 Each qualified beneficiary shall be classified as a resident for  
6894 tuition purposes, pursuant to s. 1009.21, regardless of his or  
6895 her actual legal residence.

6896 2. Effective July 1, 1998, the board may provide advance  
6897 payment contracts for additional fees delineated in s. 1009.23,  
6898 not to exceed the average number of hours required for the  
6899 conference of an associate degree, in conjunction with advance  
6900 payment contracts for registration fees. Florida College System  
6901 institution ~~Community college~~ plan contracts purchased prior to  
6902 July 1, 1998, shall be limited to the payment of registration

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6903 fees as defined in s. 1009.97.

6904         3. Effective July 1, 2009, the board may offer an advance  
6905 payment contract for the Florida College System institution  
6906 ~~community college~~ plan covering prepaid registration fees and  
6907 the fees authorized in s. 1009.23. Such a contract may be  
6908 offered in specific increments for use toward an associate  
6909 degree. The total number of hours purchased for a qualified  
6910 beneficiary may not exceed the average number of hours required  
6911 for the conference of an associate degree.

6912         (b)1. Through the university plan, the advance payment  
6913 contract may provide prepaid registration fees for a specified  
6914 number of undergraduate semester credit hours not to exceed the  
6915 average number of hours required for the conference of a  
6916 baccalaureate degree. Qualified beneficiaries shall bear the  
6917 cost of any laboratory fees associated with enrollment in  
6918 specific courses. Each qualified beneficiary shall be classified  
6919 as a resident for tuition purposes pursuant to s. 1009.21,  
6920 regardless of his or her actual legal residence.

6921         2. Effective July 1, 1998, the board may provide advance  
6922 payment contracts for additional fees delineated in s.  
6923 1009.24(9)-(12), for a specified number of undergraduate  
6924 semester credit hours not to exceed the average number of hours  
6925 required for the conference of a baccalaureate degree, in  
6926 conjunction with advance payment contracts for registration  
6927 fees. Such contracts shall provide prepaid coverage for the sum  
6928 of such fees, to a maximum of 45 percent of the cost of  
6929 registration fees. University plan contracts purchased prior to  
6930 July 1, 1998, shall be limited to the payment of registration  
6931 fees as defined in s. 1009.97.

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6932           3. Effective July 1, 2007, the board may provide advance  
6933 payment contracts for the tuition differential authorized in s.  
6934 1009.24(16) for a specified number of undergraduate semester  
6935 credit hours, which may not exceed the average number of hours  
6936 required for the conference of a baccalaureate degree, in  
6937 conjunction with advance payment contracts for registration  
6938 fees.

6939           4. Effective July 1, 2009, the board may offer an advance  
6940 payment contract for the university plan covering prepaid  
6941 registration fees, the fees authorized in s. 1009.24(9)-(12),  
6942 and the tuition differential authorized in s. 1009.24(16). Such  
6943 a contract may be offered in specific increments for use toward  
6944 a baccalaureate degree. The total number of hours purchased for  
6945 a qualified beneficiary may not exceed the average number of  
6946 hours required for the conference of a baccalaureate degree.

6947           (c) The cost of participation in contracts authorized under  
6948 paragraph (a) or paragraph (b) shall be based primarily on the  
6949 current and projected fees included in the plan within the  
6950 Florida College System or the State University System,  
6951 respectively, the number of credit hours or semesters included  
6952 in the plan, and the number of years expected to elapse between  
6953 the purchase of the plan on behalf of a qualified beneficiary  
6954 and the exercise of the benefits provided in the plan by such  
6955 beneficiary.

6956           (d) Through the dormitory residence plan, the advance  
6957 payment contract may provide prepaid housing fees for a maximum  
6958 of 10 semesters of full-time undergraduate enrollment in a state  
6959 university. Dormitory residence plans shall be purchased in  
6960 increments of 2 semesters. The cost of participation in the

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6961 dormitory residence plan shall be based primarily on the average  
6962 current and projected housing fees within the State University  
6963 System and the number of years expected to elapse between the  
6964 purchase of the plan on behalf of a qualified beneficiary and  
6965 the exercise of the benefits provided in the plan by such  
6966 beneficiary. Qualified beneficiaries shall have the highest  
6967 priority in the assignment of housing within university  
6968 residence halls. Qualified beneficiaries shall bear the cost of  
6969 any additional elective charges such as laundry service or long-  
6970 distance telephone service. Each state university may specify  
6971 the residence halls or other university-held residences eligible  
6972 for inclusion in the plan. In addition, any state university may  
6973 request immediate termination of a dormitory residence contract  
6974 based on a violation or multiple violations of rules of the  
6975 residence hall or other university-held residences. In the event  
6976 that sufficient housing is not available for all qualified  
6977 beneficiaries, the board shall refund the purchaser or qualified  
6978 beneficiary an amount equal to the fees charged for dormitory  
6979 residence during that semester. If a qualified beneficiary fails  
6980 to be admitted to a state university or chooses to attend a  
6981 Florida College System institution ~~community college~~ that  
6982 operates one or more dormitories or residency opportunities, or  
6983 has one or more dormitories or residency opportunities operated  
6984 by the Florida College System institution ~~community college~~  
6985 direct-support organization, the qualified beneficiary may  
6986 transfer or cause to have transferred to the Florida College  
6987 System institution ~~community college~~, or Florida College System  
6988 institution ~~community college~~ direct-support organization, the  
6989 fees associated with dormitory residence. Dormitory fees

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6990 transferred to the Florida College System institution ~~community~~  
6991 ~~college~~ or Florida College System institution ~~community college~~  
6992 direct-support organization may not exceed the maximum fees  
6993 charged for state university dormitory residence for the  
6994 purposes of this section, or the fees charged for Florida  
6995 College System institution ~~community college~~ or Florida College  
6996 System institution ~~community college~~ direct-support organization  
6997 dormitories or residency opportunities, whichever is less.

6998 (5) REFUNDS.—

6999 (e) A refund may not be authorized through an advance  
7000 payment contract for any school year partially attended but not  
7001 completed. For purposes of this section, a school year partially  
7002 attended but not completed shall mean any one semester whereby  
7003 the student is still enrolled at the conclusion of the official  
7004 drop-add period but withdraws before the end of such semester.  
7005 If a beneficiary does not complete a Florida College System  
7006 institution ~~community college~~ plan or university plan for  
7007 reasons other than specified in paragraph (c), the purchaser  
7008 shall receive a refund of the amount paid into the fund for the  
7009 remaining unattended years of the advance payment contract  
7010 pursuant to rules promulgated by the board.

7011 (6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information  
7012 that identifies the purchasers or beneficiaries of any plan  
7013 promulgated under this section and their advance payment account  
7014 activities is exempt from the provisions of s. 119.07(1).  
7015 However, the board may authorize the program's records  
7016 administrator to release such information to a Florida College  
7017 System institution ~~community college~~, college, or university in  
7018 which a beneficiary may enroll or is enrolled. Florida College

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7019 System institutions ~~Community colleges~~, colleges, and  
7020 universities shall maintain such information as exempt from the  
7021 provisions of s. 119.07(1).

7022 Section 148. Subsection (6) of section 1009.981, Florida  
7023 Statutes, is amended to read:

7024 1009.981 Florida College Savings Program.—

7025 (6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information  
7026 that identifies the benefactors or the designated beneficiary of  
7027 any account initiated under this section is confidential and  
7028 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
7029 Constitution. However, the board may authorize the release of  
7030 such information to a Florida College System institution  
7031 ~~community college~~, college, or university in which a designated  
7032 beneficiary may enroll or is enrolled. Florida College System  
7033 institutions ~~Community colleges~~, colleges, and universities  
7034 shall maintain the confidentiality of such information.

7035 Section 149. Paragraph (a) of subsection (1) and subsection  
7036 (4) of section 1010.01, Florida Statutes, are amended to read:

7037 1010.01 Uniform records and accounts.—

7038 (1)(a) The financial records and accounts of each school  
7039 district, Florida College System institution ~~community college~~,  
7040 and other institution or agency under the supervision of the  
7041 State Board of Education shall be prepared and maintained as  
7042 prescribed by law and rules of the State Board of Education.

7043 (4) Required financial accounts and reports shall include  
7044 provisions that are unique to each of the following: K-12 school  
7045 districts, Florida College System institutions ~~community~~  
7046 ~~colleges~~, and state universities, and shall provide for the data  
7047 to be reported to the National Center of Educational Statistics

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7048 and other governmental and professional educational data  
7049 information services as appropriate.

7050 Section 150. Subsection (1) of section 1010.02, Florida  
7051 Statutes, is amended to read:

7052 1010.02 Financial accounting and expenditures.—

7053 (1) All funds accruing to a school district or a Florida  
7054 College System institution ~~community college~~ must be received,  
7055 accounted for, and expended in accordance with law and rules of  
7056 the State Board of Education.

7057 Section 151. Section 1010.03, Florida Statutes, is amended  
7058 to read:

7059 1010.03 Delinquent accounts.—District school boards,  
7060 Florida College System institution ~~community college~~ boards of  
7061 trustees, and university boards of trustees:

7062 (1) Shall exert every effort to collect all delinquent  
7063 accounts.

7064 (2) May charge off or settle such accounts as may prove  
7065 uncollectible.

7066 (3) May employ the services of a collection agency when  
7067 deemed advisable in collecting delinquent accounts.

7068 (4) May adopt rules, as necessary, to implement the  
7069 provisions of this section, including setoff procedures, payroll  
7070 deductions, and restrictions on release of transcripts, awarding  
7071 of diplomas, and access to other resources and services of the  
7072 school district, Florida College System institution ~~community~~  
7073 ~~college~~, or university.

7074 Section 152. Paragraph (a) of subsection (1), subsections  
7075 (2) and (3), and paragraph (a) of subsection (4) of section  
7076 1010.04, Florida Statutes, are amended to read:

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7077 1010.04 Purchasing.—

7078 (1) (a) Purchases and leases by school districts and Florida  
7079 College System institutions ~~community colleges~~ shall comply with  
7080 the requirements of law and rules of the State Board of  
7081 Education.

7082 (2) Each district school board, Florida College System  
7083 institution ~~community college~~ board of trustees, and each  
7084 university board of trustees shall adopt rules to be followed in  
7085 making purchases.

7086 (3) In districts in which the county purchasing agent is  
7087 authorized by law to make purchases for the benefit of other  
7088 governmental agencies within the county, the district school  
7089 board and Florida College System institution ~~community college~~  
7090 board of trustees shall have the option to purchase from the  
7091 current county contracts at the unit price stated therein if  
7092 such purchase is to the economic advantage of the district  
7093 school board or the Florida College System institution ~~community~~  
7094 ~~college~~ board of trustees; subject to confirmation of the items  
7095 of purchase to the standards and specifications prescribed by  
7096 the school district or Florida College System institution  
7097 ~~community college~~.

7098 (4) (a) The State Board of Education may, by rule, provide  
7099 for alternative procedures for school districts and Florida  
7100 College System institutions ~~community colleges~~ for bidding or  
7101 purchasing in cases in which the character of the item requested  
7102 renders competitive bidding impractical.

7103 Section 153. Section 1010.06, Florida Statutes, is amended  
7104 to read:

7105 1010.06 Indirect cost limitation.—State funds appropriated

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7106 by the Legislature to the Division of Public Schools within the  
7107 Department of Education may not be used to pay indirect costs to  
7108 a university, Florida College System institution ~~community~~  
7109 ~~college~~, school district, or any other entity.

7110 Section 154. Subsection (1) and paragraph (a) of subsection  
7111 (2) of section 1010.07, Florida Statutes, are amended to read:  
7112 1010.07 Bonds or insurance required.—

7113 (1) Each district school board, Florida College System  
7114 institution ~~community college~~ board of trustees, and university  
7115 board of trustees shall ensure that each official and employee  
7116 responsible for handling, expending, or authorizing the  
7117 expenditure of funds shall be appropriately bonded or insured to  
7118 protect the board and the funds involved.

7119 (2) (a) Contractors paid from school district or Florida  
7120 College System institution ~~community college~~ funds shall give  
7121 bond for the faithful performance of their contracts in such  
7122 amount and for such purposes as prescribed by s. 255.05 or by  
7123 rules of the State Board of Education relating to the type of  
7124 contract involved. It shall be the duty of the district school  
7125 board or Florida College System institution ~~community college~~  
7126 board of trustees to require from construction contractors a  
7127 bond adequate to protect the board and the board's funds  
7128 involved.

7129 Section 155. Section 1010.08, Florida Statutes, is amended  
7130 to read:

7131 1010.08 Promotion and public relations; funding.—Each  
7132 district school board and Florida College System institution  
7133 ~~community college~~ board of trustees may budget and use a portion  
7134 of the funds accruing to it from auxiliary enterprises and

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7135 undesignated gifts for promotion and public relations as  
7136 prescribed by rules of the State Board of Education. Such funds  
7137 may be used to provide hospitality to business guests in the  
7138 district or elsewhere. However, such hospitality expenses may  
7139 not exceed the amount authorized for such contingency funds as  
7140 prescribed by rules of the State Board of Education.

7141 Section 156. Subsection (1) of section 1010.09, Florida  
7142 Statutes, is amended to read:

7143 1010.09 Direct-support organizations.—

7144 (1) School district and Florida College System institution  
7145 ~~community college~~ direct-support organizations shall be  
7146 organized and conducted under the provisions of ss. 1001.453 and  
7147 1004.70 and rules of the State Board of Education, as  
7148 applicable.

7149 Section 157. Section 1010.11, Florida Statutes, is amended  
7150 to read:

7151 1010.11 Electronic transfer of funds.—Pursuant to the  
7152 provisions of s. 215.85, each district school board, Florida  
7153 College System institution ~~community college~~ board of trustees,  
7154 and university board of trustees shall adopt written policies  
7155 prescribing the accounting and control procedures under which  
7156 any funds under their control are allowed to be moved by  
7157 electronic transaction for any purpose including direct deposit,  
7158 wire transfer, withdrawal, investment, or payment. Electronic  
7159 transactions shall comply with the provisions of chapter 668.

7160 Section 158. Section 1010.22, Florida Statutes, is amended  
7161 to read:

7162 1010.22 Cost accounting and reporting for workforce  
7163 education.—

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7164 (1) Each school district and each Florida College System  
7165 institution ~~community college~~ shall account for expenditures of  
7166 all state, local, federal, and other funds in the manner  
7167 prescribed by the State Board of Education.

7168 (2) Each school district and each Florida College System  
7169 institution ~~community college~~ shall report expenditures for  
7170 workforce education in accordance with requirements prescribed  
7171 by the State Board of Education.

7172 (3) The Department of Education, in cooperation with school  
7173 districts and Florida College System institutions ~~community~~  
7174 ~~colleges~~, shall develop and maintain a database of valid  
7175 comparable information on workforce education which will meet  
7176 both state and local needs.

7177 Section 159. Section 1010.23, Florida Statutes, is amended  
7178 to read:

7179 1010.23 Cost accounting and reporting for Florida College  
7180 System institutions ~~community colleges~~.—Florida College System  
7181 institutions ~~Community colleges~~ shall provide an annual report  
7182 on the cost of operations as provided in s. 1011.84.

7183 Section 160. Section 1010.30, Florida Statutes, is amended  
7184 to read:

7185 1010.30 Audits required.—School districts, Florida College  
7186 System institutions ~~community colleges~~, and other institutions  
7187 and agencies under the supervision of the State Board of  
7188 Education and state universities under the supervision of the  
7189 Board of Governors are subject to the audit provisions under ss.  
7190 11.45 and 218.39.

7191 Section 161. Section 1010.33, Florida Statutes, is amended  
7192 to read:

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7193           1010.33 Financial and performance audits.—Each district  
7194 school board and Florida College System institution ~~community~~  
7195 ~~college~~ board of trustees, and university board of trustees is  
7196 authorized to have an audit of their accounts and records by an  
7197 independent certified public accountant retained by them and  
7198 paid from their public funds. These audits are in addition to  
7199 those required by ss. 11.45 and 218.39.

7200           Section 162. Section 1010.34, Florida Statutes, is amended  
7201 to read:

7202           1010.34 Audits of direct-support organizations.—Audits of  
7203 school district, Florida College System institution ~~community~~  
7204 ~~college~~, and state university direct-support organizations are  
7205 subject to the audit provisions of ss. 1001.453(4), 1004.28(5),  
7206 and 1004.70(6), as applicable.

7207           Section 163. Section 1010.58, Florida Statutes, is amended  
7208 to read:

7209           1010.58 Procedure for determining number of instruction  
7210 units for Florida College System institutions ~~community~~  
7211 ~~colleges~~.—The number of instruction units for Florida College  
7212 System institutions ~~community colleges~~ shall be determined from  
7213 the full-time equivalent students in the Florida College System  
7214 institution ~~community college~~, provided that full-time  
7215 equivalent students may not be counted more than once in  
7216 determining instruction units. Instruction units for Florida  
7217 College System institutions ~~community colleges~~ shall be computed  
7218 as follows:

7219           (1) One unit for each 12 full-time equivalent students at a  
7220 Florida College System institution ~~community college~~ for the  
7221 first 420 students and one unit for each 15 full-time equivalent

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7222 students for all over 420 students, in other than career  
7223 education programs as defined by rules of the State Board of  
7224 Education, and one unit for each 10 full-time equivalent  
7225 students in career education programs and compensatory education  
7226 programs as defined by rules of the State Board of Education.  
7227 Full-time equivalent students enrolled in a Florida College  
7228 System institution ~~community college~~ shall be defined by rules  
7229 of the State Board of Education.

7230 (2) For each 8 instruction units in a Florida College  
7231 System institution ~~community college~~, 1 instruction unit or  
7232 proportionate fraction of a unit shall be allowed for  
7233 administrative and special instructional services, and for each  
7234 20 instruction units, 1 instruction unit or proportionate  
7235 fraction of a unit shall be allowed for student personnel  
7236 services.

7237 Section 164. Subsection (1), paragraph (a) of subsection  
7238 (2), and paragraph (a) of subsection (3) of section 1011.01,  
7239 Florida Statutes, are amended to read:

7240 1011.01 Budget system established.—

7241 (1) The State Board of Education shall prepare and submit a  
7242 coordinated K-20 education annual legislative budget request to  
7243 the Governor and the Legislature on or before the date provided  
7244 by the Governor and the Legislature. The board's legislative  
7245 budget request must clearly define the needs of school  
7246 districts, Florida College System institutions ~~community~~  
7247 ~~colleges~~, universities, other institutions, organizations,  
7248 programs, and activities under the supervision of the board and  
7249 that are assigned by law or the General Appropriations Act to  
7250 the Department of Education.

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7251 (2) (a) There shall be established in each school district  
7252 and Florida College System institution ~~community college~~ a  
7253 budget system as prescribed by law and rules of the State Board  
7254 of Education.

7255 (3) (a) Each district school board and each Florida College  
7256 System institution ~~community college~~ board of trustees shall  
7257 prepare, adopt, and submit to the Commissioner of Education for  
7258 review an annual operating budget. Operating budgets shall be  
7259 prepared and submitted in accordance with the provisions of law,  
7260 rules of the State Board of Education, the General  
7261 Appropriations Act, and for district school boards in accordance  
7262 with the provisions of ss. 200.065 and 1011.64.

7263 Section 165. Section 1011.011, Florida Statutes, is amended  
7264 to read:

7265 1011.011 Legislative capital outlay budget request.—The  
7266 State Board of Education shall submit an integrated,  
7267 comprehensive budget request for educational facilities  
7268 construction and fixed capital outlay needs for school  
7269 districts, Florida College System institutions ~~community~~  
7270 ~~colleges~~, and, in conjunction with the Board of Governors,  
7271 universities pursuant to this section and s. 1013.46 and  
7272 applicable provisions of chapter 216.

7273 Section 166. Subsection (1) of section 1011.012, Florida  
7274 Statutes, is amended to read:

7275 1011.012 Annual capital outlay budget.—

7276 (1) Each district school board, Florida College System  
7277 institution ~~community college~~ board of trustees, and university  
7278 board of trustees shall, each year, adopt a capital outlay  
7279 budget for the ensuing year in order that the capital outlay

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7280 needs of the board for the entire year may be well understood by  
7281 the public. This capital outlay budget shall be a part of the  
7282 annual budget and shall be based upon and in harmony with the  
7283 educational plant and ancillary facilities plan. This budget  
7284 shall designate the proposed capital outlay expenditures by  
7285 project for the year from all fund sources. The board may not  
7286 expend any funds on any project not included in the budget, as  
7287 amended.

7288 Section 167. Section 1011.30, Florida Statutes, is amended  
7289 to read:

7290 1011.30 Budgets for Florida College System institutions  
7291 ~~community colleges~~.—Each Florida College System institution  
7292 ~~community college~~ president shall recommend to the Florida  
7293 College System institution ~~community college~~ board of trustees a  
7294 budget of income and expenditures at such time and in such form  
7295 as the State Board of Education may prescribe. Upon approval of  
7296 a budget by the Florida College System institution ~~community~~  
7297 ~~college~~ board of trustees, such budget shall be transmitted to  
7298 the Department of Education for review and approval. Rules of  
7299 the State Board of Education shall prescribe procedures for  
7300 effecting budget amendments subsequent to the final approval of  
7301 a budget for a given year.

7302 Section 168. Section 1011.31, Florida Statutes, is amended  
7303 to read:

7304 1011.31 Current loans to Florida College System institution  
7305 ~~community college~~ boards of trustees.—

7306 (1) At any time the current funds on hand are insufficient  
7307 to pay obligations created by a Florida College System  
7308 institution ~~community college~~ board of trustees in accordance

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7309 with the approved budget of the Florida College System  
7310 institution ~~community college~~, the Florida College System  
7311 institution ~~community college~~ board of trustees may request  
7312 approval by the Commissioner of Education of a proposal to  
7313 negotiate a current loan, with provisions for the repayment of  
7314 such loan during the fiscal year in which the loan is made, in  
7315 order to meet these obligations.

