

By the Committee on Education; and Senator Hukill

581-01304-18

2018540c1

1 A bill to be entitled
2 An act relating to postsecondary education; providing
3 a short title; creating s. 1001.6001, F.S.; renaming
4 the Florida College System as the Florida Community
5 College System; creating the State Board of Community
6 Colleges; requiring the Governor to appoint the
7 membership of the state board; providing that the
8 appointments are subject to confirmation by the
9 Senate; requiring the Division of Florida Colleges to
10 provide administrative support to the state board
11 until a specified date; transferring the Florida
12 College System and the Division of Florida Colleges to
13 the state board on a specified date; requiring the
14 state board to appoint a Chancellor of the Florida
15 Community College System by a specified date; amending
16 s. 20.15, F.S.; removing the Division of Florida
17 Colleges from within the Department of Education;
18 requiring the department to provide support to the
19 State Board of Community Colleges; creating s. 20.156,
20 F.S.; creating the State Board of Community Colleges;
21 assigning the state board to, and administratively
22 housing the state board within, the department;
23 providing the personnel for and powers and duties of
24 the state board; requiring the state board to conduct
25 an organizational meeting by a specified date;
26 amending s. 112.313, F.S.; prohibiting citizen members
27 of the State Board of Community Colleges or Florida
28 Community College System institution boards of
29 trustees from having an employment or contractual

581-01304-18

2018540c1

30 relationship as specified lobbyists; amending s.
31 112.3145, F.S.; revising the term "state officer" to
32 include certain Florida Community College System
33 personnel; amending s. 1000.03, F.S.; revising the
34 function and mission of the Florida K-20 education
35 system; requiring the State Board of Community
36 Colleges to oversee enforcement of Florida Community
37 College System laws and rules; amending s. 1000.05,
38 F.S.; requiring the Chancellor of the Florida
39 Community College System, instead of the Commissioner
40 of Education, to make certain determinations regarding
41 equal opportunities at Florida Community College
42 System institutions; requiring the State Board of
43 Community Colleges to adopt rules; amending s.
44 1001.02, F.S.; revising the general powers of the
45 State Board of Education to exempt the Florida
46 Community College System from certain provisions;
47 deleting duties of the State Board of Education
48 regarding the Florida College System; amending s.
49 1001.03, F.S.; revising certain articulation
50 accountability and enforcement measures; requiring the
51 State Board of Education to collect information in
52 conjunction with the Board of Governors and the State
53 Board of Community Colleges; deleting duties of the
54 State Board of Education regarding the Florida College
55 System; amending ss. 1001.10 and 1001.11, F.S.;
56 revising the general powers and duties of the
57 Commissioner of Education to exempt the Florida
58 Community College System from certain powers and

581-01304-18

2018540c1

59 duties; amending s. 1001.20, F.S.; revising duties of
60 the Office of Inspector General within the department
61 regarding the Florida College System; amending s.
62 1001.28, F.S.; providing that the powers and duties of
63 the State Board of Community Colleges are not
64 abrogated, superseded, altered, or amended by certain
65 provisions relating to the department's duties for
66 distance learning; amending s. 1001.42, F.S.;

67 prohibiting a technical center governing board from
68 approving certain courses and programs; amending s.
69 1001.44, F.S.; providing the primary mission of a
70 career center operated by a district school board;
71 prohibiting specified career centers from offering
72 certain courses and programs; amending s. 1001.60,
73 F.S.; conforming provisions to changes made by the
74 act; creating s. 1001.601, F.S.; establishing the
75 State Board of Community Colleges; providing the
76 membership of the board; creating s. 1001.602, F.S.;

77 providing the responsibilities and duties of the State
78 Board of Community Colleges; requiring the state board
79 to coordinate with the State Board of Education;
80 requiring the state board, in collaboration with the
81 State Board of Education, to adopt specified
82 definitions by rule; amending ss. 1001.61, 1001.64,
83 and 1001.65, F.S.; conforming provisions to changes
84 made by the act; amending s. 1001.66, F.S.; revising
85 requirements for the performance-based metrics used to
86 award Florida Community College System institutions
87 with performance-based incentives; amending s.

581-01304-18

2018540c1

88 1001.67, F.S.; revising the Distinguished Florida
89 Community College System Institution Program
90 excellence standards requirements; amending s.
91 1001.706, F.S.; revising cooperation duties of the
92 Board of Governors to include requirements for working
93 with the State Board of Community Colleges; amending
94 s. 1002.34, F.S.; providing the primary mission of a
95 charter technical career center; prohibiting specified
96 charter technical career centers from offering certain
97 courses and programs; providing for rulemaking;
98 amending s. 1003.491, F.S.; revising the Florida
99 Career and Professional Education Act to require the
100 State Board of Community Colleges to recommend,
101 jointly with the Board of Governors and the
102 Commissioner of Education, certain deadlines for new
103 core courses; amending s. 1003.493, F.S.; revising
104 department duties regarding articulation and the
105 transfer of credits to postsecondary institutions to
106 include consultation with the State Board of Community
107 Colleges; amending s. 1004.015, F.S.; providing that
108 the Higher Education Coordinating Council serves as an
109 advisory board to, in addition to other bodies, the
110 State Board of Community Colleges; revising council
111 reporting requirements to include a report to the
112 state board; requiring the state board to collaborate
113 with the Office of K-20 Articulation to provide
114 administrative support for the council; amending ss.
115 1004.02 and 1004.03, F.S.; conforming provisions to
116 changes made by the act; amending s. 1004.04, F.S.;

