An act relating to postsecondary education; providing a short title; creating s. 1001.6001, F.S.; renaming the Florida College System as the Florida Community College System; creating the State Board of Community Colleges; requiring the Governor to appoint the membership of the board; providing that the appointments are subject to confirmation by the Senate; requiring the Division of Florida Colleges to provide administrative support to the board until a specified date; transferring the Florida College System and the Division of Florida Colleges to the State Board of Community Colleges by a specified date; requiring the State Board of Community Colleges to appoint a Chancellor of the Florida Community College System by a specified date; amending s. 20.15, F.S.; removing the Division of Florida Colleges from within the Department of Education; requiring the department to provide support to the State Board of Community Colleges; creating s. 20.156, F.S.; creating the State Board of Community Colleges and assigning and housing it for administrative purposes, only, within the department; providing the personnel for the state board; providing the powers and duties of the state board; requiring the state board to conduct an organizational meeting by a specified date; amending s. 112.313, F.S.; prohibiting citizen members of the
State Board of Community Colleges or Florida Community College System institution boards of trustees from having an employment or contractual relationship as specified lobbyists; amending s. 112.3145, F.S.; revising the term “state officer” to include certain Florida Community College System personnel; amending s. 1000.03, F.S.; revising the function and mission of the Florida K-20 education system; requiring the State Board of Community Colleges to oversee enforcement of Florida Community College System laws and rules; amending s. 1000.05, F.S.; requiring the State Board of Community Colleges, instead of the Commissioner of Education, to make certain determinations regarding equal opportunities at Florida Community College System institutions; requiring the State Board of Community Colleges to adopt rules; amending s. 1001.02, F.S.; revising the general powers of the State Board of Education to exempt provisions relating to the Florida Community College System; amending s. 1001.03, F.S.; revising certain articulation accountability and enforcement measures; requiring the State Board of Education to collect information in conjunction with the Board of Governors and the State Board of Community Colleges; deleting duties of the State Board of Education regarding the Florida Community College System; amending ss. 1001.10 and 1001.11, F.S.; revising the general powers and duties of the Commissioner of Education to exempt certain powers and duties related to the Florida Community College System.
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57 College System; amending s. 1001.20, F.S.; revising
duties of the Office of Inspector General within the
department regarding the Florida Community College
System; amending s. 1001.28, F.S.; providing that the
powers and duties of the State Board of Community
Colleges are not abrogated, superseded, altered, or
amended by certain provisions relating to the
department’s duties for distance learning; amending s.
1001.42, F.S.; prohibiting a technical center
governing board from approving certain types of
courses and programs; amending s. 1001.44, F.S.;
providing the primary mission of a career center
operated by a district school board; prohibiting
specified career centers from offering certain courses
and programs; amending s. 1001.60, F.S.; conforming
provisions to changes made by the act; creating s.
1001.601, F.S.; establishing the State Board of
Community Colleges; providing the membership of the
board; creating s. 1001.602, F.S.; providing the
responsibilities and duties of the State Board of
Community Colleges; requiring the board to coordinate
with the State Board of Education; amending ss.
1001.61, 1001.64, 1001.65, 1001.66, and 1001.67, F.S.;
conforming provisions to changes made by the act;
amending s. 1001.706, F.S.; revising cooperation
duties of the Board of Governors to include
requirements for working with the State Board of
Community Colleges; amending s. 1002.34, F.S.;
providing the primary mission of a charter technical
career center; prohibiting specified career centers or charter technical career centers from offering certain courses and programs; requiring the State Board of Education to adopt rules; amending s. 1003.491, F.S.; revising the Florida Career and Professional Education Act to require the State Board of Community Colleges to recommend, jointly with the Board of Governors and the Commissioner of Education, certain deadlines for new core courses; amending s. 1003.493, F.S.; revising department duties regarding articulation and the transfer of credits to postsecondary institutions to include consultation with the State Board of Community Colleges; amending s. 1004.015, F.S.; providing that the Higher Education Coordinating Council serves as an advisory board to, in addition to other bodies, the State Board of Community Colleges; revising council reporting requirements to include a report to the State Board of Community Colleges; requiring the State Board of Community Colleges, in addition to other entities, to provide administrative support for the council; amending ss. 1004.02 and 1004.03, F.S.; conforming provisions to changes made by the act; amending s. 1004.04, F.S.; revising department reporting requirements regarding teacher preparation programs to require a report to the State Board of Community Colleges; amending s. 1004.07, F.S.; providing that the State Board of Community Colleges, instead of the State Board of Education, provide guidelines for Florida Community College System
institution boards of trustees’ policies; amending ss. 1004.084, 1004.085, 1004.096, 1004.0961, 1004.35, and 1004.6495, F.S.; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; revising Florida Community College System institution governance, mission, and responsibilities to provide authority and duties to the State Board of Community Colleges, instead of the State Board of Education; providing that offering upper-level instruction and awarding baccalaureate degrees are a secondary and not a primary role of a Florida Community College System institution; amending ss. 1004.67, 1004.70, and 1004.71, F.S.; conforming provisions to changes made by the act; amending s. 1004.74, F.S.; requiring the Chancellor of the Florida Community College System, jointly with the Commissioner of Education, to appoint members of the Council for the Florida School for the Arts; amending ss. 1004.78 and 1004.80, F.S.; conforming provisions to changes made by the act; amending s. 1004.91, F.S.; requiring the State Board of Community Colleges to collaborate with the State Board of Education to provide certain rules for Florida Community College System institutions regarding requirements for career education program basic skills; amending s. 1004.92, F.S.; providing accountability for career education for the State Board of Community Colleges; revising the department’s accountability for career education; requiring the department and the State Board of Community Colleges
to collaborate to develop certain standards and benchmarks; requiring the State Board of Education and the State Board of Community Colleges to collaborate to adopt rules; amending s. 1004.925, F.S.; revising industry certification requirements for automotive service technology education programs to include the State Board of Community Colleges; amending s. 1004.93, F.S.; conforming provisions to changes made by the act; amending s. 1006.60, F.S.; authorizing sanctions for violations of certain rules of the State Board of Community Colleges, instead of the State Board of Education; amending ss. 1006.61, 1006.62, and 1006.71, F.S.; conforming provisions to changes made by the act; amending s. 1007.01, F.S.; revising the role of the State Board of Education and the Board of Governors in the statewide articulation system to include the State Board of Community Colleges and the Chancellor of the Florida Community College System; amending s. 1007.23, F.S.; requiring each Florida Community College System institution to execute at least one “2+2” targeted pathway articulation agreement by a specified time; providing requirements and student eligibility for the agreements; requiring the State Board of Community Colleges and the Board of Governors to collaborate to eliminate barriers for the agreements; amending s. 1007.24, F.S.; revising the statewide course numbering system to include participation by and input from the State Board of Community Colleges and the Chancellor of the Florida
Community College System; amending ss. 1007.25, 1007.262, 1007.263, 1007.264, 1007.265, and 1007.27, F.S.; conforming provisions to changes made by the act; amending s. 1007.271, F.S.; requiring the State Board of Education to collaborate with the State Board of Community Colleges regarding certain articulation agreements; amending s. 1007.273, F.S.; requiring the State Board of Community Colleges to enforce compliance with certain provisions relating to the collegiate high school program by a specified date each year; amending s. 1007.33, F.S.; prohibiting Florida Community College System institutions from offering bachelor of arts degree programs; deleting provisions relating to an authorization for the Board of Trustees of St. Petersburg College to establish certain baccalaureate degree programs; revising the approval process for baccalaureate degree programs proposed by Florida Community College System institutions; requiring a Florida Community College System institution to annually report certain information to the State Board of Community Colleges, the Chancellor of the State University System, and the Legislature; revising the circumstances under which a baccalaureate degree program may be required to be modified or terminated; requiring the termination of a baccalaureate degree program under certain circumstances; restricting total upper-level, undergraduate full-time equivalent enrollment at Florida Community College System institutions under
certain circumstances; amending s. 1008.30, F.S.;
requiring the State Board of Community Colleges,
rather than the State Board of Education, to develop
and implement a specified common placement test and
approve a specified series of meta-majors and academic
pathways with the Board of Governors; amending s.
1008.31, F.S.; revising the legislative intent of
Florida’s K-20 education performance and
accountability system to include recommendations from
and reports to the State Board of Community Colleges;
amending s. 1008.32, F.S.; removing the oversight
enforcement authority of the State Board of Education
relating to the Florida Community College System;
amending s. 1008.345, F.S.; removing provisions
requiring the department to maintain a listing of
certain skills associated with the system of
educational accountability; amending s. 1008.37, F.S.;
revising certain student reporting requirements of the
Commissioner of Education to also require a report to
the State Board of Community Colleges; amending s.
1008.38, F.S.; revising the articulation
accountability process to include participation by the
State Board of Community Colleges; amending s.
1008.405, F.S.; requiring the State Board of Community
Colleges to adopt rules for the maintaining of
specific information by Florida Community College
System institutions; amending ss. 1008.44, 1008.45,
1009.21, 1009.22, 1009.23, and 1009.25, F.S.;
conforming provisions to changes made by the act;
amending s. 1009.26, F.S.; requiring that certain
information regarding fee waivers be reported to the
State Board of Community Colleges; requiring the State
Board of Community Colleges to adopt rules; amending
s. 1009.28, F.S.; conforming provisions to changes
made by the act; amending ss. 1009.90 and 1009.91,
F.S.; revising the duties of the department to include
reports to the State Board of Community Colleges;
amending s. 1009.971, F.S.; conforming provisions to
changes made by the act; amending s. 1010.01, F.S.;
requiring the financial records and accounts of
Florida Community College System institutions to
follow rules of the State Board of Community Colleges,
instead of the State Board of Education; requiring
each Florida Community College System institution to
annually file specified financial statements with the
State Board of Community Colleges; amending ss.
1010.02 and 1010.04, F.S.; requiring the funds
accruing to and purchases and leases by Florida
Community College System institutions to follow rules
of the State Board of Community Colleges, instead of
the State Board of Education; amending s. 1010.07,
F.S.; requiring certain contractors to give bonds in
an amount set by the State Board of Community
Colleges; amending s. 1010.08, F.S.; authorizing
Florida Community College System board of trustees to
budget for promotion and public relations from certain
funds; amending ss. 1010.09, 1010.22, 1010.30, and
1010.58, F.S.; conforming provisions to changes made
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by the act; amending s. 1011.01, F.S.; requiring each Florida Community College System institution board of trustees to submit an annual operating budget according to rules of the State Board of Community Colleges; amending s. 1011.011, F.S.; requiring the State Board of Education to collaborate with the State Board of Community Colleges for legislative budget requests relating to Florida Community College System institutions; amending ss. 1011.30 and 1011.32, F.S.; conforming provisions to changes made by the act; amending s. 1011.80, F.S.; conforming provisions to changes made by the act; authorizing the State Board of Community Colleges to adopt rules; amending s. 1011.801, F.S.; specifying duties of the State Board of Community Colleges regarding funds for the operation of workforce education programs and the Workforce Development Capitalization Incentive Grant Program; amending ss. 1011.81, 1011.82, 1011.83, 1011.84, and 1011.85, F.S.; conforming provisions to changes made by the act; amending s. 1012.01, F.S.; redefining the term “school officers”; amending ss. 1012.80, 1012.81, 1012.83, 1012.855, and 1012.86, F.S.; conforming provisions to changes made by the act; amending s. 1013.01, F.S.; providing that the term “board” does not include the State Board of Community Colleges when used in the context of certain educational facilities provisions; amending ss. 1013.02 and 1013.03, F.S.; requiring the State Board of Community Colleges to adopt rules for and provide
functions relating to educational facilities; amending s. 1013.28, F.S.; authorizing Florida Community College System institution boards of trustees to dispose of land or real property subject to rules of the State Board of Community Colleges; amending s. 1013.31, F.S.; specifying the role of the State Board of Community Colleges in educational plant surveys for Florida Community College System institutions; amending ss. 1013.36, 1013.37, and 1013.40, F.S.; conforming provisions to changes made by the act; amending s. 1013.47, F.S.; providing that certain contractors are subject to rules of the State Board of Community Colleges; amending s. 1013.52, F.S.; specifying duties of the State Board of Community Colleges with regard to the cooperative development and joint use of facilities; amending s. 1013.65, F.S.; requiring the State Board of Community Colleges to be provided with copies of authorized allocations or reallocations for the Public Education Capital Outlay and Debt Service Trust Fund; requiring the Board of Governors and the State Board of Community Colleges to submit a report to the Governor and the Legislature by a specified date; providing a directive to the Division of Law Revision and Information; providing effective dates.

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

Section 1. This act may be cited as the “College
Competitiveness Act of 2017.”

Section 2. Effective July 1, 2017, section 1001.6001, Florida Statutes, is created to read:

1001.6001 Florida Community College System governance.—

(1) The Florida College System, established in s. 1001.60,
is renamed as the Florida Community College System.

(2) The State Board of Community Colleges is created
pursuant to s. 20.156 to oversee and coordinate the Florida
Community College System. The Governor shall appoint the
membership of the State Board of Community Colleges, subject to
confirmation by the Senate, in time for the members to convene
for the board’s organizational meeting pursuant to s. 20.156(5).

(3) The Division of Florida Colleges shall provide
administrative support to the State Board of Community Colleges
until September 30, 2017.

(4) On October 1, 2017, all powers, duties, functions,
records, offices, personnel, property, pending issues and
existing contracts, administrative authority, administrative
rules, and unexpended balances of appropriations, allocations,
and other funds related to the Florida College System and the
Division of Florida Colleges are transferred by a type two
transfer, as defined in s. 20.06(2), from the State Board of
Education to the State Board of Community Colleges.

(5) The State Board of Community Colleges shall appoint a
Chancellor of the Florida Community College System by November
1, 2017, to aid the board in the implementation of its
responsibilities.

(6) Any State Board of Education approval, policy,
guidance, and appointment in effect on October 1, 2017, remain
effective unless acted upon by the State Board of Community Colleges.

Section 3. Subsections (3) and (8) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(a) Division of Florida Colleges.

(b) Division of Public Schools.

(c) Division of Career and Adult Education.

(d) Division of Vocational Rehabilitation.

(e) Division of Blind Services.

(f) Division of Accountability, Research, and Measurement.

(g) Office of K-20 Articulation.

(h) The Office of Independent Education and Parental Choice, which must include the following offices:

1. The Office of Early Learning, which shall be administered by an executive director who is fully accountable to the Commissioner of Education. The executive director shall, pursuant to s. 1001.213, administer the early learning programs, including the school readiness program and the Voluntary Prekindergarten Education Program at the state level.

2. The Office of K-12 School Choice, which shall be administered by an executive director who is fully accountable to the Commissioner of Education.

(8) SUPPORT SERVICES.—The Department of Education shall
continue to provide support to the Board of Governors of the State University System and to the State Board of Community Colleges of the Florida Community College System. At a minimum, support services provided to the Board of Governors and the State Board of Community Colleges shall include accounting, printing, computer and Internet support, personnel and human resources support, support for accountability initiatives, and administrative support as needed for trust funds under the jurisdiction of the Board of Governors and the State Board of Community Colleges.

Section 4. Effective July 1, 2017, section 20.156, Florida Statutes, is created to read:

20.156 State Board of Community Colleges.—

(1) GENERAL PROVISIONS.—The State Board of Community Colleges is created. For the purposes of s. 6, Art. IV of the State Constitution, the state board shall be assigned to and administratively housed within the Department of Education. However, the state board shall independently exercise the powers and duties in s. 1001.602; is a separate budget program; and is not subject to control, supervision, or direction by the department. For purposes of this section, the State Board of Community Colleges is referred to as the “state board.”

(2) HEAD OF THE FLORIDA COMMUNITY COLLEGE SYSTEM.—The state board is the head of the Florida Community College System. The Governor shall appoint the board members, subject to confirmation by the Senate.

(3) PERSONNEL.—The state board shall appoint a Chancellor of the Florida Community College System by November 1, 2017, to aid in carrying out the state board’s duties. The chancellor is
the chief executive officer and secretary to the state board and directs the activities of the staff of the state board. The Chancellor of the Division of Florida Colleges shall serve as the Chancellor of the Florida Community College System until the state board selects a chancellor.

(4) POWERS AND DUTIES.—Effective October 1, 2017, the state board shall regulate, control, and be responsible for the management of the Florida Community College System.

(5) ORGANIZATION.—The state board shall, by September 30, 2017, conduct an organizational meeting to adopt bylaws, elect a chair and vice chair from the membership, and fix dates and places for regular meetings.

Section 5. Subsection (18) is added to section 112.313, Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(18) STATE BOARD OF COMMUNITY COLLEGES AND BOARDS OF TRUSTEES.—A citizen member of the State Board of Community Colleges or a citizen member of a Florida Community College System institution board of trustees may not have or hold an employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

Section 6. Paragraph (c) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:
(c) “State officer” means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Governors of the State University System or a state university board of trustees, the Chancellor and Vice Chancellors of the State University System, and the president of a state university; or a member of the State Board of Community Colleges and the Chancellor of the Florida Community College System.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

Section 7. Subsections (2) and (4) of section 1000.03, Florida Statutes, are amended to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.—

(2)(a) The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources.

(b) With the exception of matters relating to the State University System and the Florida Community College System, the State Board of Education shall oversee the enforcement of all laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong
incentives and disincentives to force accountability for results.

(c) The Board of Governors shall oversee the enforcement of all state university laws and rules and regulations and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(d) The State Board of Community Colleges shall oversee the enforcement of all Florida Community College System laws and rules and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(4) The mission of Florida’s K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities, in accordance with the mission of the applicable career center or system statement and the accountability requirements of s. 1008.31, and to avoid wasteful duplication of programs offered by state universities, Florida Community College System institutions, and career centers and charter technical career centers that are operated by a district school board or a Florida Community College System institution board of trustees.

Section 8. Paragraph (d) of subsection (3) and subsections (5) and (6) of section 1000.05, Florida Statutes, are amended to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.
(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders.

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

2. The Commissioner of Education, for school districts, and the Chancellor of the Florida Community College System, for Florida Community College System institutions, shall determine whether equal opportunities are available in school districts and Florida Community College System institutions. In determining whether equal opportunities are available in school districts and Florida Community College System institutions, the Commissioner of Education and the Chancellor of the Florida Community College System shall consider, among other factors:
   a. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.
   b. The provision of equipment and supplies.
   c. Scheduling of games and practice times.
   d. Travel and per diem allowances.
   e. Opportunities to receive coaching and academic tutoring.
   f. Assignment and compensation of coaches and tutors.
   g. Provision of locker room, practice, and competitive facilities.
   h. Provision of medical and training facilities and services.
   i. Provision of housing and dining facilities and services.
j. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public school or Florida Community College System institution operates or sponsors separate teams do not constitute nonimplementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

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

(b) The Board of Governors shall adopt regulations to implement this section as it relates to state universities.

(c) The State Board of Community Colleges shall adopt rules to implement this section as it relates to Florida Community College System institutions.

(6) The functions of the State Board of Community Colleges for Florida Community College System institutions and the Office of Equal Educational Opportunity of the Department of Education shall include, but are not limited to:

(a) Requiring all district school boards and Florida Community College System institution boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of school districts and Florida Community College System institutions to determine compliance with this section and, after a finding that a school
district or a Florida Community College System institution is not in compliance with this section, notifying the entity of the steps that it must take to attain compliance and performing followup monitoring.

(c) Providing technical assistance, including assisting school districts or Florida Community College System institutions in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing followup monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing followup monitoring.

(e) Requiring all district school boards and Florida Community College System institution boards of trustees to submit data and information necessary to determine compliance with this section. The Commissioner of Education, for school districts, and the Chancellor of the Florida Community College System, for Florida Community College System institutions, shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary
(f) Based upon rules of the State Board of Education, for school districts, and the State Board of Community Colleges, for Florida Community College System institutions, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools and Florida Community College System institutions comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force a public school or Florida Community College System institution to conduct, nor penalize such entity for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education, for school districts, or to the Chancellor of the Florida Community College System, for Florida Community College System institutions, any district school board or Florida Community College System institution board of trustees found to be out of compliance with rules of the State Board of Education or the State Board of Community Colleges adopted as required by paragraph (f) or paragraph (3)(d). To penalize the respective board, the State Board of Education or the State Board of Community Colleges, as applicable, shall:

1. Declare the school district or Florida Community College System institution ineligible for competitive state grants.

2. Notwithstanding the provisions of s. 216.192, direct the
Chief Financial Officer to withhold general revenue funds sufficient to obtain compliance from the school district or Florida Community College System institution.

The school district or Florida Community College System institution shall remain ineligible and the funds may not be paid until the institution comes into compliance or the State Board of Education or the State Board of Community Colleges, as applicable, approves a plan for compliance.

Section 9. Section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—
(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida except for the State University System and the Florida Community College System, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it for the improvement of the state system of K-20 public education except for the State University System and the Florida Community College System. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The State Board of Education has the following duties:
(a) To adopt comprehensive educational objectives for public education except for the State University System and the Florida Community College System.
(b) To adopt comprehensive long-range plans and short-range
programs for the development of the state system of public education except for the State University System and the Florida Community College System.

(c) To exercise general supervision over the divisions of the Department of Education as necessary to ensure coordination of educational plans and programs and resolve controversies and to minimize problems of articulation and student transfers, to ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.

(d) To adopt, in consultation with the Board of Governors and the State Board of Community Colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, as provided in s. 216.023, a coordinated K-20 education budget that estimates the expenditure requirements for the Board of Governors, as provided in s. 1001.706, the State Board of Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors, as provided in s. 1001.706, the State Board of Community Colleges, as provided in s. 1001.602, or the State
Board of Education for the ensuing fiscal year. The State Board of Education may not amend the budget request submitted by the Board of Governors or the State Board of Community Colleges. Any program recommended by the Board of Governors, the State Board of Community Colleges, or the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(f) To hold meetings, transact business, keep records, adopt a seal, and, except as otherwise provided by law, perform such other duties as may be necessary for the enforcement of laws and rules relating to the state system of public education.

(g) To approve plans for cooperating with the Federal Government.

(h) To approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and such agencies are jointly responsible.

(i) To review plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.

(j) To create such subordinate advisory bodies as are required by law or as it finds necessary for the improvement of education.

(k) To constitute any education bodies or other structures as required by federal law.

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.
(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority.

(o) To authorize the allocation of resources in accordance with law and rule.

(p) To contract with independent institutions accredited by an agency whose standards are comparable to the minimum standards required to operate a postsecondary career center educational institution at that level in the state. The purpose of the contract is to provide those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education.

(q) To recommend that a district school board take action consistent with the state board’s decision relating to an appeal of a charter school application.

(r) To enforce systemwide education goals and policies except as otherwise provided by law.

(s) To establish a detailed procedure for the implementation and operation of a systemwide K-20 technology plan that is based on a common set of data definitions.

(t) To establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(u) To adopt criteria and implementation plans for future growth issues, such as new Florida College System institutions and Florida College System institution campus mergers, and to
provide for cooperative agreements between and within public and private education sectors.

(v) To develop, in conjunction with the Board of Governors and the State Board of Community Colleges, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment, identifying enrollment and graduation expectations by baccalaureate degree program, and annually submit the plan to the Legislature as part of its legislative budget request.

(w) Beginning in the 2014-2015 academic year and annually thereafter, to require each Florida College System institution prior to registration to provide each enrolled student electronic access to the economic security report of employment and earning outcomes prepared by the Department of Economic Opportunity pursuant to s. 445.07.

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state’s public schools and Florida College System institutions. The plan shall be formulated in conjunction with plans of the Board of Governors and the State Board of Community Colleges in order to provide for the roles of the universities and Florida Community College System institutions to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify the mission statements of each Florida Community College System institution and the system as a whole and identify degree programs, including baccalaureate degree programs, to be offered at each Florida Community College System institution in accordance with the objectives provided in this subsection and the coordinated 5-year plan pursuant to
paragraph (2)(v). The strategic plan must cover a period of 5
years, with modification of the program lists after 2 years.
Development of each 5-year plan must be coordinated with and
initiated after completion of the master plan. The strategic
plans must specifically include programs and procedures for
responding to the educational needs of teachers and students in
the public schools of this state and consider reports and
recommendations of the Higher Education Coordinating Council
pursuant to s. 1004.015 and the Articulation Coordinating
Committee pursuant to s. 1007.01. The state board shall submit a
report to the President of the Senate and the Speaker of the
House of Representatives upon modification of the plan and as
part of its legislative budget request.