7316 (2) The Commissioner of Education shall approve such  
7317 proposal when, in his or her opinion, the proposal is reasonable  
7318 and just, the expenditure is necessary, and revenues sufficient  
7319 to meet the requirements of the loan can reasonably be  
7320 anticipated.

7321 Section 169. Section 1011.32, Florida Statutes, is amended  
7322 to read:

7323 1011.32 Florida College System Institution ~~Community~~  
7324 ~~College~~ Facility Enhancement Challenge Grant Program.—

7325 (1) The Legislature recognizes that the Florida College  
7326 System institutions ~~community colleges~~ do not have sufficient  
7327 physical facilities to meet the current demands of their  
7328 instructional and community programs. It further recognizes  
7329 that, to strengthen and enhance Florida College System  
7330 institutions ~~community colleges~~, it is necessary to provide  
7331 facilities in addition to those currently available from  
7332 existing revenue sources. It further recognizes that there are  
7333 sources of private support that, if matched with state support,  
7334 can assist in constructing much needed facilities and strengthen  
7335 the commitment of citizens and organizations in promoting  
7336 excellence at each Florida College System institution ~~community~~  
7337 ~~college~~. Therefore, it is the intent of the Legislature to

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7338 establish a program to provide the opportunity for each Florida  
7339 College System institution ~~community college~~ through its direct-  
7340 support organization to receive and match challenge grants for  
7341 instructional and community-related capital facilities within  
7342 the Florida College System institution ~~community college~~.

7343 (2) There is established the Florida College System  
7344 Institution ~~Community College~~ Facility Enhancement Challenge  
7345 Grant Program for the purpose of assisting the Florida College  
7346 System institutions ~~community colleges~~ in building high priority  
7347 instructional and community-related capital facilities  
7348 consistent with s. 1004.65, including common areas connecting  
7349 such facilities. The direct-support organizations that serve the  
7350 Florida College System institutions ~~community colleges~~ shall  
7351 solicit gifts from private sources to provide matching funds for  
7352 capital facilities. For the purposes of this section, private  
7353 sources of funds shall not include any federal or state  
7354 government funds that a Florida College System institution  
7355 ~~community college~~ may receive.

7356 (3) The Florida College System Institution ~~Community~~  
7357 ~~College~~ Capital Facilities Matching Program shall provide funds  
7358 to match private contributions for the development of high  
7359 priority instructional and community-related capital facilities,  
7360 including common areas connecting such facilities, within the  
7361 Florida College System institutions ~~community colleges~~.

7362 (4) Within the direct-support organization of each Florida  
7363 College System institution ~~community college~~ there must be  
7364 established a separate capital facilities matching account for  
7365 the purpose of providing matching funds from the direct-support  
7366 organization's unrestricted donations or other private

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7367 contributions for the development of high priority instructional  
7368 and community-related capital facilities, including common areas  
7369 connecting such facilities. The Legislature shall appropriate  
7370 funds for distribution to a Florida College System institution  
7371 ~~community college~~ after matching funds are certified by the  
7372 direct-support organization and Florida College System  
7373 institution ~~community college~~. The Public Education Capital  
7374 Outlay and Debt Service Trust Fund shall not be used as the  
7375 source of the state match for private contributions.

7376 (5) A project may not be initiated unless all private funds  
7377 for planning, construction, and equipping the facility have been  
7378 received and deposited in the direct-support organization's  
7379 matching account for this purpose. However, this requirement  
7380 does not preclude the Florida College System institution  
7381 ~~community college~~ or direct-support organization from expending  
7382 available funds from private sources to develop a prospectus,  
7383 including preliminary architectural schematics or models, for  
7384 use in its efforts to raise private funds for a facility and for  
7385 site preparation, planning, and construction. The Legislature  
7386 may appropriate the state's matching funds in one or more fiscal  
7387 years for the planning, construction, and equipping of an  
7388 eligible facility. Each Florida College System institution  
7389 ~~community college~~ shall notify all donors of private funds of a  
7390 substantial delay in the availability of state matching funds  
7391 for this program.

7392 (6) To be eligible to participate in the Florida College  
7393 System Institution ~~Community College~~ Facility Enhancement  
7394 Challenge Grant Program, a Florida College System institution  
7395 ~~community college~~, through its direct-support organization,

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7396 shall raise a contribution equal to one-half of the total cost  
7397 of a facilities construction project from private sources which  
7398 shall be matched by a state appropriation equal to the amount  
7399 raised for a facilities construction project, subject to the  
7400 General Appropriations Act.

7401 (7) If the state's share of the required match is  
7402 insufficient to meet the requirements of subsection (6), the  
7403 Florida College System institution ~~community college~~ shall  
7404 renegotiate the terms of the contribution with the donors. If  
7405 the project is terminated, each private donation, plus accrued  
7406 interest, reverts to the direct-support organization for  
7407 remittance to the donor.

7408 (8) By October 15 of each year, the State Board of  
7409 Education shall transmit to the Governor and the Legislature a  
7410 list of projects that meet all eligibility requirements to  
7411 participate in the Florida College System Institution ~~Community~~  
7412 ~~College~~ Facility Enhancement Challenge Grant Program and a  
7413 budget request that includes the recommended schedule necessary  
7414 to complete each project.

7415 (9) In order for a project to be eligible under this  
7416 program, it must be survey recommended under the provisions of  
7417 s. 1013.31 and included in the Florida College System  
7418 institution's ~~community college's~~ 5-year capital improvement  
7419 plan, and it must receive approval from the State Board of  
7420 Education or the Legislature.

7421 (10) A Florida College System institution ~~community college~~  
7422 project may not be removed from the approved 3-year PECO  
7423 priority list because of its successful participation in this  
7424 program until approved by the Legislature and provided for in

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7425 the General Appropriations Act. When such a project is completed  
7426 and removed from the list, all other projects shall move up on  
7427 the 3-year PECO priority list.

7428 (11) Any private matching funds for a project which are  
7429 unexpended after the project is completed shall revert to the  
7430 Florida College System institution's ~~community college's~~ direct-  
7431 support organization capital facilities matching account. The  
7432 balance of any unexpended state matching funds shall be returned  
7433 to the fund from which those funds were appropriated.

7434 (12) The surveys, architectural plans, facility, and  
7435 equipment shall be the property of the participating Florida  
7436 College System institution ~~community college~~. A facility  
7437 constructed under this section may be named in honor of a donor  
7438 at the option of the Florida College System institution  
7439 ~~community college~~ district board of trustees. A facility may not  
7440 be named after a living person without prior approval by the  
7441 State Board of Education.

7442 Section 170. Paragraph (d) of subsection (3) of section  
7443 1011.51, Florida Statutes, is amended to read:

7444 1011.51 Independent postsecondary endowment grants.—

7445 (3) The matching endowment grants made available under this  
7446 section shall be made available to any independent nonprofit  
7447 college or university which:

7448 (d) Is not a state university or Florida College System  
7449 institution ~~community college~~.

7450 Section 171. Paragraphs (i) and (j) of subsection (1) of  
7451 section 1011.62, Florida Statutes, are amended to read:

7452 1011.62 Funds for operation of schools.—If the annual  
7453 allocation from the Florida Education Finance Program to each

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7454 district for operation of schools is not determined in the  
7455 annual appropriations act or the substantive bill implementing  
7456 the annual appropriations act, it shall be determined as  
7457 follows:

7458 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
7459 OPERATION.—The following procedure shall be followed in  
7460 determining the annual allocation to each district for  
7461 operation:

7462 (i) *Calculation of full-time equivalent membership with*  
7463 *respect to dual enrollment instruction.*—Students enrolled in  
7464 dual enrollment instruction pursuant to s. 1007.271 may be  
7465 included in calculations of full-time equivalent student  
7466 memberships for basic programs for grades 9 through 12 by a  
7467 district school board. Instructional time for dual enrollment  
7468 may vary from 900 hours; however, the school district may only  
7469 report the student for a maximum of 1.0 full-time equivalent  
7470 student membership, as provided in s. 1011.61(4). Dual  
7471 enrollment full-time equivalent student membership shall be  
7472 calculated in an amount equal to the hours of instruction that  
7473 would be necessary to earn the full-time equivalent student  
7474 membership for an equivalent course if it were taught in the  
7475 school district. Students in dual enrollment courses may also be  
7476 calculated as the proportional shares of full-time equivalent  
7477 enrollments they generate for a Florida College System  
7478 institution ~~community college~~ or university conducting the dual  
7479 enrollment instruction. Early admission students shall be  
7480 considered dual enrollments for funding purposes. Students may  
7481 be enrolled in dual enrollment instruction provided by an  
7482 eligible independent college or university and may be included

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7483 in calculations of full-time equivalent student memberships for  
7484 basic programs for grades 9 through 12 by a district school  
7485 board. However, those provisions of law which exempt dual  
7486 enrolled and early admission students from payment of  
7487 instructional materials and tuition and fees, including  
7488 laboratory fees, shall not apply to students who select the  
7489 option of enrolling in an eligible independent institution. An  
7490 independent college or university which is located and chartered  
7491 in Florida, is not for profit, is accredited by the Commission  
7492 on Colleges of the Southern Association of Colleges and Schools  
7493 or the Accrediting Council for Independent Colleges and Schools,  
7494 and confers degrees as defined in s. 1005.02 shall be eligible  
7495 for inclusion in the dual enrollment or early admission program.  
7496 Students enrolled in dual enrollment instruction shall be exempt  
7497 from the payment of tuition and fees, including laboratory fees.  
7498 No student enrolled in college credit mathematics or English  
7499 dual enrollment instruction shall be funded as a dual enrollment  
7500 unless the student has successfully completed the relevant  
7501 section of the entry-level examination required pursuant to s.  
7502 1008.30.

7503 (j) *Coenrollment*.—If a high school student wishes to earn  
7504 high school credits from a Florida College System institution  
7505 ~~community college~~ and enrolls in one or more adult secondary  
7506 education courses at the Florida College System institution  
7507 ~~community college~~, the Florida College System institution  
7508 ~~community college~~ shall be reimbursed for the costs incurred  
7509 because of the high school student's coenrollment as provided in  
7510 the General Appropriations Act.

7511 Section 172. Paragraph (d) of subsection (1) of section

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7512 1011.68, Florida Statutes, is amended to read:

7513 1011.68 Funds for student transportation.—The annual  
7514 allocation to each district for transportation to public school  
7515 programs, including charter schools as provided in s.  
7516 1002.33(17)(b), of students in membership in kindergarten  
7517 through grade 12 and in migrant and exceptional student programs  
7518 below kindergarten shall be determined as follows:

7519 (1) Subject to the rules of the State Board of Education,  
7520 each district shall determine the membership of students who are  
7521 transported:

7522 (d) By reason of being career, dual enrollment, or students  
7523 with disabilities transported from one school center to another  
7524 to participate in an instructional program or service; or  
7525 students with disabilities, transported from one designation to  
7526 another in the state, provided one designation is a school  
7527 center and provided the student's individual educational plan  
7528 (IEP) identifies the need for the instructional program or  
7529 service and transportation to be provided by the school  
7530 district. A "school center" is defined as a public school  
7531 center, Florida College System institution ~~community college~~,  
7532 state university, or other facility rented, leased, or owned and  
7533 operated by the school district or another public agency. A  
7534 "dual enrollment student" is defined as a public school student  
7535 in membership in both a public secondary school program and a  
7536 Florida College System institution ~~community college~~ or a state  
7537 university program under a written agreement to partially  
7538 fulfill ss. 1003.435 and 1007.23 and earning full-time  
7539 equivalent membership under s. 1011.62(1)(i).

7540 Section 173. Subsection (3) of section 1011.75, Florida

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7541 Statutes, is amended to read:

7542 1011.75 Gifted education exemplary program grants.—

7543 (3) Pursuant to policies and rules to be adopted by the  
7544 State Board of Education, each district school board, two or  
7545 more district school boards in cooperation, or a public school  
7546 principal through the district school board may submit to the  
7547 commissioner a proposed program designed to effectuate an  
7548 exemplary program for education for the gifted in a school,  
7549 district, or group of districts. Consideration for funding shall  
7550 be given to proposed programs of district school boards that are  
7551 developed with the cooperation of a Florida College System  
7552 institution ~~community college~~ or public or private college or  
7553 university for the purpose of providing advanced accelerated  
7554 instruction for public school students pursuant to s. 1003.435.  
7555 In order to be approved, a program proposal must include:

7556 (a) Clearly stated goals and objectives expressed, to the  
7557 maximum extent possible, in measurable terms.

7558 (b) Information concerning the number of students,  
7559 teachers, and other personnel to be involved in the program.

7560 (c) The estimated cost of the program and the number of  
7561 years for which it is to be funded.

7562 (d) Provisions for evaluation of the program and for its  
7563 integration into the general curriculum and financial program of  
7564 the school district or districts at the end of the funded  
7565 period.

7566 (e) Such other information and provisions as the  
7567 commissioner requires.

7568 Section 174. Subsection (2), paragraph (a) of subsection  
7569 (5), and subsections (6), (7), (8), (9), and (10) of section

2011946er

7570 1011.80, Florida Statutes, are amended to read:

7571 1011.80 Funds for operation of workforce education  
7572 programs.—

7573 (2) Any workforce education program may be conducted by a  
7574 Florida College System institution ~~community college~~ or a school  
7575 district, except that college credit in an associate in applied  
7576 science or an associate in science degree may be awarded only by  
7577 a Florida College System institution ~~community college~~. However,  
7578 if an associate in applied science or an associate in science  
7579 degree program contains within it an occupational completion  
7580 point that confers a certificate or an applied technology  
7581 diploma, that portion of the program may be conducted by a  
7582 school district career center. Any instruction designed to  
7583 articulate to a degree program is subject to guidelines and  
7584 standards adopted by the State Board of Education pursuant to s.  
7585 1007.25.

7586 (5) State funding and student fees for workforce education  
7587 instruction shall be established as follows:

7588 (a) Expenditures for the continuing workforce education  
7589 programs provided by the Florida College System institutions  
7590 ~~community colleges~~ or school districts must be fully supported  
7591 by fees. Enrollments in continuing workforce education courses  
7592 shall not be counted for purposes of funding full-time  
7593 equivalent enrollment.

7594 (6) (a) A school district or a Florida College System  
7595 institution ~~community college~~ that provides workforce education  
7596 programs shall receive funds in accordance with distributions  
7597 for base and performance funding established by the Legislature  
7598 in the General Appropriations Act. If the General Appropriations

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7599 Act does not provide for the distribution of funds, the  
7600 following methodology shall apply:

7601 1. Base funding shall be allocated based on weighted  
7602 enrollment and shall not exceed 90 percent of the allocation.  
7603 The Department of Education shall develop a funding process for  
7604 school district workforce education programs that is comparable  
7605 with Florida College System institution ~~community college~~  
7606 workforce programs.

7607 2. Performance funding shall be at least 10 percent of the  
7608 allocation, based on the previous fiscal year's achievement of  
7609 output and outcomes in accordance with formulas adopted pursuant  
7610 to subsection (10). Performance funding must incorporate  
7611 payments for at least three levels of placements that reflect  
7612 wages and workforce demand. Payments for completions must not  
7613 exceed 60 percent of the payments for placement. School  
7614 districts and Florida College System institutions ~~community~~  
7615 ~~colleges~~ shall be awarded funds pursuant to this paragraph based  
7616 on performance output data and performance outcome data  
7617 available in that year.

7618 (b) A program is established to assist school districts and  
7619 Florida College System institutions ~~community colleges~~ in  
7620 responding to the needs of new and expanding businesses and  
7621 thereby strengthening the state's workforce and economy. The  
7622 program may be funded in the General Appropriations Act. A  
7623 school district or Florida College System institution ~~community~~  
7624 ~~college~~ may expend funds under the program without regard to  
7625 performance criteria set forth in subparagraph (a)2. The  
7626 district or Florida College System institution ~~community college~~  
7627 shall use the program to provide customized training for

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7628 businesses which satisfies the requirements of s. 288.047.  
7629 Business firms whose employees receive the customized training  
7630 must provide 50 percent of the cost of the training. Balances  
7631 remaining in the program at the end of the fiscal year shall not  
7632 revert to the general fund, but shall be carried over for 1  
7633 additional year and used for the purpose of serving incumbent  
7634 worker training needs of area businesses with fewer than 100  
7635 employees. Priority shall be given to businesses that must  
7636 increase or upgrade their use of technology to remain  
7637 competitive.

7638 (7) A school district or Florida College System institution  
7639 ~~community college~~ that receives workforce education funds must  
7640 use the money to benefit the workforce education programs it  
7641 provides. The money may be used for equipment upgrades, program  
7642 expansions, or any other use that would result in workforce  
7643 education program improvement. The district school board or  
7644 Florida College System institution ~~community college~~ board of  
7645 trustees may not withhold any portion of the performance funding  
7646 for indirect costs.

7647 (8) The State Board of Education and Workforce Florida,  
7648 Inc., shall provide the Legislature with recommended formulas,  
7649 criteria, timeframes, and mechanisms for distributing  
7650 performance funds. The commissioner shall consolidate the  
7651 recommendations and develop a consensus proposal for funding.  
7652 The Legislature shall adopt a formula and distribute the  
7653 performance funds to the State Board of Education for Florida  
7654 College System institutions ~~community colleges~~ and school  
7655 districts through the General Appropriations Act. These  
7656 recommendations shall be based on formulas that would discourage

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7657 low-performing or low-demand programs and encourage through  
7658 performance-funding awards:

7659 (a) Programs that prepare people to enter high-wage  
7660 occupations identified by the Workforce Estimating Conference  
7661 created by s. 216.136 and other programs as approved by  
7662 Workforce Florida, Inc. At a minimum, performance incentives  
7663 shall be calculated for adults who reach completion points or  
7664 complete programs that lead to specified high-wage employment  
7665 and to their placement in that employment.

7666 (b) Programs that successfully prepare adults who are  
7667 eligible for public assistance, economically disadvantaged,  
7668 disabled, not proficient in English, or dislocated workers for  
7669 high-wage occupations. At a minimum, performance incentives  
7670 shall be calculated at an enhanced value for the completion of  
7671 adults identified in this paragraph and job placement of such  
7672 adults upon completion. In addition, adjustments may be made in  
7673 payments for job placements for areas of high unemployment.

7674 (c) Programs that are specifically designed to be  
7675 consistent with the workforce needs of private enterprise and  
7676 regional economic development strategies, as defined in  
7677 guidelines set by Workforce Florida, Inc. Workforce Florida,  
7678 Inc., shall develop guidelines to identify such needs and  
7679 strategies based on localized research of private employers and  
7680 economic development practitioners.

7681 (d) Programs identified by Workforce Florida, Inc., as  
7682 increasing the effectiveness and cost efficiency of education.

7683 (9) School districts shall report full-time equivalent  
7684 students by discipline category for the programs specified in  
7685 subsection (1). There shall be an annual cost analysis for the

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7686 school district workforce education programs that reports cost  
7687 by discipline category consistent with the reporting for full-  
7688 time equivalent students. The annual financial reports submitted  
7689 by the school districts must accurately report on the student  
7690 fee revenues by fee type according to the programs specified in  
7691 subsection (1). The Department of Education shall develop a plan  
7692 for comparable reporting of program, student, facility,  
7693 personnel, and financial data between the Florida College System  
7694 institutions ~~community colleges~~ and the school district  
7695 workforce education programs.

7696 (10) A high school student dually enrolled under s.  
7697 1007.271 in a workforce education program operated by a Florida  
7698 College System institution ~~community college~~ or school district  
7699 career center generates the amount calculated for workforce  
7700 education funding, including any payment of performance funding,  
7701 and the proportional share of full-time equivalent enrollment  
7702 generated through the Florida Education Finance Program for the  
7703 student's enrollment in a high school. If a high school student  
7704 is dually enrolled in a Florida College System institution  
7705 ~~community college~~ program, including a program conducted at a  
7706 high school, the Florida College System institution ~~community~~  
7707 ~~college~~ earns the funds generated for workforce education  
7708 funding, and the school district earns the proportional share of  
7709 full-time equivalent funding from the Florida Education Finance  
7710 Program. If a student is dually enrolled in a career center  
7711 operated by the same district as the district in which the  
7712 student attends high school, that district earns the funds  
7713 generated for workforce education funding and also earns the  
7714 proportional share of full-time equivalent funding from the

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7715 Florida Education Finance Program. If a student is dually  
7716 enrolled in a workforce education program provided by a career  
7717 center operated by a different school district, the funds must  
7718 be divided between the two school districts proportionally from  
7719 the two funding sources. A student may not be reported for  
7720 funding in a dual enrollment workforce education program unless  
7721 the student has completed the basic skills assessment pursuant  
7722 to s. 1004.91.

7723 Section 175. Section 1011.801, Florida Statutes, is amended  
7724 to read:

7725 1011.801 Workforce Development Capitalization Incentive  
7726 Grant Program.—The Legislature recognizes that the need for  
7727 school districts and Florida College System institutions  
7728 ~~community colleges~~ to be able to respond to emerging local or  
7729 statewide economic development needs is critical to the  
7730 workforce development system. The Workforce Development  
7731 Capitalization Incentive Grant Program is created to provide  
7732 grants to school districts and Florida College System  
7733 institutions ~~community colleges~~ on a competitive basis to fund  
7734 some or all of the costs associated with the creation or  
7735 expansion of workforce development programs that serve specific  
7736 employment workforce needs.