581-01304-18

2018540c1

117 revising department reporting requirements regarding
118 teacher preparation programs to require a report to
119 the State Board of Community Colleges; amending s.
120 1004.07, F.S.; providing that the State Board of
121 Community Colleges, instead of the State Board of
122 Education, provide guidelines for Florida Community
123 College System institution boards of trustees'
124 policies; amending ss. 1004.084, 1004.085, 1004.096,
125 1004.0961, 1004.35, and 1004.6495, F.S.; conforming
126 provisions to changes made by the act; amending s.
127 1004.65, F.S.; revising Florida Community College
128 System institution governance, mission, and
129 responsibilities, to provide authority and duties to
130 the State Board of Community Colleges, instead of the
131 State Board of Education; providing that offering
132 upper-level instruction and awarding baccalaureate
133 degrees are a secondary and not a primary role of a
134 Florida Community College System institution; amending
135 s. 1004.67, F.S.; conforming provisions to changes
136 made by the act; amending s. 1004.70, F.S.; revising
137 requirements for appointments to the board of
138 directors; prohibiting a community college board of
139 trustees from authorizing a Florida Community College
140 System institution direct-support organization to use
141 personal services and state funds for travel expenses
142 after a specified date; deleting an exception to the
143 prohibition on gifts to a political committee from a
144 Florida Community College System institution direct-
145 support organization; conforming provisions to changes

581-01304-18

2018540c1

146 made by the act; amending s. 1004.71, F.S.; conforming
147 provisions to changes made by the act; amending s.
148 1004.74, F.S.; requiring the Chancellor of the Florida
149 Community College System, jointly with the
150 Commissioner of Education, to appoint members of the
151 Council for the Florida School for the Arts; amending
152 ss. 1004.78 and 1004.80, F.S.; conforming provisions
153 to changes made by the act; amending s. 1004.91, F.S.;
154 requiring the State Board of Community Colleges to
155 collaborate with the State Board of Education to
156 provide certain rules for Florida Community College
157 System institutions regarding requirements for career
158 education program basic skills; amending s. 1004.92,
159 F.S.; providing accountability for career education
160 for the State Board of Community Colleges; revising
161 the department's accountability for career education;
162 requiring the department and the State Board of
163 Community Colleges to collaborate to develop certain
164 standards and benchmarks; requiring the State Board of
165 Education and the State Board of Community Colleges to
166 collaborate to adopt rules; amending s. 1004.925,
167 F.S.; revising industry certification requirements for
168 automotive service technology education programs to
169 include rules adopted by the State Board of Community
170 Colleges; amending s. 1004.93, F.S.; conforming
171 provisions to changes made by the act; amending s.
172 1006.60, F.S.; authorizing sanctions for violations of
173 certain rules of the State Board of Community
174 Colleges, instead of for violations of certain rules

581-01304-18

2018540c1

175 of the State Board of Education; amending ss. 1006.61,
176 1006.62, and 1006.71, F.S.; conforming provisions to
177 changes made by the act; amending s. 1007.01, F.S.;
178 revising the role of the State Board of Education and
179 the Board of Governors in the statewide articulation
180 system to include the State Board of Community
181 Colleges and the Chancellor of the Florida Community
182 College System; amending s. 1007.23, F.S.; requiring
183 each Florida Community College System institution and
184 each state university to execute at least one "2+2"
185 targeted pathway articulation agreement by a specified
186 time; providing requirements and student eligibility
187 for the agreements; requiring the State Board of
188 Community Colleges and the Board of Governors to
189 collaborate to eliminate barriers in executing the
190 agreements; amending s. 1007.24, F.S.; revising the
191 statewide course numbering system to include
192 participation by and input from the State Board of
193 Community Colleges and the Chancellor of the Florida
194 Community College System; amending ss. 1007.25,
195 1007.262, 1007.263, 1007.264, and 1007.265, F.S.;
196 conforming provisions to changes made by the act;
197 amending s. 1007.27, F.S.; requiring school districts
198 to notify students about certain lists and
199 equivalencies; amending s. 1007.271, F.S.; requiring
200 the State Board of Education to collaborate with the
201 State Board of Community Colleges regarding certain
202 articulation agreements; amending s. 1007.273, F.S.;
203 requiring the State Board of Community Colleges to

581-01304-18

2018540c1

204 enforce compliance with certain provisions relating to
205 the collegiate high school program by a specified date
206 each year; amending s. 1007.33, F.S.; prohibiting
207 Florida Community College System institutions from
208 offering bachelor of arts degree programs; deleting
209 provisions relating to an authorization for the Board
210 of Trustees of St. Petersburg College to establish
211 certain baccalaureate degree programs; revising the
212 approval process for baccalaureate degree programs
213 proposed by Florida Community College System
214 institutions; requiring a Florida Community College
215 System institution to annually report certain
216 information to the State Board of Community Colleges,
217 the Chancellor of the State University System, and the
218 Legislature; revising the circumstances under which a
219 baccalaureate degree program may be required to be
220 modified or terminated; requiring that a baccalaureate
221 degree program be terminated under certain
222 circumstances; restricting total upper-level,
223 undergraduate full-time equivalent enrollment at
224 Florida Community College System institutions and
225 within the Florida Community College System; amending
226 s. 1008.30, F.S.; requiring the State Board of
227 Community Colleges, rather than the State Board of
228 Education, to develop and implement a specified common
229 placement test and approve a specified series of meta-
230 majors and academic pathways with the Board of
231 Governors; providing that certain state universities
232 may continue to provide developmental education

581-01304-18

2018540c1

233 instruction; establishing the Supporting Students for
234 Academic Success Program; providing the purpose,
235 requirements, funding, and reporting requirements of
236 the program; amending s. 1008.31, F.S.; revising the
237 legislative intent of Florida's K-20 education
238 performance and accountability system to include
239 recommendations from and reports to the State Board of
240 Community Colleges; amending s. 1008.32, F.S.;

241 removing the oversight enforcement authority of the
242 State Board of Education relating to the Florida
243 Community College System; amending s. 1008.345, F.S.;

244 revising department responsibilities associated with
245 the system of educational accountability to include
246 duties for the State Board of Community Colleges;