(b) The State Board of Education, and the Board of
Governors, and the State Board of Community Colleges shall
jointly develop long-range plans and annual reports for
financial aid in this state. The long-range plans shall
establish goals and objectives for a comprehensive program of
financial aid for Florida students and shall be updated every 5
years. The annual report shall include programs administered by
the department as well as awards made from financial aid fee
revenues, any other funds appropriated by the Legislature for
financial assistance, and the value of tuition and fees waived
for students enrolled in a dual enrollment course at a public
postsecondary educational institution. The annual report shall
include an assessment of progress made in achieving goals and
objectives established in the long-range plans and
recommendations for repealing or modifying existing financial
aid programs or establishing new programs. A long-range plan
shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(4) The State Board of Education shall:

(a) Provide for each Florida College System institution to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Specify, by rule, procedures to be used by the Florida College System institution boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees, including the extent to which presidents serve both institutional and system goals.

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

(d) Establish criteria for making recommendations for modifying district boundary lines for Florida College System institutions, including criteria for service delivery areas of Florida College System institutions authorized to grant baccalaureate degrees.

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for Florida College System institutions.
(f) Examine the annual administrative review of each Florida College System institution.

(g) adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects. The State Board of Education may not amend the 3-year list of priorities of the Board of Governors or the State Board of Community Colleges.

(5) The State Board of Education is responsible for reviewing and administering the state program of support for the Florida College System institutions and, subject to existing law, shall establish the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(6) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for Florida College System institutions that will ensure the quality of education, coordination among the Florida College System institutions and state universities, and efficient progress toward accomplishing the Florida College System institution mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.
(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

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

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

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

The rules should encourage Florida College System institutions to enter into agreements with state universities that allow Florida College System institution students to complete upper-division-level courses at a Florida College System institution. An agreement may provide for concurrent enrollment at the Florida College System institution and the state university and may authorize the Florida College System institution to offer an upper-division-level course or distance learning.

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.
Section 10. Subsections (7) through (17) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—
(7) ARTICULATION ACCOUNTABILITY.—The State Board of Education shall develop articulation accountability measures that assess the status of systemwide articulation processes, in conjunction with the Board of Governors regarding the State University System and the State Board of Community Colleges regarding the Florida Community College System, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008, in conjunction with the Board of Governors regarding the State University System and the State Board of Community Colleges regarding the Florida Community College System.

(8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, except for institutions within the State University System and the Florida Community College System, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.—The State Board of Education, in conjunction with the Board of Governors regarding the State University System and the State Board of Community Colleges regarding the Florida Community College System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, community colleges, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

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

(10) (11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY EDUCATION.—The State Board of Education shall adopt minimum standards relating to nonpublic postsecondary education and institutions, in accordance with the provisions of chapter 1005.

(12) COMMON POSTSECONDARY DEFINITIONS.—The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

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

(11) (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.—The State Board of Education shall maintain a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

(15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education shall provide for
the review and approval of proposals by Florida College System
institutions to offer baccalaureate degree programs pursuant to
s. 1007.33. A Florida College System institution, as defined in
s. 1000.21, that is approved to offer baccalaureate degrees
pursuant to s. 1007.33 remains under the authority of the State
Board of Education and the Florida College System institution’s
board of trustees. The State Board of Education may not approve
Florida College System institution baccalaureate degree program

(16) PLAN SPECIFYING GOALS AND OBJECTIVES.—By July 1, 2013,
the State Board of Education shall identify performance metrics
for the Florida College System and develop a plan that specifies
goals and objectives for each Florida College System
institution. The plan must include:

(a) Performance metrics and standards common for all
institutions and metrics and standards unique to institutions
depending on institutional core missions, including, but not
limited to, remediation success, retention, graduation,
employment, transfer rates, licensure passage, excess hours,
student loan burden and default rates, job placement, faculty
awards, and highly respected rankings for institution and
program achievements.

(b) Student enrollment and performance data delineated by
method of instruction, including, but not limited to,
traditional, online, and distance learning instruction.

(12)(17) UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY,
ENGINEERING, AND MATHEMATICS (STEM).—The State Board of
Education, in consultation with the Board of Governors, the
State Board of Community Colleges, and the Department of
Economic Opportunity, shall adopt a unified state plan to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields.

Section 11. Subsection (1), paragraphs (g) and (j) of subsection (6), and subsection (7) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the K-20 education system except for the State University System and the Florida Community College System.

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

(g) To submit to the State Board of Education, on or before October 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the Board of Governors, the State Board of Community Colleges, the State Board of Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors, the State Board of Community Colleges, or the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for
more than 1 year must be presented in a multiyear budget plan.

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

1. The district school board is responsible for school and student performance.
2. The individual school is the unit for education accountability.
3. The Florida College System institution board of trustees is responsible for Florida College System institution performance and student performance.

(7) The commissioner, or the commissioner’s designee, may conduct a review or investigation of practices, procedures, or actions at any Florida College System institution which appear to be inconsistent with sound financial, management, or academic practice.

Section 12. Paragraphs (c) through (f) of subsection (1) and subsection (3) of section 1001.11, Florida Statutes, are amended to read:

1001.11 Commissioner of Education; other duties.—
(1) The Commissioner of Education must independently perform the following duties:
(c) In cooperation with the Board of Governors and the State Board of Community Colleges, develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for
qualified postsecondary education projects.

(d) Integrally work with the boards of trustees of the Florida College System institutions.

(d) (e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the Florida Community College System institutions and state universities.

(e) (f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner’s office, and the Department of Education.

(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, and the Board of Governors regarding the Florida University System, and the State Board of Community Colleges regarding the Florida Community College System, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:

(a) Growth at the institutions.

(b) Need for specific skills statewide.

(c) Need for maintaining and repairing existing facilities.

Section 13. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:
(e) Office of Inspector General.—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts and the Florida School for the Deaf and the Blind, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board or the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district or the Florida School for the Deaf and the Blind, or the Florida College System institution, the office shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 14. Section 1001.28, Florida Statutes, is amended to read:

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

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

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

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

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

(5) Seek the assistance and cooperation of Florida’s telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.

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

(7) Secure and administer funding for programs and activities for distance learning from federal, state, local, and private sources and from fees derived from services and materials.

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

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, Florida Community College System institution board of trustees, university board of trustees, the Board of Governors, the State Board of Community Colleges, or
the State Board of Education.

Section 15. Effective July 1, 2017, subsection (26) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a governing board for a school district technical center or a system of technical centers for the purpose of aligning the educational programs of the technical center with the needs of local businesses and responding quickly to the needs of local businesses for employees holding industry certifications. A technical center governing board shall be comprised of seven members, three of whom must be members of the district school board or their designees and four of whom must be local business leaders. The district school board shall delegate to the technical center governing board decisions regarding entrance requirements for students, curriculum, program development, budget and funding allocations, and the development with local businesses of partnership agreements and appropriate industry certifications in order to meet local and regional economic needs. A technical center governing board may approve only courses and programs that contain industry certifications. A course may be continued if at least 25 percent of the students enrolled in the course attain an industry certification. If fewer than 25 percent of the students enrolled in a course attain an industry certification, the course must be discontinued the following year. However, notwithstanding the authority to approve courses and programs under this subsection,
a technical center governing board may not approve a college
credit course or a college credit certificate or an associate
degree or baccalaureate degree program.

Section 16. Effective July 1, 2017, section 1001.44,
Florida Statutes, is amended to read:
1001.44 Career centers; governance, mission, and
responsibilities.—
(1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER
CENTERS.—Any district school board, after first obtaining the
approval of the Department of Education, may, as a part of the
district school system, organize, establish and operate a career
center, or acquire and operate a career center previously
established.
   (a) The primary mission of a career center that is operated
by a district school board is to promote advances and
innovations in workforce preparation and economic development. A
career center may provide a learning environment that serves the
needs of a specific population group or group of occupations,
thus promoting diversity and choices within the public technical
education community in this state.
   (b) A career center that is operated by a district school
board may not offer a college credit course or a college credit
certificate or an associate degree or baccalaureate degree
program.
(2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards
of any two or more contiguous districts may, upon first
obtaining the approval of the department, enter into an
agreement to organize, establish and operate, or acquire and
operate, a career center under this section.

(3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED BY A DIRECTOR.—

(a) A career center established or acquired under provisions of law and minimum standards prescribed by the commissioner shall comprise a part of the district school system and shall mean an educational institution offering terminal courses of a technical nature which are not for college credit, and courses for out-of-school youth and adults; shall be subject to all applicable provisions of this code; shall be under the control of the district school board of the school district in which it is located; and shall be directed by a director responsible through the district school superintendent to the district school board of the school district in which the center is located.

(b) Each career center shall maintain an academic transcript for each student enrolled in the center. Such transcript shall delineate each course completed by the student. Courses shall be delineated by the course prefix and title assigned pursuant to s. 1007.24. The center shall make a copy of a student’s transcript available to any student who requests it.

Section 17. Effective July 1, 2017, section 1001.60, Florida Statutes, is amended to read:

1001.60 Florida Community College System.—

(1) PURPOSES.—In order to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state’s employment needs, the Legislature establishes a system of governance for
the Florida Community College System.

(2) FLORIDA COMMUNITY COLLEGE SYSTEM.—There shall be a single Florida Community College System comprised of the Florida Community College System institutions identified in s. 1000.21(3). A Florida Community College System institution may not offer graduate degree programs.

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

(b)(1. With the approval of its district board of trustees, a Florida Community College System institution may change the institution’s name set forth in s. 1000.21(3) and use the designation “college” or “state college” if it has been authorized to grant baccalaureate degrees pursuant to s. 1007.33 and has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.

2. With the approval of its district board of trustees, a Florida Community College System institution that does not meet the criteria in subparagraph 1. may request approval from the State Board of Education to change the institution’s name set forth in s. 1000.21(3) and use the designation “college.” The State Board of Community Colleges Education may approve the request if the Florida Community College System institution enters into an agreement with the State Board of Community Colleges Education to do the following:
a. Maintain as its primary mission responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(5).
b. Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.
c. Continue to provide outreach to underserved populations.
d. Continue to provide remedial education.
e. Comply with all provisions of the statewide articulation agreement that relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Community Colleges Education pursuant to s. 1007.23.

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

(d) A Florida Community College System institution may not use the designation “university.”

(3) LOCAL BOARDS OF TRUSTEES.—Each institution within the Florida Community College System shall be governed by a local board of trustees as provided in s. 1001.64. The membership of each local board of trustees shall be as provided in s. 1001.61.

Section 18. Effective July 1, 2017, section 1001.601, Florida Statutes, is created to read:

1001.601 State Board of Community Colleges of the Florida Community College System.—

(1) The State Board of Community Colleges is established as a body corporate consisting of 13 members, which shall consist of the Commissioner of Education and 12 citizen members who are
appointed by the Governor in a manner that provides equitable geographical representation.

(a) The 12 appointed citizen members must include a student enrolled in a Florida Community College System institution and a faculty member employed at a Florida Community College System institution.

(b) Except for the student member, each citizen member must be confirmed by the Senate and must reside and be registered to vote in this state.

(c) Except for the student member, who shall serve a 1-year term, appointed citizen members shall serve staggered 4-year terms. In order to achieve staggered terms, beginning September 1, 2017, of the initial appointments, 3 members shall serve 2-year terms, 4 members shall serve 3-year terms, and 4 members shall serve 4-year terms.

(2) Members of the State Board of Community Colleges may not receive compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

Section 19. Section 1001.602, Florida Statutes, is created to read:

1001.602 Powers and duties of the State Board of Community Colleges.—

(1) RESPONSIBILITIES.—The State Board of Community Colleges is responsible for the efficient and effective operation and maintenance of the Florida Community College System, as defined in s. 1001.60. The State Board of Community Colleges may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law for the Florida Community College System. For the purposes of this section, the State Board of Community Colleges
(2) DUTIES.—The state board has the following duties:

(a) Ensure Florida Community College System institutions operate consistent with the mission of the system, pursuant to s. 1004.65.

(b) Oversee the Florida Community College System and coordinate with the Board of Governors and the State Board of Education to avoid wasteful duplication of facilities or programs.

(c) Provide for each Florida Community College System institution to offer educational training and service programs designed to meet the needs of both students and the communities served.

(d) Hold meetings, transact business, keep records, and, except as otherwise provided by law, perform such other duties as may be necessary for the enforcement of laws and rules relating to the Florida Community College System.

(e) Provide for the coordination of educational plans and programs to resolve controversies, minimize problems of articulation and student transfers, ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and ensure maximum utilization of facilities.

(f) Establish and review, in consultation with the State Board of Education and the Board of Governors, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level, to identify college-preparatory high school coursework and postsecondary-
level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(g) Approve plans for cooperating with the Federal Government.

(h) Approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and the agencies are jointly responsible.

(i) Create subordinate advisory bodies if required by law or as necessary for the improvement of the Florida Community College System.

(j) Coordinate with the State Board of Education to collect and maintain data for the Florida Community College System.

(k) Establish, in conjunction with the State Board of Education and the Board of Governors, an effective information system that will provide composite data concerning the Florida Community College System institutions and state universities and that will ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.

(l) Establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(m) Require each Florida Community College System institution, before registration, to provide each enrolled student electronic access to the economic security report of employment and earning outcomes prepared by the Department of
Economic Opportunity pursuant to s. 445.07.

(n) Specify, by rule, procedures to be used by Florida Community College System institution boards of trustees in the annual evaluation of presidents, and review the evaluations of presidents by the boards of trustees, including the extent to which presidents serve both institutional and system goals.

(o) Establish, subject to existing law, the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(p) Develop, in conjunction with the Board of Governors and the State Board of Education, and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at a Florida Community College System institution or state university.

(q) May direct the Chancellor of the Florida Community College System to conduct investigations of practices, procedures, or actions at a Florida Community College System institution which appear to be inconsistent with sound financial, management, or academic practice.

(r) Examine the annual administrative review of each Florida Community College System institution.

(s) Through the Chancellor of the Florida Community College System, integrally work with the boards of trustees of the Florida Community College System institutions.

(t) Establish criteria for making recommendations concerning all proposals to establish additional centers or campuses for a Florida Community College System institution.
(3) PLAN SPECIFYING GOALS AND OBJECTIVES.—To comply with the requirements under subsection (4) and the performance metrics and standards adopted under ss. 1001.66 and 1001.67, the state board shall identify performance metrics for the Florida Community College System and develop a plan that specifies goals and objectives for each Florida Community College System institution. The plan must include:

(a) Performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, remediation success, retention, graduation, employment, transfer rates, licensure passage, excess hours, student loan burden and default rates, job placement, faculty awards, and highly respected rankings for institution and program achievements.

(b) Student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

(4) STRATEGIC PLAN, LONG-RANGE PLANS, AND OTHER PLANS.—

(a) The state board shall adopt a strategic plan that specifies goals and objectives for the Florida Community College System. The plan must be formulated in conjunction with plans of the State Board of Education and the Board of Governors in order to coordinate the roles of the school districts and universities to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify the mission statements of the Florida Community College System and each Florida Community College System institution and identify degree programs, including baccalaureate degree programs, to be offered...
at each Florida Community College System institution in accordance with the objectives provided in this subsection and the coordinated 5-year plan pursuant to s. 1001.02(2)(v). The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plan must consider reports and recommendations of the Higher Education Coordinating Council pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01. Upon modification of the plan, the state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives as part of its legislative budget request.

(b) The state board, the State Board of Education, and the Board of Governors shall jointly develop long-range plans and annual reports for financial aid in this state. The long-range plans must establish goals and objectives for a comprehensive program of financial aid for students and shall be updated every 5 years. The annual report must include programs administered by the department as well as awards made from financial aid fee revenues, other funds appropriated by the Legislature for financial assistance, and the value of tuition and fees waived for students enrolled in a dual enrollment course at a public postsecondary educational institution. The annual report must include an assessment of the progress made in achieving goals and objectives established in the long-range plans and must include recommendations for repealing or modifying existing financial aid programs or establishing new programs. The state board, the State Board of Education, and the Board of Governors
shall submit their long-range plans by July 1, 2018, and every 5 years thereafter and shall submit their annual reports on July 1, 2018, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(c) The state board shall also:

1. Adopt comprehensive long-range plans and short-range programs for the development of the Florida Community College System.

2. Assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

3. Adopt criteria and implementation plans for future growth issues, such as new Florida Community College System institutions and Florida Community College System institution campus mergers, and provide for cooperative agreements between and within public and private education sectors.

(5) MINIMUM STANDARDS AND GUIDELINES.—The state board shall prescribe minimum standards, definitions, and guidelines for Florida Community College System institutions which will ensure the quality of education, coordination among the Florida Community College System institutions and state universities, and efficient progress toward accomplishing the Florida Community College System institution’s mission. At a minimum, these rules must address all of the following:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including
college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

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

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the Florida Community College System institution.

2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits toward a baccalaureate degree offered by a state university or a Florida Community College System institution.

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

The rules under this paragraph should encourage Florida Community College System institutions to enter into agreements with state universities which allow a Florida Community College System institution student to complete upper-division-level courses at a Florida Community College System institution. An agreement may provide for concurrent enrollment at the Florida Community College System institution and the state university and may authorize the Florida Community College System institution to offer an upper-division-level course or distance
learning.

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

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

(6) CYCLIC REVIEW OF ACADEMIC PROGRAMS.—The state board
shall provide for the cyclic review of all academic programs in
Florida Community College System institutions at least every 7
years. Program reviews must document how individual academic
programs are achieving stated student learning and program
objectives within the context of the institution’s mission. The
results of the program reviews must inform strategic planning,
program development, and budgeting decisions at the
institutional level.

(7) FLORIDA COMMUNITY COLLEGE SYSTEM INSTITUTION
BACCALAUREATE DEGREE PROGRAMS.—The state board shall provide for
the review and approval of proposals by Florida Community
College System institutions to offer baccalaureate degree
programs pursuant to s. 1007.33. A Florida Community College
System institution, as defined in s. 1000.21, which is approved
to offer baccalaureate degrees pursuant to s. 1007.33 remains
under the authority of the state board and the Florida Community
College System institution’s board of trustees.

(8) MODIFICATIONS TO SERVICE AREA.—The state board shall
establish criteria for making recommendations for modifying
district boundary lines for a Florida Community College System
institution, including criteria for service delivery areas of a Florida Community College System institution authorized to grant baccalaureate degrees.

(9) PERFORMANCE OVERSIGHT.—The state board shall oversee the performance of Florida Community College System institution boards of trustees in enforcement of all laws and rules. Florida Community College System institution boards of trustees are primarily responsible for compliance with law and state board rule.

(a) In order to ensure compliance with law or state board rule, the state board has the authority to request and receive information, data, and reports from Florida Community College System institutions. The Florida Community College System institution president is responsible for the accuracy of the information and data reported to the state board.

(b) The Chancellor of the Florida Community College System may investigate allegations of noncompliance with law or state board rule and determine probable cause. The Chancellor shall report determinations of probable cause to the State Board of Community Colleges who shall require the Florida Community College System institution board of trustees to document compliance with law or state board rule.

(c) If the Florida Community College System institution board of trustees cannot satisfactorily document compliance, the state board may order compliance within a specified timeframe.

(d) If the state board determines that a Florida Community College System institution board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board has the authority to initiate
any of the following actions:

1. Report to the Legislature that the Florida Community College System institution is unwilling or unable to comply with law or state board rule and recommend that the Legislature take action against the institution;

2. Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the Florida Community College System institution complies with the law or state board rule;

3. Declare the Florida Community College System institution ineligible for competitive grants; or

4. Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(e) This section may not be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

(10) INSPECTOR GENERAL.—The inspector general is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within Florida Community College System institutions. If the Chancellor of the Florida Community College System determines that a Florida Community College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the Florida Community College System institution, the inspector general shall conduct, coordinate, or request investigations into such substantiated allegations. The inspector general shall have access to all information and
personnel necessary to perform its duties and shall have all of his or her current powers, duties, and responsibilities authorized in s. 20.055.

(11) COORDINATION WITH THE STATE BOARD OF EDUCATION.—The state board shall coordinate with the State Board of Education:

(a) Pursuant to s. 1001.02(2)(e), in the adoption of a K-20 education budget.

(b) Pursuant to s. 1001.02(4)(g), to adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects.

(12) COMMON POSTSECONDARY DEFINITIONS.—Adopt in collaboration with the State Board of Education, by rule, definitions for associate in science degrees and for certificates offered by Florida Community College System institutions.

Section 20. Section 1001.61, Florida Statutes, is amended to read:

1001.61 Florida Community College System institution boards of trustees; membership.—

(1) Florida Community College System institution boards of trustees shall be comprised of five members when a Florida Community College System institution district is confined to one school board district; seven members when a Florida Community College System institution district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by rules of the State Board of Community Colleges Education. However, Florida State College at Jacksonville shall have an odd number of trustees, and St. Johns
River State College shall have seven trustees from the three-county area that the college serves.

(2) Trustees shall be appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate in regular session.

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

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

(5) A Florida Community College System institution president shall serve as the executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for setting the agenda for meetings of the board of trustees in consultation with the chair. The president also serves as the chief administrative officer of the Florida Community College System institution, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president.

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

1001.64 Florida Community College System institution boards of trustees; powers and duties.—

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the Florida Community College System institution’s mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Community Colleges Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the responsibility to govern its respective Florida Community College System institution and with such necessary authority as is needed for the proper operation and improvement thereof in accordance with rules of the State Board of Community Colleges Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties. A board of trustees shall ask the Chancellor of the Florida Community College System Commissioner of Education to authorize an investigation of the president’s actions by the State Board of Community College’s department’s inspector general if the board considers such investigation necessary. The inspector general shall provide a report detailing each issue under investigation and shall recommend corrective action. If the inspector general identifies
potential legal violations, he or she shall refer the potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

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

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

(5) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of Florida Community College System institution owned or Florida Community College System institution controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the Florida Community College System institution. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of
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(6) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings in accordance with law and rule; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services. New programs must be approved pursuant to s. 1004.03.

(7) Each board of trustees has responsibility for ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 1007.25(5).

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

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Community Colleges. A board of trustees may establish additional admissions criteria, which shall be included in the dual enrollment articulation agreement developed according to s. 1007.271(21), to ensure student readiness for postsecondary
instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the Florida Community College System institution.

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

(c) Boards of trustees are authorized to establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(d) Boards of trustees shall identify their general education curricula pursuant to s. 1007.25(6).

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

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

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

(9) A board of trustees may contract with the board of trustees of a state university for the Florida Community College System institution to provide developmental education on the state university campus.

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

(11) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Community Colleges Education for review in accordance with guidelines established by the State Board of Community Colleges Education.

(12) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in the manner described by the State Board of Community Colleges Department of Education.

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

(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the Florida Community College System institution for recommendation to the State Board of Community Colleges Education.

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

(16) Each board of trustees must expend performance funds provided for workforce education pursuant to the provisions of s. 1011.80.
(17) Each board of trustees is accountable for performance in certificate career education and diploma programs pursuant to s. 1008.43.

(18) Each board of trustees shall establish the personnel program for all employees of the Florida Community College System institution, including the president, pursuant to the provisions of chapter 1012 and rules and guidelines of the State Board of Community Colleges Education, including: compensation and other conditions of employment; recruitment and selection; nonreappointment; standards for performance and conduct; evaluation; benefits and hours of work; leave policies; recognition; inventions and work products; travel; learning opportunities; exchange programs; academic freedom and responsibility; promotion; assignment; demotion; transfer; ethical obligations and conflict of interest; restrictive covenants; disciplinary actions; complaints; appeals and grievance procedures; and separation and termination from employment.

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida Community College System institution. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Community Colleges Education and submit such evaluations to the State Board of Community Colleges Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and
objectives established in the Florida Community College System institution’s employment accountability program implemented pursuant to s. 1012.86.