7737 (1) Funds awarded for a workforce development  
7738 capitalization incentive grant may be used for instructional  
7739 equipment, laboratory equipment, supplies, personnel, student  
7740 services, or other expenses associated with the creation or  
7741 expansion of a workforce development program. Expansion of a  
7742 program may include either the expansion of enrollments in a  
7743 program or expansion into new areas of specialization within a

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7744 program. No grant funds may be used for recurring instructional  
7745 costs or for institutions' indirect costs.

7746 (2) The State Board of Education shall accept applications  
7747 from school districts or Florida College System institutions  
7748 ~~community colleges~~ for workforce development capitalization  
7749 incentive grants. Applications from school districts or Florida  
7750 College System institutions ~~community colleges~~ shall contain  
7751 projected enrollments and projected costs for the new or  
7752 expanded workforce development program. The State Board of  
7753 Education, in consultation with the Workforce Florida, Inc.,  
7754 shall review and rank each application for a grant according to  
7755 subsection (3) and shall submit to the Legislature a list in  
7756 priority order of applications recommended for a grant award.

7757 (3) The State Board of Education shall give highest  
7758 priority to programs that train people to enter high-skill,  
7759 high-wage occupations identified by the Workforce Estimating  
7760 Conference and other programs approved by Workforce Florida,  
7761 Inc.; programs that train people to enter occupations under the  
7762 welfare transition program; or programs that train for the  
7763 workforce adults who are eligible for public assistance,  
7764 economically disadvantaged, disabled, not proficient in English,  
7765 or dislocated workers. The State Board of Education shall  
7766 consider the statewide geographic dispersion of grant funds in  
7767 ranking the applications and shall give priority to applications  
7768 from education agencies that are making maximum use of their  
7769 workforce development funding by offering high-performing, high-  
7770 demand programs.

7771 Section 176. Section 1011.81, Florida Statutes, is amended  
7772 to read:

2011946er

7773           1011.81 Florida College System ~~Community College~~ Program  
7774 Fund.—

7775           (1) There is established a Florida College System ~~Community~~  
7776 ~~College~~ Program Fund. This fund shall comprise all  
7777 appropriations made by the Legislature for the support of the  
7778 current operating program and shall be apportioned and  
7779 distributed to the Florida College System institution ~~community~~  
7780 ~~college~~ districts of the state on the basis of procedures  
7781 established by law and rules of the State Board of Education.  
7782 The annual apportionment for each Florida College System  
7783 institution ~~community college~~ district shall be distributed  
7784 monthly in payments as nearly equal as possible.

7785           (2) None of the funds made available in the Florida College  
7786 System ~~Community College~~ Program Fund, or funds made available  
7787 to Florida College System institutions ~~community colleges~~  
7788 outside the Florida College System ~~Community College~~ Program  
7789 Fund, may be used to implement, organize, direct, coordinate, or  
7790 administer, or to support the implementation, organization,  
7791 direction, coordination, or administration of, activities  
7792 related to, or involving, travel to a terrorist state. For  
7793 purposes of this section, "terrorist state" is defined as any  
7794 state, country, or nation designated by the United States  
7795 Department of State as a state sponsor of terrorism.

7796           Section 177. Section 1011.82, Florida Statutes, is amended  
7797 to read:

7798           1011.82 Requirements for participation in Florida College  
7799 System ~~Community College~~ Program Fund.—Each Florida College  
7800 System institution ~~community college~~ district which participates  
7801 in the state appropriations for the Florida College System

2011946er

7802 ~~Community College~~ Program Fund shall provide evidence of its  
7803 effort to maintain an adequate Florida College System  
7804 institution ~~community college~~ program which shall:

7805 (1) Meet the minimum standards prescribed by the State  
7806 Board of Education in accordance with s. 1001.02(6).

7807 (2) Effectively fulfill the mission of the Florida College  
7808 System institutions ~~community colleges~~ in accordance with s.  
7809 1004.65.

7810 Section 178. Section 1011.83, Florida Statutes, is amended  
7811 to read:

7812 1011.83 Financial support of Florida College System  
7813 institutions ~~community colleges~~.

7814 (1) Each Florida College System institution ~~community~~  
7815 ~~college~~ that has been approved by the Department of Education  
7816 and meets the requirements of law and rules of the State Board  
7817 of Education shall participate in the Florida College System  
7818 ~~Community College~~ Program Fund. However, funds to support  
7819 workforce education programs conducted by Florida College System  
7820 institutions ~~community colleges~~ shall be provided pursuant to s.  
7821 1011.80.

7822 (2) A student in a baccalaureate degree program approved  
7823 pursuant to s. 1007.33 who is not classified as a resident for  
7824 tuition purposes pursuant to s. 1009.21 may not be included in  
7825 calculations of full-time equivalent enrollments for state  
7826 funding purposes.

7827 Section 179. Section 1011.84, Florida Statutes, is amended  
7828 to read:

7829 1011.84 Procedure for determining state financial support  
7830 and annual apportionment of state funds to each Florida College

2011946er

7831 System institution ~~community college~~ district.—The procedure for  
7832 determining state financial support and the annual apportionment  
7833 to each Florida College System institution ~~community college~~  
7834 district authorized to operate a Florida College System  
7835 institution ~~community college~~ under the provisions of s. 1001.61  
7836 shall be as follows:

7837 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA  
7838 COLLEGE SYSTEM ~~COMMUNITY COLLEGE~~ PROGRAM FUND FOR THE CURRENT  
7839 OPERATING PROGRAM.—

7840 (a) The Department of Education shall determine annually  
7841 from an analysis of operating costs, prepared in the manner  
7842 prescribed by rules of the State Board of Education, the costs  
7843 per full-time equivalent student served in courses and fields of  
7844 study offered in Florida College System institutions ~~community~~  
7845 ~~colleges~~. This information and current college operating budgets  
7846 shall be submitted to the Executive Office of the Governor with  
7847 the legislative budget request prior to each regular session of  
7848 the Legislature.

7849 (b) The allocation of funds for Florida College System  
7850 institutions ~~community colleges~~ shall be based on advanced and  
7851 professional disciplines, college-preparatory programs, and  
7852 other programs for adults funded pursuant to s. 1011.80.

7853 (c) The category of lifelong learning is for students  
7854 enrolled pursuant to s. 1004.93. A student shall also be  
7855 reported as a lifelong learning student for his or her  
7856 enrollment in any course that he or she has previously taken,  
7857 unless it is a credit course in which the student earned a grade  
7858 of D or F.

7859 (d) If an adult student has been determined to be a

2011946er

7860 disabled student eligible for an approved educational program  
7861 for disabled adults provided pursuant to s. 1004.93 and rules of  
7862 the State Board of Education and is enrolled in a class with  
7863 curriculum frameworks developed for the program, state funding  
7864 for that student shall be provided at a level double that of a  
7865 student enrolled in a special adult general education program  
7866 provided by a Florida College System institution ~~community~~  
7867 ~~college~~.

7868 (e) All state inmate education provided by Florida College  
7869 System institutions ~~community colleges~~ shall be reported by  
7870 program, FTE expenditure, and revenue source. These enrollments,  
7871 expenditures, and revenues shall be reported and projected  
7872 separately. Instruction of state inmates shall not be included  
7873 in the full-time equivalent student enrollment for funding  
7874 through the Florida College System ~~Community College~~ Program  
7875 Fund.

7876 (f) When a public educational institution has been fully  
7877 funded by an external agency for direct instructional costs of  
7878 any course or program, the FTE generated shall not be reported  
7879 for state funding.

7880 (g) The State Board of Education shall adopt rules to  
7881 implement s. 9(d)(8)f., Art. XII of the State Constitution.  
7882 These rules shall provide for the use of the funds available  
7883 under s. 9(d)(8)f., Art. XII by an individual Florida College  
7884 System institution ~~community college~~ for operating expense in  
7885 any fiscal year during which the State Board of Education has  
7886 determined that all major capital outlay needs have been met.  
7887 Highest priority for the use of these funds for purposes other  
7888 than financing approved capital outlay projects shall be for the

2011946er

7889 proper maintenance and repair of existing facilities for  
7890 projects approved by the State Board of Education. However, in  
7891 any fiscal year in which funds from this source are authorized  
7892 for operating expense other than approved maintenance and repair  
7893 projects, the allocation of Florida College System institution  
7894 ~~community college~~ program funds shall be reduced by an amount  
7895 equal to the sum used for such operating expense for that  
7896 Florida College System institution ~~community college~~ that year,  
7897 and that amount shall not be released or allocated among the  
7898 other Florida College System institutions ~~community colleges~~  
7899 that year.

7900 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL  
7901 OUTLAY AND DEBT SERVICE.—The amount included for capital outlay  
7902 and debt service shall be as determined and provided in s. 18,  
7903 Art. XII of the State Constitution of 1885, as adopted by s.  
7904 9(d), Art. XII of the 1968 revised State Constitution and State  
7905 Board of Education rules.

7906 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

7907 (a) By December 15 of each year, the Department of  
7908 Education shall estimate the annual enrollment of each Florida  
7909 College System institution ~~community college~~ for the current  
7910 fiscal year and for the 3 subsequent fiscal years. These  
7911 estimates shall be based upon prior years' enrollments, upon the  
7912 initial fall term enrollments for the current fiscal year for  
7913 each college, and upon each college's estimated current  
7914 enrollment and demographic changes in the respective Florida  
7915 College System institution ~~community college~~ districts. Upper-  
7916 division enrollment shall be estimated separately from lower-  
7917 division enrollment.

2011946er

7918 (b) The apportionment to each Florida College System  
7919 institution ~~community college~~ from the Florida College System  
7920 ~~Community College~~ Program Fund shall be determined annually in  
7921 the General Appropriations Act. In determining each college's  
7922 apportionment, the Legislature shall consider the following  
7923 components:

7924 1. Base budget, which includes the state appropriation to  
7925 the Florida College System ~~Community College~~ Program Fund in the  
7926 current year plus the related student tuition and out-of-state  
7927 fees assigned in the current General Appropriations Act.

7928 2. The cost-to-continue allocation, which consists of  
7929 incremental changes to the base budget, including salaries,  
7930 price levels, and other related costs allocated through a  
7931 funding model approved by the Legislature which may recognize  
7932 differing economic factors arising from the individual  
7933 educational approaches of the various Florida College System  
7934 institutions ~~community colleges~~, including, but not limited to:

7935 a. Direct Instructional Funding, including class size,  
7936 faculty productivity factors, average faculty salary, ratio of  
7937 full-time to part-time faculty, costs of programs, and  
7938 enrollment factors.

7939 b. Academic Support, including small colleges factor,  
7940 multicampus factor, and enrollment factor.

7941 c. Student Services Support, including headcount of  
7942 students as well as FTE count and enrollment factors.

7943 d. Library Support, including volume and other  
7944 materials/audiovisual requirements.

7945 e. Special Projects.

7946 f. Operations and Maintenance of Plant, including square

2011946er

7947 footage and utilization factors.

7948 g. District Cost Differential.

7949 3. Students enrolled in a recreation and leisure program  
7950 and students enrolled in a lifelong learning program who may not  
7951 be counted as full-time equivalent enrollments for purposes of  
7952 enrollment workload adjustments.

7953 4. Operating costs of new facilities adjustments, which  
7954 shall be provided, from funds available, for each new facility  
7955 that is owned by the college and is recommended in accordance  
7956 with s. 1013.31.

7957 5. New and improved program enhancements, which shall be  
7958 determined by the Legislature.

7959  
7960 Student fees in the base budget plus student fee revenues  
7961 generated by increases in fee rates shall be deducted from the  
7962 sum of the components determined in subparagraphs 1.-5. The  
7963 amount remaining shall be the net annual state apportionment to  
7964 each college.

7965 (c) No Florida College System institution ~~community college~~  
7966 shall commit funds for the employment of personnel or resources  
7967 in excess of those required to continue the same level of  
7968 support for either the previously approved enrollment or the  
7969 revised enrollment, whichever is lower.

7970 (d) The apportionment to each Florida College System  
7971 institution ~~community college~~ district for capital outlay and  
7972 debt service shall be the amount determined in accordance with  
7973 subsection (2). This amount, less any amount determined as  
7974 necessary for administrative expense by the State Board of  
7975 Education and any amount necessary for debt service on bonds

2011946er

7976 issued by the State Board of Education, shall be transmitted to  
7977 the Florida College System institution ~~community college~~ board  
7978 of trustees to be expended in a manner prescribed by rules of  
7979 the State Board of Education.

7980 (e) If at any time the unencumbered balance in the general  
7981 fund of the Florida College System institution ~~community college~~  
7982 board of trustees approved operating budget goes below 5  
7983 percent, the president shall provide written notification to the  
7984 State Board of Education.

7985 (f) Expenditures for apprenticeship programs shall be  
7986 reported separately.

7987 (g) Expenditures for upper-division enrollment in a Florida  
7988 College System institution ~~community college~~ that grants  
7989 baccalaureate degrees shall be reported separately from  
7990 expenditures for lower-division enrollment, in accordance with  
7991 law and State Board of Education rule.

7992 (4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated  
7993 herein to any Florida College System institution ~~community~~  
7994 ~~college~~ shall be expended only for the purpose of supporting  
7995 that Florida College System institution ~~community college~~.

7996 (5) REPORT OF REMEDIAL EDUCATION.—Each Florida College  
7997 System institution ~~community college~~ board of trustees shall  
7998 report the volume and cost of remedial education activities as a  
7999 separate item in its annual cost accounting system.

8000 Section 180. Section 1011.85, Florida Statutes, is amended  
8001 to read:

8002 1011.85 Dr. Philip Benjamin Matching Grant Program for  
8003 Florida College System Institutions ~~Community Colleges~~.—

8004 (1) There is created the Dr. Philip Benjamin Matching Grant

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8005 Program for Florida College System Institutions ~~Community~~  
8006 ~~Colleges~~ as a single matching gifts program that encompasses the  
8007 goals originally set out in the Academic Improvement Program,  
8008 the Scholarship Matching Program, and the Health Care Education  
8009 Quality Enhancement Challenge Grant. The program shall be  
8010 administered according to rules of the State Board of Education  
8011 and used to encourage private support in enhancing Florida  
8012 College System institutions ~~community colleges~~ by providing the  
8013 Florida ~~community~~ College System with the opportunity to receive  
8014 and match challenge grants. Funds received prior to the  
8015 effective date of this act for each of the three programs shall  
8016 be retained in the separate account for which it was designated.

8017 (2) Each Florida College System institution ~~community~~  
8018 ~~college~~ board of trustees receiving state appropriations under  
8019 this program shall approve each gift to ensure alignment with  
8020 the unique mission of the Florida College System institution  
8021 ~~community college~~. The board of trustees must link all requests  
8022 for a state match to the goals and mission statement. The  
8023 Florida College System Institution ~~Community College~~ Foundation  
8024 Board receiving state appropriations under this program shall  
8025 approve each gift to ensure alignment with its goals and mission  
8026 statement.

8027 (3) Upon approval by the Florida College System institution  
8028 ~~community college~~ board of trustees and the State Board of  
8029 Education, the ordering of donations for priority listing of  
8030 unmatched gifts should be determined by the submitting Florida  
8031 College System institution ~~community college~~.

8032 (4) Each year, eligible contributions received by a Florida  
8033 College System institution's ~~community college's~~ foundation or

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8034 the State Board of Education by February 1 shall be eligible for  
8035 state matching funds.

8036 (a) Each Florida College System institution ~~community~~  
8037 ~~college~~ board of trustees and, when applicable, the Florida  
8038 College System Institution ~~Community College~~ Foundation Board,  
8039 receiving state appropriations under this program shall also  
8040 certify in an annual report to the State Board of Education the  
8041 receipt of eligible cash contributions that were previously  
8042 unmatched by the state. The State Board of Education shall adopt  
8043 rules providing all Florida College System institutions  
8044 ~~community colleges~~ with an opportunity to apply for excess funds  
8045 before the awarding of such funds.

8046 (b) Florida College System institutions ~~Community colleges~~  
8047 must submit to the State Board of Education an annual  
8048 expenditure report tracking the use of all matching funds.

8049 (c) The audit of each foundation receiving state funds from  
8050 this program must include a certification of accuracy in the  
8051 amount reported for matching funds.

8052 (5) The matching ratio for donations that are specifically  
8053 designated to support scholarships, including scholarships for  
8054 first-generation-in-college students, student loans, or need-  
8055 based grants shall be \$1 of state funds to \$1 of local private  
8056 funds.

8057 (6) Otherwise, funds shall be proportionately allocated to  
8058 the Florida College System institutions ~~community colleges~~ on  
8059 the basis of matching each \$6 of local or private funds with \$4  
8060 of state funds. To be eligible, a minimum of \$4,500 must be  
8061 raised from private sources.

8062 (7) The Florida College System institution ~~community~~

2011946er

8063 ~~college~~ board of trustees, in conjunction with the donor, shall  
8064 make the determination of whether scholarships established  
8065 pursuant to this program are endowed.

8066 (8) (a) Funds sufficient to provide the match shall be  
8067 transferred from the state appropriations to the local Florida  
8068 College System institution ~~community college~~ foundation or the  
8069 statewide Florida College System institution ~~community college~~  
8070 foundation upon notification that a proportionate amount has  
8071 been received and deposited by a Florida College System  
8072 institution ~~community college~~ in its own trust fund.

8073 (b) If state funds appropriated for the program are  
8074 insufficient to match contributions, the amount allocated shall  
8075 be reduced in proportion to its share of the total eligible  
8076 contributions. However, in making proportional reductions, every  
8077 Florida College System institution ~~community college~~ shall  
8078 receive a minimum of \$75,000 in state matching funds if its  
8079 eligible contributions would have generated an amount at least  
8080 equal to \$75,000. All unmet contributions shall be eligible for  
8081 state matching funds in subsequent fiscal years.

8082 (9) Each Florida College System institution ~~community~~  
8083 ~~college~~ entity shall establish its own matching grant program  
8084 fund as a depository for the private contributions and matching  
8085 state funds provided under this section. Florida College System  
8086 institution ~~Community college~~ foundations are responsible for  
8087 the maintenance, investment, and administration of their  
8088 matching grant program funds.

8089 (10) The State Board of Education may receive submissions  
8090 of requests for matching funds and documentation relating to  
8091 those requests, may approve requests for matching funds, and may

2011946er

8092 allocate such funds to the Florida College System institutions  
8093 ~~community colleges~~.

8094 (11) The board of trustees of the Florida College System  
8095 institution ~~community college~~ and the State Board of Education  
8096 are responsible for determining the uses for the proceeds of  
8097 their respective trust funds. Such use of the proceeds shall  
8098 include, but not be limited to, expenditure of the funds for:

8099 (a) Scientific and technical equipment.

8100 (b) Scholarships, loans, or need-based grants.

8101 (c) Other activities that will benefit future students as  
8102 well as students currently enrolled at the Florida College  
8103 System institution ~~community college~~, will improve the quality  
8104 of education at the Florida College System institution ~~community~~  
8105 ~~college~~, or will enhance economic development in the community.

8106 (12) Each Florida College System institution ~~community~~  
8107 ~~college~~ shall notify all donors of private funds of a  
8108 substantial delay in the availability of state matching funds  
8109 for this program.

8110 Section 181. Subsection (1) of section 1011.86, Florida  
8111 Statutes, is amended to read:

8112 1011.86 Educational leadership enhancement grants.—

8113 (1) State universities and Florida College System  
8114 institutions ~~community colleges~~ may submit proposals for  
8115 educational leadership enhancement grants to the Commissioner of  
8116 Education. Proposals shall be funded competitively.

8117 Section 182. Subsection (1) and paragraph (b) of subsection  
8118 (6) of section 1012.01, Florida Statutes, are amended to read:

8119 1012.01 Definitions.—As used in this chapter, the following  
8120 terms have the following meanings:

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8121 (1) SCHOOL OFFICERS.—The officers of the state system of  
8122 public K-12 and Florida College System institution ~~community~~  
8123 ~~college~~ education shall be the Commissioner of Education and the  
8124 members of the State Board of Education; for each district  
8125 school system, the officers shall be the district school  
8126 superintendent and members of the district school board; and for  
8127 each Florida College System institution ~~community college~~, the  
8128 officers shall be the Florida College System institution  
8129 ~~community college~~ president and members of the Florida College  
8130 System institution ~~community college~~ board of trustees.

8131 (6) EDUCATIONAL SUPPORT EMPLOYEES.—“Educational support  
8132 employees” means K-12 employees whose job functions are neither  
8133 administrative nor instructional, yet whose work supports the  
8134 educational process.

8135 (b) Technicians are individuals whose occupations require a  
8136 combination of knowledge and manual skill which can be obtained  
8137 through about 2 years of post-high school education, such as is  
8138 offered in many career centers and Florida College System  
8139 institutions ~~community colleges~~, or through equivalent on-the-  
8140 job training.

8141 Section 183. Paragraph (c) of subsection (1) of section  
8142 1012.35, Florida Statutes, is amended to read:

8143 1012.35 Substitute teachers.—

8144 (1) Each district school board shall adopt rules  
8145 prescribing the compensation of, and the procedure for  
8146 employment of, substitute teachers.

8147 (c) The required training programs for substitute teachers  
8148 may be provided by Florida College System institutions ~~community~~  
8149 ~~colleges~~, colleges of education, district school boards,

2011946er

8150 educational consortia, or commercial vendors.