247 amending s. 1008.37, F.S.; revising certain student
248 reporting requirements of the Commissioner of
249 Education to also require a report to the State Board
250 of Community Colleges; amending s. 1008.38, F.S.;

251 revising the articulation accountability process to
252 include participation by the State Board of Community
253 Colleges; amending s. 1008.405, F.S.; requiring the
254 State Board of Community Colleges to adopt rules for
255 the maintenance of specific information by Florida
256 Community College System institutions; amending ss.
257 1008.44, 1008.45, 1009.21, 1009.22, 1009.23, and
258 1009.25, F.S.; conforming provisions to changes made
259 by the act; amending s. 1009.26, F.S.; requiring that
260 certain information regarding fee waivers be reported
261 to the State Board of Community Colleges; requiring

581-01304-18

2018540c1

262 the State Board of Community Colleges to adopt rules;
263 amending s. 1009.28, F.S.; conforming provisions to
264 changes made by the act; amending ss. 1009.90 and
265 1009.91, F.S.; revising the duties of the department
266 to include reports to the State Board of Community
267 Colleges; amending s. 1009.971, F.S.; conforming
268 provisions to changes made by the act; amending s.
269 1010.01, F.S.; requiring the financial records and
270 accounts of Florida Community College System
271 institutions to follow rules of the State Board of
272 Community Colleges, instead of the State Board of
273 Education; requiring each Florida Community College
274 System institution to annually file specified
275 financial statements with the State Board of Community
276 Colleges; amending ss. 1010.02 and 1010.04, F.S.;
277 requiring the funds accruing to and purchases and
278 leases by Florida Community College System
279 institutions to follow rules of the State Board of
280 Community Colleges, instead of the State Board of
281 Education; amending s. 1010.07, F.S.; requiring
282 certain contractors to give bonds in an amount set by
283 the State Board of Community Colleges; amending s.
284 1010.08, F.S.; authorizing Florida Community College
285 System boards of trustees to budget for promotion and
286 public relations from certain funds; amending ss.
287 1010.09, 1010.22, 1010.30, and 1010.58, F.S.;
288 conforming provisions to changes made by the act;
289 amending s. 1011.01, F.S.; requiring each Florida
290 Community College System institution board of trustees

581-01304-18

2018540c1

291 to submit an annual operating budget according to
292 rules of the State Board of Community Colleges;
293 amending s. 1011.011, F.S.; requiring the State Board
294 of Education to collaborate with the State Board of
295 Community Colleges on legislative budget requests
296 relating to Florida Community College System
297 institutions; amending ss. 1011.30 and 1011.32, F.S.;
298 conforming provisions to changes made by the act;
299 amending s. 1011.80, F.S.; conforming provisions to
300 changes made by the act; authorizing the State Board
301 of Community Colleges to adopt rules; amending s.
302 1011.801, F.S.; specifying duties of the State Board
303 of Community Colleges regarding funds for the
304 operation of workforce education programs and the
305 Workforce Development Capitalization Incentive Grant
306 Program; amending ss. 1011.81, 1011.82, 1011.83,
307 1011.84, and 1011.85, F.S.; conforming provisions to
308 changes made by the act; amending s. 1012.01, F.S.;
309 redefining the term "school officers"; amending ss.
310 1012.80, 1012.81, 1012.83, 1012.855, and 1012.86,
311 F.S.; conforming provisions to changes made by the
312 act; amending s. 1013.01, F.S.; providing that the
313 term "board" does not include the State Board of
314 Community Colleges when used in the context of certain
315 educational facilities provisions; amending ss.
316 1013.02 and 1013.03, F.S.; requiring the State Board
317 of Community Colleges to adopt rules for and provide
318 functions relating to educational facilities; amending
319 s. 1013.28, F.S.; authorizing Florida Community

581-01304-18

2018540c1

320 College System institution boards of trustees to
321 dispose of land or real property subject to rules of
322 the State Board of Community Colleges; amending s.
323 1013.31, F.S.; specifying the role of the State Board
324 of Community Colleges in educational plant surveys for
325 Florida Community College System institutions;
326 amending ss. 1013.36, 1013.37, and 1013.40, F.S.;
327 conforming provisions to changes made by the act;
328 amending s. 1013.47, F.S.; providing that certain
329 contractors are subject to rules of the State Board of
330 Community Colleges; amending s. 1013.52, F.S.;
331 specifying duties of the State Board of Community
332 Colleges with regard to the cooperative development
333 and joint use of facilities; amending s. 1013.65,
334 F.S.; requiring the State Board of Community Colleges
335 to be provided with copies of authorized allocations
336 or reallocations for the Public Education Capital
337 Outlay and Debt Service Trust Fund; providing a
338 directive to the Division of Law Revision and
339 Information; providing effective dates.

340

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

342

343 Section 1. This act shall be cited as the "Community
344 College Competiveness Act of 2018."

345 Section 2. Effective July 1, 2018, section 1001.6001,
346 Florida Statutes, is created to read:

347 1001.6001 Florida Community College System governance.—

348 (1) The Florida College System, established in s. 1001.60,

581-01304-18

2018540c1

349 is renamed as the Florida Community College System.

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

356 (3) The Division of Florida Colleges shall provide
357 administrative support to the State Board of Community Colleges
358 until September 30, 2018.

359 (4) On October 1, 2018, all powers, duties, functions,
360 records, offices, personnel, property, pending issues and
361 existing contracts, administrative authority, administrative
362 rules, and unexpended balances of appropriations, allocations,
363 and other funds related to the Florida College System and the
364 Division of Florida Colleges are transferred by a type two
365 transfer, as defined in s. 20.06(2), from the State Board of
366 Education to the State Board of Community Colleges.

367 (5) The State Board of Community Colleges shall appoint a
368 Chancellor of the Florida Community College System by November
369 1, 2018, to aid the board in the implementation of its
370 responsibilities.