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

(21) Each board of trustees is authorized to purchase annuities for its Florida Community College System institution personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System pursuant to the provisions of s. 1012.87.

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

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

(24) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries. Except for sworn law enforcement personnel, persons employed to enforce campus parking rules have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the

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withholding of diplomas or transcripts pending compliance with
rules or payment of fines, and the imposition of probation,
suspension, or dismissal. Moneys collected from parking rule
infractions shall be deposited in appropriate funds at each
Florida Community College System institution for student
financial aid purposes.

(25) Each board of trustees constitutes the contracting
agent of the Florida Community College System institution. It
may when acting as a body make contracts, sue, and be sued in
the name of the board of trustees. In any suit, a change in
personnel of the board of trustees shall not abate the suit,
which shall proceed as if such change had not taken place.

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

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

(28) Each board of trustees is authorized to enter into agreements for, and accept, credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees. Each Florida Community College System institution is further authorized to establish accounts in credit card, charge card, and debit card banks for the deposit of sales invoices.

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

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

(31) Each board of trustees may establish economic development centers for the purpose of serving as liaisons between Florida Community College System institutions and the business sector pursuant to the provisions of s. 1004.80.

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

(33) Each board of trustees is authorized to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004.
(34) Each board of trustees shall administer the facilities program pursuant to chapter 1013, including but not limited to:
the construction of public educational and ancillary plants; the acquisition and disposal of property; compliance with building and life safety codes; submission of data and information relating to facilities and construction; use of buildings and grounds; establishment of safety and sanitation programs for the protection of building occupants; and site planning and selection.

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

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

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

(38) Each board of trustees is authorized to enter into short-term loans and installment, lease-purchase, and other
financing contracts for a term of not more than 5 years, including renewals, extensions, and refundings. Payments on short-term loans and installment, lease-purchase, and other financing contracts pursuant to this subsection shall be subject to annual appropriation by the board of trustees. Each board of trustees is authorized to borrow funds and incur long-term debt, including promissory notes, installment sales agreements, lease-purchase agreements, certificates of participation, and other similar long-term financing arrangements, only as specifically provided in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At the option of the board of trustees, bonds issued pursuant to ss. 1009.22(6) and (9) and 1009.23(11) and (12) may be secured by a combination of revenues authorized to be pledged to bonds pursuant to such subsections. Revenue bonds may not be secured by or paid from, directly or indirectly, tuition, financial aid fees, the Florida Community College System Program Fund, or any other operating revenues of a Florida Community College System institution. Lease-purchase agreements may be secured by a combination of revenues as specifically authorized pursuant to ss. 1009.22(7) and 1009.23(10).

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

(40) Each board of trustees may adopt policies pursuant to s. 1010.02 that provide procedures for transferring to the direct-support organization of that Florida Community College System institution for administration by such organization.
contributions made to the Florida Community College System institution.

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

(42) Each board of trustees shall implement a plan, in accordance with guidelines of the State Board of Community Colleges Education, for working on a regular basis with the other Florida Community College System institution boards of trustees, representatives of the university boards of trustees, and representatives of the district school boards to achieve the goals of the seamless education system.

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

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

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

(46) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the Florida Community College System institution.

(47) Each contract or employment agreement, or renewal or
renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425.

(48) Each board of trustees shall use purchasing agreements and state term contracts pursuant to s. 287.056 or enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5-percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.

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

1001.65 Florida Community College System institution presidents; powers and duties.—The president is the chief executive officer of the Florida Community College System institution, shall be corporate secretary of the Florida Community College System institution board of trustees, and is responsible for the operation and administration of the Florida Community College System institution. Each Florida Community College System institution president shall:

(1) Recommend the adoption of rules, as appropriate, to the Florida Community College System institution board of trustees to implement provisions of law governing the operation and administration of the Florida Community College System institution, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with
law, the mission of the Florida Community College System institution, and the rules and policies of the State Board of Community Colleges Education.

(2) Prepare a budget request and an operating budget pursuant to s. 1011.30 for approval by the Florida Community College System institution board of trustees at such time and in such format as the State Board of Community Colleges Education may prescribe.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Community College Education and in accordance with rules or policies approved by the Florida Community College System institution board of trustees.

(4) Govern admissions, subject to law and rules or policies of the Florida Community College System institution board of trustees and the State Board of Community Colleges Education.

(5) Approve, execute, and administer contracts for and on behalf of the Florida Community College System institution board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the Florida Community College System institution, provided such contracts are within law and guidelines of the State Board of Community Colleges Education and in conformance with policies of the Florida Community College System institution board of trustees, and are for the implementation of approved programs of the Florida Community College System institution.
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(6) Act for the Florida Community College System institution board of trustees as custodian of all Florida Community College System institution property and financial resources. The authority vested in the Florida Community College System institution president under this subsection includes the authority to prioritize the use of Florida Community College System institution space, property, equipment, and resources and the authority to impose charges for the use of those items.

(7) Establish the internal academic calendar of the Florida Community College System institution within general guidelines of the State Board of Community Colleges Education.

(8) Administer the Florida Community College System institution’s program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of programs within the approved role and scope of the Florida Community College System institution.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the Florida Community College System institution, within law and rules of the State Board of Community Colleges Education.

(12) Organize the Florida Community College System institution to efficiently and effectively achieve the goals of the Florida Community College System institution.

(13) Review periodically the operations of the Florida Community College System institution in order to determine how effectively and efficiently the Florida Community College System institution is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of
(14) Enter into agreements for student exchange programs that involve students at the Florida Community College System institution and students in other institutions of higher learning.

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

(16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the Florida Community College System institution.

(17) Maintain all data and information pertaining to the operation of the Florida Community College System institution, and report on the attainment by the Florida Community College System institution of institutional and statewide performance accountability goals.

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

(19) Provide to the law enforcement agency and fire department that has jurisdiction over the Florida Community College System institution a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01(6). After the initial submission of the floor plans and other relevant documents, the Florida Community College System institution president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.
(20) Develop and implement jointly with school superintendents a comprehensive dual enrollment articulation agreement for the students enrolled in their respective school districts and service areas pursuant to s. 1007.271(21).

(21) Have authority, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated any law, ordinance, or rule or regulation of the State Board of Community Colleges or of the board of trustees of the Florida Community College System institution pursuant to the provisions of s. 1006.62.

(22) Submit an annual employment accountability plan to the State Board of Community Colleges Department of Education pursuant to the provisions of s. 1012.86.

(23) Annually evaluate, or have a designee annually evaluate, each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives of the Florida Community College System institution’s employment accountability plan.

(24) Have vested with the president or the president’s designee the authority that is vested with the Florida Community College System institution.

Section 23. Section 1001.66, Florida Statutes, is amended to read:

1001.66 Florida Community College System Performance-Based Incentive.—

(1) A Florida Community College System Performance-Based Incentive shall be awarded to Florida Community College System institutions using performance-based metrics adopted by the
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2116 State Board of Community Colleges Education. The performance-based metrics must include retention rates; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate of arts degree recipients. The state board shall adopt benchmarks to evaluate each institution’s performance on the metrics to measure the institution’s achievement of institutional excellence or need for improvement and the minimum requirements for eligibility to receive performance funding.
2127 (2) Each fiscal year, the amount of funds available for allocation to the Florida Community College System institutions based on the performance-based funding model shall consist of the state’s investment in performance funding plus institutional investments consisting of funds to be redistributed from the base funding of the Florida Community College System Program Fund as determined in the General Appropriations Act. The State Board of Community Colleges Education shall establish minimum performance funding eligibility thresholds for the state’s investment and the institutional investments. An institution that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state’s investment in performance funding. The institutional investment shall be restored for all institutions eligible for the state’s investment under the performance-based funding model.
2144 (3)(a) Each Florida Community College System institution’s
share of the performance funding shall be calculated based on
its relative performance on the established metrics in
conjunction with the institutional size and scope.

(b) A Florida Community College System institution that
fails to meet the State Board of Community Colleges’ Education’s
minimum institutional investment performance funding eligibility
threshold shall have a portion of its institutional investment
withheld by the state board and must submit an improvement plan
to the state board which specifies the activities and strategies
for improving the institution’s performance. The state board
must review and approve the improvement plan and, if the plan is
approved, must monitor the institution’s progress in
implementing the activities and strategies specified in the
improvement plan. The institution shall submit monitoring
reports to the state board by December 31 and May 31 of each
year in which an improvement plan is in place. Beginning in the
2017-2018 fiscal year, the ability of an institution to submit
an improvement plan to the state board is limited to 1 fiscal
year.

(c) The Chancellor of the Florida Community College System
Commissioner of Education shall withhold disbursement of the
institutional investment until the monitoring report is approved
by the State Board of Community Colleges Education. A Florida
Community College System institution determined by the state
board to be making satisfactory progress on implementing the
improvement plan shall receive no more than one-half of the
withheld institutional investment in January and the balance of
the withheld institutional investment in June. An institution
that fails to make satisfactory progress may not have its full
institutional investment restored. Any institutional investment funds that are not restored shall be redistributed in accordance with the state board’s performance-based metrics.

(4) Distributions of performance funding, as provided in this section, shall be made to each of the Florida Community College System institutions listed in the Florida Community Colleges category in the General Appropriations Act.

(5) By October 1 of each year, the State Board of Community Colleges Education shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the previous fiscal year’s performance funding allocation, which must reflect the rankings and award distributions.

(6) The State Board of Community Colleges Education shall adopt rules to administer this section.

Section 24. Section 1001.67, Florida Statutes, is amended to read:

1001.67 Distinguished Florida Community College System Institution Program.—A collaborative partnership is established between the State Board of Community Colleges Education and the Legislature to recognize the excellence of Florida’s highest-performing Florida Community College System institutions.

(1) EXCELLENCE STANDARDS.—The following excellence standards are established for the program:

(a) A 150 percent-of-normal-time completion rate of 50 percent or higher, as calculated by the Division of Florida Colleges.

(b) A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher, as calculated by the
State Board of Community Division of Florida Colleges.

(c) A retention rate of 70 percent or higher, as calculated by the State Board of Community Division of Florida Colleges.

(d) A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree, as reported by the Florida Education and Training Placement Information Program (FETPIP).

(e) A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers, as reported by the Board of Nursing.

(f) A job placement or continuing education rate of 88 percent or higher for workforce programs, as reported by FETPIP.

(g) A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits, as reported by the Southern Regional Education Board.

(2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of Community Colleges Education shall designate each Florida Community College System institution that meets five of the seven standards identified in subsection (1) as a distinguished college.

(3) DISTINGUISHED COLLEGE SUPPORT.—A Florida Community College System institution designated as a distinguished college by the State Board of Community Colleges Education is eligible for funding as specified in the General Appropriations Act.
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(9) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the State Board of Community Colleges, the Commission for Independent Education, the Higher Education Coordinating Council, the Articulation Coordinating Committee, the university boards of trustees, representatives of the Florida Community College System institution boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards to achieve a seamless education system.

Section 26. Subsections (1) and (18) of section 1002.34, Florida Statutes, are amended to read:

1002.34 Charter technical career centers; governance, mission, and responsibilities.—

(1) MISSION AND AUTHORIZATION.—

(a) The primary mission of a charter technical career center is to promote The Legislature finds that the establishment of charter technical career centers can assist in promoting advances and innovations in workforce preparation and economic development. A charter technical career center may provide a learning environment that better serves the needs of a specific population group or a group of occupations, thus promoting diversity and choices within the public education and public postsecondary technical education community in this state. Therefore, the creation of such centers is authorized as part of the state’s program of public education. A charter technical career center may be formed by creating a new school or converting an existing school district or Florida Community College System institution program to charter technical status.
(b) A charter technical career center that is operated by a district school board may not offer a college credit course or a college credit certificate or an associate degree or baccalaureate degree program.

(18) RULES.—The State Board of Education, for technical centers operated by school districts, and the State Board of Community Colleges, for technical centers operated by Florida Community College System institutions, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, relating to the implementation of charter technical career centers, including rules to implement a charter model application form and an evaluation instrument in accordance with this section.

Section 27. Paragraph (b) of subsection (4) of section 1003.491, Florida Statutes, is amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards.

(b) The curriculum review committee shall review newly proposed core courses electronically. Each proposed core course shall be approved or denied within 30 days after submission by a
district school board or local workforce development board. All courses approved as core courses for purposes of middle school promotion and high school graduation shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and considered for approval for dual enrollment credit. The Board of Governors, the State Board of Community Colleges, and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by the Department of Economic Opportunity and the Commissioner of Education within 15 days.

Section 28. Paragraph (b) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(4) Each career and professional academy and secondary school providing a career-themed course must:

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships with postsecondary institutions shall be delineated in articulation agreements and include any career and professional academy courses or career-themed courses that earn postsecondary credit. Such agreements may include articulation between the secondary school and public or private 2-year and 4-year postsecondary institutions and
technical centers. The Department of Education, in consultation with the Board of Governors and the State Board of Community Colleges, shall establish a mechanism to ensure articulation and transfer of credits to postsecondary institutions in this state. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

Section 29. Subsections (4), (5), and (6) of section 1004.015, Florida Statutes, are amended to read:

1004.015 Higher Education Coordinating Council.—

(4) The council shall serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors, and the State Board of Community Colleges. Recommendations of the council shall be consistent with the following guiding principles:

(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida’s students.

(b) To promote consistent education policy across all educational delivery systems, focusing on students.

(c) To promote substantially improved articulation across all educational delivery systems.
(d) To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.

(e) To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

(5) The council shall annually by December 31 submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, the State Board of Community Colleges, and the State Board of Education a report outlining its recommendations relating to:

(a) The primary core mission of public and nonpublic postsecondary education institutions in the context of state access demands and economic development goals.

(b) Performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be consistent across sectors and allow for a comparison of the state’s performance to that of other states.

(c) The state’s articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality. The recommendations shall consider return on investment for both the state and students and propose systems to facilitate and ensure institutional compliance with state articulation policies.

(d) Workforce development education, specifically recommending improvements to the consistency of workforce
education data collected and reported by Florida Community College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.

(6) The Office of K-20 Articulation, in collaboration with the Board of Governors and the State Board of Community Division of Florida Colleges, shall provide administrative support for the council.

Section 30. Subsection (7) of section 1004.02, Florida Statutes, is amended to read:

1004.02 Definitions.—As used in this chapter:

(7) “Applied technology diploma program” means a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. An applied technology diploma program may consist of either technical credit or college credit. A public school district may offer an applied technology diploma program only as technical credit, with college credit awarded to a student upon articulation to a Florida Community College System institution. Statewide articulation among public schools and Florida Community College System institutions is guaranteed by s. 1007.23, and is subject to guidelines and standards adopted by the State Board of Community Colleges Education pursuant to ss. 1007.24 and 1007.25.

Section 31. Subsection (2) of section 1004.03, Florida Statutes, is amended to read:

1004.03 Program approval.—

(2) The State Board of Community Colleges Education shall
establish criteria for the approval of new programs at Florida Community College System institutions, which criteria include, but are not limited to, the following:

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

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

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

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

Section 32. Paragraph (f) of subsection (4) of section 1004.04, Florida Statutes, is amended to read:

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

(4) CONTINUED PROGRAM APPROVAL.—Continued approval of a teacher preparation program shall be based upon evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.

(f) By January 1 of each year, the Department of Education shall report the results of each approved program’s annual progress on the performance measures in paragraph (a) as well as the current approval status of each program to:

1. The Governor.

2. The President of the Senate.

3. The Speaker of the House of Representatives.
4. The State Board of Education.
5. The Board of Governors.
6. The State Board of Community Colleges.
7. The Commissioner of Education.
10. The public.

This report may include the results of other continued approval requirements provided by State Board of Education rule and recommendations for improving teacher preparation programs in the state.

Section 33. Section 1004.07, Florida Statutes, is amended to read:

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

(1) Each district school board, Florida Community College System institution board of trustees, and state university board of trustees shall establish policies regarding currently enrolled students who are called to, or enlist in, active military service.

(2) Such policies must provide that any student enrolled in a postsecondary course or courses at a career center, a Florida Community College System institution, or a state university may not incur academic or financial penalties by virtue of performing military service on behalf of our country. Such student shall be permitted the option of either completing the course or courses at a later date without
penalty or withdrawing from the course or courses with a full refund of fees paid. If the student chooses to withdraw, the student’s record shall reflect that the withdrawal is due to active military service.

(3) Policies of district school boards must be established by rule and pursuant to guidelines of the State Board of Education.

(4) Policies of state university boards of trustees shall be established by regulation and pursuant to guidelines of the Board of Governors.

(5) Policies of Florida Community College System institution boards of trustees must be established by rule and pursuant to guidelines of the State Board of Community Colleges.

Section 34. Section 1004.084, Florida Statutes, is amended to read:

1004.084 College affordability.—

(1) The Board of Governors and the State Board of Community Colleges shall annually identify strategies to promote college affordability for all Floridians by evaluating, at a minimum, the impact of:

(a) Tuition and fees on undergraduate, graduate, and professional students at public colleges and universities and graduate assistants employed by public universities.

(b) Federal, state, and institutional financial aid policies on the actual cost of attendance for students and their families.

(c) The costs of textbooks and instructional materials.

(2) By December 31 of each year, beginning in 2016,
Board of Governors and the State Board of Community Colleges Education shall submit a report on their respective college affordability initiatives to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 35. Paragraph (d) of subsection (3) and subsections (6), (7), and (8) of section 1004.085, Florida Statutes, are amended to read:

1004.085 Textbook and instructional materials affordability.—

(3) An employee may receive:

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or instructional materials pursuant to guidelines adopted by the State Board of Community Colleges Education or the Board of Governors.

(6) Each Florida Community College System institution and state university shall post prominently in the course registration system and on its website, as early as is feasible, but at least 45 days before the first day of class for each term, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered at the institution during the upcoming term. The lists must include the International Standard Book Number (ISBN) for each required and recommended textbook and instructional material or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbooks or
instructional materials required and recommended for each course. The State Board of Community Colleges Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection (7) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(7) After receiving input from students, faculty, bookstores, and publishers, the State Board of Community Colleges Education and the Board of Governors each shall adopt textbook and instructional materials affordability policies, procedures, and guidelines for implementation by Florida Community College System institutions and state universities, respectively, that further efforts to minimize the cost of textbooks and instructional materials for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall address:

(a) The establishment of deadlines for an instructor or department to notify the bookstore of required and recommended textbooks and instructional materials so that the bookstore may verify availability, source lower cost options when practicable, explore alternatives with faculty when academically appropriate, and maximize the availability of used textbooks and instructional materials.

(b) Confirmation by the course instructor or academic department offering the course, before the textbook or instructional materials adoption is finalized, of the intent to use all items ordered, particularly each individual item sold as part of a bundled package.
(c) Determination by a course instructor or the academic department offering the course, before a textbook or instructional material is adopted, of the extent to which a new edition differs significantly and substantively from earlier versions and the value to the student of changing to a new edition or the extent to which an open-access textbook or instructional material is available.

(d) The availability of required and recommended textbooks and instructional materials to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook or instructional material may be used.

(e) Participation by course instructors and academic departments in the development, adaptation, and review of open-access textbooks and instructional materials and, in particular, open-access textbooks and instructional materials for high-demand general education courses.

(f) Consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use.

(g) Selection of textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:

1. Purchasing digital textbooks in bulk.
2. Expanding the use of open-access textbooks and instructional materials.
3. Providing rental options for textbooks and instructional...
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4. Increasing the availability and use of affordable digital textbooks and learning objects.

5. Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials.

6. The length of time that textbooks and instructional materials remain in use.

7. An evaluation of cost savings for textbooks and instructional materials which a student may realize if individual students are able to exercise opt-in provisions for the purchase of the materials.

(8) The board of trustees of each Florida Community College System institution and state university shall report, by September 30 of each year, beginning in 2016, to the Chancellor of the Florida Community College System or the Chancellor of the State University System, as applicable, the textbook and instructional materials selection process for general education courses with a wide cost variance identified pursuant to subsection (4) and high-enrollment courses; specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials; policies implemented in accordance with subsection (6); the number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year; and any additional information determined by the chancellors. By November 1 of each year, beginning in 2016, each chancellor shall provide a summary of the information provided by institutions to the State Board of Community Colleges Education and the Board of Governors, as applicable.
Section 36. Section 1004.096, Florida Statutes, is amended to read:

1004.096 College credit for military training and education courses.—The Board of Governors shall adopt regulations and the State Board of Community Colleges Education shall adopt rules that enable eligible servicemembers or veterans of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

Section 37. Section 1004.0961, Florida Statutes, is amended to read:

1004.0961 Credit for online courses.—Beginning in the 2015-2016 school year, The State Board of Community Colleges Education shall adopt rules and the Board of Governors shall adopt regulations that enable students to earn academic credit for online courses, including massive open online courses, before initial enrollment at a postsecondary institution. The rules of the State Board of Community Colleges Education and regulations of the Board of Governors must include procedures for credential evaluation and the award of credit, including, but not limited to, recommendations for credit by the American Council on Education; equivalency and alignment of coursework with appropriate courses; course descriptions; type and amount
Section 38. Section 1004.35, Florida Statutes, is amended to read:

1004.35 Broward County campuses of Florida Atlantic University; coordination with other institutions.—The State Board of Community Colleges Education, the Board of Governors, and Florida Atlantic University shall consult with Broward College and Florida International University in coordinating course offerings at the postsecondary level in Broward County. Florida Atlantic University may contract with the Board of Trustees of Broward College and with Florida International University to provide instruction in courses offered at the Southeast Campus. Florida Atlantic University shall increase course offerings at the Southeast Campus as facilities become available.

Section 39. Paragraphs (c) and (d) of subsection (5) and subsections (8) and (9) of section 1004.6495, Florida Statutes, are amended to read:

1004.6495 Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities.—

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(c) Create the application for the initial approval and renewal of approval as an FPCTP for use by an eligible institution which, at a minimum, must align with the federal comprehensive transition and postsecondary program application requirements. Notwithstanding the program approval requirements of s. 1004.03, the director shall review applications for the
initial approval of an application for, or renewal of approval of, an FPCTP.

1. Within 30 days after receipt of an application, the director shall issue his or her recommendation regarding approval to the Chancellor of the State University System, or the Chancellor of the Florida Community College System, or the Commissioner of Education, as applicable, or shall give written notice to the applicant of any deficiencies in the application, which the eligible institution must be given an opportunity to correct. Within 15 days after receipt of a notice of deficiencies, an eligible institution that chooses to continue to seek program approval shall correct the application deficiencies and return the application to the center. Within 30 days after receipt of a revised application, the director shall recommend approval or disapproval of the revised application to the applicable chancellor or the commissioner, as applicable. Within 15 days after receipt of the director’s recommendation, the applicable chancellor or the commissioner shall approve or disapprove the recommendation. If the applicable chancellor or the commissioner does not act on the director’s recommendation within 15 days after receipt of such recommendation, the comprehensive transition program proposed by the institution shall be considered approved.

2. Initial approval of an application for an FPCTP that meets the requirements of this section is valid for the 3 academic years immediately following the academic year during which the approval is granted. An eligible institution may submit an application to the center requesting that the initial approval be renewed. If the approval is granted and the FPCTP
continues to meet the requirements of this section, including, but not limited to, program and student performance outcomes, and federal requirements, a renewal is valid for the 5 academic years immediately following the academic year during which the renewal is granted.

3. An application must, at a minimum:
   a. Identify a credential associated with the proposed program which will be awarded to eligible students upon completion of the FPCTP.
   b. Outline the program length and design, including, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities, which must support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an eligible institution, including, but not limited to, opportunities to earn industry certifications, to prepare students for gainful employment. If an eligible institution offers a credit-bearing degree program, the institution is responsible for maintaining the rigor and effectiveness of a comprehensive transition degree program at the same level as other comparable degree programs offered by the institution pursuant to applicable accreditation standards.
   c. Outline a plan for students with intellectual disabilities to be integrated socially and academically with nondisabled students, to the maximum extent possible, and to participate on not less than a half-time basis, as determined by the eligible institution, with such participation focusing on academic components and occurring through one or more of the
following activities with nondisabled students:

(I) Regular enrollment in credit-bearing courses offered by the institution.