8151 Section 184. Paragraph (e) of subsection (3) and paragraph  
8152 (e) of subsection (6) of section 1012.56, Florida Statutes, are  
8153 amended to read:

8154 1012.56 Educator certification requirements.—

8155 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of  
8156 demonstrating mastery of general knowledge are:

8157 (e) Documentation of two semesters of successful teaching  
8158 in a Florida College System institution ~~community college~~, state  
8159 university, or private college or university that awards an  
8160 associate or higher degree and is an accredited institution or  
8161 an institution of higher education identified by the Department  
8162 of Education as having a quality program.

8163 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
8164 COMPETENCE.—Acceptable means of demonstrating mastery of  
8165 professional preparation and education competence are:

8166 (e) Documentation of two semesters of successful teaching  
8167 in a Florida College System institution ~~community college~~, state  
8168 university, or private college or university that awards an  
8169 associate or higher degree and is an accredited institution or  
8170 an institution of higher education identified by the Department  
8171 of Education as having a quality program;

8172 Section 185. Paragraph (a) of subsection (1) of section  
8173 1012.80, Florida Statutes, is amended to read:

8174 1012.80 Participation by employees in disruptive activities  
8175 at public postsecondary educational institutions; penalties.—

8176 (1) (a) Any person who accepts the privilege extended by the  
8177 laws of this state of employment at any Florida College System  
8178 institution ~~community college~~ shall, by working at such

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8179 institution, be deemed to have given his or her consent to the  
8180 policies of that institution, the policies of the State Board of  
8181 Education, and the laws of this state. Such policies shall  
8182 include prohibition against disruptive activities at Florida  
8183 College System institutions ~~community colleges~~.

8184 Section 186. Section 1012.81, Florida Statutes, is amended  
8185 to read:

8186 1012.81 Personnel records.—Rules of the State Board of  
8187 Education shall prescribe the content and custody of limited-  
8188 access records which a Florida College System institution  
8189 ~~community college~~ may maintain on its employees. Such records  
8190 shall be limited to information reflecting evaluations of  
8191 employee performance and shall be open to inspection only by the  
8192 employee and by officials of the college who are responsible for  
8193 supervision of the employee. Such limited-access employee  
8194 records are confidential and exempt from the provisions of s.  
8195 119.07(1). Except as required for use by the president in the  
8196 discharge of his or her official responsibilities, the custodian  
8197 of limited-access employee records may release information from  
8198 such records only upon authorization in writing from the  
8199 employee or the president or upon order of a court of competent  
8200 jurisdiction.

8201 Section 187. Section 1012.82, Florida Statutes, is amended  
8202 to read:

8203 1012.82 Teaching faculty; minimum teaching hours per week.—  
8204 Each full-time member of the teaching faculty at any Florida  
8205 College System institution ~~community college~~ who is paid wholly  
8206 from funds appropriated from the Florida College System  
8207 ~~community college~~ Program Fund or from funds appropriated for

2011946er

8208 Florida College System institution ~~community college~~  
8209 baccalaureate degree programs shall teach a minimum of 15  
8210 classroom contact hours per week at such institution. However,  
8211 the required classroom contact hours per week may be reduced  
8212 upon approval of the president of the institution in direct  
8213 proportion to specific duties and responsibilities assigned the  
8214 faculty member by his or her departmental chair or other  
8215 appropriate college administrator. Such specific duties may  
8216 include specific research duties, specific duties associated  
8217 with developing television, video tape, or other specifically  
8218 assigned innovative teaching techniques or devices, or assigned  
8219 responsibility for off-campus student internship or work-study  
8220 programs. A "classroom contact hour" consists of a regularly  
8221 scheduled classroom activity of not less than 50 minutes in a  
8222 course of instruction which has been approved by the Florida  
8223 College System institution ~~community college~~ board of trustees.  
8224 Any full-time faculty member who is paid partly from Florida  
8225 College System institution ~~community college~~ program funds and  
8226 partly from other funds or appropriations shall teach a minimum  
8227 number of classroom contact hours per week in such proportion to  
8228 15 classroom contact hours as his or her salary paid from  
8229 Florida College System institution ~~community college~~ program  
8230 funds bears to his or her total salary. Any full-time faculty  
8231 member who is paid partly from funds appropriated for Florida  
8232 College System institution ~~community college~~ baccalaureate  
8233 degree programs and partly from other funds or appropriations  
8234 shall teach a minimum number of classroom contact hours per week  
8235 in such proportion to 15 classroom contact hours as his or her  
8236 salary paid from funds appropriated for Florida College System

2011946er

8237 institution ~~community college~~ baccalaureate degree programs  
8238 bears to his or her total salary.

8239 Section 188. Section 1012.83, Florida Statutes, is amended  
8240 to read:

8241 1012.83 Contracts with administrative and instructional  
8242 staff.—

8243 (1) Each person employed in an administrative or  
8244 instructional capacity in a Florida College System institution  
8245 ~~community college~~ shall be entitled to a contract as provided by  
8246 rules of the State Board of Education.

8247 (2) A Florida College System institution ~~community college~~  
8248 board of trustees may not enter into an employment contract that  
8249 requires the Florida College System institution ~~community~~  
8250 ~~college~~ to pay an employee an amount from appropriated state  
8251 funds in excess of 1 year of the employee's annual salary for  
8252 termination, buyout, or any other type of contract settlement.  
8253 This subsection does not prohibit the payment of leave and  
8254 benefits accrued by the employee in accordance with the Florida  
8255 College System institution's ~~community college's~~ leave and  
8256 benefits policies before the contract terminates.

8257 Section 189. Subsection (1) of section 1012.84, Florida  
8258 Statutes, is amended to read:

8259 1012.84 Exemption from county civil service commissions.—

8260 (1) Any Florida College System institution ~~community~~  
8261 ~~college~~ located in a county which has either a budget commission  
8262 or a civil service commission is exempt from the regulation,  
8263 supervision, and control of any such commission.

8264 Section 190. Section 1012.85, Florida Statutes, is amended  
8265 to read:

2011946er

8266           1012.85 Payment of costs of civil actions against officers,  
8267 employees, or agents of Florida College System institution  
8268 ~~community college~~ board of trustees.-

8269           (1) Whenever any civil action has been brought against any  
8270 officer of the Florida College System institution ~~community~~  
8271 ~~college~~ board of trustees, including a board member, or any  
8272 person employed by or agent of the Florida College System  
8273 institution ~~community college~~ board of trustees, of any Florida  
8274 College System institution ~~community college~~ for any act or  
8275 omission arising out of and in the course of the performance of  
8276 his or her duties and responsibilities, the Florida College  
8277 System institution ~~community college~~ board of trustees may  
8278 defray all costs of defending such action, including reasonable  
8279 attorney's fees and expenses together with costs of appeal, if  
8280 any, and may save harmless and protect such person from any  
8281 financial loss resulting therefrom; and the Florida College  
8282 System institution ~~community college~~ board of trustees may be  
8283 self-insured, to enter into risk management programs, or to  
8284 purchase insurance for whatever coverage it may choose, or to  
8285 have any combination thereof, to cover all such losses and  
8286 expenses. However, any attorney's fees paid from public funds  
8287 for any officer, employee, or agent who is found to be  
8288 personally liable by virtue of acting outside the scope of his  
8289 or her employment or acting in bad faith, with malicious  
8290 purpose, or in a manner exhibiting wanton and willful disregard  
8291 of human rights, safety, or property may be recovered by the  
8292 state, county, municipality, or political subdivision in a civil  
8293 action against such officer, employee, or agent.

8294           (2) Failure by a Florida College System institution

2011946er

8295 ~~community college~~ board of trustees to perform any act  
8296 authorized by this section shall not constitute a cause of  
8297 action against a Florida College System institution ~~community~~  
8298 ~~college~~ or its trustees, officers, employees, or agents.

8299 Section 191. Section 1012.855, Florida Statutes, is amended  
8300 to read:

8301 1012.855 Employment of Florida College System institution  
8302 ~~community college~~ personnel; discrimination in granting salary  
8303 prohibited.—

8304 (1) (a) Employment of all personnel in each Florida College  
8305 System institution ~~community college~~ shall be upon  
8306 recommendation of the president, subject to rejection for cause  
8307 by the Florida College System institution ~~community college~~  
8308 board of trustees; to the rules of the State Board of Education  
8309 relative to certification, tenure, leaves of absence of all  
8310 types, including sabbaticals, remuneration, and such other  
8311 conditions of employment as the State Board of Education deems  
8312 necessary and proper; and to policies of the Florida College  
8313 System institution ~~community college~~ board of trustees not  
8314 inconsistent with law.

8315 (b) Any internal auditor employed by a Florida College  
8316 System institution ~~community college~~ shall be hired by the  
8317 Florida College System institution ~~community college~~ board of  
8318 trustees and shall report directly to the board.

8319 (2) Each Florida College System institution ~~community~~  
8320 ~~college~~ board of trustees shall undertake a program to eradicate  
8321 any discrimination on the basis of gender, race, or physical  
8322 handicap in the granting of salaries to employees.

8323 Section 192. Subsections (1), (2), (3), (5), and (6) of

2011946er

8324 section 1012.86, Florida Statutes, are amended to read:

8325       1012.86 Florida College System institution ~~Community~~  
8326 ~~college~~ employment equity accountability program.—

8327       (1) Each Florida College System institution ~~community~~  
8328 ~~college~~ shall include in its annual equity update a plan for  
8329 increasing the representation of women and minorities in senior-  
8330 level administrative positions and in full-time faculty  
8331 positions, and for increasing the representation of women and  
8332 minorities who have attained continuing-contract status.  
8333 Positions shall be defined in the personnel data element  
8334 directory of the Department of Education. The plan must include  
8335 specific measurable goals and objectives, specific strategies  
8336 and timelines for accomplishing these goals and objectives, and  
8337 comparable national standards as provided by the Department of  
8338 Education. The goals and objectives shall be based on meeting or  
8339 exceeding comparable national standards and shall be reviewed  
8340 and recommended by the State Board of Education as appropriate.  
8341 Such plans shall be maintained until appropriate representation  
8342 has been achieved and maintained for at least 3 consecutive  
8343 reporting years.

8344       (2) (a) On or before May 1 of each year, each Florida  
8345 College System institution ~~community college~~ president shall  
8346 submit an annual employment accountability plan to the  
8347 Commissioner of Education and the State Board of Education. The  
8348 accountability plan must show faculty and administrator  
8349 employment data according to requirements specified on the  
8350 federal Equal Employment Opportunity (EEO-6) report.

8351       (b) The plan must show the following information for those  
8352 positions including, but not limited to:

2011946er

8353 1. Job classification title.  
8354 2. Gender.  
8355 3. Ethnicity.  
8356 4. Appointment status.  
8357 5. Salary information. At each Florida College System  
8358 institution ~~community college~~, salary information shall also  
8359 include the salary ranges in which new hires were employed  
8360 compared to the salary ranges for employees with comparable  
8361 experience and qualifications.  
8362 6. Other comparative information including, but not limited  
8363 to, composite information regarding the total number of  
8364 positions within the particular job title classification for the  
8365 Florida College System institution ~~community college~~ by race,  
8366 gender, and salary range compared to the number of new hires.  
8367 7. A statement certifying diversity and balance in the  
8368 gender and ethnic composition of the selection committee for  
8369 each vacancy, including a brief description of guidelines used  
8370 for ensuring balanced and diverse membership on selection and  
8371 review committees.  
8372 (c) The annual employment accountability plan shall also  
8373 include an analysis and an assessment of the Florida College  
8374 System institution's ~~community college's~~ attainment of annual  
8375 goals and of long-range goals for increasing the number of women  
8376 and minorities in faculty and senior-level administrative  
8377 positions, and a corrective action plan for addressing  
8378 underrepresentation.  
8379 (d) Each Florida College System institution's ~~community~~  
8380 ~~college's~~ employment accountability plan must also include:  
8381 1. The requirements for receiving a continuing contract.

2011946er

8382           2. A brief description of the process used to grant  
8383 continuing-contract status.

8384           3. A brief description of the process used to annually  
8385 apprise each eligible faculty member of progress toward  
8386 attainment of continuing-contract status.

8387           (3) Florida College System institution ~~Community college~~  
8388 presidents and the heads of each major administrative division  
8389 shall be evaluated annually on the progress made toward meeting  
8390 the goals and objectives of the Florida College System  
8391 institution's ~~community college's~~ employment accountability  
8392 plan.

8393           (a) The Florida College System institution ~~community~~  
8394 ~~college~~ presidents, or the presidents' designees, shall annually  
8395 evaluate each department chairperson, dean, provost, and vice  
8396 president in achieving the annual and long-term goals and  
8397 objectives. A summary of the results of such evaluations shall  
8398 be reported annually by the Florida College System institution  
8399 ~~community college~~ president to the Florida College System  
8400 institution ~~community college~~ board of trustees. Annual budget  
8401 allocations by the Florida College System institution ~~community~~  
8402 ~~college~~ board of trustees for positions and funding must take  
8403 into consideration these evaluations.

8404           (b) Florida College System institution ~~Community college~~  
8405 boards of trustees shall annually evaluate the performance of  
8406 the Florida College System institution ~~community college~~  
8407 presidents in achieving the annual and long-term goals and  
8408 objectives. A summary of the results of such evaluations shall  
8409 be reported to the Commissioner of Education and the State Board  
8410 of Education as part of the Florida College System institution's

2011946er

8411 ~~community college's~~ annual employment accountability plan, and  
8412 to the Legislature as part of the annual equity progress report  
8413 submitted by the State Board of Education.

8414 (5) Each Florida College System institution ~~community~~  
8415 ~~college~~ shall develop a budgetary incentive plan to support and  
8416 ensure attainment of the goals developed pursuant to this  
8417 section. The plan shall specify, at a minimum, how resources  
8418 shall be allocated to support the achievement of goals and the  
8419 implementation of strategies in a timely manner. After prior  
8420 review and approval by the Florida College System institution  
8421 ~~community college~~ president and the Florida College System  
8422 institution ~~community college~~ board of trustees, the plan shall  
8423 be submitted as part of the annual employment accountability  
8424 plan submitted by each Florida College System institution  
8425 ~~community college~~ to the State Board of Education.

8426 (6) Subject to available funding, the Legislature shall  
8427 provide an annual appropriation to the State Board of Education  
8428 to be allocated to Florida College System institution ~~community~~  
8429 ~~college~~ presidents, faculty, and administrative personnel to  
8430 further enhance equity initiatives and related priorities that  
8431 support the mission of colleges and departments in recognition  
8432 of the attainment of the equity goals and objectives.

8433 Section 193. Section 1012.865, Florida Statutes, is amended  
8434 to read:

8435 1012.865 Sick leave.—Each Florida College System  
8436 institution ~~community college~~ board of trustees shall adopt  
8437 rules whereby any full-time employee who is unable to perform  
8438 his or her duties at the Florida College System institution  
8439 ~~community college~~ on account of personal sickness, accident

2011946er

8440 disability, or extended personal illness, or because of illness  
8441 or death of the employee's father, mother, brother, sister,  
8442 husband, wife, child, or other close relative or member of the  
8443 employee's own household, and who consequently has to be absent  
8444 from work shall be granted leave of absence for sickness by the  
8445 president or by the president's designated representative. The  
8446 following provisions shall govern sick leave:

8447 (1) DEFINITIONS.—As used in this section, unless the  
8448 context otherwise requires, the term:

8449 (a) "Educational support employee" means any person  
8450 employed by a Florida College System institution ~~community~~  
8451 ~~college~~ as an education or administrative paraprofessional; a  
8452 member of the operations, maintenance, or comparable department;  
8453 or a secretary, clerical, or comparable level support employee.

8454 (b) "Instructional staff" shall be used synonymously with  
8455 the word "teacher" or "faculty" and includes faculty members,  
8456 librarians, counselors, and other comparable members engaged in  
8457 an instructional capacity in the Florida College System  
8458 institution ~~community college~~.

8459 (2) EXTENT OF LEAVE WITH COMPENSATION.—

8460 (a) Each full-time employee shall earn 1 day of sick leave  
8461 with compensation for each calendar month or major fraction of a  
8462 calendar month of service, not to exceed 12 days for each fiscal  
8463 year. Such leave shall be taken only when necessary because of  
8464 sickness as herein prescribed. Such sick leave shall be  
8465 cumulative from year to year. Accumulated sick leave may be  
8466 transferred from another Florida College System institution  
8467 ~~community college~~, the Florida Department of Education, a state  
8468 university, a Florida district school board, or a state agency,

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8469 provided that at least one-half of the sick leave accumulated at  
8470 any time must have been established in the college in which such  
8471 employee is currently employed.

8472 (b) A Florida College System institution ~~community college~~  
8473 board of trustees may establish rules and prescribe procedures  
8474 whereby a full-time employee may, at the beginning date of  
8475 employment in any year, be credited with 12 days of sick leave  
8476 with compensation in excess of the number of days the employee  
8477 has earned. Upon termination of employment, the employee's final  
8478 compensation shall be adjusted in an amount necessary to ensure  
8479 that sick leave with compensation does not exceed the days of  
8480 earned sick leave as provided herein.

8481 (c) A Florida College System institution ~~community college~~  
8482 board of trustees may establish rules and prescribe standards to  
8483 permit a full-time employee to be absent no more than 4 days for  
8484 personal reasons. However, such absences for personal reasons  
8485 shall be charged only to accrued sick leave, and leave for  
8486 personal reasons shall be noncumulative.

8487 (d) A Florida College System institution ~~community college~~  
8488 board of trustees may establish rules to provide terminal pay  
8489 for accumulated sick leave to full-time instructional staff and  
8490 educational support employees or to the employee's beneficiary  
8491 if service is terminated by death. However, such terminal pay  
8492 may not exceed an amount determined as follows:

8493 1. During the first 3 years of service, the daily rate of  
8494 pay multiplied by 35 percent times the number of days of  
8495 accumulated sick leave.

8496 2. During the next 3 years of service, the daily rate of  
8497 pay multiplied by 40 percent times the number of days of

2011946er

8498 accumulated sick leave.

8499         3. During the next 3 years of service, the daily rate of  
8500 pay multiplied by 45 percent times the number of days of  
8501 accumulated sick leave.

8502         4. During the 10th year of service, the daily rate of pay  
8503 multiplied by 50 percent times the number of days of accumulated  
8504 sick leave.

8505         5. During the next 20 years of service, the daily rate of  
8506 pay multiplied by 50 percent plus up to an additional 2.5  
8507 percent per year for each year of service beyond 10 years, times  
8508 the number of days of accumulated sick leave.

8509  
8510 If an employee receives terminal pay benefits based on unused  
8511 sick leave credit, all unused sick leave credit shall become  
8512 invalid; however, if an employee terminates his or her  
8513 employment without receiving terminal pay benefits and is  
8514 reemployed, his or her sick leave credit shall be reinstated.

8515         (e) A Florida College System institution ~~community college~~  
8516 board of trustees may, by rule, provide for terminal pay for  
8517 accumulated unused sick leave to be paid to any full-time  
8518 employee of a Florida College System institution ~~community~~  
8519 ~~college~~ other than instructional staff or educational support  
8520 employees. If termination of employment is by death of the  
8521 employee, any terminal pay to which the employee may have been  
8522 entitled shall be made to the employee's beneficiary.

8523         1. For unused sick leave accumulated before July 1, 2001,  
8524 terminal pay shall be made pursuant to rules or policies of the  
8525 board of trustees which were in effect on June 30, 2001.

8526         2. For unused sick leave accumulated on or after July 1,

2011946er

8527 2001, terminal payment may not exceed an amount equal to one-  
8528 fourth of the employee's unused sick leave or 60 days of the  
8529 employee's pay, whichever amount is less.

8530 3. If the employee had an accumulated sick leave balance of  
8531 60 days or more on June 30, 2001, sick leave earned after that  
8532 date may not be accumulated for terminal pay purposes until the  
8533 accumulated leave balance as of June 30, 2001, is less than 60  
8534 days.

8535 (3) CLAIM MUST BE FILED.—Any full-time employee who finds  
8536 it necessary to be absent from his or her duties because of  
8537 illness as defined in this section shall notify the Florida  
8538 College System institution ~~community college~~ president or a  
8539 college official designated by the president, if possible before  
8540 the opening of college on the day on which the employee must be  
8541 absent or during the day, except when he or she is absent for  
8542 emergency reasons recognized by the Florida College System  
8543 institution ~~community college~~ board of trustees as valid. Any  
8544 employee shall, before claiming and receiving compensation for  
8545 the time absent from his or her duties while absent because of  
8546 sick leave as prescribed in this section, make and file a  
8547 written certificate which shall set forth the day or days  
8548 absent, that such absence was necessary, and that he or she is  
8549 entitled or not entitled to receive pay for such absence in  
8550 accordance with the provisions of this section. The Florida  
8551 College System institution ~~community college~~ board of trustees  
8552 may adopt rules under which the president may require a  
8553 certificate of illness from a licensed physician or from the  
8554 county health officer.

8555 (4) COMPENSATION.—Any full-time employee who has unused

2011946er

8556 sick leave credit shall receive full-time compensation for the  
8557 time justifiably absent on sick leave; however, no compensation  
8558 may be allowed beyond that provided in subsection (6).

8559 (5) EXPENDITURE AUTHORIZED.—Florida College System  
8560 institution ~~Community college~~ boards of trustees may expend  
8561 public funds for payment to employees on account of sickness.  
8562 The expending and excluding of such funds shall be in compliance  
8563 with rules adopted by the Department of Management Services  
8564 pursuant to chapter 650.