371 (6) Any State Board of Education approval, policy,
372 guidance, and appointment in effect on October 1, 2018, remains
373 effective unless acted upon by the State Board of Community
374 Colleges.

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

377 20.15 Department of Education.—There is created a

581-01304-18

2018540c1

378 Department of Education.

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

381 ~~(a) Division of Florida Colleges.~~

382 (a) ~~(b)~~ Division of Public Schools.

383 (b) ~~(e)~~ Division of Career and Adult Education.

384 (c) ~~(d)~~ Division of Vocational Rehabilitation.

385 (d) ~~(e)~~ Division of Blind Services.

386 (e) ~~(f)~~ Division of Accountability, Research, and
387 Measurement.

388 (f) ~~(g)~~ Division of Finance and Operations.

389 (g) ~~(h)~~ Office of K-20 Articulation.

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

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

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

401 (8) SUPPORT SERVICES.—The Department of Education shall
402 continue to provide support to the Board of Governors of the
403 State University System and to the State Board of Community
404 Colleges of the Florida Community College System. At a minimum,
405 support services provided to the Board of Governors and the
406 State Board of Community Colleges shall include accounting,

581-01304-18

2018540c1

407 printing, computer and Internet support, personnel and human
408 resources support, support for accountability initiatives, and
409 administrative support as needed for trust funds under the
410 jurisdiction of the Board of Governors and the State Board of
411 Community Colleges.

412 Section 4. Effective July 1, 2018, section 20.156, Florida
413 Statutes, is created to read:

414 20.156 State Board of Community Colleges.-

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

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

428 (3) PERSONNEL.-The state board shall appoint a Chancellor
429 of the Florida Community College System by November 1, 2018, to
430 aid in carrying out the state board's duties. The chancellor is
431 the chief executive officer and secretary to the state board and
432 directs the activities of the staff of the state board. The
433 Chancellor of the Division of Florida Colleges shall serve as
434 the Chancellor of the Florida Community College System until the
435 state board selects a chancellor.

581-01304-18

2018540c1

436 (4) POWERS AND DUTIES.—Effective October 1, 2018, the state
437 board shall regulate, control, and be responsible for the
438 management of the Florida Community College System.

439 (5) ORGANIZATION.—The state board shall, by September 30,
440 2018, conduct an organizational meeting to adopt bylaws, elect a
441 chair and vice chair from the membership, and fix dates and
442 places for regular meetings.

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

445 112.313 Standards of conduct for public officers, employees
446 of agencies, and local government attorneys.—

447 (18) STATE BOARD OF COMMUNITY COLLEGES AND BOARDS OF
448 TRUSTEES.—A citizen member of the State Board of Community
449 Colleges or a citizen member of a Florida Community College
450 System institution board of trustees may not have or hold an
451 employment or contractual relationship as a legislative lobbyist
452 requiring annual registration and reporting pursuant to s.
453 11.045.

454 Section 6. Paragraph (c) of subsection (1) of section
455 112.3145, Florida Statutes, is amended to read:

456 112.3145 Disclosure of financial interests and clients
457 represented before agencies.—

458 (1) For purposes of this section, unless the context
459 otherwise requires, the term:

460 (c) "State officer" means:

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

581-01304-18

2018540c1

465 office.

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

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

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

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

479 1000.03 Function, mission, and goals of the Florida K-20
480 education system.—

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

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

491 (c) The Board of Governors shall oversee the enforcement of
492 all state university laws and rules and regulations and the
493 timely provision of direction, resources, assistance,

581-01304-18

2018540c1

494 intervention when needed, and strong incentives and
495 disincentives to force accountability for results.

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

501 (4) The mission of Florida's K-20 education system is to
502 allow its students to increase their proficiency by allowing
503 them the opportunity to expand their knowledge and skills
504 through rigorous and relevant learning opportunities, in
505 accordance with the mission of the applicable career center or
506 system ~~statement~~ and the accountability requirements of s.
507 1008.31, and to avoid wasteful duplication of programs offered
508 by state universities, Florida Community College System
509 institutions, and career centers and charter technical career
510 centers that are operated by a district school board or a
511 Florida Community College System institution board of trustees.

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

515 1000.05 Discrimination against students and employees in
516 the Florida K-20 public education system prohibited; equality of
517 access required.—

518 (3)

519 (d) A public K-20 educational institution which operates or
520 sponsors interscholastic, intercollegiate, club, or intramural
521 athletics shall provide equal athletic opportunity for members
522 of both genders.

581-01304-18

2018540c1

- 523 1. The Board of Governors shall determine whether equal
524 opportunities are available at state universities.
- 525 2. The Commissioner of Education, for school districts, and
526 the Chancellor of the Florida Community College System, for
527 Florida Community College System institutions, shall determine
528 whether equal opportunities are available in school districts
529 and Florida Community College System institutions, respectively.
530 In determining whether equal opportunities are available in
531 school districts and Florida Community College System
532 institutions, the Commissioner of Education and the Chancellor
533 of the Florida Community College System shall consider, among
534 other factors:
- 535 a. Whether the selection of sports and levels of
536 competition effectively accommodate the interests and abilities
537 of members of both genders.
- 538 b. The provision of equipment and supplies.
- 539 c. Scheduling of games and practice times.
- 540 d. Travel and per diem allowances.
- 541 e. Opportunities to receive coaching and academic tutoring.
- 542 f. Assignment and compensation of coaches and tutors.
- 543 g. Provision of locker room, practice, and competitive
544 facilities.
- 545 h. Provision of medical and training facilities and
546 services.
- 547 i. Provision of housing and dining facilities and services.
- 548 j. Publicity.
- 549
- 550 Unequal aggregate expenditures for members of each gender or
551 unequal expenditures for male and female teams if a public

581-01304-18

2018540c1

552 school or Florida Community College System institution operates
553 or sponsors separate teams do not constitute nonimplementation
554 of this subsection, but the Commissioner of Education shall
555 consider the failure to provide necessary funds for teams for
556 one gender in assessing equality of opportunity for members of
557 each gender.