(II) Auditing or participating in courses offered by the institution for which the student does not receive academic credit.

(III) Enrollment in noncredit-bearing, nondegree courses.

(IV) Participation in internships or work-based training.

d. Outline a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.

e. Identify performance indicators pursuant to subsection (8) and other requirements identified by the center.

f. Outline a 5-year plan incorporating enrollment and operational expectations for the program.

d) Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at eligible institutions by:

1. Holding meetings and annual workshops to share successful practices and to address issues or concerns.

2. Facilitating collaboration between eligible institutions and school districts, private schools operating pursuant to s. 1002.42, and parents of students enrolled in home education programs operating pursuant to s. 1002.41 in assisting students with intellectual disabilities and their parents to plan for the transition of such students into an FPCTP or another program at an eligible institution.

3. Assisting eligible institutions with FPCTP and federal
comprehensive transition and postsecondary program applications.

4. Assisting eligible institutions with the identification of funding sources for an FPCTP and for student financial assistance for students enrolled in an FPCTP.

5. Monitoring federal and state law relating to the comprehensive transition program and notifying the Legislature, the Governor, the Board of Governors, the State Board of Community Colleges, and the State Board of Education of any change in law which may impact the implementation of this section.

(8) ACCOUNTABILITY.—

(a) The center, in collaboration with the Board of Governors and the State Board of Community Colleges Education, shall identify indicators for the satisfactory progress of a student in an FPCTP and for the performance of such programs. Each eligible institution must address the indicators identified by the center in its application for the approval of a proposed program and for the renewal of an FPCTP and in the annual report that the institution submits to the center.

(b) By October 1 of each year, the center shall provide to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the State University System, and the [Chancellor of the Florida Community College System Commissioner of Education] a report summarizing information including, but not limited to:

1. The status of the statewide coordination of FPCTPs and the implementation of FPCTPs at eligible institutions including, but not limited to:

   a. The number of applications approved and disapproved and
the reasons for each disapproval and no action taken by the chancellor or the commissioner.

b. The number and value of all scholarships awarded to students and undisbursed advances remitted to the center pursuant to subsection (7).

2. Indicators identified by the center pursuant to paragraph (a) and the performance of each eligible institution based on the indicators identified in paragraph (6)(c).

3. The projected number of students with intellectual disabilities who may be eligible to enroll in the FPCTPs within the next academic year.

4. Education programs and services for students with intellectual disabilities which are available at eligible institutions.

(c) Beginning in the 2016-2017 fiscal year, the center, in collaboration with the Board of Governors, State Board of Community Colleges Education, Higher Education Coordinating Council, and other stakeholders, by December 1 of each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory and budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

(9) RULES.—The Board of Governors and the State Board of Community Colleges Education, in consultation with the center, shall expeditiously adopt any necessary regulations and rules, as applicable, to allow the center to perform its responsibilities pursuant to this section beginning in the 2016-2017 fiscal year.
Section 40. Section 1004.65, Florida Statutes, is amended to read:

1004.65 Florida Community College System institutions; governance, mission, and responsibilities.—

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

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

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

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

(3) Florida Community College System institutions are locally based and governed entities with statutory and funding ties to state government. As such, the mission for Florida Community College System institutions reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, Florida Community College System institutions strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

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

(5) The primary mission and responsibility of Florida Community College System institutions is responding to community needs for postsecondary academic education and career degree education. This mission and responsibility includes being responsible for:

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

(b) Preparing students directly for careers requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in a Florida Community College System institution consists of career certificates, nationally recognized industry certifications, credit courses leading to associate in science degrees and associate in applied science degrees, and other programs in fields requiring substantial academic work, background, or qualifications. A Florida Community College System institution may offer career education programs in fields having lesser academic or technical requirements.

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

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

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

(e) Providing dual enrollment instruction.
(f) Providing upper level instruction and awarding baccalaureate degrees as specifically authorized by law.

(6) A separate and secondary role for Florida Community College System institutions includes the offering of programs in:

(a) Programs in community services that are not directly related to academic or occupational advancement.
(b) Programs in adult education services, including adult basic education, adult general education, adult secondary education, and high school equivalency examination instruction.
(c) Programs in recreational and leisure services.
(d) Upper-level instruction and awarding baccalaureate degrees as specifically authorized by law.

(7) Funding for Florida Community College System institutions must reflect their mission as follows:

(a) Postsecondary academic and career education programs and adult general education programs must have first priority in Florida Community College System institution funding.

(b) Community service programs shall be presented to the Legislature with rationale for state funding. The Legislature
may identify priority areas for use of these funds.

(c) The resources of a Florida Community College System institution, including staff, faculty, land, and facilities, may not be used to support the establishment of a new independent nonpublic educational institution. If any institution uses resources for such purpose, the State Board of Community Colleges shall notify the President of the Senate and the Speaker of the House of Representatives.

(8) Florida Community College System institutions are authorized to:

(a) Offer such programs and courses as are necessary to fulfill their mission.

(b) Grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas.

(c) Make provisions for the high school equivalency examination.

(d) Provide access to and award baccalaureate degrees in accordance with law.

Authority to offer one or more baccalaureate degree programs does not alter the governance relationship of the Florida Community College System institution with its district board of trustees or the State Board of Community Colleges Education.

Section 41. Section 1004.67, Florida Statutes, is amended to read:

1004.67 Florida Community College System institutions; legislative intent.—It is the legislative intent that Florida
Community College System institutions, constituted as political subdivisions of the state, continue to be operated by Florida Community College System institution boards of trustees as provided in s. 1001.63 and that no department, bureau, division, agency, or subdivision of the state exercise any responsibility and authority to operate any Florida Community College System institution of the state except as specifically provided by law or rules of the State Board of Community Colleges Education.

Section 42. Section 1004.70, Florida Statutes, is amended to read:

1004.70 Florida Community College System institution direct-support organizations.—

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

(a) “Florida Community College System institution direct-support organization” means an organization that is:

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

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a Florida Community College System institution in this state.

3. An organization that the Florida Community College System institution board of trustees, after review, has certified to be operating in a manner consistent with the goals of the Florida Community College System institution and in the best interest of the state. Any organization that is denied certification by the board of trustees may not use the name of the Florida Community College System institution that it serves.
(b) “Personal services” includes full-time or part-time personnel as well as payroll processing.

(2) BOARD OF DIRECTORS.—The chair of the board of trustees shall appoint a representative to the board of directors and the executive committee of each direct-support organization established under this section, including those established before July 1, 1998. The president of the Florida Community College System institution for which the direct-support organization is established, or the president’s designee, shall also serve on the board of directors and the executive committee of the direct-support organization, including any direct-support organization established before July 1, 1998.

(3) USE OF PROPERTY.—

(a) The board of trustees is authorized to permit the use of property, facilities, and personal services at any Florida Community College System institution by any Florida Community College System institution direct-support organization, subject to the provisions of this section.

(b) The board of trustees is authorized to prescribe by rule any condition with which a Florida Community College System institution direct-support organization must comply in order to use property, facilities, or personal services at any Florida Community College System institution.

(c) The board of trustees may not permit the use of property, facilities, or personal services at any Florida Community College System institution direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or
(4) ACTIVITIES; RESTRICTIONS.—

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

(b) A direct-support organization that constructs facilities for use by a Florida Community College System institution or its students must comply with all requirements of law relating to the construction of facilities by a Florida Community College System institution, including requirements for competitive bidding.

(c) Any transaction or agreement between one direct-support organization and another direct-support organization must be approved by the board of trustees.

(d) A Florida Community College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the Florida Community College System institution.

(e) A Florida Community College System institution board of trustees must authorize all debt, including lease-purchase agreements, incurred by a direct-support organization. Authorization for approval of short-term loans and lease-purchase agreements for a term of not more than 5 years, including renewals, extensions, and refundings, for goods, materials, equipment, and services may be delegated by the board.
of trustees to the board of directors of the direct-support organization. Trustees shall evaluate proposals for debt according to guidelines issued by the State Board of Community Division of Florida Colleges. Revenues of the Florida Community College System institution may not be pledged to debt issued by direct-support organizations.

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

(6) ANNUAL AUDIT.—Each direct-support organization shall provide for an annual financial audit in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8). The annual audit report must be submitted, within 9 months after the end of the fiscal year, to the Auditor General, the State Board of Community Colleges Education, and the board of trustees for review. The board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor’s report. All records of the organization, other than the auditor’s report, any information necessary for the auditor’s report, any information related to the expenditure of funds, and any supplemental data requested by the board of trustees, the
Audit General, and the Office of Program Policy Analysis and
Government Accountability, shall be confidential and exempt from
the provisions of s. 119.07(1).

Section 43. Section 1004.71, Florida Statutes, is amended
to read:

1004.71 Statewide Florida Community College System
institution direct-support organizations.—

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

(a) “Statewide Florida Community College System institution
direct-support organization” means an organization that is:

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

2. Organized and operated exclusively to receive, hold,
invest, and administer property and to make expenditures to, or
for the benefit of, the Florida Community College System
institutions in this state.

3. An organization that the State Board of Community
Colleges Education, after review, has certified to be operating
in a manner consistent with the goals of the Florida Community
College System institutions and in the best interest of the
state.

(b) “Personal services” includes full-time or part-time
personnel as well as payroll processing.

(2) BOARD OF DIRECTORS.—The chair of the State Board of
Community Colleges Education may appoint a representative to the
board of directors and the executive committee of any statewide,
direct-support organization established under this section or s.
1004.70. The chair of the State Board of Community Colleges
Education, or the chair’s designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit Florida Community College System institutions.

(3) USE OF PROPERTY.—

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

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

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

(4) RESTRICTIONS.—

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

(b) Any transaction or agreement between a statewide, direct-support organization and any other direct-support organization must be approved by the State Board of Community Colleges Education.
(c) A statewide Florida Community College System institution direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Community Colleges Education.

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

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

Section 44. Subsection (4) of section 1004.74, Florida Statutes, is amended to read:

1004.74 Florida School of the Arts.—

(4) The Council for the Florida School of the Arts shall be established to advise the Florida Community College System institution district board of trustees on matters pertaining to
the operation of the school. The council shall consist of nine members, appointed jointly by the Chancellor of the Florida Community College System and the Commissioner of Education for 4-year terms. A member may serve three terms and may serve until replaced.

Section 45. Section 1004.78, Florida Statutes, is amended to read:

1004.78 Technology transfer centers at Florida Community College System institutions.—

(1) Each Florida Community College System institution may establish a technology transfer center for the purpose of providing institutional support to local business and industry and governmental agencies in the application of new research in technology. The primary responsibilities of such centers may include: identifying technology research developed by universities, research institutions, businesses, industries, the United States Armed Forces, and other state or federal governmental agencies; determining and demonstrating the application of technologies; training workers to integrate advanced equipment and production processes; and determining for business and industry the feasibility and efficiency of accommodating advanced technologies.

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

(3) A technology transfer center created under the provisions of this section shall be under the supervision of the board of trustees of that Florida Community College System institution, which is authorized to appoint a director; to employ full-time and part-time staff, research personnel, and professional services; to employ on a part-time basis personnel of the Florida Community College System institution; and to employ temporary employees whose salaries are paid entirely from the permanent technology transfer fund or from that fund in combination with other nonstate sources, with such positions relating to salaries, except that no such appointment shall be made for a total period of longer than 1 year.

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

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

(6) The fund balance in any existing research trust fund of a Florida Community College System institution at the time a technology transfer center is created shall be transferred to a permanent technology transfer fund established for the Florida Community College System institution, and thereafter the fund balance of the technology transfer fund at the end of any fiscal period may be used during any succeeding period pursuant to this section.

(7) Moneys deposited in the permanent technology transfer fund of a Florida Community College System institution shall be disbursed in accordance with the terms of the contract, grant, or donation under which they are received. Moneys received for overhead or indirect costs and other moneys not required for the payment of direct costs shall be applied to the cost of

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operating the technology transfer center.

(8) All purchases of a technology transfer center shall be made in accordance with the policies and procedures of the Florida Community College System institution.

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

(10) The State Board of Community Colleges Education may award grants to Florida Community College System institutions, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Community Colleges Education. Such rules shall include the following provisions:

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

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

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

(ii) Each technology transfer center established under the provisions of this section shall establish a technology transfer center advisory committee. Each committee shall include representatives of a university or universities conducting research in the area of specialty of the center. Other members shall be determined by the Florida Community College System institution board of trustees.

Section 46. Subsection (4) of section 1004.80, Florida Statutes, is amended to read:

404.80 Economic development centers.—
(4) The State Board of Community Colleges Education may award grants to economic development centers for the purposes of this section. Grants awarded pursuant to this subsection shall be in accordance with rules established by the State Board of Community Colleges Education.

Section 47. Section 1004.91, Florida Statutes, is amended to read:

1004.91 Requirements for career education program basic skills.—
(1) The State Board of Education, for career centers operated by district school boards, and the State Board of Community Colleges, for charter technical career centers operated by Florida Community College System institutions, shall collaborate to adopt, by rule, standards of basic skill mastery for completion of certificate career education programs. Each school district and Florida Community College System institution that conducts programs that confer career and technical certificates shall provide applied academics instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a program offered for career credit of 450 hours or more shall complete an entry-level examination within the first 6 weeks after admission into the program. The State Board of Education and the State Board of Community Colleges shall collaborate to designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student found to lack the required level of basic skills for such program shall be referred to applied academics instruction or another adult general education program for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.

(3)(a) An adult student with a disability may be exempted from this section.
(b) The following students are exempt from this section:

1. A student who possesses a college degree at the associate in applied science level or higher.

2. A student who demonstrates readiness for public postsecondary education pursuant to s. 1008.30 and applicable rules adopted by the State Board of Education and State Board of Community Colleges.

3. A student who passes a state or national industry certification or licensure examination that is identified in State Board of Education or State Board of Community Colleges rules and aligned to the career education program in which the student is enrolled.

4. An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with chapter 446.

Section 48. Paragraph (b) of subsection (2) of section 1004.92, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

1004.92 Purpose and responsibilities for career education.—

(2) Department of Education, for school districts, and the State Board of Community Colleges, for Florida Community College System institutions, have the following responsibilities related to accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and Florida Community College System institutions.

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

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

4. The development of program standards and industry-driven benchmarks for career, adult, and community education programs, which must be updated every 3 years. The standards must include career, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry; and provisions that reflect the quality components of career and technical education programs. The Department of Education and the State Board of Community Colleges shall collaborate to develop a common set of standards and benchmarks as specified under this subparagraph for the programs that are offered by both the school districts and Florida Community College System institutions.

5. Overseeing school district and Florida Community College System institution compliance with the provisions of this chapter.

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

(4) The State Board of Education, for career education provided by school districts, and the State Board of Community Colleges, for career education provided by Florida Community College System institutions, shall collaborate to adopt rules to
administer this section.

Section 49. Subsection (1) of section 1004.925, Florida Statutes, is amended to read:

1004.925 Automotive service technology education programs; certification.—

(1) All automotive service technology education programs shall be industry certified in accordance with rules adopted by the State Board of Education and the State Board of Community Colleges.

Section 50. Paragraphs (c) and (d) of subsection (4) and subsections (6) and (9) of section 1004.93, Florida Statutes, are amended to read:

1004.93 Adult general education.—

(4)

(c) The State Board of Community Colleges Education shall define, by rule, the levels and courses of instruction to be funded through the developmental education program. The State Board of Community Colleges shall coordinate the establishment of costs for developmental education courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of developmental education. Developmental education is part of an associate in arts degree program and may not be funded as an adult career education program.

(d) Expenditures for developmental education and lifelong learning students shall be reported separately. Allocations for developmental education shall be based on proportional full-time equivalent enrollment. Program review results shall be included
in the determination of subsequent allocations. A student shall be funded to enroll in the same developmental education class within a skill area only twice, after which time the student shall pay 100 percent of the full cost of instruction to support the continuous enrollment of that student in the same class; however, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each Florida Community College System institution shall have the authority to review and reduce payment for increased fees due to continued enrollment in a developmental education class on an individual basis contingent upon the student’s financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges Education. Developmental education and lifelong learning courses do not generate credit toward an associate or baccalaureate degree.

(6) The commissioner, for school districts, and the Chancellor of the Florida Community College System, for Florida Community College System institutions, shall recommend the level of funding for public school and Florida Community College System institution adult education within the legislative budget request and make other recommendations and reports considered necessary or required by rules of the State Board of Education.

(9) The State Board of Education and the State Board of Community Colleges may adopt rules necessary for the implementation of this section.

Section 51. Subsection (3) of section 1006.60, Florida Statutes, is amended to read:
1006.60 Codes of conduct; disciplinary measures; authority
to adopt rules or regulations.—

(3) Sanctions authorized by such codes of conduct may be
imposed only for acts or omissions in violation of rules or
regulations adopted by the institution, including rules or
regulations adopted under this section, rules of the State Board
of Community Colleges regarding the Florida Community College
System Education, rules or regulations of the Board of Governors
regarding the State University System, county and municipal
ordinances, and the laws of this state, the United States, or
any other state.

Section 52. Subsection (1) of section 1006.61, Florida
Statutes, is amended to read:

1006.61 Participation by students in disruptive activities
at public postsecondary educational institution; penalties.—

(1) Any person who accepts the privilege extended by the
laws of this state of attendance at any public postsecondary
educational institution shall, by attending such institution, be
deemed to have given his or her consent to the policies of that
institute, the State Board of Community Colleges regarding the
Florida Community College System Education, and the Board of
Governors regarding the State University System, and the laws of
this state. Such policies shall include prohibition against
disruptive activities at public postsecondary educational
institutions.

Section 53. Section 1006.62, Florida Statutes, is amended
to read:

1006.62 Expulsion and discipline of students of Florida
Community College System institutions and state universities.—
(1) Each student in a Florida Community College System institution or state university is subject to federal and state law, respective county and municipal ordinances, and all rules and regulations of the State Board of Community Colleges regarding the Florida Community College System Education, the Board of Governors regarding the State University System, or the board of trustees of the institution.

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

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

(a) If the student provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals or of any other person engaged in violations of chapter 893 within a state university or Florida Community College System institution;

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

(c) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed
Section 54. Paragraphs (c) and (g) of subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 1006.71, Florida Statutes, are amended to read:

1006.71 Gender equity in intercollegiate athletics.—

(1) GENDER EQUITY PLAN.—

(c) The Commissioner of Education shall annually assess the progress of each Florida Community College System institution’s plan and advise the State Board of Community Colleges Education and the Legislature regarding compliance.

(g)1. If a Florida Community College System institution is not in compliance with Title IX of the Education Amendments of 1972 and the Florida Educational Equity Act, the State Board of Community Colleges Education shall:

a. Declare the Florida Community College System institution ineligible for competitive state grants.

b. Withhold funds sufficient to obtain compliance.

The Florida Community College System institution shall remain ineligible and the funds may shall not be paid until the Florida Community College System institution comes into compliance or the Chancellor of the Florida Community College System Commissioner of Education approves a plan for compliance.

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

a. Declare the state university ineligible for competitive state grants.
b. Withhold funds sufficient to obtain compliance.

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

(2) FUNDING.—

(b) The level of funding and percentage share of support for women’s intercollegiate athletics for Florida Community College System institutions shall be determined by the State Board of Community Colleges Education. The level of funding and percentage share of support for women’s intercollegiate athletics for state universities shall be determined by the Board of Governors. The level of funding and percentage share attained in the 1980-1981 fiscal year shall be the minimum level and percentage maintained by each institution, except as the State Board of Community Colleges Education or the Board of Governors otherwise directs its respective institutions for the purpose of assuring equity. Consideration shall be given by the State Board of Community Colleges Education or the Board of Governors to emerging athletic programs at institutions which may not have the resources to secure external funds to provide athletic opportunities for women. It is the intent that the effect of any redistribution of funds among institutions may not negate the requirements as set forth in this section.

(3) STATE BOARD OF COMMUNITY COLLEGES EDUCATION.—The State Board of Community Colleges Education shall assure equal opportunity for female athletes at Florida Community College System institutions and establish:
(a) In conjunction with the State Board of Education, guidelines for reporting of intercollegiate athletics data concerning financial, program, and facilities information for review by the State Board of Community Colleges annually.

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

  (c) Criteria for determining and assuring equity.

Section 55. Section 1007.01, Florida Statutes, is amended to read:

> 1007.01 Articulation; legislative intent; purpose; role of the State Board of Education, the State Board of Community Colleges, and the Board of Governors; Articulation Coordinating Committee.—

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building, sustaining, and strengthening relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida’s communities. The purpose of building, sustaining, and strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. The Legislature further intends that articulation policies and budget actions be implemented consistently in the practices of the Department of Education and postsecondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education, and the Board of Governors, and the State Board of Community...
To preserve Florida’s “2+2” system of articulation and improve and facilitate articulation systemwide, the State Board of Education, and the Board of Governors, and the State Board of Community Colleges shall collaboratively establish and adopt policies with input from statewide K-20 advisory groups established by the Commissioner of Education, the Chancellor of the Florida Community College System, and the Chancellor of the State University System and shall recommend the policies to the Legislature. The policies shall relate to:

(a) The alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) The Commissioner of Education, in consultation with the Chancellor of the Florida Community College System and the Chancellor of the State University System, shall establish the Articulation Coordinating Committee, which shall make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the K-20 data warehouse, established pursuant to
ss. 1001.10 and 1008.31, to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors, and the State Board of Community Colleges. The committee shall consist of two members each representing the State University System, the Florida Community College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The chair shall be elected from the membership. The Office of K-20 Articulation shall provide administrative support for the committee. The committee shall:

(a) Monitor the alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer and make recommendations for improvement.

(b) Propose guidelines for interinstitutional agreements between and among public schools, career and technical education centers, Florida Community College System institutions, state universities, and nonpublic postsecondary institutions.

(c) Annually recommend dual enrollment course and high school subject area equivalencies for approval by the State Board of Education, and the Board of Governors, and the State Board of Community Colleges.

(d) Annually review the statewide articulation agreement pursuant to s. 1007.23 and make recommendations for revisions.

(e) Annually review the statewide course numbering system, the levels of courses, and the application of transfer credit requirements among public and nonpublic institutions participating in the statewide course numbering system and identify instances of student transfer and admissions.
difficulties.

(f) Annually publish a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions identified pursuant to s. 1007.25.

(g) Foster timely collection and reporting of statewide education data to improve the K-20 education performance accountability system pursuant to ss. 1001.10 and 1008.31, including, but not limited to, data quality, accessibility, and protection of student records.

(h) Recommend roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system established pursuant to s. 1006.735.

(i) Make recommendations regarding the cost and requirements to develop and implement an online system for collecting and analyzing data regarding requests for transfer of credit by postsecondary education students. The online system, at a minimum, must collect information regarding the total number of credit transfer requests denied and the reason for each denial. Recommendations shall be reported to the President of the Senate and the Speaker of the House of Representatives on or before January 31, 2015.

Section 56. Subsections (1) and (6) of section 1007.23, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

1007.23 Statewide articulation agreement.—

(1) The State Board of Education, and the Board of Governors, and the State Board of Community Colleges shall enter
into a statewide articulation agreement which the State Board of Education and the State Board of Community Colleges shall adopt by rule. The agreement must preserve Florida’s “2+2” system of articulation, facilitate the seamless articulation of student credit across and among Florida’s educational entities, and reinforce the provisions of this chapter by governing:

(a) Articulation between secondary and postsecondary education;
(b) Admission of associate in arts degree graduates from Florida Community College System institutions and state universities;
(c) Admission of applied technology diploma program graduates from Florida Community College System institutions or career centers;
(d) Admission of associate in science degree and associate in applied science degree graduates from Florida Community College System institutions;
(e) The use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit;
(f) General education requirements and statewide course numbers as provided for in ss. 1007.24 and 1007.25; and
(g) Articulation among programs in nursing.

(6) The articulation agreement must guarantee the articulation of 9 credit hours toward a postsecondary degree in early childhood education for programs approved by the State Board of Community Colleges Education and the Board of Governors which:

(a) Award a child development associate credential issued
by the National Credentialing Program of the Council for Professional Recognition or award a credential approved under s. 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the child development associate credential; and

(b) Include training in emergent literacy which meets or exceeds the minimum standards for training courses for prekindergarten instructors of the Voluntary Prekindergarten Education Program in s. 1002.59.