8565 (6) SICK LEAVE POOL.—Notwithstanding any other provision of  
8566 this section, a Florida College System institution ~~community~~  
8567 ~~college~~ board of trustees may, by rule, based upon the  
8568 maintenance of reliable and accurate records by the Florida  
8569 College System institution ~~community college~~ showing the amount  
8570 of sick leave which has been accumulated and is unused by  
8571 employees in accordance with this section, establish a plan  
8572 allowing participating full-time employees of the Florida  
8573 College System institution ~~community college~~ to pool sick leave  
8574 accrued and allowing any sick leave thus pooled to be disbursed  
8575 to any participating employee who is in need of sick leave in  
8576 excess of that amount he or she has personally accrued. Such  
8577 rules shall include, but not be limited to, the following  
8578 provisions:

8579 (a) Participation in the sick leave pool shall at all times  
8580 be voluntary on the part of employees.

8581 (b) Any full-time employee shall be eligible for  
8582 participation in the sick leave pool after 1 year of employment  
8583 with the Florida College System institution ~~community college~~,  
8584 provided such employee has accrued a minimum amount of unused

2011946er

8585 sick leave, which minimum shall be established by rule.

8586 (c) Any sick leave pooled pursuant to this section shall be  
8587 removed from the personally accumulated sick leave balance of  
8588 the employee donating such leave.

8589 (d) Participating employees shall make equal contributions  
8590 to the sick leave pool. There shall be established a maximum  
8591 amount of sick leave which may be contributed to the pool by an  
8592 employee. After the initial contribution which an employee makes  
8593 upon electing to participate, no further contributions shall be  
8594 required except as may be necessary to replenish the pool. Any  
8595 such further contribution shall be equally required of all  
8596 employees participating in the pool.

8597 (e) Any sick leave time drawn from the pool by a  
8598 participating employee must be used for that employee's personal  
8599 illness, accident, or injury.

8600 (f) A participating employee will not be eligible to use  
8601 sick leave from the pool until all of his or her sick leave has  
8602 been depleted. There shall be established a maximum number of  
8603 days for which an employee may draw sick leave from the sick  
8604 leave pool.

8605 (g) A participating employee who uses sick leave from the  
8606 pool will not be required to recontribute such sick leave to the  
8607 pool, except as otherwise provided herein.

8608 (h) A participating employee who chooses to no longer  
8609 participate in the sick leave pool will not be eligible to  
8610 withdraw any sick leave already contributed to the pool.

8611 (i) Alleged abuse of the use of the sick leave pool shall  
8612 be investigated, and, on a finding of wrongdoing, the employee  
8613 shall repay all of the sick leave credits drawn from the sick

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8614 leave pool and shall be subject to such other disciplinary  
8615 action as is determined by the board to be appropriate. Rules  
8616 adopted for the administration of this program shall provide for  
8617 the investigation of the use of sick leave utilized by the  
8618 participating employee in the sick leave pool.

8619 Section 194. Section 1012.87, Florida Statutes, is amended  
8620 to read:

8621 1012.87 Retirement annuities.—Each Florida College System  
8622 institution ~~community college~~ board of trustees may purchase  
8623 annuities for its Florida College System institution ~~community~~  
8624 ~~college~~ personnel who have 25 or more years of creditable  
8625 service and who have reached age 55 and have applied for  
8626 retirement under the Florida Retirement System. No such annuity  
8627 may provide for more than the total difference in retirement  
8628 income between the retirement benefit based on average monthly  
8629 compensation and creditable service as of the member's early  
8630 retirement date and the early retirement benefit. Florida  
8631 College System institution ~~Community college~~ boards of trustees  
8632 may also purchase annuities for members of the Florida  
8633 Retirement System who have out-of-state teaching service in  
8634 another state or country which is documented as valid by the  
8635 appropriate educational entity. Such annuities may be based on  
8636 no more than 5 years of out-of-state teaching service and may  
8637 equal, but not exceed, the benefits that would be payable under  
8638 the Florida Retirement System if credit for out-of-state  
8639 teaching was authorized under that system. Each Florida College  
8640 System institution ~~community college~~ board of trustees may  
8641 invest funds, purchase annuities, or provide local supplemental  
8642 retirement programs for purposes of providing retirement

2011946er

8643 annuities for Florida College System institution ~~community~~  
8644 ~~college~~ personnel. All such retirement annuities shall comply  
8645 with s. 14, Art. X of the State Constitution.

8646 Section 195. Section 1012.875, Florida Statutes, is amended  
8647 to read:

8648 1012.875 State Community College System Optional Retirement  
8649 Program.—Each Florida College System institution ~~community~~  
8650 ~~college~~ may implement an optional retirement program, if such  
8651 program is established therefor pursuant to s. 1001.64(20),  
8652 under which annuity or other contracts providing retirement and  
8653 death benefits may be purchased by, and on behalf of, eligible  
8654 employees who participate in the program, in accordance with s.  
8655 403(b) of the Internal Revenue Code. Except as otherwise  
8656 provided herein, this retirement program, which shall be known  
8657 as the State Community College System Optional Retirement  
8658 Program, may be implemented and administered only by an  
8659 individual Florida College System institution ~~community college~~  
8660 or by a consortium of Florida College System institutions  
8661 ~~community colleges~~.

8662 (1) As used in this section, the term:

8663 (a) "Activation" means the date upon which an optional  
8664 retirement program is first made available by the program  
8665 administrator to eligible employees.

8666 (b) "College" means Florida College System institutions  
8667 ~~community colleges~~ as defined in s. 1000.21.

8668 (c) "Department" means the Department of Management  
8669 Services.

8670 (d) "Program administrator" means the individual college or  
8671 consortium of colleges responsible for implementing and

2011946er

8672 administering an optional retirement program.

8673 (e) "Program participant" means an eligible employee who  
8674 has elected to participate in an available optional retirement  
8675 program as authorized by this section.

8676 (2) Participation in the optional retirement program  
8677 provided by this section is limited to employees who satisfy the  
8678 criteria set forth in s. 121.051(2)(c).

8679 (3)(a) With respect to any employee who is eligible to  
8680 participate in the optional retirement program by reason of  
8681 qualifying employment commencing before the program's  
8682 activation:

8683 1. The employee may elect to participate in the optional  
8684 retirement program in lieu of participation in the Florida  
8685 Retirement System. To become a program participant, the employee  
8686 must file with the personnel officer of the college, within 90  
8687 days after the program's activation, a written election on a  
8688 form provided by the Florida Retirement System and a completed  
8689 application for an individual contract or certificate.

8690 2. An employee's participation in the optional retirement  
8691 program commences on the first day of the next full calendar  
8692 month following the filing of the election and completed  
8693 application with the program administrator and receipt of such  
8694 election by the department. An employee's membership in the  
8695 Florida Retirement System terminates on this same date.

8696 3. Any such employee who fails to make an election to  
8697 participate in the optional retirement program within 60 days  
8698 after its activation has elected to retain membership in the  
8699 Florida Retirement System.

8700 (b) With respect to any employee who becomes eligible to

2011946er

8701 participate in an optional retirement program by reason of  
8702 qualifying employment commencing on or after the program's  
8703 activation:

8704         1. The employee may elect to participate in the optional  
8705 retirement program in lieu of participation in the Florida  
8706 Retirement System. To become a program participant, the employee  
8707 must file with the personnel officer of the college, within 90  
8708 days after commencing qualifying employment as provided in s.  
8709 121.051(2)(c)4., a written election on a form provided by the  
8710 Florida Retirement System and a completed application for an  
8711 individual contract or certificate.

8712         2. An employee's participation in the optional retirement  
8713 program commences retroactive to the first day of qualifying  
8714 employment following the filing of the election and completed  
8715 application with the program administrator and receipt of such  
8716 election by the department. An employee's membership in the  
8717 Florida Retirement System terminates on this same date.

8718         3. Any such employee who fails to make an election to  
8719 participate in the optional retirement program within 90 days  
8720 after commencing qualifying employment has elected to retain  
8721 membership in the Florida Retirement System.

8722         (c) Any employee who, on or after an optional retirement  
8723 program's activation, becomes eligible to participate in the  
8724 program by reason of a change in status due to the subsequent  
8725 designation of the employee's position as one of those  
8726 referenced in subsection (2), or due to the employee's  
8727 appointment, promotion, transfer, or reclassification to a  
8728 position referenced in subsection (2), must be notified by the  
8729 college of the employee's eligibility to participate in the

2011946er

8730 optional retirement program in lieu of participation in the  
8731 Florida Retirement System. These eligible employees are subject  
8732 to the provisions of paragraph (b) and may elect to participate  
8733 in the optional retirement program in the same manner as those  
8734 employees described in paragraph (b), except that the 90-day  
8735 election period commences upon the date notice of eligibility is  
8736 received by the employee and participation in the program begins  
8737 the first day of the first full calendar month that the change  
8738 in status becomes effective.

8739 (d) Program participants must be fully and immediately  
8740 vested in the optional retirement program upon issuance of an  
8741 optional retirement program contract.

8742 (e) The election by an eligible employee to participate in  
8743 the optional retirement program is irrevocable for so long as  
8744 the employee continues to meet the eligibility requirements set  
8745 forth in this section and in s. 121.051(2)(c), except as  
8746 provided in paragraph (i) or as provided in s. 121.051(2)(c)3.

8747 (f) If a program participant becomes ineligible to continue  
8748 participating in the optional retirement program pursuant to the  
8749 criteria referenced in subsection (2), the employee becomes a  
8750 member of the Florida Retirement System if eligible. The college  
8751 must notify the department of an employee's change in  
8752 eligibility status within 30 days after the event that makes the  
8753 employee ineligible to continue participation in the optional  
8754 retirement program.

8755 (g) An eligible employee who is a member of the Florida  
8756 Retirement System at the time of election to participate in the  
8757 optional retirement program retains all retirement service  
8758 credit earned under the Florida Retirement System at the rate

2011946er

8759 earned. Additional service credit in the Florida Retirement  
8760 System may not be earned while the employee participates in the  
8761 optional retirement program, nor is the employee eligible for  
8762 disability retirement under the Florida Retirement System. An  
8763 eligible employee may transfer from the Florida Retirement  
8764 System to his or her accounts under the State Community College  
8765 Optional Retirement Program a sum representing the present value  
8766 of his or her service credit accrued under the defined benefit  
8767 program of the Florida Retirement System for the period between  
8768 his or her first eligible transfer date from the defined benefit  
8769 plan to the optional retirement program and the actual date of  
8770 such transfer as provided in s. 121.051(2)(c)7. Upon such  
8771 transfer, all such service credit previously earned under the  
8772 defined benefit program of the Florida Retirement System during  
8773 this period shall be nullified for purposes of entitlement to a  
8774 future benefit under the defined benefit program of the Florida  
8775 Retirement System.

8776 (h) A program participant may not simultaneously  
8777 participate in any other state-administered retirement system,  
8778 plan, or class.

8779 (i) Except as provided in s. 121.052(6)(d), a program  
8780 participant who is or who becomes dually employed in two or more  
8781 positions covered by the Florida Retirement System, one of which  
8782 is eligible for an optional retirement program pursuant to this  
8783 section and one of which is not, is subject to the dual  
8784 employment provisions of chapter 121.

8785 (4)(a) Each college must contribute on behalf of each  
8786 program participant an amount equal to 10.43 percent of the  
8787 participant's gross monthly compensation. The college shall

2011946er

8788 deduct an amount approved by the district board of trustees of  
8789 the college to provide for the administration of the optional  
8790 retirement program. Payment of this contribution must be made  
8791 either directly by the college or through the program  
8792 administrator to the designated company contracting for payment  
8793 of benefits to the program participant.

8794 (b) Each college must contribute on behalf of each program  
8795 participant an amount equal to the unfunded actuarial accrued  
8796 liability portion of the employer contribution which would be  
8797 required if the program participant were a member of the Regular  
8798 Class of the Florida Retirement System. Payment of this  
8799 contribution must be made directly by the college to the  
8800 department for deposit in the Florida Retirement System Trust  
8801 Fund.

8802 (c) Each program participant who has been issued an  
8803 optional retirement program contract may contribute by way of  
8804 salary reduction or deduction a percentage of the program  
8805 participant's gross compensation, but this percentage may not  
8806 exceed the corresponding percentage contributed by the Florida  
8807 College System institution ~~community college~~ to the optional  
8808 retirement program. Payment of this contribution may be made  
8809 either directly by the college or through the program  
8810 administrator to the designated company contracting for payment  
8811 of benefits to the program participant.

8812 (d) Contributions to an optional retirement program by a  
8813 college or a program participant are in addition to, and have no  
8814 effect upon, contributions required now or in future by the  
8815 federal Social Security Act.

8816 (e) The college may accept for deposit into participant

2011946er

8817 account or accounts contributions in the form of rollovers or  
8818 direct trustee-to-trustee transfers by or on behalf of  
8819 participants who are reasonably determined by the college to be  
8820 eligible for rollover or transfer to the optional retirement  
8821 program pursuant to the Internal Revenue Code, if such  
8822 contributions are made in accordance with the applicable  
8823 requirements of the college. Accounting for such contributions  
8824 shall be in accordance with any applicable requirements of the  
8825 Internal Revenue Code and the college.

8826 (5) (a) The benefits to be provided to program participants  
8827 must be provided through contracts, including individual  
8828 contracts or individual certificates issued for group annuity or  
8829 other contracts, which may be fixed, variable, or both, in  
8830 accordance with s. 403(b) of the Internal Revenue Code. Each  
8831 individual contract or certificate must state the type of  
8832 contract on its face page, and must include at least a statement  
8833 of ownership, the contract benefits, distribution options,  
8834 limitations, expense charges, and surrender charges, if any.

8835 (b) Benefits are payable under the optional retirement  
8836 program to program participants or their beneficiaries, and the  
8837 benefits must be paid only by the designated company in  
8838 accordance with the terms of the contracts applicable to the  
8839 program participant. Benefits shall accrue in individual  
8840 accounts that are participant-directed, portable, and funded by  
8841 employer contributions and the earnings thereon. Benefits funded  
8842 by employer contributions are payable in accordance with the  
8843 following terms and conditions:

8844 1. Benefits shall be payable only to a participant, to his  
8845 or her beneficiaries, or to his or her estate, as designated by

2011946er

8846 the participant.

8847 2. Benefits shall be paid by the provider company or  
8848 companies in accordance with the law, the provisions of the  
8849 contract, and any applicable employer rule or policy.

8850 3. In the event of a participant's death, moneys  
8851 accumulated by, or on behalf of, the participant, less  
8852 withholding taxes remitted to the Internal Revenue Service, if  
8853 any, shall be distributed to the participant's designated  
8854 beneficiary or beneficiaries, or to the participant's estate, as  
8855 if the participant retired on the date of death as provided in  
8856 paragraph (d). No other death benefits shall be available for  
8857 survivors of participants under the optional retirement program  
8858 except for such benefits, or coverage for such benefits, as are  
8859 separately afforded by the employer at the employer's  
8860 discretion.

8861 (c) Upon receipt by the provider company of a properly  
8862 executed application for distribution of benefits, the total  
8863 accumulated benefits shall be payable to the participant as:

8864 1. A lump-sum distribution to the participant;

8865 2. A lump-sum direct rollover distribution whereby all  
8866 accrued benefits, plus interest and investment earnings, are  
8867 paid from the participant's account directly to an eligible  
8868 retirement plan as defined in s. 402(c)(8)(B) of the Internal  
8869 Revenue Code, on behalf of the participant;

8870 3. Periodic distributions;

8871 4. A partial lump-sum payment whereby a portion of the  
8872 accrued benefit is paid to the participant and the remaining  
8873 amount is transferred to an eligible retirement plan, as defined  
8874 in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of

2011946er

8875 the participant; or

8876 5. Such other distribution options as are provided for in  
8877 the participant's optional retirement program contract.

8878 (d) Survivor benefits shall be payable as:

8879 1. A lump-sum distribution payable to the beneficiaries or  
8880 to the deceased participant's estate;

8881 2. An eligible rollover distribution on behalf of the  
8882 surviving spouse or beneficiary of a deceased participant  
8883 whereby all accrued benefits, plus interest and investment  
8884 earnings, are paid from the deceased participant's account  
8885 directly to an eligible retirement plan, as described in s.  
8886 402(c)(8)(B) of the Internal Revenue Code, on behalf of the  
8887 surviving spouse;

8888 3. Such other distribution options as are provided for in  
8889 the participant's optional retirement program contract; or

8890 4. A partial lump-sum payment whereby a portion of the  
8891 accrued benefits are paid to the deceased participant's  
8892 surviving spouse or other designated beneficiaries, less  
8893 withholding taxes remitted to the Internal Revenue Service, if  
8894 any, and the remaining amount is transferred directly to an  
8895 eligible retirement plan, as described in s. 402(c)(8)(B) of the  
8896 Internal Revenue Code, on behalf of the surviving spouse. The  
8897 proportions must be specified by the participant or the  
8898 surviving beneficiary.

8899  
8900 Nothing in this paragraph abrogates other applicable provisions  
8901 of state or federal law providing payment of death benefits.

8902 (e) The benefits payable to any person under the optional  
8903 retirement program, and any contribution accumulated under the

2011946er

8904 program, are not subject to assignment, execution, attachment,  
8905 or to any legal process whatsoever.

8906 (6) (a) The optional retirement program authorized by this  
8907 section must be implemented and administered by the program  
8908 administrator under s. 403(b) of the Internal Revenue Code. The  
8909 program administrator has the express authority to contract with  
8910 a third party to fulfill any of the program administrator's  
8911 duties.

8912 (b) The program administrator shall solicit competitive  
8913 bids or issue a request for proposal and select no more than  
8914 four companies from which optional retirement program contracts  
8915 may be purchased under the optional retirement program. In  
8916 making these selections, the program administrator shall  
8917 consider the following factors:

8918 1. The financial soundness of the company.

8919 2. The extent of the company's experience in providing  
8920 annuity or other contracts to fund retirement programs.

8921 3. The nature and extent of the rights and benefits  
8922 provided to program participants in relation to the premiums  
8923 paid.

8924 4. The suitability of the rights and benefits provided to  
8925 the needs of eligible employees and the interests of the college  
8926 in the recruitment and retention of employees.

8927  
8928 In lieu of soliciting competitive bids or issuing a request for  
8929 proposals, the program administrator may authorize the purchase  
8930 of annuity contracts under the optional retirement program from  
8931 those companies currently selected by the department to offer  
8932 such contracts through the State University System Optional

2011946er

8933 Retirement Program, as set forth in s. 121.35.

8934 (c) Optional retirement program annuity contracts must be  
8935 approved in form and content by the program administrator in  
8936 order to qualify. The program administrator may use the same  
8937 annuity contracts currently used within the State University  
8938 System Optional Retirement Program, as set forth in s. 121.35.

8939 (d) The provision of each annuity contract applicable to a  
8940 program participant must be contained in a written program  
8941 description that includes a report of pertinent financial and  
8942 actuarial information on the solvency and actuarial soundness of  
8943 the program and the benefits applicable to the program  
8944 participant. The company must furnish the description annually  
8945 to the program administrator, and to each program participant  
8946 upon commencement of participation in the program and annually  
8947 thereafter.

8948 (e) The program administrator must ensure that each program  
8949 participant is provided annually with an accounting of the total  
8950 contributions and the annual contributions made by and on the  
8951 behalf of the program participant.

8952 Section 196. Section 1012.88, Florida Statutes, is amended  
8953 to read:

8954 1012.88 Florida College System institution ~~Community~~  
8955 ~~college~~ police.—

8956 (1) Each Florida College System institution ~~community~~  
8957 ~~college~~ is permitted and empowered to employ police officers for  
8958 the Florida College System institution ~~community~~ ~~college~~, who  
8959 must be designated Florida College System institution ~~community~~  
8960 ~~college~~ police.

8961 (2) Each Florida College System institution ~~community~~

2011946er

8962 ~~college~~ police officer is a law enforcement officer of the state  
8963 and a conservator of the peace who has the authority to arrest,  
8964 in accordance with the laws of this state, any person for a  
8965 violation of state law or applicable county or municipal  
8966 ordinance if that violation occurs on or in any property or  
8967 facilities of the Florida College System institution ~~community~~  
8968 ~~college~~ by which he or she is employed or any property or  
8969 facilities of a direct-support organization of such Florida  
8970 College System institution ~~community college~~. A Florida College  
8971 System institution ~~community college~~ police officer may also  
8972 arrest a person off campus for a violation committed on campus  
8973 after a hot pursuit of that person that began on any such  
8974 property or facilities. A Florida College System institution  
8975 ~~community college~~ police officer may bear arms in the  
8976 performance of his or her duties and carry out a search pursuant  
8977 to a search warrant on the campus where he or she is employed.  
8978 Florida College System institution ~~Community college~~ police,  
8979 upon request of the sheriff or local police authority, may serve  
8980 subpoenas or other legal process and may make arrests of persons  
8981 against whom arrest warrants have been issued or against whom  
8982 charges have been made for violations of federal or state laws  
8983 or county or municipal ordinances.

8984 (3) Florida College System institution ~~Community college~~  
8985 police shall promptly deliver all persons arrested and charged  
8986 with felonies to the sheriff of the county within which the  
8987 Florida College System institution ~~community college~~ is located  
8988 and all persons arrested and charged with misdemeanors to the  
8989 applicable authority as provided by law, but otherwise to the  
8990 sheriff of the county in which the Florida College System

2011946er

8991 institution ~~community college~~ is located.