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

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

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

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

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

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

581-01304-18

2018540c1

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

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

593 (e) Requiring all district school boards and Florida
594 Community College System institution boards of trustees to
595 submit data and information necessary to determine compliance
596 with this section. The Commissioner of Education, for school
597 districts, and the Chancellor of the Florida Community College
598 System, for Florida Community College System institutions, shall
599 prescribe the format and the date for submission of such data
600 and any other educational equity data. If any board does not
601 submit the required compliance data or other required
602 educational equity data by the prescribed date, the commissioner
603 or the chancellor, as applicable, shall notify the board of this
604 fact and, if the board does not take appropriate action to
605 immediately submit the required report, the State Board of
606 Education or the State Board of Community Colleges, as
607 applicable, shall impose monetary sanctions.

608 (f) Based upon rules of the State Board of Education, for
609 school districts, and the State Board of Community Colleges, for

581-01304-18

2018540c1

610 Florida Community College System institutions, developing and
611 implementing enforcement mechanisms with appropriate penalties
612 to ensure that public K-12 schools and Florida Community College
613 System institutions comply with Title IX of the Education
614 Amendments of 1972 and subsection (3) of this section. However,
615 the State Board of Education may not force a public school and
616 the State Board of Community colleges may not force a ~~or~~ Florida
617 Community College System institution to conduct, nor penalize
618 such entity for not conducting, a program of athletic activity
619 or athletic scholarship for female athletes unless it is an
620 athletic activity approved for women by a recognized association
621 whose purpose is to promote athletics and a conference or league
622 exists to promote interscholastic or intercollegiate competition
623 for women in that athletic activity.

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

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

636 2. Notwithstanding the provisions of s. 216.192, direct the
637 Chief Financial Officer to withhold general revenue funds
638 sufficient to obtain compliance from the school district or

581-01304-18

2018540c1

639 Florida Community College System institution.

640

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

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

648 1001.02 General powers of State Board of Education.—

649 (1) The State Board of Education is the chief implementing
650 and coordinating body of public education in Florida except for
651 the State University System and the Florida Community College
652 System, and it shall focus on high-level policy decisions. It
653 has authority to adopt rules pursuant to ss. 120.536(1) and
654 120.54 to implement the provisions of law conferring duties upon
655 it for the improvement of the state system of K-20 public
656 education except for the State University System and the Florida
657 Community College System. Except as otherwise provided herein,
658 it may, as it finds appropriate, delegate its general powers to
659 the Commissioner of Education or the directors of the divisions
660 of the department.

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

662 (a) To adopt comprehensive educational objectives for
663 public education except for the State University System and the
664 Florida Community College System.

665 (b) To adopt comprehensive long-range plans and short-range
666 programs for the development of the state system of public
667 education except for the State University System and the Florida

581-01304-18

2018540c1

668 Community College System.

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

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

686 (e) To adopt and submit to the Governor and Legislature, as
687 provided in s. 216.023, a coordinated K-20 education budget that
688 estimates the expenditure requirements for the Board of
689 Governors, as provided in s. 1001.706, the State Board of
690 Education, including the Department of Education and the
691 Commissioner of Education, and all of the boards, institutions,
692 agencies, and services under the general supervision of the
693 Board of Governors, as provided in s. 1001.706, the State Board
694 of Community Colleges, as provided in s. 1001.602, or the State
695 Board of Education for the ensuing fiscal year. The State Board
696 of Education may not amend the budget request submitted by the

581-01304-18

2018540c1

697 Board of Governors or the State Board of Community Colleges. Any
698 program recommended by the Board of Governors, the State Board
699 of Community Colleges, or the State Board of Education which
700 will require increases in state funding for more than 1 year
701 must be presented in a multiyear budget plan.

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

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

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

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

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

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

720 (l) To assist in the economic development of the state by
721 developing a state-level planning process to identify future
722 training needs for industry, especially high-technology
723 industry.

724 (m) To assist in the planning and economic development of
725 the state by establishing a clearinghouse for information on

581-01304-18

2018540c1

726 educational programs of value to economic development.

727 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
728 120.54, within statutory authority.

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

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

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

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

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

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

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

581-01304-18

2018540c1

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

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

768 (3) (a) The State Board of Education shall adopt a strategic
769 plan that specifies goals and objectives for the state's public
770 schools ~~and Florida College System institutions~~. The plan shall
771 be formulated in conjunction with plans of the Board of
772 Governors and the State Board of Community Colleges in order to
773 provide for the roles of the universities and Florida Community
774 College System institutions to be coordinated to best meet state
775 needs and reflect cost-effective use of state resources. The
776 strategic plan must clarify the mission statements of each
777 Florida Community College System institution and the system as a
778 whole and identify degree programs, including baccalaureate
779 degree programs, to be offered at each Florida Community College
780 System institution in accordance with the objectives provided in
781 this subsection and the coordinated 5-year plan pursuant to
782 paragraph (2) (v). The strategic plan must cover a period of 5
783 years, with modification of the program lists after 2 years.

581-01304-18

2018540c1

784 Development of each 5-year plan must be coordinated with and
785 initiated after completion of the master plan. The strategic
786 plans must specifically include programs and procedures for
787 responding to the educational needs of teachers and students in
788 the public schools of this state and consider reports and
789 recommendations of the Higher Education Coordinating Council
790 pursuant to s. 1004.015 and the Articulation Coordinating
791 Committee pursuant to s. 1007.01. The state board shall submit a
792 report to the President of the Senate and the Speaker of the
793 House of Representatives upon modification of the plan and as
794 part of its legislative budget request.