(7) To strengthen Florida’s “2+2” system of articulation and improve student retention and on-time graduation, by the 2018-2019 academic year, each Florida Community College System institution shall execute at least one “2+2” targeted pathway articulation agreement with one or more state universities to establish “2+2” targeted pathway programs. The agreement must provide students who graduate with an associate in arts degree and who meet specified requirements guaranteed access to the state university and a degree program at that university, in accordance with the terms of the “2+2” targeted pathway articulation agreement.

(a) To participate in a “2+2” targeted pathway program, a student must:

1. Enroll in the program before completing 30 credit hours, including, but not limited to, college credits earned through articulated acceleration mechanisms pursuant to s. 1007.27;

2. Complete an associate in arts degree; and

3. Meet the university’s transfer requirements.

(b) A state university that executes a “2+2” targeted pathway articulation agreement must meet the following requirements in order to implement a “2+2” targeted pathway
program in collaboration with its partner Florida Community College System institution:

1. Establish a 4-year on-time graduation plan for a baccalaureate degree program, including, but not limited to, a plan for students to complete associate in arts degree programs, general education courses, common prerequisite courses, and elective courses;

2. Advise students enrolled in the program about the university’s transfer and degree program requirements; and

3. Provide students who meet the requirements under this paragraph with access to academic advisors and campus events and with guaranteed admittance to the state university and a degree program of the state university, in accordance with the terms of the agreement.

(c) To assist the state universities and Florida Community College System institutions with implementing the “2+2” targeted pathway programs effectively, the State Board of Community Colleges and the Board of Governors shall collaborate to eliminate barriers in executing “2+2” targeted pathway articulation agreements.

Section 57. Subsections (1), (2), and (3) of section 1007.24, Florida Statutes, are amended to read:

1007.24 Statewide course numbering system.—

(1) The Department of Education, in conjunction with the Board of Governors and the State Board of Community Colleges, shall develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary
educational institutions that will improve program planning, increase communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions. The continuing maintenance of the system shall be accomplished with the assistance of appropriate faculty committees representing public and participating nonpublic educational institutions.

(2) The Commissioner of Education, in conjunction with the Chancellor of the Florida Community College System and the Chancellor of the State University System, shall appoint faculty committees representing faculties of participating institutions to recommend a single level for each course, including postsecondary career education courses, included in the statewide course numbering system.

(a) Any course designated as an upper-division-level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework.

(b) A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division.

(c) A course designated as lower-division may be offered by any Florida Community College System institution.

(3) The Commissioner of Education shall recommend to the State Board of Education the levels for the courses. The State Board of Education, with input from the Board of Governors and
the State Board of Community Colleges, shall approve the levels for the courses.

Section 58. Subsections (3), (5), and (8) through (11) of section 1007.25, Florida Statutes, are amended to read:

1007.25 General education courses; common prerequisites;
other degree requirements.—

(3) The chair of the State Board of Community Colleges Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to identify statewide general education core course options. General education core course options shall consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the State Board of Community Colleges Education and the Board of Governors, as recommended by the subject area faculty committee and approved by the Articulation Coordinating Committee as necessary for a subject area. Each general education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course. Beginning with students initially entering a Florida Community College System institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. All public postsecondary educational institutions shall accept these courses as meeting general education core course requirements. The remaining general education course
requirements shall be identified by each institution and reported to the department by their statewide course number. The general education core course options shall be adopted in rule by the State Board of Community Colleges Education and in regulation by the Board of Governors.

(5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and Florida Community College System institutions, except in cases approved by the State Board of Community Colleges, Education for Florida Community College System institutions, and the Board of Governors for state universities. The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(8) A baccalaureate degree program shall require no more than 120 semester hours of college credit and include 36 semester hours of general education coursework, unless prior approval has been granted by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Community Colleges Education for baccalaureate degree programs offered by Florida Community College System institutions.

(9) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a Florida Community College System institution. The university must provide credit toward the student’s baccalaureate degree for an additional Florida
Community College System institution course if, according to the statewide course numbering, the Florida Community College System institution course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs approved by the State Board of Community Colleges Education for programs offered by Florida Community College System institutions and by the Board of Governors for programs offered by state universities.

(10) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements for college-level communication and computation skills adopted by the State Board of Community Colleges Education and 60 academic semester hours or the equivalent within a degree program area, including 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.

(11) The Commissioner of Education and the Chancellor of the Florida Community College System shall jointly appoint faculty committees representing both Florida Community College System institution and public school faculties to recommend to the commissioner, or the Chancellor of the Florida Community College System,
College System, as applicable, for approval by the State Board of Education and the State Board of Community Colleges, as applicable, a standard program length and appropriate occupational completion points for each postsecondary career certificate program, diploma, and degree offered by a school district or a Florida Community College System institution.

Section 59. Section 1007.262, Florida Statutes, is amended to read:

1007.262 Foreign language competence; equivalence determinations.—The Department of Education shall identify the competencies demonstrated by students upon the successful completion of 2 credits of sequential high school foreign language instruction. For the purpose of determining postsecondary equivalence, the State Board of Community Colleges department shall develop rules through which Florida Community College System institutions correlate such competencies to the competencies required of students in the colleges’ respective courses. Based on this correlation, each Florida Community College System institution shall identify the minimum number of postsecondary credits that students must earn in order to demonstrate a level of competence in a foreign language at least equivalent to that of students who have completed 2 credits of such instruction in high school. The department may also specify alternative means by which students can demonstrate equivalent foreign language competence, including means by which a student whose native language is not English may demonstrate proficiency in the native language. A student who demonstrates proficiency in a native language other than English is exempt from a requirement of completing foreign language courses at the...
Section 60. Section 1007.263, Florida Statutes, is amended to read:

1007.263 Florida Community College System institutions; admissions of students.—Each Florida Community College System institution board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Community Colleges Education. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college or career credit programs. For students who are not otherwise exempt from testing under s. 1008.30, counseling must use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs or tests to measure achievement of basic skills for career education programs as prescribed in s. 1004.91. Counseling includes providing developmental education options for students whose assessment results, determined under s. 1008.30, indicate that they need to improve communication or computation skills that are essential to perform college-level work.

(2) Admission to associate degree programs is subject to minimum standards adopted by the State Board of Community Colleges Education and shall require:

(a) A standard high school diploma, a high school equivalency diploma as prescribed in s. 1003.435, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student’s parent or legal
guardian attesting that the student has completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to s. 1007.271 are exempt from this requirement.

(b) A demonstrated level of achievement of college-level communication and computation skills.

(c) Any other requirements established by the board of trustees.

(3) Admission to other programs within the Florida Community College System institution shall include education requirements as established by the board of trustees.

(4) A student who has been awarded a certificate of completion under s. 1003.4282 is eligible to enroll in certificate career education programs.

(5) A student with a documented disability may be eligible for reasonable substitutions, as prescribed in ss. 1007.264 and 1007.265.

Each board of trustees shall establish policies that notify students about developmental education options for improving their communication or computation skills that are essential to performing college-level work, including tutoring, extended time in gateway courses, free online courses, adult basic education, adult secondary education, or private provider instruction.

Section 61. Subsection (2) of section 1007.264, Florida Statutes, is amended to read:

1007.264 Persons with disabilities; admission to postsecondary educational institutions; substitute requirements;
rules and regulations.—

(2) The State Board of Community Colleges Education, in consultation with the Board of Governors, shall adopt rules to implement this section for Florida Community College System institutions and shall develop substitute admission requirements where appropriate.

Section 62. Subsections (2) and (3) of section 1007.265, Florida Statutes, are amended to read:

1007.265 Persons with disabilities; graduation, study program admission, and upper-division entry; substitute requirements; rules and regulations.—

(2) The State Board of Community Colleges Education, in consultation with the Board of Governors, shall adopt rules to implement this section for Florida Community College System institutions and shall develop substitute requirements where appropriate.

(3) The Board of Governors, in consultation with the State Board of Community Colleges Education, shall adopt regulations to implement this section for state universities and shall develop substitute requirements where appropriate.

Section 63. Subsections (6), (7), and (8) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(6) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for
an award of credit shall be delineated by the State Board of Education, and the Board of Governors, and the State Board of Community Colleges in the statewide articulation agreement required by s. 1007.23(1). The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude Florida Community College System institutions and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(7) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Community Colleges Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at Florida Community College System institutions and universities. Any changes to the articulation agreement which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit shall only apply to students taking International Baccalaureate Examinations after such changes are adopted by the State Board of Community Colleges Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The
specific course for which a student may receive such credit shall be specified in the statewide articulation agreement required by s. 1007.23(1). Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(8) The Advanced International Certificate of Education Program and the International General Certificate of Secondary Education (pre-AICE) Program shall be the curricula in which eligible secondary students are enrolled in programs of study offered through the Advanced International Certificate of Education Program or the International General Certificate of Secondary Education (pre-AICE) Program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Community Colleges Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at Florida Community College System institutions and universities. Any changes to the cutoff scores, which changes have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education examinations after such changes are adopted by the State Board of Community Colleges Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student may receive such credit
shall be determined by the Florida Community College System institution or university that accepts the student for admission. Students enrolled in either program of study pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether the student achieves a passing score on the examination.

Section 64. Subsections (3) and (22) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—
(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. Student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of
the agreement are contained within the dual enrollment articulation agreement established pursuant to subsection (21). Florida Community College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.

(22) The Department of Education shall develop an electronic submission system for dual enrollment articulation agreements and shall review, for compliance, each dual enrollment articulation agreement submitted pursuant to subsections (13), (21), and (24). The Commissioner of Education shall notify the district school superintendent and the Florida Community College System institution president if the dual enrollment articulation agreement does not comply with statutory requirements and shall submit any dual enrollment articulation agreement with unresolved issues of noncompliance to the State Board of Education. The State Board of Education shall collaborate with the State Board of Community Colleges to resolve unresolved issues of noncompliance.

Section 65. Subsection (6) of section 1007.273, Florida Statutes, is amended to read:

1007.273 Collegiate high school program.—

(6) The collegiate high school program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by
withholding the transfer of funds for the school districts and the Florida College System institutions in accordance with s. 1008.32. Annually by December 31, the State Board of Community Colleges shall enforce compliance with this section by withholding the transfer of funds for the Florida Community College System institutions in accordance with s. 1001.602.

Section 66. Section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—
(1)(a) The Legislature recognizes that public and private postsecondary educational institutions play an essential role in improving the quality of life and economic well-being of the state and its residents. The Legislature also recognizes that economic development needs and the educational needs of place-bound, nontraditional students have increased the demand for local access to baccalaureate degree programs. It is therefore the intent of the Legislature to further expand access to baccalaureate degree programs through the use of Florida Community College System institutions.

(b) For purposes of this section, the term “district” refers to the county or counties served by a Florida Community College System institution pursuant to s. 1000.21(3).

(2) Any Florida Community College System institution that offers one or more baccalaureate degree programs must:

(a) Maintain as its primary mission:

1. Responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(5).

2. The provision of associate degrees that provide access...
to a university.

(b) Maintain an open-door admission policy for associate-level degree programs and workforce education programs.

(c) Continue to provide outreach to underserved populations.

(d) Continue to provide remedial education pursuant to s. 1008.30.

(e) Comply with all provisions of the statewide articulation agreement which relate to 2-year and 4-year public degree-granting institutions as adopted by the State Board of Education or the State Board of Community Colleges, as applicable, pursuant to s. 1007.23.

(f) Not award graduate credit.

(g) Not participate in intercollegiate athletics beyond the 2-year level.

(3) A Florida Community College System institution may not terminate its associate in arts or associate in science degree programs as a result of being authorized to offer one or more baccalaureate degree programs. The Legislature intends that the primary responsibility of a Florida Community College System institution, including a Florida Community College System institution that offers baccalaureate degree programs, continues to be the provision of associate degrees that provide access to a university.

(4) A Florida Community College System institution may:

(a) Offer specified baccalaureate degree programs through formal agreements between the Florida Community College System institution and other regionally accredited postsecondary educational institutions pursuant to s. 1007.22.
(b) Offer baccalaureate degree programs that are authorized by law prior to July 1, 2009.

(c) Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the State Board of Community Colleges Education under this section. However, a Florida Community College System institution may not offer a bachelor of arts degree program.

Beginning July 1, 2009, the Board of Trustees of St. Petersburg College is authorized to establish one or more bachelor of applied science degree programs based on an analysis of workforce needs in Pinellas, Pasco, and Hernando Counties and other counties approved by the Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs. The Board of Trustees of St. Petersburg College is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on each of the factors in paragraph (5)(d). However, the Board of Trustees of St. Petersburg College may not establish any new baccalaureate degree programs from March 31, 2014, through May 31, 2015. Prior to developing or proposing a new baccalaureate degree program, St. Petersburg College shall engage in need, demand, and impact
discussions with the state university in its service district and other local and regional, accredited postsecondary providers in its region. Documentation, data, and other information from inter-institutional discussions regarding program need, demand, and impact shall be provided to the college’s board of trustees to inform the program approval process. Employment at St. Petersburg College is governed by the same laws that govern Florida College System institutions, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching. Employee records for all personnel shall be maintained as required by s. 1012.81.

(5) The approval process for baccalaureate degree programs requires:

(a) Each Florida Community College System institution to submit a notice of interest at least 180 days before submitting a notice of intent to propose a baccalaureate degree program to the Division of Florida Colleges at least 100 days before the submission of its proposal under paragraph (d). The notice of interest must be submitted into a shared postsecondary database that allows other postsecondary institutions to preview and provide feedback on the notice of interest. A written notice of intent must be submitted to the Chancellor of the Florida Community College System at least 100 days before the submission of a baccalaureate degree program proposal under paragraph (c). The notice of intent must include a brief description of the program, the workforce demand and unmet need for graduates of the program to include evidence from entities independent of the institution, the geographic region to be served, and an estimated timeframe for implementation. Notices of interest and
intent may be submitted by a Florida Community College System institution at any time throughout the year. The notice of intent must also include evidence that the Florida Community College System institution engaged in need, demand, and impact discussions with the state university and other regionally accredited postsecondary education providers in its service district.

(b) The Chancellor of the Florida Community College System Division of Florida Colleges shall forward the notice of intent submitted pursuant to paragraph (a) and the justification for the proposed baccalaureate degree program required under paragraph (c) within 10 business days after receiving such notice and justification to the Chancellor of the State University System, the president of the Independent Colleges and Universities of Florida, and the Executive Director of the Commission for Independent Education. State universities shall have 60 days following receipt of the notice of intent and justification by the Chancellor of the State University System to submit an objection and a reason for the objection to the proposed baccalaureate degree program, which may include objections to the proposed new program or submit an alternative proposal to offer the baccalaureate degree program. The Chancellor of the State University System shall review the objection raised by a state university and inform the Board of Governors of the objection before a state university submits its objection to the Chancellor of the Florida Community College System. The Chancellor of the Florida Community College System must consult with the Chancellor of the State University System to consider the objection raised by the state university before
the State Board of Community Colleges approves or denies a Florida Community College System institution’s proposal submitted pursuant to paragraph (c). If a proposal from a state university is not received within the 60-day period, the Chancellor of the Florida Community College System State Board of Education shall also provide regionally accredited private colleges and universities 60-30 days to submit an objection and a reason for the objection to the proposed baccalaureate degree program, which may include an alternative proposal to offer a baccalaureate degree program objections to the proposed new program or submit an alternative proposal. Objections by a regionally accredited private college or university or alternative proposals shall be submitted to the Chancellor of the Florida Community College System, and the state board must consider such objections before Division of Florida Colleges and must be considered by the State Board of Education in making its decision to approve or deny a Florida Community College System institution’s proposal submitted pursuant to paragraph (c).

(e) An alternative proposal submitted by a state university or private college or university to adequately address:

1. The extent to which the workforce demand and unmet need described in the notice of intent will be met.

2. The extent to which students will be able to complete the degree in the geographic region proposed to be served by the Florida College System institution.

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

4. The extent to which faculty at both the Florida College
System institution and the college or university will collaborate in the development and offering of the curriculum.

5. The ability of the Florida College System institution and the college or university to develop and approve the curriculum for the specified degree program within 6 months after an agreement between the Florida College System institution and the college or university is signed.

6. The extent to which the student may incur additional costs above what the student would expect to incur if the program were offered by the Florida College System institution.

(c)(4) Each Florida Community College System institution to submit a baccalaureate degree program proposal at least 100 days after submitting the notice of intent. Each proposal must submitted by a Florida College System institution to, at a minimum, include:

1. A description of the planning process and timeline for implementation.

2. A justification for the proposed baccalaureate degree program, including, at a minimum, a data-driven analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate, and the extent to which the proposed program will meet the workforce demand and unmet need. The analysis must include workforce and employment data for the most recent years and projections by the Department of Economic Opportunity for future years, and a summary of degree programs similar to the proposed degree program which are currently offered by state universities or by independent nonprofit colleges or universities that are eligible to participate in a grant program pursuant to s. 1009.89 and
which are located in the Florida Community College System institution’s regional service area. The analysis and evidence must be verified by the Chancellor of the Florida Community College System including evidence from entities independent of the institution.

3. Identification of the facilities, equipment, and library and academic resources that will be used to deliver the program.

4. The program cost analysis of creating a new baccalaureate degree when compared to alternative proposals and other program delivery options.

5. The program’s admission requirements, academic content, curriculum, faculty credentials, student-to-teacher ratios, and accreditation plan.

6. The program’s student enrollment projections and funding requirements, including:

a. The impact of the program’s enrollment projections on compliance with the upper-level enrollment provisions under subsection (6); and

b. The institution’s efforts to sustain the program at the cost of tuition and fees for students who are classified as residents for tuition purposes under s. 1009.21, not to exceed $10,000 for the entire degree program, including flexible tuition and fee rates, and the use of waivers pursuant to s. 1009.26(11).

7. A plan of action if the program is terminated.

(d)(e) The State Board of Community Colleges to review the proposal, notify the Florida Community College System institution of any deficiencies in writing within 30 days following receipt of the proposal, and provide the
Florida Community College System institution with an opportunity to correct the deficiencies. Within 45 days following receipt of a completed proposal by the State Board of Community College System Commissioner of Education shall recommend approval or disapproval of the proposal to the State Board of Community Colleges Education. The State Board of Community Colleges Education shall consider such recommendation, the proposal, input from the Chancellor of the State University System and the president of the Independent Colleges and Universities of Florida, and any objections or alternative proposals at its next meeting. If the State Board of Community Colleges Education disapproves the Florida Community College System institution’s proposal, it shall provide the Florida Community College System institution with written reasons for that determination.

(e)(f) The Florida Community College System institution to obtain from the Commission on Colleges of the Southern Association of Colleges and Schools accreditation as a baccalaureate-degree-granting institution if approved by the State Board of Community Colleges Education to offer its first baccalaureate degree program.

(f)(g) The Florida Community College System institution to notify the Commission on Colleges of the Southern Association of Colleges and Schools of subsequent degree programs that are approved by the State Board of Community Colleges Education and to comply with the association’s required substantive change protocols for accreditation purposes.

(g)(h) The Florida Community College System institution to
annually report to the State Board of Community Colleges, the Chancellor of the State University System, and upon request of the State Board of Education, the Commissioner of Education, the Chancellor of the Florida College System, or the Legislature, report its status using the following performance and compliance indicators:

1. Obtaining and maintaining appropriate Southern Association of Colleges and Schools accreditation;
2. Maintaining qualified faculty and institutional resources;
3. Maintaining student enrollment in previously approved programs;
4. Managing fiscal resources appropriately;
5. Complying with the primary mission and responsibility requirements in subsections (2) and (3); and
6. Other indicators of success, including program completions, employment and earnings outcomes, student acceptance into and performance in graduate programs placements, and surveys of graduates and employers; and
7. Continuing to meet workforce demand, as provided in subparagraph (c)2., as demonstrated through a data-driven needs assessment by the Florida Community College System institution which is verified by more than one third-party professional entity that is independent of the institution.
8. Complying with the upper-level enrollment provisions under subsection (6).

The State Board of Community Colleges Education, upon annual review of the baccalaureate degree program performance and
compliance indicators and needs assessment, may require a Florida Community College System institution’s board of trustees to modify or terminate a baccalaureate degree program authorized under this section. If the annual review indicates negative program performance and compliance results, and if the needs assessment fails to demonstrate a need for the program, the State Board of Community Colleges must require a Florida Community College System institution’s board of trustees to terminate that baccalaureate degree program.

(6)(a) If the 2015-2016 total upper-level, undergraduate full-time equivalent enrollment at a Florida Community College System institution is at or above 10 percent of the 2015-2016 combined total lower-level and upper-level full-time equivalent enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 4 percentage points unless the institution obtains prior legislative approval.

(b) If the 2015-2016 total upper-level, undergraduate full-time equivalent enrollment at a Florida Community College System institution is below 10 percent of the 2015-2016 combined total lower-level and upper-level full-time equivalent enrollment at that institution, the total upper-level enrollment, as a percentage of the combined enrollment, may not increase by more than 8 percentage points unless the institution obtains prior legislative approval.

(c) Notwithstanding enrollment provisions in paragraphs (a) and (b), the upper-level, undergraduate full-time equivalent enrollment at a Florida Community College System institution may not exceed 15 percent of the combined total lower-level and
upper-level full-time equivalent enrollment at that institution.

(d) Within the 4 percent or 8 percent growth authorized under paragraph (a) or paragraph (b), for any planned and purposeful expansion of existing baccalaureate degree programs or creation of a new baccalaureate program, a community college must demonstrate satisfactory performance in fulfilling its primary mission pursuant to s. 1004.65, executing at least one “2+2” targeted pathway articulation agreement pursuant to s. 1007.23, and meeting or exceeding the performance standards related to on-time completion and graduation rates under s. 1001.66 for students earning associate of arts or baccalaureate degrees. The State Board of Community Colleges may not approve a new baccalaureate degree program proposal for a community college that does not meet the conditions specified in this subsection in addition to the other requirements for approval under this section. Each community college that offers a baccalaureate degree must annually review each baccalaureate degree program and annually report to the State Board of Community Colleges, in a format prescribed by the state board, current and projected student enrollment for such program, justification for continuation of each baccalaureate degree program, and a plan to comply with the upper-level enrollment provisions of this subsection. A Florida Community College System institution that does not comply with the requirements of this section is subject to s. 1001.602(9) and may not report for funding, the upper-level, undergraduate full-time equivalent enrollment that exceeds the upper-level enrollment percent provision of this subsection.

(7) The State Board of Community Colleges Education...
shall adopt rules to prescribe format and content requirements and submission procedures for notices of interest and intent, baccalaureate degree program proposals, objections, proposals, alternative proposals, and compliance reviews under subsection (5).

Section 67. Subsections (1), (3), (4), and (5) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.—

(1) The State Board of Community Colleges, in conjunction with the Board of Governors and the State Board of Education, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Alternative assessments that may be accepted in lieu of the common placement test shall also be identified in rule. Public postsecondary educational institutions shall provide appropriate modifications of the test instruments or test procedures for students with disabilities.

(3) By October 31, 2013, The State Board of Community Colleges, in conjunction with the Board of Governors and the State Board of Education, shall establish by rule the test scores a student must achieve to demonstrate readiness to perform college-level work, and the rules must specify the following:

(a) A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who
is serving as an active duty member of any branch of the United States Armed Services shall not be required to take the common placement test and shall not be required to enroll in developmental education instruction in a Florida Community College System institution. However, a student who is not required to take the common placement test and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction, and the college shall provide such assessment and instruction upon the student’s request.

(b) A student who takes the common placement test and whose score on the test indicates a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice.

(c) A student who demonstrates readiness by achieving or exceeding the test scores established by the state board and enrolls in a Florida Community College System institution within 2 years after achieving such scores shall not be required to retest or complete developmental education when admitted to any Florida Community College System institution.