8992 (4) Florida College System institution ~~Community college~~  
8993 police must meet the minimum standards established by the Police  
8994 Standards and Training Commission of the Department of Law  
8995 Enforcement and chapter 943 for law enforcement officers. Each  
8996 Florida College System institution ~~community college~~ police  
8997 officer must, before entering into the performance of his or her  
8998 duties, take the oath of office established by the Florida  
8999 College System institution ~~community college~~. Each Florida  
9000 College System institution ~~community college~~ that employs police  
9001 officers may obtain and approve a bond on each police officer,  
9002 conditioned upon the officer's faithful performance of his or  
9003 her duties, which bond must be payable to the Governor. The  
9004 Florida College System institution ~~community college~~ may  
9005 determine the amount of the bond. In determining the amount of  
9006 the bond, the Florida College System institution ~~community~~  
9007 ~~college~~ may consider the amount of money or property likely to  
9008 be in the custody of the officer at any one time. The Florida  
9009 College System institution ~~community college~~ shall provide a  
9010 uniform set of identifying credentials to each Florida College  
9011 System institution ~~community college~~ police officer it employs.

9012 (5) In performance of any of the powers, duties, and  
9013 functions authorized by law, Florida College System institution  
9014 ~~community college~~ police have the same rights, protections, and  
9015 immunities afforded other law enforcement officers.

9016 (6) The Florida College System institution ~~community~~  
9017 ~~college~~, with the approval of the Department of Law Enforcement,  
9018 shall adopt rules, including, without limitation, rules for the  
9019 appointment, employment, and removal of Florida College System

2011946er

9020 institution ~~community college~~ police in accordance with the  
9021 state Career Service System and shall establish in writing a  
9022 policy manual, that includes, without limitation, procedures for  
9023 managing routine law enforcement situations and emergency law  
9024 enforcement situations. The Florida College System institution  
9025 ~~community college~~ shall furnish a copy of the policy manual to  
9026 each of the police officers it employs.

9027 Section 197. Section 1012.885, Florida Statutes, is amended  
9028 to read:

9029 1012.885 Remuneration of Florida College System institution  
9030 ~~community college~~ presidents; limitations.-

9031 (1) DEFINITIONS.-As used in this section, the term:

9032 (a) "Appropriated state funds" means funds appropriated  
9033 from the General Revenue Fund or funds appropriated from state  
9034 trust funds.

9035 (b) "Cash-equivalent compensation" means any benefit that  
9036 may be assigned an equivalent cash value.

9037 (c) "Remuneration" means salary, bonuses, and cash-  
9038 equivalent compensation paid to a Florida College System  
9039 institution ~~community college~~ president by his or her employer  
9040 for work performed, excluding health insurance benefits and  
9041 retirement benefits.

9042 (2) LIMITATION ON COMPENSATION.-Notwithstanding any other  
9043 law, resolution, or rule to the contrary, a Florida College  
9044 System institution ~~community college~~ president may not receive  
9045 more than \$225,000 in remuneration annually from appropriated  
9046 state funds. Only compensation, as defined in s. 121.021(22),  
9047 provided to a Florida College System institution ~~community~~  
9048 ~~college~~ president may be used in calculating benefits under

2011946er

9049 chapter 121.

9050 (3) EXCEPTIONS.—This section does not prohibit any party  
9051 from providing cash or cash-equivalent compensation from funds  
9052 that are not appropriated state funds to a Florida College  
9053 System institution ~~community college~~ president in excess of the  
9054 limit in subsection (2). If a party is unable or unwilling to  
9055 fulfill an obligation to provide cash or cash-equivalent  
9056 compensation to a Florida College System institution ~~community~~  
9057 ~~college~~ president as permitted under this subsection,  
9058 appropriated state funds may not be used to fulfill such  
9059 obligation.

9060 Section 198. Subsections (4) and (5) of section 1012.98,  
9061 Florida Statutes, are amended to read:

9062 1012.98 School Community Professional Development Act.—

9063 (4) The Department of Education, school districts, schools,  
9064 Florida College System institutions ~~community colleges~~, and  
9065 state universities share the responsibilities described in this  
9066 section. These responsibilities include the following:

9067 (a) The department shall disseminate to the school  
9068 community research-based professional development methods and  
9069 programs that have demonstrated success in meeting identified  
9070 student needs. The Commissioner of Education shall use data on  
9071 student achievement to identify student needs. The methods of  
9072 dissemination must include a web-based statewide performance  
9073 support system, including a database of exemplary professional  
9074 development activities, a listing of available professional  
9075 development resources, training programs, and available  
9076 assistance.

9077 (b) Each school district shall develop a professional

2011946er

9078 development system as specified in subsection (3). The system  
9079 shall be developed in consultation with teachers, teacher-  
9080 educators of Florida College System institutions ~~community~~  
9081 ~~colleges~~ and state universities, business and community  
9082 representatives, and local education foundations, consortia, and  
9083 professional organizations. The professional development system  
9084 must:

9085       1. Be approved by the department. All substantial revisions  
9086 to the system shall be submitted to the department for review  
9087 for continued approval.

9088       2. Be based on analyses of student achievement data and  
9089 instructional strategies and methods that support rigorous,  
9090 relevant, and challenging curricula for all students. Schools  
9091 and districts, in developing and refining the professional  
9092 development system, shall also review and monitor school  
9093 discipline data; school environment surveys; assessments of  
9094 parental satisfaction; performance appraisal data of teachers,  
9095 managers, and administrative personnel; and other performance  
9096 indicators to identify school and student needs that can be met  
9097 by improved professional performance.

9098       3. Provide inservice activities coupled with followup  
9099 support appropriate to accomplish district-level and school-  
9100 level improvement goals and standards. The inservice activities  
9101 for instructional personnel shall focus on analysis of student  
9102 achievement data, ongoing formal and informal assessments of  
9103 student achievement, identification and use of enhanced and  
9104 differentiated instructional strategies that emphasize rigor,  
9105 relevance, and reading in the content areas, enhancement of  
9106 subject content expertise, integrated use of classroom

2011946er

9107 technology that enhances teaching and learning, classroom  
9108 management, parent involvement, and school safety.

9109 4. Include a master plan for inservice activities, pursuant  
9110 to rules of the State Board of Education, for all district  
9111 employees from all fund sources. The master plan shall be  
9112 updated annually by September 1, must be based on input from  
9113 teachers and district and school instructional leaders, and must  
9114 use the latest available student achievement data and research  
9115 to enhance rigor and relevance in the classroom. Each district  
9116 inservice plan must be aligned to and support the school-based  
9117 inservice plans and school improvement plans pursuant to s.  
9118 1001.42(18). District plans must be approved by the district  
9119 school board annually in order to ensure compliance with  
9120 subsection (1) and to allow for dissemination of research-based  
9121 best practices to other districts. District school boards must  
9122 submit verification of their approval to the Commissioner of  
9123 Education no later than October 1, annually.

9124 5. Require each school principal to establish and maintain  
9125 an individual professional development plan for each  
9126 instructional employee assigned to the school as a seamless  
9127 component to the school improvement plans developed pursuant to  
9128 s. 1001.42(18). The individual professional development plan  
9129 must:

9130 a. Be related to specific performance data for the students  
9131 to whom the teacher is assigned.

9132 b. Define the inservice objectives and specific measurable  
9133 improvements expected in student performance as a result of the  
9134 inservice activity.

9135 c. Include an evaluation component that determines the

2011946er

9136 effectiveness of the professional development plan.

9137         6. Include inservice activities for school administrative  
9138 personnel that address updated skills necessary for  
9139 instructional leadership and effective school management  
9140 pursuant to s. 1012.986.

9141         7. Provide for systematic consultation with regional and  
9142 state personnel designated to provide technical assistance and  
9143 evaluation of local professional development programs.

9144         8. Provide for delivery of professional development by  
9145 distance learning and other technology-based delivery systems to  
9146 reach more educators at lower costs.

9147         9. Provide for the continuous evaluation of the quality and  
9148 effectiveness of professional development programs in order to  
9149 eliminate ineffective programs and strategies and to expand  
9150 effective ones. Evaluations must consider the impact of such  
9151 activities on the performance of participating educators and  
9152 their students' achievement and behavior.

9153         (5) Each district school board shall provide funding for  
9154 the professional development system as required by s. 1011.62  
9155 and the General Appropriations Act, and shall direct  
9156 expenditures from other funding sources to continuously  
9157 strengthen the system in order to increase student achievement  
9158 and support instructional staff in enhancing rigor and relevance  
9159 in the classroom. A school district may coordinate its  
9160 professional development program with that of another district,  
9161 with an educational consortium, or with a Florida College System  
9162 institution ~~community college~~ or university, especially in  
9163 preparing and educating personnel. Each district school board  
9164 shall make available inservice activities to instructional

2011946er

9165 personnel of nonpublic schools in the district and the state  
9166 certified teachers who are not employed by the district school  
9167 board on a fee basis not to exceed the cost of the activity per  
9168 all participants.

9169 Section 199. Subsections (3) and (16) of section 1013.01,  
9170 Florida Statutes, are amended to read:

9171 1013.01 Definitions.—The following terms shall be defined  
9172 as follows for the purpose of this chapter:

9173 (3) "Board," unless otherwise specified, means a district  
9174 school board, a Florida College System institution ~~community~~  
9175 ~~college~~ board of trustees, a university board of trustees, and  
9176 the Board of Trustees for the Florida School for the Deaf and  
9177 the Blind. The term "board" does not include the State Board of  
9178 Education or the Board of Governors.

9179 (16) "Public education capital outlay (PECO) funded  
9180 projects" means site acquisition, renovation, remodeling,  
9181 construction projects, and site improvements necessary to  
9182 accommodate buildings, equipment, other structures, and special  
9183 educational use areas that are built, installed, or established  
9184 to serve primarily the educational instructional program of the  
9185 district school board, Florida College System institution  
9186 ~~community college~~ board of trustees, or university board of  
9187 trustees.

9188 Section 200. Paragraph (a) of subsection (2) of section  
9189 1013.02, Florida Statutes, is amended to read:

9190 1013.02 Purpose; rules and regulations.—

9191 (2) (a) The State Board of Education shall adopt rules  
9192 pursuant to ss. 120.536(1) and 120.54 to implement the  
9193 provisions of this chapter for school districts and Florida

2011946er

9194 College System institutions ~~community colleges~~.

9195 Section 201. Section 1013.03, Florida Statutes, is amended  
9196 to read:

9197 1013.03 Functions of the department and the Board of  
9198 Governors.—The functions of the Department of Education as it  
9199 pertains to educational facilities of school districts and  
9200 Florida College System institutions ~~community colleges~~ and of  
9201 the Board of Governors as it pertains to educational facilities  
9202 of state universities shall include, but not be limited to, the  
9203 following:

9204 (1) Establish recommended minimum and maximum square  
9205 footage standards for different functions and areas and  
9206 procedures for determining the gross square footage for each  
9207 educational facility to be funded in whole or in part by the  
9208 state, including public broadcasting stations but excluding  
9209 postsecondary special purpose laboratory space. The gross square  
9210 footage determination standards may be exceeded when the core  
9211 facility space of an educational facility is constructed or  
9212 renovated to accommodate the future addition of classrooms to  
9213 meet projected increases in student enrollment. The department  
9214 and the Board of Governors shall encourage multiple use of  
9215 facilities and spaces in educational plants.

9216 (2) Establish, for the purpose of determining need,  
9217 equitably uniform utilization standards for all types of like  
9218 space, regardless of the level of education. These standards  
9219 shall also establish, for postsecondary education classrooms, a  
9220 minimum room utilization rate of 40 hours per week and a minimum  
9221 station utilization rate of 60 percent. These rates shall be  
9222 subject to increase based on national norms for utilization of

2011946er

9223 postsecondary education classrooms.

9224 (3) Require boards to submit other educational plant  
9225 inventories data and statistical data or information relevant to  
9226 construction, capital improvements, and related costs.

9227 (4) Require each board and other appropriate agencies to  
9228 submit complete and accurate financial data as to the amounts of  
9229 funds from all sources that are available and spent for  
9230 construction and capital improvements. The commissioner shall  
9231 prescribe the format and the date for the submission of this  
9232 data and any other educational facilities data. If any district  
9233 does not submit the required educational facilities fiscal data  
9234 by the prescribed date, the Commissioner of Education shall  
9235 notify the district school board of this fact and, if  
9236 appropriate action is not taken to immediately submit the  
9237 required report, the district school board shall be directed to  
9238 proceed pursuant to s. 1001.42(13)(b). If any Florida College  
9239 System institution ~~community college~~ or university does not  
9240 submit the required educational facilities fiscal data by the  
9241 prescribed date, the same policy prescribed in this subsection  
9242 for school districts shall be implemented.

9243 (5) Administer, under the supervision of the Commissioner  
9244 of Education, the Public Education Capital Outlay and Debt  
9245 Service Trust Fund and the School District and Community College  
9246 District Capital Outlay and Debt Service Trust Fund.

9247 (6) Develop, review, update, revise, and recommend a  
9248 mandatory portion of the Florida Building Code for educational  
9249 facilities construction and capital improvement by Florida  
9250 College System institution ~~community college~~ boards and district  
9251 school boards.

2011946er

9252           (7) Provide training, technical assistance, and building  
9253 code interpretation for requirements of the mandatory Florida  
9254 Building Code for the educational facilities construction and  
9255 capital improvement programs of the Florida College System  
9256 institution ~~community college~~ boards and district school boards  
9257 and, upon request, approve phase III construction documents for  
9258 remodeling, renovation, or new construction of educational  
9259 plants or ancillary facilities, except that university boards of  
9260 trustees shall approve specifications and construction documents  
9261 for their respective institutions pursuant to guidelines of the  
9262 Board of Governors. The Department of Management Services may,  
9263 upon request, provide similar services for the Florida School  
9264 for the Deaf and the Blind and shall use the Florida Building  
9265 Code and the Florida Fire Prevention Code.

9266           (8) Provide minimum criteria, procedures, and training to  
9267 boards to conduct educational plant surveys and document the  
9268 determination of future needs.

9269           (9) Make available to boards technical assistance,  
9270 awareness training, and research and technical publications  
9271 relating to lifesafety, casualty, sanitation, environmental,  
9272 maintenance, and custodial issues; and, as needed, technical  
9273 assistance for survey, planning, design, construction,  
9274 operation, and evaluation of educational and ancillary  
9275 facilities and plants, facilities administrative procedures  
9276 review, and training for new administrators.

9277           (10) (a) Review and validate surveys proposed or amended by  
9278 the boards and recommend to the Commissioner of Education, or  
9279 the Chancellor of the State University System, as appropriate,  
9280 for approval, surveys that meet the requirements of this

2011946er

9281 chapter.

9282 1. The term "validate" as applied to surveys by school  
9283 districts means to review inventory data as submitted to the  
9284 department by district school boards; provide for review and  
9285 inspection, where required, of student stations and aggregate  
9286 square feet of inventory changed from satisfactory to  
9287 unsatisfactory or changed from unsatisfactory to satisfactory;  
9288 compare new school inventory to allocation limits provided by  
9289 this chapter; review cost projections for conformity with cost  
9290 limits set by s. 1013.64(6); compare total capital outlay full-  
9291 time equivalent enrollment projections in the survey with the  
9292 department's projections; review facilities lists to verify that  
9293 student station and auxiliary facility space allocations do not  
9294 exceed the limits provided by this chapter and related rules;  
9295 review and confirm the application of uniform facility  
9296 utilization factors, where provided by this chapter or related  
9297 rules; utilize the documentation of programs offered per site,  
9298 as submitted by the board, to analyze facility needs; confirm  
9299 that need projections for career and adult educational programs  
9300 comply with needs documented by the Department of Education; and  
9301 confirm the assignment of full-time student stations to all  
9302 space except auxiliary facilities, which, for purposes of  
9303 exemption from student station assignment, include the  
9304 following:

- 9305 a. Cafeterias.
- 9306 b. Multipurpose dining areas.
- 9307 c. Media centers.
- 9308 d. Auditoriums.
- 9309 e. Administration.

2011946er

9310 f. Elementary, middle, and high school resource rooms, up  
9311 to the number of such rooms recommended for the applicable  
9312 occupant and space design capacity of the educational plant in  
9313 the State Requirements for Educational Facilities, beyond which  
9314 student stations must be assigned.

9315 g. Elementary school skills labs, up to the number of such  
9316 rooms recommended for the applicable occupant and space design  
9317 capacity of the educational plant in the State Requirements for  
9318 Educational Facilities, beyond which student stations must be  
9319 assigned.

9320 h. Elementary school art and music rooms.

9321 2. The term "validate" as applied to surveys by Florida  
9322 College System institutions ~~community colleges~~ and universities  
9323 means to review and document the approval of each new site and  
9324 official designation, where applicable; review the inventory  
9325 database as submitted by each board to the department, including  
9326 noncareer, and total capital outlay full-time equivalent  
9327 enrollment projections per site and per college; provide for the  
9328 review and inspection, where required, of student stations and  
9329 aggregate square feet of space changed from satisfactory to  
9330 unsatisfactory; utilize and review the documentation of programs  
9331 offered per site submitted by the boards as accurate for  
9332 analysis of space requirements and needs; confirm that needs  
9333 projected for career and adult educational programs comply with  
9334 needs documented by the Department of Education; compare new  
9335 facility inventory to allocations limits as provided in this  
9336 chapter; review cost projections for conformity with state  
9337 averages or limits designated by this chapter; compare student  
9338 enrollment projections in the survey to the department's

2011946er

9339 projections; review facilities lists to verify that area  
9340 allocations and space factors for generating space needs do not  
9341 exceed the limits as provided by this chapter and related rules;  
9342 confirm the application of facility utilization factors as  
9343 provided by this chapter and related rules; and review, as  
9344 submitted, documentation of how survey recommendations will  
9345 implement the detail of current campus master plans and  
9346 integrate with local comprehensive plans and development  
9347 regulations.

9348 (b) Recommend priority of projects to be funded.

9349 (11) Prepare the commissioner's comprehensive fixed capital  
9350 outlay legislative budget request and provide annually an  
9351 estimate of the funds available for developing required 3-year  
9352 priority lists. This amount shall be based upon the average  
9353 percentage for the 5 prior years of funds appropriated by the  
9354 Legislature for fixed capital outlay to each level of public  
9355 education: public schools, Florida College System institutions  
9356 ~~community colleges~~, and universities.

9357 (12) Perform any other functions that may be involved in  
9358 educational facilities construction and capital improvement  
9359 which shall ensure that the intent of the Legislature is  
9360 implemented.

9361 Section 202. Paragraph (a) of subsection (5) of section  
9362 1013.12, Florida Statutes, is amended to read:

9363 1013.12 Casualty, safety, sanitation, and firesafety  
9364 standards and inspection of property.—

9365 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
9366 FACILITIES.—

9367 (a) Firesafety inspections of Florida College System

2011946er

9368 institution ~~community college~~ facilities shall comply with State  
9369 Board of Education rules.

9370 Section 203. Subsection (2) of section 1013.13, Florida  
9371 Statutes, is amended to read:

9372 1013.13 Coordination of school safety information;  
9373 construction design documents.—

9374 (2) Each Florida College System institution ~~community~~  
9375 ~~college~~ president must provide to the law enforcement agency and  
9376 fire department that has jurisdiction over the Florida College  
9377 System institution ~~community college~~ a copy of the floor plans  
9378 and other relevant documents for each educational facility as  
9379 defined in s. 1013.01. After the initial submission of the floor  
9380 plans and other relevant documents, the Florida College System  
9381 institution ~~community college~~ president shall submit, by October  
9382 1 of each year, revised floor plans and other relevant documents  
9383 for each educational facility that was modified during the  
9384 preceding year.

9385 Section 204. Section 1013.19, Florida Statutes, is amended  
9386 to read:

9387 1013.19 Purchase, conveyance, or encumbrance of property  
9388 interests above surface of land; joint-occupancy structures.—For  
9389 the purpose of implementing jointly financed construction  
9390 project agreements, or for the construction of combined  
9391 occupancy structures, any board may purchase, own, convey, sell,  
9392 lease, or encumber airspace or any other interests in property  
9393 above the surface of the land, provided the lease of airspace  
9394 for nonpublic use is for such reasonable rent, length of term,  
9395 and conditions as the board in its discretion may determine. All  
9396 proceeds from such sale or lease shall be used by the board or

2011946er

9397 boards receiving the proceeds solely for fixed capital outlay  
9398 purposes. These purposes may include the renovation or  
9399 remodeling of existing facilities owned by the board or the  
9400 construction of new facilities; however, for a Florida College  
9401 System institution ~~community college~~ board or university board,  
9402 such new facility must be authorized by the Legislature. It is  
9403 declared that the use of such rental by the board for public  
9404 purposes in accordance with its statutory authority is a public  
9405 use. Airspace or any other interest in property held by the  
9406 Board of Trustees of the Internal Improvement Trust Fund or the  
9407 State Board of Education may not be divested or conveyed without  
9408 approval of the respective board. Any building, including any  
9409 building or facility component that is common to both nonpublic  
9410 and educational portions thereof, constructed in airspace that  
9411 is sold or leased for nonpublic use pursuant to this section is  
9412 subject to all applicable state, county, and municipal  
9413 regulations pertaining to land use, zoning, construction of  
9414 buildings, fire protection, health, and safety to the same  
9415 extent and in the same manner as such regulations would be  
9416 applicable to the construction of a building for nonpublic use  
9417 on the appurtenant land beneath the subject airspace. Any  
9418 educational facility constructed or leased as a part of a joint-  
9419 occupancy facility is subject to all rules and requirements of  
9420 the respective boards or departments having jurisdiction over  
9421 educational facilities. Any contract executed by a university  
9422 board of trustees pursuant to this section is subject to the  
9423 provisions of s. 1010.62.