795 (b) The State Board of Education, ~~and~~ and the Board of
796 Governors, and the State Board of Community Colleges shall
797 jointly develop long-range plans and annual reports for
798 financial aid in this state. The long-range plans shall
799 establish goals and objectives for a comprehensive program of
800 financial aid for Florida students and shall be updated every 5
801 years. The annual report shall include programs administered by
802 the department as well as awards made from financial aid fee
803 revenues, any other funds appropriated by the Legislature for
804 financial assistance, and the value of tuition and fees waived
805 for students enrolled in a dual enrollment course at a public
806 postsecondary educational institution. The annual report shall
807 include an assessment of progress made in achieving goals and
808 objectives established in the long-range plans and
809 recommendations for repealing or modifying existing financial
810 aid programs or establishing new programs. A long-range plan
811 shall be submitted by January 1, 2004, and every 5 years
812 thereafter. An annual report shall be submitted on January 1,

581-01304-18

2018540c1

813 2004, and in each successive year that a long-range plan is not
814 submitted, to the President of the Senate and the Speaker of the
815 House of Representatives.

816 (4) The State Board of Education shall~~+~~

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

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

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

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

837 ~~(e) Establish criteria for making recommendations~~
838 ~~concerning all proposals for the establishment of additional~~
839 ~~centers or campuses for Florida College System institutions.~~

840 ~~(f) Examine the annual administrative review of each~~
841 ~~Florida College System institution.~~

581-01304-18

2018540c1

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

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

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

860 ~~(a) Personnel.~~

861 ~~(b) Contracting.~~

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

869 ~~(d) Provisions for curriculum development, graduation~~
870 ~~requirements, college calendars, and program service areas.~~

581-01304-18

2018540c1

871 ~~These provisions must include rules that:~~

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

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

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

882
883 ~~The rules should encourage Florida College System institutions~~
884 ~~to enter into agreements with state universities that allow~~
885 ~~Florida College System institution students to complete upper-~~
886 ~~division-level courses at a Florida College System institution.~~
887 ~~An agreement may provide for concurrent enrollment at the~~
888 ~~Florida College System institution and the state university and~~
889 ~~may authorize the Florida College System institution to offer an~~
890 ~~upper-division-level course or distance learning.~~

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

893 ~~(f) Budgeting.~~

894 ~~(g) Business and financial matters.~~

895 ~~(h) Student services.~~

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

898 Section 10. Subsections (7) through (17) of section
899 1001.03, Florida Statutes, are amended to read:

581-01304-18

2018540c1

900 1001.03 Specific powers of State Board of Education.—

901 (7) ARTICULATION ACCOUNTABILITY.—The State Board of
902 Education shall develop articulation accountability measures
903 that assess the status of systemwide articulation processes, in
904 conjunction with the Board of Governors regarding the State
905 University System and the State Board of Community Colleges
906 regarding the Florida Community College System, and shall
907 establish an articulation accountability process in accordance
908 with the provisions of chapter 1008, in conjunction with the
909 Board of Governors regarding the State University System and the
910 State Board of Community Colleges regarding the Florida
911 Community College System.

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

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

926 ~~(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY~~
927 ~~EDUCATION.—The State Board of Education, in conjunction with the~~
928 ~~Board of Governors, shall develop and implement a common~~

581-01304-18

2018540c1

929 ~~placement test to assess the basic computation and communication~~
930 ~~skills of students who intend to enter a degree program at any~~
931 ~~Florida College System institution or state university.~~

932 (10) ~~(11)~~ MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY
933 EDUCATION.—The State Board of Education shall adopt minimum
934 standards relating to nonpublic postsecondary education and
935 institutions, in accordance with the provisions of chapter 1005.

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

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

948 (11) ~~(14)~~ UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
949 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.—The State Board of
950 Education shall maintain a uniform classification system for
951 school district administrative and management personnel that
952 will facilitate the uniform coding of administrative and
953 management personnel to total district employees.

954 ~~(15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE~~
955 ~~DEGREE PROGRAMS. The State Board of Education shall provide for~~
956 ~~the review and approval of proposals by Florida College System~~
957 ~~institutions to offer baccalaureate degree programs pursuant to~~

581-01304-18

2018540c1

958 ~~s. 1007.33. A Florida College System institution, as defined in~~
959 ~~s. 1000.21, that is approved to offer baccalaureate degrees~~
960 ~~pursuant to s. 1007.33 remains under the authority of the State~~
961 ~~Board of Education and the Florida College System institution's~~
962 ~~board of trustees. The State Board of Education may not approve~~
963 ~~Florida College System institution baccalaureate degree program~~
964 ~~proposals from March 31, 2014, through May 31, 2015.~~

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

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

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

981 ~~(12)~~(17) UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY,
982 ENGINEERING, AND MATHEMATICS (STEM).—The State Board of
983 Education, in consultation with the Board of Governors, the
984 State Board of Community Colleges, and the Department of
985 Economic Opportunity, shall adopt a unified state plan to
986 improve K-20 STEM education and prepare students for high-skill,

581-01304-18

2018540c1

987 high-wage, and high-demand employment in STEM and STEM-related
988 fields.

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

992 1001.10 Commissioner of Education; general powers and
993 duties.—

994 (1) The Commissioner of Education is the chief educational
995 officer of the state and the sole custodian of the K-20 data
996 warehouse, and is responsible for giving full assistance to the
997 State Board of Education in enforcing compliance with the
998 mission and goals of the K-20 education system except for the
999 State University System and the Florida Community College
1000 System.

1001 (6) Additionally, the commissioner has the following
1002 general powers and duties:

1003 (g) To submit to the State Board of Education, on or before
1004 October 1 of each year, recommendations for a coordinated K-20
1005 education budget that estimates the expenditures for the Board
1006 of Governors, the State Board of Community Colleges, the State
1007 Board of Education, including the Department of Education and
1008 the Commissioner of Education, and all of the boards,
1009 institutions, agencies, and services under the general
1010 supervision of the Board of Governors, the State Board of
1011 Community Colleges, or the State Board of Education for the
1012 ensuing fiscal year. Any program recommended to the State Board
1013 of Education that will require increases in state funding for
1014 more than 1 year must be presented in a multiyear budget plan.