(4) By December 31, 2013, The State Board of Community Colleges Education, in consultation with the Board of Governors, shall approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major. Florida Community College System institutions shall use placement test results to determine the extent to which each student demonstrates sufficient communication and computation
skills to indicate readiness for his or her chosen meta-major. Florida Community College System institutions shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.

(5)(a) Each Florida Community College System institution board of trustees shall develop a plan to implement the developmental education strategies defined in s. 1008.02 and rules established by the State Board of Community Colleges Education. The plan must be submitted to the Chancellor of the Florida Community College System for approval no later than March 1, 2014, for implementation no later than the fall semester 2014. Each plan must include, at a minimum, local policies that outline:

1. Documented student achievements such as grade point averages, work history, military experience, participation in juried competitions, career interests, degree major declaration, or any combination of such achievements that the institution may consider, in addition to common placement test scores, for advising students regarding enrollment options.

2. Developmental education strategies available to students.

3. A description of student costs and financial aid opportunities associated with each option.


5. A comprehensive plan for advising students into appropriate developmental education strategies based on student success data.

(b) Beginning October 31, 2015, each Florida Community
College System institution shall annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution. The report shall be submitted to the State Board of Community Colleges by October 31 in a format determined by the Chancellor of the Florida Community College System. By December 31, the chancellor shall compile and submit the institutional reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Community Colleges and the State Board of Education.

(c) A university board of trustees may contract with a Florida Community College System institution board of trustees for the Florida Community College System institution to provide developmental education on the state university campus. Any state university in which the percentage of incoming students requiring developmental education equals or exceeds the average percentage of such students for the Florida Community College System may offer developmental education without contracting with a Florida Community College System institution; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.

Section 68. Paragraphs (d) and (e) of subsection (1) and paragraphs (a) and (c) of subsection (3) of section 1008.31, Florida Statutes, are amended to read:

1008.31 Florida’s K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature
that:

(d) The State Board of Education, and the Board of Governors of the State University System, and the State Board of Community Colleges of the Florida Community College System recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e)1. The State Board of Education establish performance measures and set performance standards for individual public schools and Florida College System institutions, with measures and standards based primarily on student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

3. The State Board of Community Colleges establish performance measures and set performance standards for individual Florida Community College System institutions.

(3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. The Board of Governors shall make available to the department all data within the State University Database System to be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data for the
purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall annually provide data from the prior year to the K-20 data warehouse in a format based on data elements identified by the commissioner.

(a) School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, the State Board of Community Colleges of the Florida Community College System, and the Legislature with information and reports necessary to address the specifications of the accountability system. The level of comprehensiveness and quality must be no less than that which was available as of June 30, 2001.

(c) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the State Board of Community Colleges of the Florida Community College System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

Section 69. Section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.—The State Board of Education shall oversee the performance of district school boards and Florida College System
institution boards of trustees in enforcement of all laws and rules. District school boards and Florida College System institution boards of trustees shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts and Florida College System institutions. District school superintendents and Florida College System institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or Florida College System institution board of trustees to document compliance with law or state board rule.

(3) If the district school board or Florida College System institution board of trustees cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board or Florida College System institution board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the school district or
Florida College System institution is unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or Florida College System institution complies with the law or state board rule.

(c) Declare the school district or Florida College System institution ineligible for competitive grants.

(d) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 70. Paragraphs (e) and (f) of subsection (7) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(7) As a part of the system of educational accountability, the Department of Education shall:

(e) Maintain a listing of college-level communication and mathematics skills associated with successful student performance through the baccalaureate level and submit it to the State Board of Education, and the Board of Governors, and the State Board of Community Colleges for approval.

(f) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, the
Section 71. Subsections (1) and (2) of section 1008.37, Florida Statutes, are amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(1) The Commissioner of Education shall report to the State Board of Education, the Board of Governors, the State Board of Community Colleges, the Legislature, and the district school boards on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a public postsecondary institution or public career center. Such reports must be based on information databases maintained by the Department of Education. In addition, the public postsecondary educational institutions and career centers shall provide district school boards access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 1004.91 or s. 1008.30.

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, the State Board of Community Colleges, and the Legislature, no later than November 30 of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for developmental education under s. 1008.30 or for applied academics for adult education under s. 1004.91.
Section 72. Section 1008.38, Florida Statutes, is amended to read:

1008.38 Articulation accountability process.—The State Board of Education, in conjunction with the Board of Governors and the State Board of Community Colleges, shall develop articulation accountability measures which assess the status of systemwide articulation processes authorized under s. 1007.23 and establish an articulation accountability process which at a minimum shall address:

(1) The impact of articulation processes on ensuring educational continuity and the orderly and unobstructed transition of students between public secondary and postsecondary education systems and facilitating the transition of students between the public and private sectors.

(2) The adequacy of preparation of public secondary students to smoothly articulate to a public postsecondary institution.

(3) The effectiveness of articulated acceleration mechanisms available to secondary students.

(4) The smooth transfer of Florida Community College System associate degree graduates to a Florida Community College System institution or a state university.

(5) An examination of degree requirements that exceed the parameters of 60 credit hours for an associate degree and 120 hours for a baccalaureate degree in public postsecondary programs.

(6) The relationship between student attainment of college-level academic skills and articulation to the upper division in public postsecondary institutions.
Section 73. Section 1008.405, Florida Statutes, is amended to read:

1008.405 Adult student information.—Each school district and Florida Community College System institution shall maintain sufficient information for each student enrolled in workforce education to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board of Education and the State Board of Community Colleges shall adopt, by rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 74. Subsection (2) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(2) The State Board of Education, for school districts, and the State Board of Community Colleges, for Florida Community College System institutions, shall collaborate to approve, at least annually, the CAPE Postsecondary Industry Certification Funding List pursuant to this section. The Commissioner of Education and the Chancellor of the Florida Community College System shall recommend, at least annually, the CAPE Postsecondary Industry Certification Funding List to the State Board of Education and the State Board of Community Colleges, respectively, and may at any time recommend adding certifications. The Chancellor of the State University System, the Chancellor of the Florida Community College System, and the Chancellor of Career and Adult Education shall work with local
workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the Commissioner of Education industry certifications to be placed on the funding list. The list shall be used to determine annual performance funding distributions to school districts or Florida Community College System institutions as specified in ss. 1011.80 and 1011.81, respectively. The chancellors shall review results of the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07 when determining recommended certifications for the list, as well as other reports and indicators available regarding certification needs.

Section 75. Section 1008.45, Florida Statutes, is amended to read:

1008.45 Florida Community College System institution accountability process.—

(1) It is the intent of the Legislature that a management and accountability process be implemented which provides for the systematic, ongoing improvement and assessment of the improvement of the quality and efficiency of the Florida Community College System institutions. Accordingly, the State Board of Community Colleges Education and the Florida Community College System institution boards of trustees shall develop and implement an accountability plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the Florida Community College System. This plan shall be designed in consultation with staff of the Governor and the Legislature and must address the following issues:

(a) Graduation rates of A.A. and A.S. degree-seeking
students compared to first-time-enrolled students seeking the
associate degree.

(b) Minority student enrollment and retention rates.

(c) Student performance, including student performance in
college-level academic skills, mean grade point averages for
Florida Community College System institution A.A. transfer
students, and Florida Community College System institution
student performance on state licensure examinations.

(d) Job placement rates of Florida Community College System
in institution career students.

(e) Student progression by admission status and program.

(f) Career accountability standards identified in s.
1008.42.

(g) Institutional assessment efforts related to the
requirements of s. III in the Criteria for Accreditation of the
Commission on Colleges of the Southern Association of Colleges
and Schools.

(h) Other measures approved by the State Board of Community
Colleges Education.

(2) The State Board of Community Colleges Education shall
submit an annual report, to coincide with the submission of the
state board’s agency strategic plan required by law, providing
the results of initiatives taken during the prior year and the
initiatives and related objective performance measures proposed
for the next year.

(3) The State Board of Community Colleges Education shall
address within the annual evaluation of the performance of the
chancellor executive director, and the Florida Community College
System institution boards of trustees shall address within the
annual evaluation of the presidents, the achievement of the performance goals established by the accountability process.

Section 76. Section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida Community College System institutions, and in state universities.

(1) As used in this section, the term:

(a) “Dependent child” means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) “Initial enrollment” means the first day of class at an institution of higher education.

(c) “Institution of higher education” means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, Florida Community College System institution as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

(d) “Legal resident” or “resident” means a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(e) “Nonresident for tuition purposes” means a person who
(f) “Parent” means either or both parents of a student, any guardian of a student, or any person in a parental relationship to a student.

(g) “Resident for tuition purposes” means a person who qualifies as provided in this section for the in-state tuition rate.

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child’s parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately before the
child’s initial enrollment in an institution of higher education, provided the child has resided continuously with such relative for the 3 years immediately before the child’s initial enrollment in an institution of higher education, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be this state if either parent is a legal resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

(d) A dependent child who is a United States citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent.

(3)(a) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he or she has provided such evidence related to legal residence and its duration or, if that individual is a dependent child, evidence of his or her parent’s legal residence and its duration, as may be required by law and by officials of the institution of higher education from which he or she seeks the in-state tuition rate.

(b) Except as otherwise provided in this section, evidence of legal residence and its duration shall include clear and convincing documentation that residency in this state was for a minimum of 12 consecutive months prior to a student’s initial enrollment in an institution of higher education.

(c) Each institution of higher education shall
affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:
   a. A Florida voter’s registration card.
   b. A Florida driver license.
   c. A State of Florida identification card.
   d. A Florida vehicle registration.
   e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual’s parent if the individual is a dependent child.
   f. Proof of a homestead exemption in Florida.
   g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.
   h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:
   a. A declaration of domicile in Florida.
   b. A Florida professional or occupational license.
   c. Florida incorporation.
   d. A document evidencing family ties in Florida.
   e. Proof of membership in a Florida-based charitable or professional organization.
f. Any other documentation that supports the student’s request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

(4) With respect to a dependent child, the legal residence of the dependent child’s parent or parents is prima facie evidence of the dependent child’s legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the dependent child, by the other evidence of legal residence required of or presented by the dependent child. However, the legal residence of a dependent child’s parent or parents who are domiciled outside this state is not prima facie evidence of the dependent child’s legal residence if that dependent child has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(5) A person who physically resides in this state may be classified as a resident for tuition purposes if he or she marries a person who meets the 12-month residency requirement under subsection (2) and who is a legal resident of this state.

(6)(a) Except as otherwise provided in this section, a person who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that person or, if that person is a dependent child, his or her parent presents clear and convincing documentation that supports permanent legal residency in this state.
state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education.

(b) If a person who is a dependent child and his or her parent move to this state while such child is a high school student and the child graduates from a high school in this state, the child may become eligible for reclassification as a resident for tuition purposes when the parent submits evidence that the parent qualifies for permanent residency.

(c) If a person who is a dependent child and his or her parent move to this state after such child graduates from high school, the child may become eligible for reclassification as a resident for tuition purposes after the parent submits evidence that he or she has established legal residence in the state and has maintained legal residence in the state for at least 12 consecutive months.

(d) A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse’s legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification.
(7) A person shall not lose his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent’s or parents’ serving, in the Armed Forces outside this state.

(8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his or her resident tuition status because the person or, if he or she is a dependent child, the person’s parent or parents establish domicile or legal residence elsewhere shall continue to enjoy the in-state tuition rate for a statutory grace period, which period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.
(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard.

(b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a Florida Community College System institution or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

(c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

(d) Full-time instructional and administrative personnel employed by state public schools and institutions of higher education and their spouses and dependent children.

(e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

(f) Southern Regional Education Board’s Academic Common Market graduate students attending Florida’s state universities.

(g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
(h) McKnight Doctoral Fellows and Finalists who are United States citizens.

(i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate.

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a Florida Community College System institution or state university within 50 miles of the military establishment where they are stationed.

(k) Active duty members of a foreign nation’s military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a Florida Community College System institution or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.

(11) Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student’s situation has changed. However, the student must have attended the institution making the initial classification within the prior 12 months, and the residency classification must be noted on the student’s transcript. The Higher Education Coordinating Council shall consider issues related to residency determinations and make
recommendations relating to efficiency and effectiveness of current law.

(12) Each institution of higher education shall establish a residency appeal committee comprised of at least three members to consider student appeals of residency determinations, in accordance with the institution’s official appeal process. The residency appeal committee must render to the student the final residency determination in writing. The institution must advise the student of the reasons for the determination.

(13) The State Board of Education, and the Board of Governors, and the State Board of Community Colleges shall adopt rules to implement this section.

Section 77. Paragraph (e) of subsection (3) of section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(e) The State Board of Education and the State Board of Community Colleges may adopt, by rule, the definitions and procedures that district school boards and Florida Community College System institution boards of trustees shall use in the calculation of cost borne by students.

Section 78. Section 1009.23, Florida Statutes, is amended to read:

1009.23 Florida Community College System institution student fees.—

(1) Unless otherwise provided, this section applies only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, an associate in science degree, or a baccalaureate
degree authorized pursuant to s. 1007.33, for noncollege credit
developmental education defined in s. 1004.02, and for educator
preparation institute programs defined in s. 1004.85.

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

(b) Tuition and out-of-state fees for upper-division
courses must reflect the fact that the Florida Community College
System institution has a less expensive cost structure than that
of a state university. Therefore, the board of trustees shall
establish tuition and out-of-state fees for upper-division
courses in baccalaureate degree programs approved pursuant to s.
1007.33 consistent with law and proviso language in the General
Appropriations Act. However, the board of trustees may vary
tuition and out-of-state fees only as provided in subsection (6)
and s. 1009.26(11).

(3)(a) Effective July 1, 2014, for advanced and
professional, postsecondary vocational, developmental education,
and educator preparation institute programs, the standard
tuition shall be $71.98 per credit hour for residents and
nonresidents, and the out-of-state fee shall be $215.94 per
credit hour.

(b) Effective July 1, 2014, for baccalaureate degree
programs, the following tuition and fee rates shall apply:

1. The tuition shall be $91.79 per credit hour for students
who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per
credit hour for students who are nonresidents for tuition
purposes shall be no more than 85 percent of the sum of the
tuition and the out-of-state fee at the state university nearest
the Florida Community College System institution.

(4) Each Florida Community College System institution board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3).

(5) Except as otherwise provided in law, the sum of nonresident student tuition and out-of-state fees must be sufficient to defray the full cost of each program.

(6)(a) A Florida Community College System institution board of trustees that has a service area that borders another state may implement a plan for a differential out-of-state fee.

(b) A Florida Community College System institution board of trustees may establish a differential out-of-state fee for a student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and is enrolled in a distance learning course offered by the institution. A differential out-of-state fee established pursuant to this paragraph shall be applicable only to distance learning courses and must be established such that the sum of tuition and the differential out-of-state fee is sufficient to defray the full cost of instruction.

(7) Each Florida Community College System institution board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according to rules of the State Board of Community Colleges Education. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the
Florida Community College System institution and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the Florida Community College System institution without regard to race, sex, or religion. No Florida Community College System institution shall be required to lower any activity and service fee approved by the board of trustees of the Florida Community College System institution and in effect prior to October 26, 2007, in order to comply with the provisions of this subsection.

(8)(a) Each Florida Community College System institution board of trustees is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or out-of-state fees collected. Each Florida Community College System institution board of trustees may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $500,000. If the amount generated is less than $500,000, a Florida Community College System institution that charges tuition and out-of-state fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $500,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed
in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and any fee exemptions provided to athletes pursuant to s. 1009.25(2) must be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the
distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards that are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit requires a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(9) Any Florida Community College System institution that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year’s allocation from the Florida Community College System Program Fund and shall revert to the General Revenue Fund.

(10) Each Florida Community College System institution board of trustees is authorized to establish a separate fee for technology, which may not exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and may not exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty. The technology fee may apply to both college credit and developmental education and shall not be included in any award
under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a Florida Community College System institution board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(11)(a) Each Florida Community College System institution board of trustees may establish a separate fee for capital improvements, technology enhancements, equipping student buildings, or the acquisition of improved real property which may not exceed 20 percent of tuition for resident students or 20 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of $2 per credit hour over the prior year. Funds collected by Florida Community College System institutions through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, remodeling of educational facilities, or the acquisition and renovation or remodeling of improved real property for use as educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to acquire improved real property or construct and equip, maintain, improve, or enhance the educational facilities of the Florida Community College System institution. Projects and acquisitions of improved real property funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s.
576-02483-17

216.0158, each Florida Community College System institution shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(b) Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 annual maturities and not exceeding the useful life of the asset being financed, only for financing or refinancing of the new construction and equipment, renovation, or remodeling of educational facilities. Bonds authorized pursuant to this subsection shall be requested by the Florida Community College System institution board of trustees and shall be issued by the Division of Bond Finance in compliance with s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more Florida Community College System institutions to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(f), Art. VII of the State Constitution.

(c) Bonds issued pursuant to this subsection may be validated in the manner provided by chapter 75. Only the initial series of bonds is required to be validated. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on
the state attorney of the circuit in which the action is pending.

(d) A maximum of 15 percent may be allocated from the capital improvement fee for child care centers conducted by the Florida Community College System institution. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(e) The state does hereby covenant with the holders of the bonds issued under this subsection that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by this subsection are outstanding.

(12)(a) In addition to tuition, out-of-state, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each Florida Community College System institution board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees, which do not apply to a distance learning course; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. A Florida Community College System institution may not charge any fee except as authorized by law. Parking fee revenues may be pledged by a
Florida Community College System institution board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed.

Florida Community College System institutions shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act may be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(b) The State Board of Community Colleges Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

(13) The State Board of Community Colleges Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14) Each Florida Community College System institution
board of trustees shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the Florida Community College System institution in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or career credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Florida Community College System institutions that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year’s allocation from the Florida Community College System Program Fund and shall revert to the General Revenue Fund.

(15) Each Florida Community College System institution may assess a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee may not exceed the total cost charged by the credit card company to the Florida Community College System institution. Such service charge or convenience fee must be approved by the Florida Community College System institution board of trustees.

(16)(a) Each Florida Community College System institution may assess a student who enrolls in a course listed in the distance learning catalog, established pursuant to s. 1006.735, a per-credit-hour distance learning course user fee. For
purposes of assessing this fee, a distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both. (b) The amount of the distance learning course user fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course. If a Florida Community College System institution assesses the distance learning course user fee, the institution may not assess any other fees to cover the additional costs. By September 1 of each year, each board of trustees shall report to the State Board of Community Colleges Division of Florida Colleges the total amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended. (c) If an institution assesses the distance learning fee, the institution must provide a link to the catalog within the advising and distance learning sections of the institution’s website, using a graphic and description provided by the Complete Florida Plus Program, to inform students of the catalog. (17) Each Florida Community College System institution that accepts transient students, pursuant to s. 1006.735, may establish a transient student fee not to exceed $5 per course for processing the transient student admissions application. (18)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may
not exceed $6 per credit hour. An increase in the transportation
access fee may occur only once each fiscal year and must be
implemented beginning with the fall term. A referendum must be
held by the student government to approve the application of the
fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536,
the transportation access fee authorized under paragraph (a) may
not be included in calculating the amount a student receives for
a Florida Academic Scholars award, a Florida Medallion Scholars
award, or a Florida Gold Seal Vocational Scholars award.

(19) The State Board of Community Colleges Education shall
adopt a rule specifying the definitions and procedures to be
used in the calculation of the percentage of cost paid by
students. The rule must provide for the calculation of the full
cost of educational programs based on the allocation of all
funds provided through the general current fund to programs of
instruction, and other activities as provided in the annual
expenditure analysis. The rule shall be developed in
consultation with the Legislature.

(20) Each Florida Community College System institution
shall publicly notice and notify all enrolled students of any
proposal to increase tuition or fees at least 28 days before its
consideration at a board of trustees meeting. The notice must:

(a) Include the date and time of the meeting at which the
proposal will be considered.

(b) Specifically outline the details of existing tuition
and fees, the rationale for the proposed increase, and how the
funds from the proposed increase will be used.

(c) Be posted on the institution’s website and issued in a
press release.

Section 79. Subsection (2) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(2) Each Florida Community College System institution is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the Florida Community College System institution board of trustees for up to 54 full-time equivalent students or 1 percent of the institution’s total full-time equivalent enrollment, whichever is greater, at each institution.

Section 80. Paragraph (b) of subsection (12), paragraphs (c) and (d) of subsection (13), and paragraph (d) of subsection (14) of section 1009.26, Florida Statutes, are amended, to read:

1009.26 Fee waivers.—

(12)

(b) Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student. The waiver is applicable for 110 percent of the required credit hours of the degree or certificate program for which the student is enrolled. Each state university, Florida Community College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors, the State Board of Community Colleges, and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection. By October 1 of each year, the Board of Governors, for the state universities; and the State Board of Community Colleges, for the Buffer Coastal Zone Program.
Colleges, Education for Florida Community College System institutions; career centers operated by a school district under s. 1001.44 and charter technical career centers shall annually report for the previous academic year the percentage of resident and nonresident students enrolled systemwide.

(c) Each state university, Florida Community College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors, the State Board of Community, and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection.

(d) The Board of Governors, the State Board of Community Colleges, and the State Board of Education shall respectively adopt regulations and rules to administer this subsection.

Section 81. Section 1009.28, Florida Statutes, is amended to read:

1009.28 Fees for repeated enrollment in developmental education classes.—A student enrolled in the same developmental education class more than twice shall pay 100 percent of the full cost of instruction to support continuous enrollment of that student in the same class, and the student shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may be granted an
exception only once for each class, provided approval is granted
according to policy established by the board of trustees. Each
Florida Community College System institution may review and
reduce fees paid by students due to continued enrollment in a
developmental education class on an individual basis contingent
upon the student’s financial hardship, pursuant to definitions
and fee levels established by the State Board of Community
Colleges Education.

Section 82. Subsections (9) and (12) of section 1009.90, Florida Statutes, are amended to read:

1009.90 Duties of the Department of Education.—The duties of the department shall include:

(9) Development and submission of a report, annually, to the State Board of Education, the Board of Governors, the State Board of Community Colleges, the President of the Senate, and the Speaker of the House of Representatives, which shall include, but not be limited to, recommendations for the distribution of state financial aid funds.

(12) Calculation of the amount of need-based student financial aid required to offset fee increases recommended by the State Board of Education, the Board of Governors, and the State Board of Community Colleges, and inclusion of such amount within the legislative budget request for student assistance grant programs.

Section 83. Subsection (4) of section 1009.91, Florida Statutes, is amended to read:

1009.91 Assistance programs and activities of the department.—

(4) The department shall maintain records on the student
loan default rate of each Florida postsecondary institution and report that information annually to both the institution and the State Board of Education. Information relating to state universities shall also be reported annually to the Board of Governors. Information relating to Florida Community College System institutions shall be reported annually to the State Board of Community Colleges.

Section 84. Subsection (2) of section 1009.971, Florida Statutes, is amended to read:

1009.971 Florida Prepaid College Board.—
(2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board shall consist of seven members to be composed of the Attorney General, the Chief Financial Officer, the Chancellor of the State University System, the Chancellor of the Florida Community College System Division of Florida Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve on the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance...
with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

Section 85. Section 1010.01, Florida Statutes, is amended to read:

1010.01 Uniform records and accounts.—

(1)(a) The financial records and accounts of each school district, Florida College System institution, and other institution or agency under the supervision of the State Board of Education shall be prepared and maintained as prescribed by law and rules of the State Board of Education.

(b) The financial records and accounts of each state university under the supervision of the Board of Governors shall be prepared and maintained as prescribed by law and rules of the Board of Governors.

(c) The financial records and accounts of each Florida Community College System institution under the supervision of the State Board of Community Colleges shall be prepared and maintained as prescribed by law and rules of the State Board of Community Colleges.

(2) Rules of the State Board of Education, and rules of the Board of Governors, and the State Board of Community Colleges shall incorporate the requirements of law and accounting principles generally accepted in the United States. Such rules shall include a uniform classification of accounts.

(3) Each state university shall annually file with the Board of Governors financial statements prepared in conformity with accounting principles generally accepted by the United
States and the uniform classification of accounts prescribed by the Board of Governors. The Board of Governors’ rules shall prescribe the filing deadline for the financial statements.