9424 Section 205. Subsection (1), paragraph (c) of subsection  
9425 (2), subsection (3), and paragraphs (b), (c), and (d) of

2011946er

9426 subsection (4) of section 1013.23, Florida Statutes, are amended  
9427 to read:

9428 1013.23 Energy efficiency contracting.—

9429 (1) LEGISLATIVE INTENT.—The Legislature finds that  
9430 investment in energy conservation measures in educational  
9431 facilities can reduce the amount of energy consumed and produce  
9432 immediate and long-term savings. It is the policy of this state  
9433 to encourage school districts, Florida College System  
9434 institutions ~~community colleges~~, and state universities to  
9435 invest in energy conservation measures that reduce energy  
9436 consumption, produce a cost savings, and improve the quality of  
9437 indoor air in facilities, and, when economically feasible, to  
9438 build, operate, maintain, or renovate educational facilities in  
9439 such a manner so as to minimize energy consumption and maximize  
9440 energy savings. It is further the policy of this state to  
9441 encourage school districts, Florida College System institutions  
9442 ~~community colleges~~, and state universities to reinvest any  
9443 energy savings resulting from energy conservation measures into  
9444 additional energy conservation efforts.

9445 (2) DEFINITIONS.—For purposes of this section, the term:

9446 (c) "Energy performance-based contract" means a contract  
9447 for the evaluation, recommendation, and implementation of energy  
9448 conservation measures which includes, at a minimum:

9449 1. The design and installation of equipment to implement  
9450 one or more of such measures, and, if applicable, operation and  
9451 maintenance of such measures.

9452 2. The amount of any actual annual savings. This amount  
9453 must meet or exceed total annual contract payments made by the  
9454 district school board, Florida College System institution

2011946er

9455 ~~community college~~ board of trustees, or state university board  
9456 of trustees for such contract.

9457 3. Financing charges to be incurred by the district school  
9458 board, Florida College System institution ~~community college~~  
9459 board of trustees, or state university board of trustees over  
9460 the life of the contract.

9461 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

9462 (a) A district school board, Florida College System  
9463 institution ~~community college~~ board of trustees, or state  
9464 university board of trustees may enter into an energy  
9465 performance-based contract with an energy performance contractor  
9466 to significantly reduce energy or operating costs of an  
9467 educational facility through one or more energy conservation  
9468 measures.

9469 (b) The energy performance contractor shall be selected in  
9470 compliance with s. 287.055; except that in a case where a  
9471 district school board, Florida College System institution  
9472 ~~community college~~ board of trustees, or state university board  
9473 of trustees determines that fewer than three firms are qualified  
9474 to perform the required services, the requirement for agency  
9475 selection of three firms, as provided in s. 287.055(4)(b), shall  
9476 not apply and the bid requirements of s. 287.057 shall not  
9477 apply.

9478 (c) Before entering into a contract pursuant to this  
9479 section, the district school board, Florida College System  
9480 institution ~~community college~~ board of trustees, or state  
9481 university board of trustees shall provide published notice of  
9482 the meeting in which it proposes to award the contract, the  
9483 names of the parties to the proposed contract, and the

2011946er

9484 contract's purpose.

9485 (d) Prior to the design and installation of the energy  
9486 conservation measure, the district school board, Florida College  
9487 System institution ~~community college~~ board of trustees, or state  
9488 university board of trustees must obtain from the energy  
9489 performance contractor a report that discloses all costs  
9490 associated with the energy conservation measure and provides an  
9491 estimate of the amount of the energy cost savings. The report  
9492 must be reviewed by either the Department of Education or the  
9493 Department of Management Services or signed and sealed by a  
9494 registered professional engineer.

9495 (e) A district school board, Florida College System  
9496 institution ~~community college~~ board of trustees, or state  
9497 university board of trustees may enter into an energy  
9498 performance-based contract with an energy performance contractor  
9499 if, after review of the report required by paragraph (d), it  
9500 finds that the amount it would spend on the energy conservation  
9501 measures recommended in the report will not exceed the amount to  
9502 be saved in energy and operation costs over 20 years from the  
9503 date of installation, based on life-cycle costing calculations,  
9504 if the recommendations in the report were followed and if the  
9505 energy performance contractor provides a written guarantee that  
9506 the energy or operating cost savings will meet or exceed the  
9507 costs of the system. The contract may provide for payments over  
9508 a period of time not to exceed 20 years.

9509 (f) A district school board, Florida College System  
9510 institution ~~community college~~ board of trustees, or state  
9511 university board of trustees may enter into an installment  
9512 payment contract for the purchase and installation of energy

2011946er

9513 conservation measures. The contract shall provide for payments  
9514 of not less than one-twentieth of the price to be paid within 2  
9515 years from the date of the complete installation and acceptance  
9516 by the district school board, Florida College System institution  
9517 ~~community college~~ board of trustees, or state university board  
9518 of trustees, and the remaining costs to be paid at least  
9519 quarterly, not to exceed a 20-year term based on life-cycle  
9520 costing calculations.

9521 (g) Energy performance-based contracts may extend beyond  
9522 the fiscal year in which they become effective; however, the  
9523 term of any contract shall expire at the end of each fiscal year  
9524 and may be automatically renewed annually up to 20 years,  
9525 subject to a district school board, Florida College System  
9526 institution ~~community college~~ board of trustees, or state  
9527 university board of trustees making sufficient annual  
9528 appropriations based upon continued realized energy cost  
9529 savings. Such contracts shall stipulate that the agreement does  
9530 not constitute a debt, liability, or obligation of the state or  
9531 a district school board, Florida College System institution  
9532 ~~community college~~ board of trustees, or state university board  
9533 of trustees, or a pledge of the faith and credit of the state or  
9534 a district school board, Florida College System institution  
9535 ~~community college~~ board of trustees, or state university board  
9536 of trustees.

9537 (4) CONTRACT PROVISIONS.—

9538 (b) The contract shall provide that all payments, except  
9539 obligations on termination of the contract before its  
9540 expiration, are to be made over time, but not to exceed 20 years  
9541 from the date of complete installation and acceptance by the

2011946er

9542 district school board, Florida College System institution  
9543 ~~community college~~ board of trustees, or state university board  
9544 of trustees, and that the annual savings are guaranteed to the  
9545 extent necessary to make annual payments to satisfy the  
9546 contract.

9547 (c) The contract must require that the energy performance  
9548 contractor to whom the contract is awarded provide a 100-percent  
9549 public construction bond to the district school board, Florida  
9550 College System institution ~~community college~~ board of trustees,  
9551 or state university board of trustees for its faithful  
9552 performance, as required by s. 255.05.

9553 (d) The contract shall require the energy performance  
9554 contractor to provide to the district school board, Florida  
9555 College System institution ~~community college~~ board of trustees,  
9556 or state university board of trustees an annual reconciliation  
9557 of the guaranteed energy cost savings. The energy performance  
9558 contractor shall be liable for any annual savings shortfall  
9559 which may occur. In the event that such reconciliation reveals  
9560 an excess in annual energy cost savings, such excess savings  
9561 shall not be used to cover potential energy cost savings  
9562 shortages in subsequent contract years.

9563 Section 206. Section 1013.231, Florida Statutes, is amended  
9564 to read:

9565 1013.231 Florida College System institution ~~Florida college~~  
9566 and university energy consumption; 10-percent reduction goal.—

9567 (1) Each Florida College System institution ~~Florida college~~  
9568 and state university shall strive to reduce its campuswide  
9569 energy consumption by 10 percent. While savings may be accrued  
9570 by any means, the goal shall be to implement energy use policies

2011946er

9571 or procedures or both and any equipment retrofits that are  
9572 necessary to carry out this reduction. The reduction may be  
9573 obtained by either reducing the cost of the energy consumed or  
9574 by reducing total energy usage, or a combination of both.

9575 (2) Energy consumption expenditures incurred during the  
9576 2007-2008 fiscal year shall be used to establish the benchmark  
9577 for the 10-percent goal. If a Florida College System institution  
9578 ~~Florida college~~ or state university can document that it has  
9579 implemented energy use policies or procedures in the 2008-2009  
9580 fiscal year or the 2009-2010 fiscal year that resulted in  
9581 reduction in energy usage or costs, those reductions may be  
9582 counted towards the 10-percent goal.

9583 (3) Each Florida College System institution ~~Florida college~~  
9584 and state university shall submit a report to the Governor, the  
9585 Speaker of the House of Representatives, and the President of  
9586 the Senate by January 1, 2011, describing how they have met or  
9587 plan to meet the 10-percent energy consumption reduction goal.

9588 Section 207. Section 1013.25, Florida Statutes, is amended  
9589 to read:

9590 1013.25 When university or Florida College System  
9591 institution ~~community college~~ board of trustees may exercise  
9592 power of eminent domain.—Whenever it becomes necessary for the  
9593 welfare and convenience of any of its institutions or divisions  
9594 to acquire private property for the use of such institutions,  
9595 and this cannot be acquired by agreement satisfactory to a  
9596 university or Florida College System institution ~~community~~  
9597 ~~college~~ board of trustees and the parties interested in, or the  
9598 owners of, the private property, the board of trustees may  
9599 exercise the power of eminent domain after receiving approval

2011946er

9600 therefor from the Administration Commission and may then proceed  
9601 to condemn the property in the manner provided by chapter 73 or  
9602 chapter 74.

9603 Section 208. Section 1013.27, Florida Statutes, is amended  
9604 to read:

9605 1013.27 Purchase of land by municipality.—Any municipality  
9606 wherein a Florida College System institution ~~community college~~  
9607 as defined by s. 1004.65 is situated may purchase land with  
9608 municipal funds and to donate and convey the land or any other  
9609 land to the Florida College System institution ~~community college~~  
9610 board of trustees.

9611 Section 209. Paragraph (a) of subsection (1) and paragraph  
9612 (a) of subsection (2) of section 1013.28, Florida Statutes, are  
9613 amended to read:

9614 1013.28 Disposal of property.—

9615 (1) REAL PROPERTY.—

9616 (a) Subject to rules of the State Board of Education, a  
9617 district school board, the Board of Trustees for the Florida  
9618 School for the Deaf and the Blind, or a Florida College System  
9619 institution ~~community college~~ board of trustees may dispose of  
9620 any land or real property to which the board holds title which  
9621 is, by resolution of the board, determined to be unnecessary for  
9622 educational purposes as recommended in an educational plant  
9623 survey. A district school board, the Board of Trustees for the  
9624 Florida School for the Deaf and the Blind, or a Florida College  
9625 System institution ~~community college~~ board of trustees shall  
9626 take diligent measures to dispose of educational property only  
9627 in the best interests of the public. However, appraisals may be  
9628 obtained by the district school board, the Board of Trustees for

2011946er

9629 the Florida School for the Deaf and the Blind, or the Florida  
9630 College System institution ~~community college~~ board of trustees  
9631 prior to or simultaneously with the receipt of bids.

9632 (2) TANGIBLE PERSONAL PROPERTY.—

9633 (a) Tangible personal property that has been properly  
9634 classified as surplus by a district school board or Florida  
9635 College System institution ~~community college~~ board of trustees  
9636 shall be disposed of in accordance with the procedure  
9637 established by chapter 274. However, the provisions of chapter  
9638 274 shall not be applicable to a motor vehicle used in driver  
9639 education to which title is obtained for a token amount from an  
9640 automobile dealer or manufacturer. In such cases, the disposal  
9641 of the vehicle shall be as prescribed in the contractual  
9642 agreement between the automotive agency or manufacturer and the  
9643 board.

9644 Section 210. Section 1013.31, Florida Statutes, is amended  
9645 to read:

9646 1013.31 Educational plant survey; localized need  
9647 assessment; PECO project funding.—

9648 (1) At least every 5 years, each board shall arrange for an  
9649 educational plant survey, to aid in formulating plans for  
9650 housing the educational program and student population, faculty,  
9651 administrators, staff, and auxiliary and ancillary services of  
9652 the district or campus, including consideration of the local  
9653 comprehensive plan. The Department of Education shall document  
9654 the need for additional career and adult education programs and  
9655 the continuation of existing programs before facility  
9656 construction or renovation related to career or adult education  
9657 may be included in the educational plant survey of a school

2011946er

9658 district or Florida College System institution ~~community college~~  
9659 that delivers career or adult education programs. Information  
9660 used by the Department of Education to establish facility needs  
9661 must include, but need not be limited to, labor market data,  
9662 needs analysis, and information submitted by the school district  
9663 or Florida College System institution ~~community college~~.

9664 (a) *Survey preparation and required data.*—Each survey shall  
9665 be conducted by the board or an agency employed by the board.  
9666 Surveys shall be reviewed and approved by the board, and a file  
9667 copy shall be submitted to the Department of Education or the  
9668 Chancellor of the State University System, as appropriate. The  
9669 survey report shall include at least an inventory of existing  
9670 educational and ancillary plants, including safe access  
9671 facilities; recommendations for existing educational and  
9672 ancillary plants; recommendations for new educational or  
9673 ancillary plants, including the general location of each in  
9674 coordination with the land use plan and safe access facilities;  
9675 campus master plan update and detail for Florida College System  
9676 institutions ~~community colleges~~; the utilization of school  
9677 plants based on an extended school day or year-round operation;  
9678 and such other information as may be required by the Department  
9679 of Education. This report may be amended, if conditions warrant,  
9680 at the request of the department or commissioner.

9681 (b) *Required need assessment criteria for district, Florida*  
9682 *College System institution ~~community college~~, state university,*  
9683 *and Florida School for the Deaf and the Blind plant surveys.*—  
9684 Educational plant surveys must use uniform data sources and  
9685 criteria specified in this paragraph. Each revised educational  
9686 plant survey and each new educational plant survey supersedes

2011946er

9687 previous surveys.

9688 1. The school district's survey must be submitted as a part  
9689 of the district educational facilities plan defined in s.  
9690 1013.35. To ensure that the data reported to the Department of  
9691 Education as required by this section is correct, the department  
9692 shall annually conduct an onsite review of 5 percent of the  
9693 facilities reported for each school district completing a new  
9694 survey that year. If the department's review finds the data  
9695 reported by a district is less than 95 percent accurate, within  
9696 1 year from the time of notification by the department the  
9697 district must submit revised reports correcting its data. If a  
9698 district fails to correct its reports, the commissioner may  
9699 direct that future fixed capital outlay funds be withheld until  
9700 such time as the district has corrected its reports so that they  
9701 are not less than 95 percent accurate.

9702 2. Each survey of a special facility, joint-use facility,  
9703 or cooperative career education facility must be based on  
9704 capital outlay full-time equivalent student enrollment data  
9705 prepared by the department for school districts and Florida  
9706 College System institutions ~~community colleges~~ and by the  
9707 Chancellor of the State University System for universities. A  
9708 survey of space needs of a joint-use facility shall be based  
9709 upon the respective space needs of the school districts, Florida  
9710 College System institutions ~~community colleges~~, and  
9711 universities, as appropriate. Projections of a school district's  
9712 facility space needs may not exceed the norm space and occupant  
9713 design criteria established by the State Requirements for  
9714 Educational Facilities.

9715 3. Each Florida College System institution's ~~community~~

2011946er

9716 ~~college's~~ survey must reflect the capacity of existing  
9717 facilities as specified in the inventory maintained by the  
9718 Department of Education. Projections of facility space needs  
9719 must comply with standards for determining space needs as  
9720 specified by rule of the State Board of Education. The 5-year  
9721 projection of capital outlay student enrollment must be  
9722 consistent with the annual report of capital outlay full-time  
9723 student enrollment prepared by the Department of Education.

9724 4. Each state university's survey must reflect the capacity  
9725 of existing facilities as specified in the inventory maintained  
9726 and validated by the Chancellor of the State University System.  
9727 Projections of facility space needs must be consistent with  
9728 standards for determining space needs as specified by regulation  
9729 of the Board of Governors. The projected capital outlay full-  
9730 time equivalent student enrollment must be consistent with the  
9731 5-year planned enrollment cycle for the State University System  
9732 approved by the Board of Governors.

9733 5. The district educational facilities plan of a school  
9734 district and the educational plant survey of a Florida College  
9735 System institution ~~community college~~, state university, or the  
9736 Florida School for the Deaf and the Blind may include space  
9737 needs that deviate from approved standards for determining space  
9738 needs if the deviation is justified by the district or  
9739 institution and approved by the department or the Board of  
9740 Governors, as appropriate, as necessary for the delivery of an  
9741 approved educational program.

9742 (c) *Review and validation.*—The Department of Education  
9743 shall review and validate the surveys of school districts and  
9744 Florida College System institutions ~~community colleges~~, and the

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9745 Chancellor of the State University System shall review and  
9746 validate the surveys of universities, and any amendments thereto  
9747 for compliance with the requirements of this chapter and shall  
9748 recommend those in compliance for approval by the State Board of  
9749 Education or the Board of Governors, as appropriate. Annually,  
9750 the department shall perform an in-depth analysis of a  
9751 representative sample of each survey of recommended needs for  
9752 five districts selected by the commissioner from among districts  
9753 with the largest need-to-revenue ratio. For the purpose of this  
9754 subsection, the need-to-revenue ratio is determined by dividing  
9755 the total 5-year cost of projects listed on the district survey  
9756 by the total 5-year fixed capital outlay revenue projections  
9757 from state and local sources as determined by the department.  
9758 The commissioner may direct fixed capital outlay funds to be  
9759 withheld from districts until such time as the survey accurately  
9760 projects facilities needs.

9761 (d) *Periodic update of Florida Inventory of School Houses.*—  
9762 School districts shall periodically update their inventory of  
9763 educational facilities as new capacity becomes available and as  
9764 unsatisfactory space is eliminated. The State Board of Education  
9765 shall adopt rules to determine the time frame in which districts  
9766 must provide a periodic update.

9767 (2) Only the district school superintendent, Florida  
9768 College System institution ~~community college~~ president, or the  
9769 university president shall certify to the Department of  
9770 Education a project's compliance with the requirements for  
9771 expenditure of PECO funds prior to release of funds.

9772 (a) Upon request for release of PECO funds for planning  
9773 purposes, certification must be made to the Department of

2011946er

9774 Education that the need for and location of the facility are in  
9775 compliance with the board-approved survey recommendations, that  
9776 the project meets the definition of a PECO project and the  
9777 limiting criteria for expenditures of PECO funding, and that the  
9778 plan is consistent with the local government comprehensive plan.

9779 (b) Upon request for release of construction funds,  
9780 certification must be made to the Department of Education that  
9781 the need and location of the facility are in compliance with the  
9782 board-approved survey recommendations, that the project meets  
9783 the definition of a PECO project and the limiting criteria for  
9784 expenditures of PECO funding, and that the construction  
9785 documents meet the requirements of the Florida Building Code for  
9786 educational facilities construction or other applicable codes as  
9787 authorized in this chapter.

9788 Section 211. Subsection (1) of section 1013.36, Florida  
9789 Statutes, is amended to read:

9790 1013.36 Site planning and selection.—

9791 (1) Before acquiring property for sites, each district  
9792 school board and Florida College System institution ~~community~~  
9793 ~~college~~ board of trustees shall determine the location of  
9794 proposed educational centers or campuses. In making this  
9795 determination, the board shall consider existing and anticipated  
9796 site needs and the most economical and practicable locations of  
9797 sites. The board shall coordinate with the long-range or  
9798 comprehensive plans of local, regional, and state governmental  
9799 agencies to assure the consistency of such plans. Boards are  
9800 encouraged to locate district educational facilities proximate  
9801 to urban residential areas to the extent possible, and shall  
9802 seek to collocate district educational facilities with other

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9803 public facilities, such as parks, libraries, and community  
9804 centers, to the extent possible and to encourage using  
9805 elementary schools as focal points for neighborhoods.

9806 Section 212. Subsections (1) and (2) of section 1013.37,  
9807 Florida Statutes, are amended to read:

9808 1013.37 State uniform building code for public educational  
9809 facilities construction.—

9810 (1) UNIFORM BUILDING CODE.—A uniform statewide building  
9811 code for the planning and construction of public educational and  
9812 ancillary plants by district school boards and Florida College  
9813 System institution ~~community college~~ district boards of trustees  
9814 shall be adopted by the Florida Building Commission within the  
9815 Florida Building Code, pursuant to s. 553.73. Included in this  
9816 code must be flood plain management criteria in compliance with  
9817 the rules and regulations in 44 C.F.R. parts 59 and 60, and  
9818 subsequent revisions thereto which are adopted by the Federal  
9819 Emergency Management Agency. It is also the responsibility of  
9820 the department to develop, as a part of the uniform building  
9821 code, standards relating to:

9822 (a) Prefabricated facilities or factory-built facilities  
9823 that are designed to be portable, relocatable, demountable, or  
9824 reconstructible; are used primarily as classrooms; and do not  
9825 fall under the provisions of ss. 320.822-320.862. Such standards  
9826 must permit boards to contract with the Department of Community  
9827 Affairs for factory inspections by certified building code  
9828 inspectors to certify conformance with applicable law and rules.  
9829 The standards must comply with the requirements of s. 1013.20  
9830 for relocatable facilities intended for long-term use as  
9831 classroom space, and the relocatable facilities shall be

2011946er

9832 designed subject to missile impact criteria of s. 423(24)(d)(1)  
9833 of the Florida Building Code when located in the windborne  
9834 debris region.

9835 (b) The sanitation of educational and ancillary plants and  
9836 the health of occupants of educational and ancillary plants.

9837 (c) The safety of occupants of educational and ancillary  
9838 plants as provided in s. 1013.12, except that the firesafety  
9839 criteria shall be established by the State Fire Marshal in  
9840 cooperation with the Florida Building Commission and the  
9841 department and such firesafety requirements must be incorporated  
9842 into the Florida Fire Prevention Code.

9843 (d) Accessibility for children, notwithstanding the  
9844 provisions of s. 553.512.