1015 (j) To implement a program of school improvement and

581-01304-18

2018540c1

1016 education accountability designed to provide all students the
1017 opportunity to make adequate learning gains in each year of
1018 school as provided by statute and State Board of Education rule
1019 based upon the achievement of the state education goals,
1020 recognizing the following:

1021 1. The district school board is responsible for school and
1022 student performance.

1023 2. The individual school is the unit for education
1024 accountability.

1025 ~~3. The Florida College System institution board of trustees~~
1026 ~~is responsible for Florida College System institution~~
1027 ~~performance and student performance.~~

1028 ~~(7) The commissioner, or the commissioner's designee, may~~
1029 ~~conduct a review or investigation of practices, procedures, or~~
1030 ~~actions at any Florida College System institution which appear~~
1031 ~~to be inconsistent with sound financial, management, or academic~~
1032 ~~practice.~~

1033 Section 12. Paragraphs (c) through (f) of subsection (1)
1034 and subsection (3) of section 1001.11, Florida Statutes, are
1035 amended to read:

1036 1001.11 Commissioner of Education; other duties.-

1037 (1) The Commissioner of Education must independently
1038 perform the following duties:

1039 (c) In cooperation with the Board of Governors and the
1040 State Board of Community Colleges, develop and implement a
1041 process for receiving and processing requests, in conjunction
1042 with the Legislature, for the allocation of PECO funds for
1043 qualified postsecondary education projects.

1044 ~~(d) Integrally work with the boards of trustees of the~~

581-01304-18

2018540c1

1045 ~~Florida College System institutions.~~

1046 (d)~~(e)~~ Monitor the activities of the State Board of
1047 Education and provide information related to current and pending
1048 policies to the members of the boards of trustees of the Florida
1049 Community College System institutions and state universities.

1050 (e)~~(f)~~ Ensure the timely provision of information requested
1051 by the Legislature from the State Board of Education, the
1052 commissioner's office, and the Department of Education.

1053 (3) Notwithstanding any other provision of law to the
1054 contrary, the Commissioner of Education, in conjunction with the
1055 Legislature, ~~and~~ the Board of Governors regarding the State
1056 University System, and the State Board of Community Colleges
1057 regarding the Florida Community College System, must recommend
1058 funding priorities for the distribution of capital outlay funds
1059 for public postsecondary educational institutions, based on
1060 priorities that include, but are not limited to, the following
1061 criteria:

1062 (a) Growth at the institutions.

1063 (b) Need for specific skills statewide.

1064 (c) Need for maintaining and repairing existing facilities.

1065 Section 13. Paragraph (e) of subsection (4) of section
1066 1001.20, Florida Statutes, is amended to read:

1067 1001.20 Department under direction of state board.—

1068 (4) The Department of Education shall establish the
1069 following offices within the Office of the Commissioner of
1070 Education which shall coordinate their activities with all other
1071 divisions and offices:

1072 (e) *Office of Inspector General.*—Organized using existing
1073 resources and funds and responsible for promoting

581-01304-18

2018540c1

1074 accountability, efficiency, and effectiveness and detecting
1075 fraud and abuse within school districts and, the Florida School
1076 for the Deaf and the Blind, ~~and Florida College System~~
1077 ~~institutions in Florida~~. If the Commissioner of Education
1078 determines that a district school board or, the Board of
1079 Trustees for the Florida School for the Deaf and the Blind, ~~or a~~
1080 ~~Florida College System institution board of trustees~~ is
1081 unwilling or unable to address substantiated allegations made by
1082 any person relating to waste, fraud, or financial mismanagement
1083 within the school district or, the Florida School for the Deaf
1084 and the Blind, ~~or the Florida College System institution~~, the
1085 office shall conduct, coordinate, or request investigations into
1086 such substantiated allegations. The office shall have access to
1087 all information and personnel necessary to perform its duties
1088 and shall have all of its current powers, duties, and
1089 responsibilities authorized in s. 20.055.

1090 Section 14. Section 1001.28, Florida Statutes, is amended
1091 to read:

1092 1001.28 Distance learning duties.—The duties of the
1093 Department of Education concerning distance learning include,
1094 but are not limited to, the duty to:

1095 (1) Facilitate the implementation of a statewide
1096 coordinated system and resource system for cost-efficient
1097 advanced telecommunications services and distance education
1098 which will increase overall student access to education.

1099 (2) Coordinate the use of existing resources, including,
1100 but not limited to, the state's satellite transponders, the
1101 Florida Information Resource Network (FIRN), and distance
1102 learning initiatives.

581-01304-18

2018540c1

1103 (3) Assist in the coordination of the utilization of the
1104 production and uplink capabilities available through Florida's
1105 public television stations, eligible facilities, independent
1106 colleges and universities, private firms, and others as needed.

1107 (4) Seek the assistance and cooperation of Florida's cable
1108 television providers in the implementation of the statewide
1109 advanced telecommunications services and distance learning
1110 network.

1111 (5) Seek the assistance and cooperation of Florida's
1112 telecommunications carriers to provide affordable student access
1113 to advanced telecommunications services and to distance
1114 learning.

1115 (6) Coordinate partnerships for development, acquisition,
1116 use, and distribution of distance learning.

1117 (7) Secure and administer funding for programs and
1118 activities for distance learning from federal, state, local, and
1119 private sources and from fees derived from services and
1120 materials.

1121 (8) Hire appropriate staff which may include a position
1122 that shall be exempt from part II of chapter 110 and is included
1123 in the Senior Management Service in accordance with s. 110.205.

1124
1125 Nothing in this section shall be construed to abrogate,
1126 supersede, alter, or amend the powers and duties of any state
1127 agency, district school board, Florida Community College System
1128 institution board of trustees, university board of trustees, the
1129 Board of Governors, the State Board of Community Colleges, or
1130 the State Board of Education.