(4) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, Florida Community College System institutions, and state universities, and shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

(5) Each Florida Community College System institution shall annually file with the State Board of Community Colleges financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the State Board of Community Colleges. The State Board of Community Colleges’ rules shall prescribe the filing deadline for the financial statements.

Section 86. Subsection (1) of section 1010.02, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

1010.02 Financial accounting and expenditures.—

(1) All funds accruing to a school district or a Florida College System institution must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

(3) All funds accruing to a Florida Community College System institution must be received, accounted for, and expended in accordance with law and rules of the State Board of Community
Section 87. Section 1010.04, Florida Statutes, is amended to read:

1010.04 Purchasing.—

(1)(a) Purchases and leases by school districts must and Florida College System institutions shall comply with the requirements of law and rules of the State Board of Education.

(b) Before purchasing nonacademic commodities and contractual services, each district school board and Florida Community College System institution board of trustees shall review the purchasing agreements and state term contracts available under s. 287.056 to determine whether it is in the school board’s or the board of trustees’ economic advantage to use the agreements and contracts. Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and state term contracts available under s. 287.056 have been reviewed. Each district school board may also use the cooperative state purchasing programs managed through the regional consortium service organizations pursuant to their authority under s. 1001.451(3). This paragraph does not apply to services that are eligible for reimbursement under the federal E-rate program administered by the Universal Service Administrative Company.

(c) Purchases and leases by state universities must shall comply with the requirements of law and regulations of the Board of Governors.

(d) Purchases and leases by Florida Community College System institutions must comply with the requirements of law and rules of the State Board of Community Colleges.
(2) Each district school board and Florida Community College System institution board of trustees shall adopt rules, and each university board of trustees shall adopt regulations, to be followed in making purchases. Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

(3) In districts in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board and Florida Community College System institution board of trustees shall have the option to purchase from the current county contracts at the unit price stated therein if such purchase is to the economic advantage of the district school board or the Florida Community College System institution board of trustees; subject to confirmation of the items of purchase to the standards and specifications prescribed by the school district or Florida Community College System institution.

(4)(a) The State Board of Education may, by rule, provide for alternative procedures for school districts and Florida College System institutions for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

(b) The Board of Governors may, by regulation, provide for alternative procedures for state universities for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

(c) The State Board of Community Colleges may, by rule, provide for alternative procedures for Florida Community College System institutions for bidding or purchasing in cases in which
the character of the item requested renders competitive bidding impractical.

Section 88. Section 1010.07, Florida Statutes, is amended to read:

1010.07 Bonds or insurance required.—
(1) Each district school board, Florida Community College System institution board of trustees, and university board of trustees shall ensure that each official and employee responsible for handling, expending, or authorizing the expenditure of funds shall be appropriately bonded or insured to protect the board and the funds involved.

(2)(a) Contractors paid from school district or Florida College System institution funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education relating to the type of contract involved. It shall be the duty of the district school board or Florida College System institution board of trustees to require from construction contractors a bond adequate to protect the board and the board’s funds involved.

(b) Contractors paid from university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by regulations of the Board of Governors relating to the type of contract involved. It shall be the duty of the university board of trustees to require from construction contractors a bond adequate to protect the board and the board’s funds involved.

(c) Contractors paid from Florida Community College System institution funds shall give bonds for the faithful performance
5712 of their contracts in such amount and for such purposes as
5713 prescribed by s. 255.05 or by rules of the State Board of
5714 Community Colleges relating to the type of contract involved. It
5715 is the duty of the Florida Community College System institution
5716 board of trustees to require construction contractors to provide
5717 a bond adequate to protect the board and the board’s funds
5718 involved.
5719
5720 Section 89. Section 1010.08, Florida Statutes, is amended
5721 to read:
5722
5723 1010.08 Promotion and public relations; funding.—
5724 (1) Each district school board and Florida College System
5725 institution board of trustees may budget and use a portion of
5726 the funds accruing to it from auxiliary enterprises and
5727 undesignated gifts for promotion and public relations as
5728 prescribed by rules of the State Board of Education. Such funds
5729 may be used to provide hospitality to business guests in the
5730 district or elsewhere. However, such hospitality expenses may
5731 not exceed the amount authorized for such contingency funds as
5732 prescribed by rules of the State Board of Education.
5733 (2) Each Florida Community College System institution board
5734 of trustees may budget and use a portion of the funds accruing
5735 to it from auxiliary enterprises and undesignated gifts for
5736 promotion and public relations as prescribed by rules of the
5737 State Board of Community Colleges. Such funds may be used to
5738 provide hospitality to business guests in the district or
5739 elsewhere. However, such hospitality expenses may not exceed the
5740 amount authorized for such contingency funds as prescribed by
5741 rules of the State Board of Community Colleges.
5742
5743 Section 90. Subsection (1) of section 1010.09, Florida
Statutes, is amended and subsection (3) is added to that section, to read:

1010.09 Direct-support organizations.—
(1) School district and Florida College System institution direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453 and 1004.70 and rules of the State Board of Education, as applicable.

(3) Florida Community College System institution direct-support organizations shall be organized and conducted under the provisions of s. 1004.70 and rules of the State Board of Community Colleges.

Section 91. Section 1010.22, Florida Statutes, is amended to read:

1010.22 Cost accounting and reporting for workforce education.—
(1)(a) Each school district and each Florida College System institution shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the State Board of Education.

(b) Each Florida Community College System institution shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the State Board of Community Colleges.

(2)(a) Each school district and each Florida College System institution shall report expenditures for workforce education in accordance with requirements prescribed by the State Board of Education.

(b) Each Florida Community College System institution shall report expenditures for workforce education in accordance with
requirements prescribed by the State Board of Community Colleges.

(3) The Department of Education, in cooperation with school districts and Florida Community College System institutions, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 92. Subsection (1) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(1) School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education, Florida Community College System institutions under the supervision of the State Board of Community Colleges, and state universities under the supervision of the Board of Governors are subject to the audit provisions of ss. 11.45 and 218.39.

Section 93. Section 1010.58, Florida Statutes, is amended to read:

1010.58 Procedure for determining number of instruction units for Florida Community College System institutions.—The number of instruction units for Florida Community College System institutions shall be determined from the full-time equivalent students in the Florida Community College System institution, provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for Florida Community College System institutions shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a
Florida Community College System institution for the first 420 students and one unit for each 15 full-time equivalent students for all over 420 students, in other than career education programs as defined by rules of the State Board of Community Colleges Education, and one unit for each 10 full-time equivalent students in career education programs and compensatory education programs as defined by rules of the State Board of Community Colleges Education. Full-time equivalent students enrolled in a Florida Community College System institution shall be defined by rules of the State Board of Community Colleges Education.

(2) For each 8 instruction units in a Florida Community College System institution, 1 instruction unit or proportionate fraction of a unit shall be allowed for administrative and special instructional services, and for each 20 instruction units, 1 instruction unit or proportionate fraction of a unit shall be allowed for student personnel services.

Section 94. Section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(1) The State Board of Education shall prepare and submit a coordinated K-20 education annual legislative budget request to the Governor and the Legislature on or before the date provided by the Governor and the Legislature. The board’s legislative budget request must clearly define the needs of school districts, Florida Community College System institutions, universities, other institutions, organizations, programs, and activities under the supervision of the board and that are assigned by law or the General Appropriations Act to the
Department of Education.

(2)(a) There is shall be established in each school district and Florida College System institution a budget system as prescribed by law and rules of the State Board of Education.

(b) There is shall be established in each state university a budget system as prescribed by law and rules of the Board of Governors.

(c) There is established in each Florida Community College System institution a budget system as prescribed by law and rules of the State Board of Community Colleges.

(3)(a) Each district school board and each Florida College System institution board of trustees shall prepare, adopt, and submit to the Commissioner of Education an annual operating budget. Operating budgets must shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

(b) Each state university board of trustees shall prepare, adopt, and submit to the Chancellor of the State University System for review an annual operating budget in accordance with provisions of law, rules of the Board of Governors, and the General Appropriations Act.

(c) Each Florida Community College System institution board of trustees shall prepare, adopt, and submit to the State Board of Community Colleges an annual operating budget in accordance with provisions of law, rules of the State Board of Community Colleges, and the General Appropriations Act.

(4) The State Board of Education shall coordinate with the
Board of Governors and the State Board of Community Colleges to facilitate the budget system requirements of this section. The State Board of Community College exclusively retains the review and approval powers of this section for Florida Community College System institutions. The Board of Governors exclusively retains the review and approval powers of this section for state universities.

Section 95. Section 1011.011, Florida Statutes, is amended to read:

1011.011 Legislative capital outlay budget request.—The State Board of Education shall submit an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, and, in conjunction with the State Board of Community Colleges for Florida Community College System institutions, in conjunction with the Board of Governors for state universities, pursuant to this section and s. 1013.46 and applicable provisions of chapter 216.

Section 96. Section 1011.30, Florida Statutes, is amended to read:

1011.30 Budgets for Florida Community College System institutions.—Each Florida Community College System institution president shall recommend to the Florida Community College System institution board of trustees a budget of income and expenditures at such time and in such form as the State Board of Community Colleges may prescribe. Upon approval of a budget by the Florida Community College System institution board of trustees, such budget must shall be transmitted to the State Board of Community Colleges Department of Education for review.
Rules of the State Board of Community Colleges must educate collegiate institutions to prescribe procedures for effecting budget amendments subsequent to the final approval of a budget for a given year.

Section 97. Section 1011.32, Florida Statutes, is amended to read:

1011.32 Florida Community College System Institution Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the Florida Community College System institutions do not have sufficient physical facilities to meet the current demands of their instructional and community programs. It further recognizes that, to strengthen and enhance Florida Community College System institutions, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence at each Florida Community College System institution. Therefore, it is the intent of the Legislature to establish a program to provide the opportunity for each Florida Community College System institution through its direct-support organization to receive and match challenge grants for instructional and community-related capital facilities within the Florida Community College System institution.

(2) There is established the Florida Community College System Institution Facility Enhancement Challenge Grant Program for the purpose of assisting the Florida Community College System institutions in building high priority instructional and
community-related capital facilities consistent with s. 1004.65, including common areas connecting such facilities. The direct-support organizations that serve the Florida Community College System institutions shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this section, private sources of funds shall not include any federal or state government funds that a Florida Community College System institution may receive.

(3) The Florida Community College System Institution Capital Facilities Matching Program shall provide funds to match private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities, within the Florida Community College System institutions.

(4) Within the direct-support organization of each Florida Community College System institution there must be established a separate capital facilities matching account for the purpose of providing matching funds from the direct-support organization’s unrestricted donations or other private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities. The Legislature shall appropriate funds for distribution to a Florida Community College System institution after matching funds are certified by the direct-support organization and Florida Community College System institution. The Public Education Capital Outlay and Debt Service Trust Fund shall not be used as the source of the state match for private contributions.

(5) A project may not be initiated unless all private funds
for planning, construction, and equipping the facility have been received and deposited in the direct-support organization’s matching account for this purpose. However, this requirement does not preclude the Florida Community College System institution or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility and for site preparation, planning, and construction. The Legislature may appropriate the state’s matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. Each Florida Community College System institution shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

(6) To be eligible to participate in the Florida Community College System Institution Facility Enhancement Challenge Grant Program, a Florida Community College System institution, through its direct-support organization, shall raise a contribution equal to one-half of the total cost of a facilities construction project from private sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project, subject to the General Appropriations Act.

(7) If the state’s share of the required match is insufficient to meet the requirements of subsection (6), the Florida Community College System institution shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the direct-support organization for remittance to the
(8) By October 15 of each year, the State Board of Community Colleges Education shall transmit to the Governor and the Legislature a list of projects that meet all eligibility requirements to participate in the Florida Community College System Institution Facility Enhancement Challenge Grant Program and a budget request that includes the recommended schedule necessary to complete each project.

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the Florida Community College System institution’s 5-year capital improvement plan, and it must receive approval from the State Board of Community Colleges Education or the Legislature.

(10) A Florida Community College System institution project may not be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list.

(11) Any private matching funds for a project which are unexpended after the project is completed shall revert to the Florida Community College System institution’s direct-support organization capital facilities matching account. The balance of any unexpended state matching funds shall be returned to the fund from which those funds were appropriated.

(12) The surveys, architectural plans, facility, and equipment shall be the property of the participating Florida
Community College System institution. A facility constructed under this section may be named in honor of a donor at the option of the Florida Community College System institution district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Community Colleges Education.

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for the program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after $200 million of the backlog for programs under this section and ss. 1011.85, 1011.94, and 1013.79 have been matched.

Section 98. Subsection (2), paragraph (b) of subsection (5), and subsections (8), (9), and (11) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(2) Any workforce education program may be conducted by a Florida Community College System institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida Community College System institution. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district career center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Community Colleges Education pursuant to s.
(5) State funding and student fees for workforce education instruction shall be established as follows:

(b) For all other workforce education programs, state funding shall equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees. Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, for school districts and the State Board of Community Colleges, for Florida Community College System institutions, unless otherwise specified in the General Appropriations Act.

(8) The State Board of Education, the State Board of Community Colleges, and CareerSource Florida, Inc., shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the State Board of Community Colleges Education for Florida Community College System institutions and to the State Board of Education for school districts through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Conference created by s. 216.136 and other programs as approved by
CareerSource Florida, Inc. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by CareerSource Florida, Inc. CareerSource Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.

(d) Programs identified by CareerSource Florida, Inc., as increasing the effectiveness and cost efficiency of education.

(9) School districts shall report full-time equivalent students by discipline category for the programs specified in subsection (1). There shall be an annual cost analysis for the school district workforce education programs that reports cost by discipline category consistent with the reporting for full-time equivalent students. The annual financial reports submitted by the school districts must accurately report on the student fee revenues by fee type according to the programs specified in
subsection (1). The Department of Education and the State Board of Community Colleges shall develop a plan for comparable reporting of program, student, facility, personnel, and financial data between the Florida Community College System institutions and the school district workforce education programs.

(11) The State Board of Education and the State Board of Community Colleges may adopt rules to administer this section.

Section 99. Section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and Florida Community College System institutions to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and Florida Community College System institutions on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(1) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a workforce development program. Expansion of a program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a
program. No grant funds may be used for recurring instructional costs or for institutions’ indirect costs.

(2) The State Board of Education shall accept applications from school districts, and the State Board of Community Colleges shall accept applications from Florida Community College System institutions for workforce development capitalization incentive grants. Applications from school districts or Florida Community College System institutions must contain projected enrollments and projected costs for the new or expanded workforce development program. The State Board of Education or the State Board of Community Colleges, as appropriate, in consultation with CareerSource Florida, Inc., shall review and rank each application for a grant according to subsection (3) and shall submit to the Legislature a list in priority order of applications recommended for a grant award.

(3) The State Board of Education or the State Board of Community Colleges, as appropriate, shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Workforce Estimating Conference and other programs approved by CareerSource Florida, Inc.; programs that train people to enter occupations under the welfare transition program; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education or the State Board of Community Colleges, as appropriate, shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their
workforce development funding by offering high-performing, high-demand programs.

Section 100. Section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida Community College System Program Fund.—
(1) There is established a Florida Community College System Program Fund. This fund shall comprise all appropriations made by the Legislature for the support of the current operating program and shall be apportioned and distributed to the Florida Community College System institution districts of the state on the basis of procedures established by law and rules of the State Board of Education. The annual apportionment for each Florida Community College System institution district shall be distributed monthly in payments as nearly equal as possible.

(2) Performance funding for industry certifications for Florida Community College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(a) Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

(b) The Chancellor of the Florida Community College System, for the Florida Community College System institutions, shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Community Colleges Education pursuant to s. 1008.44, based on the occupational areas specified in the
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General Appropriations Act.

(c) Each Florida Community College System institution shall be provided $1,000 for each industry certification earned by a student. The maximum amount of funding appropriated for performance funding pursuant to this subsection shall be limited to $15 million annually. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

(3) None of the funds made available in the Florida Community College System Program Fund, or funds made available to Florida Community College System institutions outside the Florida Community College System Program Fund, may be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to, or involving, travel to a terrorist state. For purposes of this section, “terrorist state” is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(4) State funds provided for the Florida Community College System Program Fund may not be expended for the education of state or federal inmates.

Section 101. Section 1011.82, Florida Statutes, is amended to read:

1011.82 Requirements for participation in Florida Community College System Program Fund.—Each Florida Community College System institution district which participates in the state appropriations for the Florida Community College System Program Fund shall provide evidence of its effort to maintain an adequate Florida Community College System institution program
which shall:

(1) Meet the minimum standards prescribed by the State Board of Community Colleges Education in accordance with s. 1001.602(5), s. 1001.02(6).

(2) Effectively fulfill the mission of the Florida Community College System institutions in accordance with s. 1004.65.

Section 102. Section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of Florida Community College System institutions.—

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

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

Section 103. Section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida Community College System institution district.—The procedure for determining state financial support and the annual apportionment
to each Florida Community College System institution district authorized to operate a Florida Community College System institution under the provisions of s. 1001.61 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA COMMUNITY COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(a) The State Board of Community Colleges Department of Education shall determine annually, from an analysis of operating costs, prepared in the manner prescribed by rules of the State Board of Education, the costs per full-time equivalent student served in courses and fields of study offered in Florida Community College System institutions. This information and current college operating budgets shall be submitted to the Executive Office of the Governor with the legislative budget request prior to each regular session of the Legislature.

(b) The allocation of funds for Florida Community College System institutions must be based on advanced and professional disciplines, developmental education, and other programs for adults funded pursuant to s. 1011.80.

(c) The category of lifelong learning is for students enrolled pursuant to s. 1004.93. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

(d) If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 1004.93 and rules of
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the State Board of Community Colleges Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of a student enrolled in a special adult general education program provided by a Florida Community College System institution.

(e) All state inmate education provided by Florida Community College System institutions shall be reported by program, FTE expenditure, and revenue source. These enrollments, expenditures, and revenues shall be reported and projected separately. Instruction of state inmates may not be included in the full-time equivalent student enrollment for funding through the Florida Community College System Program Fund.

(f) When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated may not be reported for state funding.

(g) The State Board of Education shall adopt rules to implement s. 9(d)(8)f., Art. XII of the State Constitution. These rules shall provide for the use of the funds available under s. 9(d)(8)f., Art. XII by an individual Florida Community College System institution for operating expense in any fiscal year during which the State Board of Education has determined that all major capital outlay needs have been met. Highest priority for the use of these funds for purposes other than financing approved capital outlay projects shall be for the proper maintenance and repair of existing facilities for projects approved by the State Board of Education. However, in
any fiscal year in which funds from this source are authorized for operating expense other than approved maintenance and repair projects, the allocation of Florida Community College System institution program funds shall be reduced by an amount equal to the sum used for such operating expense for that Florida Community College System institution that year, and that amount shall not be released or allocated among the other Florida Community College System institutions that year.

(2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL OUTLAY AND DEBT SERVICE.—The amount included for capital outlay and debt service shall be as determined and provided in s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII of the 1968 revised State Constitution and State Board of Education rules.

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(a) By December 15 of each year, the State Board of Community Colleges Department of Education shall estimate the annual enrollment of each Florida Community College System institution for the current fiscal year and for the 3 subsequent fiscal years. These estimates shall be based upon prior years’ enrollments, upon the initial fall term enrollments for the current fiscal year for each college, and upon each college’s estimated current enrollment and demographic changes in the respective Florida Community College System institution districts. Upper-division enrollment shall be estimated separately from lower-division enrollment.

(b) The apportionment to each Florida Community College System institution from the Florida Community College System Program Fund shall be determined annually in the General
Appropriations Act. In determining each college’s apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida Community College System Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various Florida Community College System institutions, including, but not limited to:

   a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

   b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

   c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

   d. Library Support, including volume and other materials/audiovisual requirements.

   e. Special Projects.

   f. Operations and Maintenance of Plant, including square footage and utilization factors.

   g. District Cost Differential.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not
be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.

(c) A no Florida Community College System institution may not shall commit funds for the employment of personnel or resources in excess of those required to continue the same level of support for either the previously approved enrollment or the revised enrollment, whichever is lower.

(d) The apportionment to each Florida Community College System institution district for capital outlay and debt service shall be the amount determined in accordance with subsection (2). This amount, less any amount determined as necessary for administrative expense by the State Board of Education and any amount necessary for debt service on bonds issued by the State Board of Education, shall be transmitted to the Florida Community College System institution board of trustees to be expended in a manner prescribed by rules of the State Board of Education.
(e) If at any time the unencumbered balance in the general fund of the Florida Community College System institution board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the State Board of Education.

(f) Expenditures for apprenticeship programs must shall be reported separately.

(g) Expenditures for upper-division enrollment in a Florida Community College System institution that grants baccalaureate degrees must shall be reported separately from expenditures for lower-division enrollment, in accordance with law and State Board of Education rule.

(4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated herein to any Florida Community College System institution must shall be expended only for the purpose of supporting that Florida Community College System institution.

(5) REPORT OF DEVELOPMENTAL EDUCATION.—Each Florida Community College System institution board of trustees shall report, as a separate item in its annual cost accounting system, the volume and cost of developmental education options provided to help students attain the communication and computation skills that are essential for college-level work pursuant to s. 1008.30.

Section 104. Section 1011.85, Florida Statutes, is amended to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Florida Community College System Institutions.—

(1) There is created the Dr. Philip Benjamin Matching Grant Program for Florida Community College System Institutions as a
single matching gifts program that encompasses the goals originally set out in the Academic Improvement Program, the Scholarship Matching Program, and the Health Care Education Quality Enhancement Challenge Grant. The program shall be administered according to rules of the State Board of Community Colleges Education and used to encourage private support in enhancing Florida Community College System institutions by providing the Florida Community College System with the opportunity to receive and match challenge grants. Funds received prior to the effective date of this act for each of the three programs shall be retained in the separate account for which it was designated.

(2) Each Florida Community College System institution board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the Florida Community College System institution. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida Community College System Institution Foundation Board receiving state appropriations under this program shall approve each gift to ensure alignment with its goals and mission statement. Funds received from community events and festivals are not eligible for state matching funds under this program.

(3) Upon approval by the Florida Community College System institution board of trustees and the State Board of Community Colleges Education, the ordering of donations for priority listing of unmatched gifts should be determined by the submitting Florida Community College System institution.

(4) Each year, eligible contributions received by a Florida
Community College System institution’s foundation or the State Board of Community Colleges Education by February 1 shall be eligible for state matching funds.

(a) Each Florida Community College System institution board of trustees and, when applicable, the Florida Community College System Institution Foundation Board, receiving state appropriations under this program shall also certify in an annual report to the State Board of Community Colleges Education the receipt of eligible cash contributions that were previously unmatched by the state. The State Board of Education shall adopt rules providing all Florida Community College System institutions with an opportunity to apply for excess funds before the awarding of such funds.

(b) Florida Community College System institutions must submit to the State Board of Community Colleges Education an annual expenditure report tracking the use of all matching funds.

(c) The audit of each foundation receiving state funds from this program must include a certification of accuracy in the amount reported for matching funds.

(5) The matching ratio for donations that are specifically designated to support scholarships, including scholarships for first-generation-in-college students, student loans, or need-based grants shall be $1 of state funds to $1 of local private funds.

(6) Otherwise, funds must be proportionately allocated to the Florida Community College System institutions on the basis of matching each $6 of local or private funds with $4 of state funds. To be eligible, a minimum of $4,500 must be
(7) The Florida Community College System institution board of trustees, in conjunction with the donor, shall determine whether scholarships established pursuant to this program are endowed.

(8)(a) Funds sufficient to provide the match shall be transferred from the state appropriations to the local Florida Community College System institution foundation or the statewide Florida Community College System institution foundation upon notification that a proportionate amount has been received and deposited by a Florida Community College System institution in its own trust fund.

(b) If state funds appropriated for the program are insufficient to match contributions, the amount allocated shall be reduced in proportion to its share of the total eligible contributions. However, in making proportional reductions, every Florida Community College System institution shall receive a minimum of $75,000 in state matching funds if its eligible contributions would have generated an amount at least equal to $75,000. All unmet contributions shall be eligible for state matching funds in subsequent fiscal years.