9845 (e) The performance of life-cycle cost analyses on  
9846 alternative architectural and engineering designs to evaluate  
9847 their energy efficiencies.

9848 1. The life-cycle cost analysis must consist of the sum of:

9849 a. The reasonably expected fuel costs over the life of the  
9850 building which are required to maintain illumination, water  
9851 heating, temperature, humidity, ventilation, and all other  
9852 energy-consuming equipment in a facility; and

9853 b. The reasonable costs of probable maintenance, including  
9854 labor and materials, and operation of the building.

9855 2. For computation of the life-cycle costs, the department  
9856 shall develop standards that must include, but need not be  
9857 limited to:

9858 a. The orientation and integration of the facility with  
9859 respect to its physical site.

9860 b. The amount and type of glass employed in the facility

2011946er

9861 and the directions of exposure.

9862 c. The effect of insulation incorporated into the facility  
9863 design and the effect on solar utilization of the properties of  
9864 external surfaces.

9865 d. The variable occupancy and operating conditions of the  
9866 facility and subportions of the facility.

9867 e. An energy-consumption analysis of the major equipment of  
9868 the facility's heating, ventilating, and cooling system;  
9869 lighting system; and hot water system and all other major  
9870 energy-consuming equipment and systems as appropriate.

9871 3. Life-cycle cost criteria published by the Department of  
9872 Education for use in evaluating projects.

9873 4. Standards for construction materials and systems based  
9874 on life-cycle costs that consider initial costs, maintenance  
9875 costs, custodial costs, operating costs, and life expectancy.  
9876 The standards may include multiple acceptable materials. It is  
9877 the intent of the Legislature to require district school boards  
9878 to comply with these standards when expending funds from the  
9879 Public Education Capital Outlay and Debt Service Trust Fund or  
9880 the School District and Community College District Capital  
9881 Outlay and Debt Service Trust Fund and to prohibit district  
9882 school boards from expending local capital outlay revenues for  
9883 any project that includes materials or systems that do not  
9884 comply with these standards, unless the district school board  
9885 submits evidence that alternative materials or systems meet or  
9886 exceed standards developed by the department.

9887

9888 It is not a purpose of the Florida Building Code to inhibit the  
9889 use of new materials or innovative techniques; nor may it

2011946er

9890 specify or prohibit materials by brand names. The code must be  
9891 flexible enough to cover all phases of construction so as to  
9892 afford reasonable protection for the public safety, health, and  
9893 general welfare. The department may secure the service of other  
9894 state agencies or such other assistance as it finds desirable in  
9895 recommending to the Florida Building Commission revisions to the  
9896 code.

9897 (2) APPROVAL.—

9898 (a) Before a contract has been let for the construction,  
9899 the department, the district school board, the Florida College  
9900 System institution ~~community college~~ board, or its authorized  
9901 review agent must approve the phase III construction documents.  
9902 A district school board or a Florida College System institution  
9903 ~~community college~~ board may reuse prototype plans on another  
9904 site, provided the facilities list and phase III construction  
9905 documents have been updated for the new site and for compliance  
9906 with the Florida Building Code and the Florida Fire Prevention  
9907 Code and any laws relating to firesafety, health and sanitation,  
9908 casualty safety, and requirements for the physically handicapped  
9909 which are in effect at the time a construction contract is to be  
9910 awarded.

9911 (b) In reviewing plans for approval, the department, the  
9912 district school board, the Florida College System institution  
9913 ~~community college~~ board, or its review agent as authorized in s.  
9914 1013.38, shall take into consideration:

- 9915 1. The need for the new facility.
- 9916 2. The educational and ancillary plant planning.
- 9917 3. The architectural and engineering planning.
- 9918 4. The location on the site.

2011946er

- 9919 5. Plans for future expansion.
- 9920 6. The type of construction.
- 9921 7. Sanitary provisions.
- 9922 8. Conformity to Florida Building Code standards.
- 9923 9. The structural design and strength of materials proposed
- 9924 to be used.
- 9925 10. The mechanical design of any heating, air-conditioning,
- 9926 plumbing, or ventilating system. Typical heating, ventilating,
- 9927 and air-conditioning systems preapproved by the department for
- 9928 specific applications may be used in the design of educational
- 9929 facilities.
- 9930 11. The electrical design of educational plants.
- 9931 12. The energy efficiency and conservation of the design.
- 9932 13. Life-cycle cost considerations.
- 9933 14. The design to accommodate physically handicapped
- 9934 persons.
- 9935 15. The ratio of net to gross square footage.
- 9936 16. The proposed construction cost per gross square foot.
- 9937 17. Conformity with the Florida Fire Prevention Code.
- 9938 (c) The district school board or the Florida College System
- 9939 institution ~~community college~~ board may not occupy a facility
- 9940 until the project has been inspected to verify compliance with
- 9941 statutes, rules, and codes affecting the health and safety of
- 9942 the occupants. Verification of compliance with rules, statutes,
- 9943 and codes for nonoccupancy projects such as roofing, paving,
- 9944 site improvements, or replacement of equipment may be certified
- 9945 by the architect or engineer of record, and verification of
- 9946 compliance for other projects may be made by an inspector
- 9947 certified by the department or certified pursuant to chapter 468

2011946er

9948 who is not the architect or engineer of record. The board shall  
9949 maintain a record of the project's completion and permanent  
9950 archive of phase III construction documents, including any  
9951 addenda and change orders to the project. The boards shall  
9952 provide project data to the department, as requested, for  
9953 purposes and reports needed by the Legislature.

9954 Section 213. Paragraph (c) of subsection (1) of section  
9955 1013.371, Florida Statutes, is amended to read:

9956 1013.371 Conformity to codes.—

9957 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE  
9958 PREVENTION CODE REQUIRED FOR APPROVAL.—

9959 (c) A board may not approve any plans for the construction,  
9960 renovation, remodeling, or demolition of any educational or  
9961 ancillary plants unless these plans conform to the requirements  
9962 of the Florida Building Code and the Florida Fire Prevention  
9963 Code. Each board may adopt policies for delegating to the  
9964 district school superintendent, Florida College System  
9965 institution ~~community college~~ president, or university president  
9966 authority for submitting documents to the department and for  
9967 awarding contracts subsequent to and consistent with board  
9968 approval of the scope, timeframes, funding source, and budget of  
9969 a survey-recommended project.

9970 Section 214. Section 1013.40, Florida Statutes, is amended  
9971 to read:

9972 1013.40 Planning and construction of Florida College System  
9973 institution ~~community college~~ facilities; property acquisition.—

9974 (1) The need for Florida College System institution  
9975 ~~community college~~ facilities shall be established by a survey  
9976 conducted pursuant to this chapter. The facilities recommended

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9977 by such survey must be approved by the State Board of Education,  
9978 and the projects must be constructed according to the provisions  
9979 of this chapter and State Board of Education rules.

9980 (2) No Florida College System institution ~~community college~~  
9981 may expend public funds for the acquisition of additional  
9982 property without the specific approval of the Legislature.

9983 (3) No facility may be acquired or constructed by a Florida  
9984 College System institution ~~community college~~ or its direct-  
9985 support organization if such facility requires general revenue  
9986 funds for operation or maintenance upon project completion or in  
9987 subsequent years of operation, unless prior approval is received  
9988 from the Legislature.

9989 (4) The campus of a Florida College System institution  
9990 ~~community college~~ within a municipality designated as an area of  
9991 critical state concern, as defined in s. 380.05, and having a  
9992 comprehensive plan and land development regulations containing a  
9993 building permit allocation system that limits annual growth, may  
9994 construct dormitories for up to 100 beds for Florida College  
9995 System institution ~~community college~~ students. Such dormitories  
9996 shall be exempt from the building permit allocation system and  
9997 may be constructed up to 45 feet in height provided that they  
9998 are otherwise consistent with the comprehensive plan, the  
9999 Florida College System institution ~~community college~~ has a  
10000 hurricane evacuation plan that requires all dormitory occupants  
10001 to be evacuated 48 hours in advance of tropical force winds, and  
10002 that transportation is provided for dormitory occupants during  
10003 an evacuation.

10004 Section 215. Paragraph (a) of subsection (1) of section  
10005 1013.44, Florida Statutes, is amended to read:

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10006 1013.44 Low-energy use design; solar energy systems;  
10007 swimming pool heaters.—

10008 (1) (a) Passive design elements and low-energy usage  
10009 features shall be included in the design and construction of new  
10010 educational facilities. Operable glazing consisting of at least  
10011 5 percent of the floor area shall be placed in each classroom  
10012 located on the perimeter of the building. For a relocatable  
10013 classroom, the area of operable glazing and the area of exterior  
10014 doors, together, shall consist of at least 5 percent of the  
10015 floor area. Operable glazing is not required in Florida College  
10016 System institutions ~~community colleges~~, auxiliary facilities,  
10017 music rooms, gyms, locker and shower rooms, special laboratories  
10018 requiring special climate control, and large group instruction  
10019 areas having a capacity of more than 100 persons.

10020 Section 216. Paragraph (b) of subsection (1) and subsection  
10021 (2) of section 1013.51, Florida Statutes, are amended to read:

10022 1013.51 Expenditures authorized for certain  
10023 infrastructure.—

10024 (1)

10025 (b) A board may pay its proportionate share of the cost of  
10026 onsite and offsite system improvements necessitated by the  
10027 educational facility development, but a board is not required to  
10028 pay for or install any improvements that exceed those required  
10029 to meet the onsite and offsite needs of a new public educational  
10030 facility or an expanded site. Development exactions assessed  
10031 against school boards or Florida College System institution  
10032 ~~community college~~ districts may not exceed the proportionate  
10033 share of the cost of system improvements necessitated by the  
10034 educational facility development and may not address existing

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10035 facility or service backlogs or deficits.

10036 (2) The provisions of any law, municipal ordinance, or  
10037 county ordinance to the contrary notwithstanding, the provisions  
10038 of this section regulate the levying of assessments for special  
10039 benefits on school or Florida College System institution  
10040 ~~community college~~ districts and the directing of the payment  
10041 thereof. Any municipal ordinance or county ordinance making  
10042 provision to the contrary is void.

10043 Section 217. Subsections (1) and (4) of section 1013.52,  
10044 Florida Statutes, are amended to read:

10045 1013.52 Cooperative development and joint use of facilities  
10046 by two or more boards.—

10047 (1) Two or more boards, including district school boards,  
10048 Florida College System institution ~~community college~~ boards of  
10049 trustees, the Board of Trustees for the Florida School for the  
10050 Deaf and the Blind, and university boards of trustees, desiring  
10051 to cooperatively establish a common educational facility to  
10052 accommodate students shall:

10053 (a) Jointly request a formal assessment by the Commissioner  
10054 of Education or the Chancellor of the State University System,  
10055 as appropriate, of the academic program need and the need to  
10056 build new joint-use facilities to house approved programs.  
10057 Completion of the assessment and approval of the project by the  
10058 State Board of Education, the Board of Governors, the Chancellor  
10059 of the State University System, or the Commissioner of  
10060 Education, as appropriate, should be done prior to conducting an  
10061 educational facilities survey.

10062 (b) Demonstrate the need for construction of new joint-use  
10063 facilities involving postsecondary institutions by those

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10064 institutions presenting evidence of the presence of sufficient  
10065 actual full-time equivalent enrollments in the locale in leased,  
10066 rented, or borrowed spaces to justify the requested facility for  
10067 the programs identified in the formal assessment rather than  
10068 using projected or anticipated future full-time equivalent  
10069 enrollments as justification. If the decision is made to  
10070 construct new facilities to meet this demonstrated need, then  
10071 building plans should consider full-time equivalent enrollment  
10072 growth facilitated by this new construction and subsequent new  
10073 program offerings made possible by the existence of the new  
10074 facilities.

10075 (c) Adopt and submit to the Commissioner of Education, and  
10076 the Chancellor of the State University System if the joint  
10077 request involves a state university, a joint resolution of the  
10078 participating boards indicating their commitment to the  
10079 utilization of the requested facility and designating the locale  
10080 of the proposed facility. The joint resolution shall contain a  
10081 statement of determination by the participating boards that  
10082 alternate options, including the use of leased, rented, or  
10083 borrowed space, were considered and found less appropriate than  
10084 construction of the proposed facility. The joint resolution  
10085 shall contain assurance that the development of the proposed  
10086 facility has been examined in conjunction with the programs  
10087 offered by neighboring public educational facilities offering  
10088 instruction at the same level. The joint resolution also shall  
10089 contain assurance that each participating board shall provide  
10090 for continuity of educational progression. All joint resolutions  
10091 shall be submitted by August 1 for consideration of funding by  
10092 the subsequent Legislature.

2011946er

10093 (d) Submit requests for funding of joint-use facilities  
10094 projects involving state universities and Florida College System  
10095 institutions ~~community colleges~~ for approval by the Commissioner  
10096 of Education and the Chancellor of the State University System.  
10097 The Commissioner of Education and the Chancellor of the State  
10098 University System shall jointly determine the priority for  
10099 funding these projects in relation to the priority of all other  
10100 capital outlay projects under their consideration. To be  
10101 eligible for funding from the Public Education Capital Outlay  
10102 and Debt Service Trust Fund under the provisions of this  
10103 section, projects involving both state universities and Florida  
10104 College System institutions ~~community colleges~~ shall appear on  
10105 the 3-year capital outlay priority lists of Florida College  
10106 System institutions ~~community colleges~~ and of universities  
10107 required by s. 1013.64. Projects involving a state university,  
10108 Florida College System institution ~~community college~~, and a  
10109 public school, and in which the larger share of the proposed  
10110 facility is for the use of the state university or the Florida  
10111 College System institution ~~community college~~, shall appear on  
10112 the 3-year capital outlay priority lists of the Florida College  
10113 System institutions ~~community colleges~~ or of the universities,  
10114 as applicable.

10115 (e) Include in their joint resolution for the joint-use  
10116 facilities, comprehensive plans for the operation and management  
10117 of the facility upon completion. Institutional responsibilities  
10118 for specific functions shall be identified, including  
10119 designation of one participating board as sole owner of the  
10120 facility. Operational funding arrangements shall be clearly  
10121 defined.

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10122 (4) No district school board, Florida College System  
10123 institution ~~community college~~, or state university shall receive  
10124 funding for more than one approved joint-use facility per campus  
10125 in any 3-year period.

10126 Section 218. Subsections (1) and (2) of section 1013.60,  
10127 Florida Statutes, are amended to read:

10128 1013.60 Legislative capital outlay budget request.—

10129 (1) The Commissioner of Education shall develop a procedure  
10130 deemed appropriate in arriving at the amounts required to fund  
10131 projects as reflected in the integrated, comprehensive budget  
10132 request required by this section. The official estimates for  
10133 funds accruing to the Public Education Capital Outlay and Debt  
10134 Service Trust Fund made by the Revenue Estimating Conference  
10135 shall be used in determining the budget request pursuant to this  
10136 section. The commissioner, in consultation with the  
10137 appropriations committees of the Legislature, shall provide  
10138 annually an estimate of funds that shall be utilized by Florida  
10139 College System institutions ~~community colleges~~ and universities  
10140 in developing their required 3-year priority lists pursuant to  
10141 s. 1013.64.

10142 (2) The commissioner shall submit to the Governor and to  
10143 the Legislature an integrated, comprehensive budget request for  
10144 educational facilities construction and fixed capital outlay  
10145 needs for school districts, Florida College System institutions  
10146 ~~community colleges~~, and universities, pursuant to the provisions  
10147 of s. 1013.64 and applicable provisions of chapter 216. Each  
10148 Florida College System institution ~~community college~~ board of  
10149 trustees and each university board of trustees shall submit to  
10150 the commissioner a 3-year plan and data required in the

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10151 development of the annual capital outlay budget. The information  
10152 that is approved by the Board of Governors must be submitted to  
10153 the Commissioner of Education for inclusion in the comprehensive  
10154 budget request for educational facilities. No further  
10155 disbursements shall be made from the Public Education Capital  
10156 Outlay and Debt Service Trust Fund to a board of trustees that  
10157 fails to timely submit the required data until such board of  
10158 trustees submits the data.

10159 Section 219. Subsection (4) of section 1013.64, Florida  
10160 Statutes, is amended to read:

10161 1013.64 Funds for comprehensive educational plant needs;  
10162 construction cost maximums for school district capital  
10163 projects.—Allocations from the Public Education Capital Outlay  
10164 and Debt Service Trust Fund to the various boards for capital  
10165 outlay projects shall be determined as follows:

10166 (4) (a) Florida College System institution ~~Community college~~  
10167 boards of trustees and university boards of trustees shall  
10168 receive funds for projects based on a 3-year priority list, to  
10169 be updated annually, which is submitted to the Legislature in  
10170 the legislative budget request at least 90 days prior to the  
10171 legislative session. The State Board of Education shall submit a  
10172 3-year priority list for Florida College System institutions  
10173 ~~community colleges~~, and the Board of Governors shall submit a 3-  
10174 year priority list for universities. The lists shall reflect  
10175 decisions by the State Board of Education for Florida College  
10176 System institutions ~~community colleges~~ and the Board of  
10177 Governors for state universities concerning program priorities  
10178 that implement the statewide plan for program growth and quality  
10179 improvement in education. No remodeling or renovation project

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10180 shall be included on the 3-year priority list unless the project  
10181 has been recommended pursuant to s. 1013.31 or is for the  
10182 purpose of correcting health and safety deficiencies. No new  
10183 construction project shall be included on the first year of the  
10184 3-year priority list unless the educational specifications have  
10185 been approved by the commissioner for a Florida College System  
10186 institution ~~community college~~ project or by the Board of  
10187 Governors for a university project, as applicable. The funds  
10188 requested for a new construction project in the first year of  
10189 the 3-year priority list shall be in conformance with the scope  
10190 of the project as defined in the educational specifications. Any  
10191 new construction project requested in the first year of the 3-  
10192 year priority list which is not funded by the Legislature shall  
10193 be carried forward to be listed first in developing the updated  
10194 3-year priority list for the subsequent year's capital outlay  
10195 budget. Should the order of the priority of the projects change  
10196 from year to year, a justification for such change shall be  
10197 included with the updated priority list.

10198 (b) Florida College System institution ~~Community college~~  
10199 boards of trustees and university boards of trustees may lease  
10200 relocatable educational facilities for up to 3 years using  
10201 nonbonded PECO funds.

10202 (c) Florida College System institution ~~Community college~~  
10203 boards of trustees and university boards of trustees shall  
10204 receive funds for remodeling, renovation, maintenance and  
10205 repairs, and site improvement for existing satisfactory  
10206 facilities pursuant to subsection (1).

10207 Section 220. Subsection (7) of section 1013.65, Florida  
10208 Statutes, is amended to read:

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10209 1013.65 Educational and ancillary plant construction funds;  
10210 Public Education Capital Outlay and Debt Service Trust Fund;  
10211 allocation of funds.—

10212 (7) Boards and entities authorized to participate in the  
10213 trust fund are district school boards, the Florida College  
10214 System institution ~~community college~~ boards of trustees, the  
10215 Trustees of the Florida School for the Deaf and the Blind, and  
10216 university boards of trustees and other units of the state  
10217 system of public education, and other educational entities for  
10218 which funds are authorized by the Legislature.

10219 Section 221. Subsections (1) and (2) of section 1013.81,  
10220 Florida Statutes, are amended to read:

10221 1013.81 Florida College System institution ~~Community~~  
10222 ~~college~~ indebtedness; bonds and tax anticipation certificates;  
10223 payment.—

10224 (1) The indebtedness incurred for the benefit of Florida  
10225 College System institutions ~~community colleges~~ and represented  
10226 by bonds or motor vehicle tax anticipation certificates issued  
10227 from time to time by the State Board of Education, hereinafter  
10228 called "state board," pursuant to s. 18, Art. XII of the State  
10229 Constitution of 1885 on behalf of the several former county  
10230 boards of public instruction shall not be considered by the  
10231 state board in determining the amount of bonds or motor vehicle  
10232 tax anticipation certificates which the state board may issue  
10233 from time to time on behalf of the several school districts  
10234 under the provisions of s. 9(d), Art. XII of the State  
10235 Constitution, as amended at the general election held on  
10236 November 7, 1972, hereinafter called "school capital outlay  
10237 amendment." Such indebtedness incurred on behalf of Florida

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10238 College System institutions ~~community colleges~~, as described  
10239 above, shall be considered by the state board in determining the  
10240 amount of bonds or motor vehicle tax anticipation certificates  
10241 which the state board may issue from time to time on behalf of  
10242 the several Florida College System institution ~~community college~~  
10243 districts under the provisions of the school capital outlay  
10244 amendment.

10245 (2) The debt service requirements on the indebtedness  
10246 incurred for the benefit of Florida College System institutions  
10247 ~~community colleges~~ and represented by bonds or motor vehicle tax  
10248 anticipation certificates issued from time to time by the state  
10249 board on behalf of the several former county boards of public  
10250 instruction, as described in subsection (1), shall be paid from  
10251 funds distributable pursuant to the school capital outlay  
10252 amendment to the credit of the several Florida College System  
10253 institution ~~community college~~ districts, and not from funds  
10254 distributable pursuant to the school capital outlay amendment to  
10255 the credit of the several school districts.

10256 Reviser's note.—Amended pursuant to the directive in  
10257 s. 21, ch. 2010-70, Laws of Florida, to substitute the  
10258 term "Florida College System institution" for the  
10259 terms "Florida college," "community college," and  
10260 "junior college" where those terms appear in the  
10261 Florida K-20 Education Code.

10262 Section 222. This act shall take effect on the 60th day  
10263 after adjournment sine die of the session of the Legislature in  
10264 which enacted.