(9) Each Florida Community College System institution entity shall establish its own matching grant program fund as a depository for the private contributions and matching state funds provided under this section. Florida Community College System institution foundations are responsible for the maintenance, investment, and administration of their matching grant program funds.

(10) The State Board of Community Colleges Education may...
receive submissions of requests for matching funds and
documentation relating to those requests, may approve requests
for matching funds, and may allocate such funds to the Florida
Community College System institutions.

(11) The board of trustees of the Florida Community College
System institution and the State Board of Community Colleges
Education are responsible for determining the uses for the
proceeds of their respective trust funds. Such use of the
proceeds shall include, but not be limited to, expenditure of
the funds for:

(a) Scientific and technical equipment.
(b) Scholarships, loans, or need-based grants.
(c) Other activities that will benefit future students as
well as students currently enrolled at the Florida Community
College System institution, will improve the quality of
education at the Florida Community College System institution,
or will enhance economic development in the community.

(12) Each Florida Community College System institution
shall notify all donors of private funds of a substantial delay
in the availability of state matching funds for this program.

(13) Effective July 1, 2011, state matching funds are
temporarily suspended for donations received for this program on
or after June 30, 2011. Existing eligible donations remain
eligible for future matching funds. The program may be restarted
after $200 million of the backlog for programs under this
section and ss. 1011.32, 1011.94, and 1013.79 have been matched.

Section 105. Subsection (1) of section 1012.01, Florida
Statutes, is amended to read:

1012.01 Definitions.—As used in this chapter, the following
terms have the following meanings:

(1) SCHOOL OFFICERS.—The officers of the state system of public K-12 and Florida College System institution education shall be the Commissioner of Education and the members of the State Board of Education; for the Florida Community College System, the officers shall be the Chancellor of the Florida Community College System and the members of the State Board of Community Colleges; for each district school system, the officers shall be the district school superintendent and members of the district school board; and for each Florida Community College System institution, the officers shall be the Florida Community College System institution president and members of the Florida Community College System institution board of trustees.

Section 106. Paragraph (a) of subsection (1) of section 1012.80, Florida Statutes, is amended to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.—

(1)(a) Any person who accepts the privilege extended by the laws of this state of employment at any Florida Community College System institution shall, by working at such institution, be deemed to have given his or her consent to the policies of that institution, the policies of the State Board of Community Colleges Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at Florida Community College System institutions.

Section 107. Subsection (1) of section 1012.81, Florida Statutes, is amended to read:

1012.81 Personnel records.—
(1) The State Board of Community Colleges Education shall adopt rules prescribing the content and custody of limited-access records that a Florida Community College System institution may maintain on its employees. Limited-access employee records are confidential and exempt from the provisions of s. 119.07(1). Limited-access records include only the following:

(a) Records containing information reflecting academic evaluations of employee performance; however, the employee and officials of the institution responsible for supervision of the employee shall have access to such records.

(b) Records maintained for the purposes of any investigation of employee misconduct, including, but not limited to, a complaint against an employee and all information obtained pursuant to the investigation of such complaint; however, these records become public after the investigation ceases to be active or when the institution provides written notice to the employee who is the subject of the complaint that the institution has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action;

2. Concluded the investigation with a finding to proceed with disciplinary action; or

3. Issued a letter of discipline.

For the purpose of this paragraph, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. An investigation shall be presumed to be
inactive if no finding is made within 90 days after the
complaint is filed.

Section 108. Subsection (1) of section 1012.83, Florida
Statutes, is amended to read:

1012.83 Contracts with administrative and instructional
staff.—

(1) Each person employed in an administrative or
instructional capacity in a Florida Community College System
institution shall be entitled to a contract as provided by rules
of the State Board of Community Colleges Education.

Section 109. Section 1012.855, Florida Statutes, is amended
to read:

1012.855 Employment of Florida Community College System
institution personnel; discrimination in granting salary
prohibited.—

(1)(a) Employment of all personnel in each Florida
Community College System institution shall be upon
recommendation of the president, subject to rejection for cause
by the Florida Community College System institution board of
trustees; to the rules of the State Board of Community Colleges
Education relative to certification, tenure, leaves of absence
of all types, including sabbaticals, remuneration, and such
other conditions of employment as the State Board of Community
Colleges Education deems necessary and proper; and to policies
of the Florida Community College System institution board of
trustees not inconsistent with law.

(b) Any internal auditor employed by a Florida Community
College System institution shall be hired by the Florida
Community College System institution board of trustees and shall
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(2) Each Florida Community College System institution board of trustees shall undertake a program to eradicate any discrimination on the basis of gender, race, or physical handicap in the granting of salaries to employees.

Section 110. Section 1012.86, Florida Statutes, is amended to read:

1012.86 Florida Community College System institution employment equity accountability program.—

(1) Each Florida Community College System institution shall include in its annual equity update a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status. Positions shall be defined in the personnel data element directory of the Department of Education. The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Department of Education. The goals and objectives shall be based on meeting or exceeding comparable national standards and shall be reviewed and recommended by the State Board of Community Colleges Education as appropriate. Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.

(2)(a) On or before May 1 of each year, each Florida Community College System institution president shall submit an annual employment accountability plan to the Chancellor of the

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Florida Community College System and the State Board of Community Colleges Commissioner of Education and the State Board of Education. The accountability plan must show faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EEO-6) report.

(b) The plan must show the following information for those positions including, but not limited to:

2. Gender.
3. Ethnicity.
4. Appointment status.
5. Salary information. At each Florida Community College System institution, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.
6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the Florida Community College System institution by race, gender, and salary range compared to the number of new hires.
7. A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

(c) The annual employment accountability plan shall also include an analysis and an assessment of the Florida Community
College System institution’s attainment of annual goals and of long-range goals for increasing the number of women and minorities in faculty and senior-level administrative positions, and a corrective action plan for addressing underrepresentation.

(d) Each Florida Community College System institution’s employment accountability plan must also include:

1. The requirements for receiving a continuing contract.
2. A brief description of the process used to grant continuing-contract status.
3. A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.

(3) Florida Community College System institution presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the Florida Community College System institution’s employment accountability plan.

(a) The Florida Community College System institution presidents, or the presidents’ designees, shall annually evaluate each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported annually by the Florida Community College System institution president to the Florida Community College System institution board of trustees. Annual budget allocations by the Florida Community College System institution board of trustees for positions and funding must take into consideration these evaluations.

(b) Florida Community College System institution boards of
trustees shall annually evaluate the performance of the Florida Community College System institution presidents in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported to the State Board of Community Colleges Commissioner of Education and the State Board of Education as part of the Florida Community College System institution’s annual employment accountability plan, and to the Legislature as part of the annual equity progress report submitted by the State Board of Community Colleges Education.

(4) The State Board of Community Colleges Education shall submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before January 1 of each year.

(5) Each Florida Community College System institution shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the Florida Community College System institution president and the Florida Community College System institution board of trustees, the plan shall be submitted as part of the annual employment accountability plan submitted by each Florida Community College System institution to the State Board of Community Colleges Education.

(6) Subject to available funding, the Legislature shall provide an annual appropriation to the State Board of Community Colleges Education to be allocated to Florida Community College System institution presidents, faculty, and administrative
personnel to further enhance equity initiatives and related
priorities that support the mission of colleges and departments
in recognition of the attainment of the equity goals and
objectives.

Section 111. Subsection (3) of section 1013.01, Florida
Statutes, is amended to read:
1013.01 Definitions.—The following terms shall be defined
as follows for the purpose of this chapter:
(3) “Board,” unless otherwise specified, means a district
school board, a Florida Community College System institution
board of trustees, a university board of trustees, and the Board
of Trustees for the Florida School for the Deaf and the Blind.
The term “board” does not include the State Board of Education,
or the Board of Governors, or the State Board of Community
Colleges.
Section 112. Subsection (2) of section 1013.02, Florida
Statutes, is amended to read:
1013.02 Purpose; rules and regulations.—
(2)(a) The State Board of Education shall adopt rules
pursuant to ss. 120.536(1) and 120.54 to implement the
provisions of this chapter for school districts and Florida
College System institutions.
(b) The Board of Governors shall adopt regulations pursuant
to its regulation development procedure to implement the
provisions of this chapter for state universities.
(c) The State Board of Community Colleges shall adopt rules
pursuant to ss. 120.536(1) and 120.54 to implement this chapter
for Florida Community College System institutions.
Section 113. Section 1013.03, Florida Statutes, is amended
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to read:

    1013.03 Functions of the department, the State Board of Community Colleges, and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts, of the State Board of Community Colleges as it pertains to educational facilities of Florida Community College System institutions, and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

    (1) Establish recommended minimum and maximum square footage standards for different functions and areas and procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department, the State Board of Community Colleges, and the Board of Governors shall encourage multiple use of facilities and spaces in educational plants.

    (2) Establish, for the purpose of determining need, equitably uniform utilization standards for all types of like space, regardless of the level of education. These standards shall also establish, for postsecondary education classrooms, a minimum room utilization rate of 40 hours per week and a minimum station utilization rate of 60 percent. These rates shall be
subject to increase based on national norms for utilization of
postsecondary education classrooms.

(3) Require boards to submit other educational plant
inventories data and statistical data or information relevant to
construction, capital improvements, and related costs.

(4) Require each board and other appropriate agencies to
submit complete and accurate financial data as to the amounts of
funds from all sources that are available and spent for
construction and capital improvements. The commissioner shall
prescribe the format and the date for the submission of this
data and any other educational facilities data. If any district
does not submit the required educational facilities fiscal data
by the prescribed date, the Commissioner of Education shall
notify the district school board of this fact and, if
appropriate action is not taken to immediately submit the
required report, the district school board shall be directed to
proceed pursuant to s. 1001.42(13)(b). If any Florida Community
College System institution or university does not submit the
required educational facilities fiscal data by the prescribed
date, the same policy prescribed in this subsection for school
districts shall be implemented.

(5) Administer, under the supervision of the Commissioner
of Education, the Public Education Capital Outlay and Debt
Service Trust Fund and the School District and Community College
District Capital Outlay and Debt Service Trust Fund.

(6) Develop, review, update, revise, and recommend a
mandatory portion of the Florida Building Code for educational
facilities construction and capital improvement by Florida
Community College System institution boards and district school
boards.

(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory Florida Building Code for the educational facilities construction and capital improvement programs of the Florida College System institution boards and district school boards and, upon request, approve phase III construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities, except that Florida Community College System institutions and university boards of trustees shall approve specifications and construction documents for their respective institutions pursuant to guidelines of the Board of Governors or State Board of Community Colleges, as applicable. The Department of Management Services may, upon request, provide similar services for the Florida School for the Deaf and the Blind and shall use the Florida Building Code and the Florida Fire Prevention Code.

(8) Provide minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs.

(9) Make available to boards technical assistance, awareness training, and research and technical publications relating to lifesafety, casualty, sanitation, environmental, maintenance, and custodial issues; and, as needed, technical assistance for survey, planning, design, construction, operation, and evaluation of educational and ancillary facilities and plants, facilities administrative procedures review, and training for new administrators.

(10)(a) Review and validate surveys proposed or amended by
the boards and recommend to the Commissioner of Education, the Chancellor of the Florida Community College System, or the Chancellor of the State University System, as appropriate, for approval, surveys that meet the requirements of this chapter.

1. The term “validate” as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department’s projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; use the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and adult educational programs comply with needs documented by the Department of Education; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

a. Cafeterias.

b. Multipurpose dining areas.
c. Media centers.

d. Auditoriums.

e. Administration.

f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

h. Elementary school art and music rooms.

The Commissioner of Education may grant a waiver from the requirements of this subparagraph if a district school board determines that such waiver will make possible a substantial savings of funds or will be advantageous to the welfare of the educational system. The district school board shall present a full statement to the commissioner which sets forth the facts that warrant the waiver. If the commissioner denies a request for a waiver, the district school board may appeal such decision to the State Board of Education.

2. The term “validate” as applied to surveys by Florida Community College System institutions and universities means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by each board to the department, including noncareer,
(b) Recommend priority of projects to be funded.

(11) Prepare the commissioner’s comprehensive fixed capital outlay legislative budget request and provide annually an estimate of the funds available for developing required 3-year priority lists. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of public
education: public schools, Florida Community College System institutions, and universities.

(12) Perform any other functions that may be involved in educational facilities construction and capital improvement which shall ensure that the intent of the Legislature is implemented.

Section 114. Section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(1) REAL PROPERTY.—

(a) Subject to rules of the State Board of Education, a district school board or the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida Community College System institution board of trustees may dispose of any land or real property to which the board holds title which is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board or the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida Community College System institution board of trustees shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the district school board or the Board of Trustees for the Florida School for the Deaf and the Blind before, or the Florida College System institution board of trustees prior to or simultaneously with the receipt of bids.

(b) Subject to regulations of the Board of Governors, a state university board of trustees may dispose of any land or real property to which it holds valid title which is, by
resolution of the state university board of trustees, determined
to be unnecessary for educational purposes as recommended in an
educational plant survey. A state university board of trustees
shall take diligent measures to dispose of educational property
only in the best interests of the public. However, appraisals
may be obtained by the state university board of trustees prior
to or simultaneously with the receipt of bids.

(c) Subject to rules of the State Board of Community
Colleges, a Florida Community College System institution board
of trustees may dispose of any land or real property to which it
holds valid title which is, by resolution of the Florida
Community College System institution board of trustees,
determined to be unnecessary for educational purposes as
recommended in an educational plant survey. A Florida Community
College System institution board of trustees shall take diligent
measures to dispose of educational property only in the best
interests of the public. However, appraisals may be obtained by
the Florida Community College System institution board of
trustees prior to or simultaneously with the receipt of bids.

(2) TANGIBLE PERSONAL PROPERTY.—
(a) Tangible personal property that has been properly
classified as surplus by a district school board or Florida
Community College System institution board of trustees
shall be disposed of in accordance with the procedure established by chapter 274.
However, the provisions of chapter 274 shall not be applicable
to a motor vehicle used in driver education to which title is
obtained for a token amount from an automobile dealer or
manufacturer. In such cases, the disposal of the vehicle shall
be as prescribed in the contractual agreement between the
automotive agency or manufacturer and the board.

(b) Tangible personal property that has been properly classified as surplus by a state university board of trustees shall be disposed of in accordance with the procedure established by chapter 273.

(c) Tangible personal property that has been properly classified as surplus by a Florida Community College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274.

Section 115. Subsection (1) of section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education, for school districts, and the State Board of Community Colleges, for the Florida Community College System, shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida Community College System institution that delivers career or adult education programs. Information used by the Department of Education or State Board of Community Colleges to establish facility needs must include, but need not be limited
to, labor market data, needs analysis, and information submitted by the school district or Florida Community College System institution.

(a) *Survey preparation and required data.*—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Department of Education, the Chancellor of the Florida Community College System, or the Chancellor of the State University System, as appropriate. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida Community College System institutions; the use utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the Department of Education. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(b) *Required need assessment criteria for district, Florida Community College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.*—Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district’s survey must be submitted as a part
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of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department’s review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and Florida Community College System institutions and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, Florida Community College System institutions, and universities, as appropriate. Projections of a school district’s facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each Florida Community College System institution’s survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the Florida Community College System.
Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Community Colleges Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each state university’s survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System. Projections of facility space needs must be consistent with standards for determining space needs as specified by regulation of the Board of Governors. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Governors.

5. The district educational facilities plan of a school district and the educational plant survey of a Florida Community College System institution, state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department, the State Board of Community Colleges, or the Board of Governors, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The Department of Education shall review and validate the surveys of school districts, the Chancellor of the Florida Community College System shall review and validate the surveys of and Florida Community College System
institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education, the State Board of Community Colleges, or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the timeframe in which districts must provide a periodic update.

Section 116. Subsections (1) and (3) of section 1013.36, Florida Statutes, are amended to read:

1013.36 Site planning and selection.—
(1) Before acquiring property for sites, each district school board and Florida Community College System institution board of trustees shall determine the location of proposed
educational centers or campuses. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans. Boards are encouraged to locate district educational facilities proximate to urban residential areas to the extent possible, and shall seek to collocate district educational facilities with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

(3) Sites recommended for purchase or purchased must meet standards prescribed in law and such supplementary standards as the State Board of Education or State Board of Community Colleges, as appropriate, prescribes to promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program or collocated with facilities to serve this purpose. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program. To the extent practicable, sites must be chosen which will provide safe access from neighborhoods to schools.

Section 117. Subsections (3) and (4) of section 1013.37,
Florida Statutes, are amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(3) REVIEW PROCEDURE.—The Commissioner of Education and the Chancellor of the Florida Community College System, as appropriate, shall cooperate with the Florida Building Commission in addressing all questions, disputes, or interpretations involving the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities, and any objections to decisions made by the inspectors or the department must be submitted in writing.

(4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department, for school districts, and the State Board of Community Colleges, for Florida Community College System institutions, shall biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the Florida Building Code which govern the construction of public educational and ancillary facilities. The department, for school districts, and the State Board of Community Colleges, for Florida Community College System institutions, shall publish and make available to each board at no cost copies of the State Requirements for Educational Facilities and each amendment and revision thereto. The department and state board shall make additional copies available to all interested persons at a price sufficient to recover costs.

Section 118. Section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida Community
College System institution facilities; property acquisition.—

(1) The need for Florida Community College System institution facilities shall be established by a survey conducted pursuant to this chapter. The facilities recommended by such survey must be approved by the State Board of Community Colleges Education, and the projects must be constructed according to the provisions of this chapter and State Board of Community Colleges Education rules.

(2) A Florida Community College System institution may not expend public funds for the acquisition of additional property without the specific approval of the Legislature.

(3) A facility may not be acquired or constructed by a Florida Community College System institution or its direct-support organization if such facility requires general revenue funds for operation or maintenance upon project completion or in subsequent years of operation, unless prior approval is received from the Legislature.

(4) The campus of a Florida Community College System institution within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, may construct dormitories for up to 300 beds for Florida Community College System institution students. Such dormitories are exempt from the building permit allocation system and may be constructed up to 45 feet in height if the dormitories are otherwise consistent with the comprehensive plan, the Florida Community College System institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48
hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation. State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016, may not be financed through the issuance of a bond.

Section 119. Section 1013.47, Florida Statutes, is amended to read:

1013.47 Substance of contract; contractors to give bond; penalties.—Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for a failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. A board or other public entity may not require a contractor to secure a surety bond under s. 255.05 from a specific agent or bonding company. A person, firm, or corporation that constructs any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in
accordance with the provisions of this chapter and rules of the
State Board of Education or State Board of Community Colleges or
regulations of the Board of Governors relating to building
standards or specifications is subject to forfeiture of the
surety bond and unpaid compensation in an amount sufficient to
reimburse the board for any costs that will need to be incurred
in making any changes necessary to assure that all requirements
are met and is also guilty of a misdemeanor of the second
degree, punishable as provided in s. 775.082 or s. 775.083, for
each separate violation.

Section 120. Section 1013.52, Florida Statutes, is amended
to read:

1013.52 Cooperative development and joint use of facilities
by two or more boards.—

(1) Two or more boards, including district school boards,
Florida Community College System institution boards of trustees,
the Board of Trustees for the Florida School for the Deaf and
the Blind, and university boards of trustees, desiring to
cooperatively establish a common educational facility to
accommodate students shall:

(a) Jointly request a formal assessment by the Commissioner
of Education, or the Chancellor of the State University System,
or the Chancellor of the State Board of Community Colleges, as
appropriate, of the academic program need and the need to build
new joint-use facilities to house approved programs. Completion
of the assessment and approval of the project by the State Board
of Education, the State Board of Community Colleges, the
Chancellor of the Florida Community College System, the Board of
Governors, the Chancellor of the State University System, or the
Commissioner of Education, as appropriate, should be done prior to conducting an educational facilities survey.

(b) Demonstrate the need for construction of new joint-use facilities involving postsecondary institutions by those institutions presenting evidence of the presence of sufficient actual full-time equivalent enrollments in the locale in leased, rented, or borrowed spaces to justify the requested facility for the programs identified in the formal assessment rather than using projected or anticipated future full-time equivalent enrollments as justification. If the decision is made to construct new facilities to meet this demonstrated need, then building plans should consider full-time equivalent enrollment growth facilitated by this new construction and subsequent new program offerings made possible by the existence of the new facilities.

(c) Adopt and submit to the Commissioner of Education, the Chancellor of the Florida Community College System, or and the Chancellor of the State University System, as appropriate, if the joint request involves a state university, a joint resolution of the participating boards indicating their commitment to the utilization of the requested facility and designating the locale of the proposed facility. The joint resolution shall contain a statement of determination by the participating boards that alternate options, including the use of leased, rented, or borrowed space, were considered and found less appropriate than construction of the proposed facility. The joint resolution shall contain assurance that the development of the proposed facility has been examined in conjunction with the programs offered by neighboring public educational facilities.
offering instruction at the same level. The joint resolution also shall contain assurance that each participating board shall provide for continuity of educational progression. All joint resolutions shall be submitted by August 1 for consideration of funding by the subsequent Legislature.

(d) Submit requests for funding of joint-use facilities projects involving state universities and Florida Community College System institutions for approval by the Chancellor of the Florida Community College System Commissioner of Education and the Chancellor of the State University System. The Chancellor of the Florida Community College System Commissioner of Education and the Chancellor of the State University System shall jointly determine the priority for funding these projects in relation to the priority of all other capital outlay projects under their consideration. To be eligible for funding from the Public Education Capital Outlay and Debt Service Trust Fund under the provisions of this section, projects involving both state universities and Florida Community College System institutions shall appear on the 3-year capital outlay priority lists of Florida Community College System institutions and of universities required by s. 1013.64. Projects involving a state university, a Florida Community College System institution, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the Florida Community College System institution, shall appear on the 3-year capital outlay priority lists of the Florida Community College System institutions or of the universities, as applicable.

(e) Include in their joint resolution for the joint-use facilities, comprehensive plans for the operation and management
of the facility upon completion. Institutional responsibilities for specific functions shall be identified, including designation of one participating board as sole owner of the facility. Operational funding arrangements shall be clearly defined.

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in s. 1013.31. Upon approval of the project by the commissioner, the Chancellor of the Florida Community College System, or the Chancellor of the State University System, as appropriate, 25 percent of the total cost of the project, or the pro rata share based on space utilization of 25 percent of the cost, must be included in the department’s legislative capital outlay budget request as provided in s. 1013.60 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities must be documentation that the proposed new campus or new joint-use facility has been reviewed by the State Board of Education, the State Board of Community Colleges, or the Board of Governors, as appropriate, and has been formally requested for authorization.
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by the Legislature.

4) A district school board, Florida Community College System institution, or state university may not receive funding for more than one approved joint-use facility per campus in any 3-year period.

Section 121. Subsection (1) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds;
Public Education Capital Outlay and Debt Service Trust Fund;
allocation of funds.—

(1) The commissioner, through the department, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall allocate or reallocate funds as authorized by the Legislature. Copies of each allocation or reallocation shall be provided to members of the State Board of Education, the State Board of Community Colleges, and the Board of Governors and to the chairs of the House of Representatives and Senate appropriations committees. The commissioner shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of public education capital outlay bonds pursuant to s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and other applicable law. The commissioner shall provide for the timely disbursement of moneys necessary to meet the encumbrance authorizations of the boards. Records shall be maintained by the department to identify legislative appropriations, allocations, encumbrance authorizations, disbursements, transfers, investments, sinking
funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund.

Section 122. The State Board of Community Colleges, in collaboration with the Board of Governors, shall evaluate and report on the status of Florida’s “2+2” system of articulation using the accountability measures required pursuant to s. 1008.38, Florida Statutes, and any other applicable state law. By December 31, 2017, the state board and the Board of Governors shall submit their report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include findings regarding the effectiveness of Florida’s “2+2” system of articulation and recommendations for improvement.

Section 123. The Division of Law Revision and Information is directed to prepare a reviser’s bill for the 2018 Regular Session to substitute the term “Florida Community College System” for “Florida College System” and the term “Florida Community College System institution” for “Florida College System institution” where those terms appear in the Florida Statutes.

Section 124. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect October 1, 2017.