1131 Section 15. Effective July 1, 2018, subsection (26) of

581-01304-18

2018540c1

1132 section 1001.42, Florida Statutes, is amended to read:

1133 1001.42 Powers and duties of district school board.—The
1134 district school board, acting as a board, shall exercise all
1135 powers and perform all duties listed below:

1136 (26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a
1137 governing board for a school district technical center or a
1138 system of technical centers for the purpose of aligning the
1139 educational programs of the technical center with the needs of
1140 local businesses and responding quickly to the needs of local
1141 businesses for employees holding industry certifications. A
1142 technical center governing board shall be comprised of seven
1143 members, three of whom must be members of the district school
1144 board or their designees and four of whom must be local business
1145 leaders. The district school board shall delegate to the
1146 technical center governing board decisions regarding entrance
1147 requirements for students, curriculum, program development,
1148 budget and funding allocations, and the development with local
1149 businesses of partnership agreements and appropriate industry
1150 certifications in order to meet local and regional economic
1151 needs. A technical center governing board may approve only
1152 courses and programs that contain industry certifications. A
1153 course may be continued if at least 25 percent of the students
1154 enrolled in the course attain an industry certification. If
1155 fewer than 25 percent of the students enrolled in a course
1156 attain an industry certification, the course must be
1157 discontinued the following year. However, notwithstanding the
1158 authority to approve courses and programs under this subsection,
1159 a technical center governing board may not approve a college
1160 credit course or college credit certificate or an associate

581-01304-18

2018540c1

1161 degree or baccalaureate degree program.

1162 Section 16. Effective July 1, 2018, section 1001.44,
1163 Florida Statutes, is amended to read:

1164 1001.44 Career centers; governance, mission, and
1165 responsibilities.—

1166 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER
1167 CENTERS.—Any district school board, after first obtaining the
1168 approval of the Department of Education, may, as a part of the
1169 district school system, organize, establish and operate a career
1170 center, or acquire and operate a career center previously
1171 established.

1172 (a) The primary mission of a career center that is operated
1173 by a district school board is to promote advances and
1174 innovations in workforce preparation and economic development. A
1175 career center may provide a learning environment that serves the
1176 needs of a specific population group or group of occupations,
1177 thus promoting diversity and choices within the public technical
1178 education community in this state.

1179 (b) A career center that is operated by a district school
1180 board may not offer a college credit course or college credit
1181 certificate or an associate degree or baccalaureate degree
1182 program.

1183 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
1184 ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards
1185 of any two or more contiguous districts may, upon first
1186 obtaining the approval of the department, enter into an
1187 agreement to organize, establish and operate, or acquire and
1188 operate, a career center under this section.

1189 (3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED

581-01304-18

2018540c1

1190 BY A DIRECTOR.—

1191 (a) A career center established or acquired under
1192 provisions of law and minimum standards prescribed by the
1193 commissioner shall comprise a part of the district school system
1194 and shall mean an educational institution offering terminal
1195 courses of a technical nature which are not for college credit,
1196 and courses for out-of-school youth and adults; shall be subject
1197 to all applicable provisions of this code; shall be under the
1198 control of the district school board of the school district in
1199 which it is located; and shall be directed by a director
1200 responsible through the district school superintendent to the
1201 district school board of the school district in which the center
1202 is located.

1203 (b) Each career center shall maintain an academic
1204 transcript for each student enrolled in the center. Such
1205 transcript shall delineate each course completed by the student.
1206 Courses shall be delineated by the course prefix and title
1207 assigned pursuant to s. 1007.24. The center shall make a copy of
1208 a student's transcript available to any student who requests it.

1209 Section 17. Effective July 1, 2018, section 1001.60,
1210 Florida Statutes, is amended to read:

1211 1001.60 Florida Community College System.—

1212 (1) PURPOSES.—In order to maximize open access for
1213 students, respond to community needs for postsecondary academic
1214 education and career degree education, and provide associate and
1215 baccalaureate degrees that will best meet the state's employment
1216 needs, the Legislature establishes a system of governance for
1217 the Florida Community College System.

1218 (2) FLORIDA COMMUNITY COLLEGE SYSTEM.—There shall be a

581-01304-18

2018540c1

1219 single Florida Community College System comprised of the Florida
1220 Community College System institutions identified in s.
1221 1000.21(3). A Florida Community College System institution may
1222 not offer graduate degree programs.

1223 (a) The programs and services offered by Florida Community
1224 College System institutions in providing associate and
1225 baccalaureate degrees shall be delivered in a cost-effective
1226 manner that demonstrates substantial savings to the student and
1227 to the state over the cost of providing the degree at a state
1228 university.

1229 (b)1. With the approval of its district board of trustees,
1230 a Florida Community College System institution may change the
1231 institution's name set forth in s. 1000.21(3) and use the
1232 designation "college" or "state college" if it has been
1233 authorized to grant baccalaureate degrees pursuant to s. 1007.33
1234 and has been accredited as a baccalaureate-degree-granting
1235 institution by the Commission on Colleges of the Southern
1236 Association of Colleges and Schools.

1237 2. With the approval of its district board of trustees, a
1238 Florida Community College System institution that does not meet
1239 the criteria in subparagraph 1. may request approval from the
1240 State Board of Community Colleges ~~Education~~ to change the
1241 institution's name set forth in s. 1000.21(3) and use the
1242 designation "college." The State Board of Community Colleges
1243 ~~Education~~ may approve the request if the Florida Community
1244 College System institution enters into an agreement with the
1245 State Board of Community Colleges ~~Education~~ to do the following:

1246 a. Maintain as its primary mission responsibility for
1247 responding to community needs for postsecondary academic

581-01304-18

2018540c1

1248 education and career degree education as prescribed in s.
1249 1004.65(5).

1250 b. Maintain an open-door admissions policy for associate-
1251 level degree programs and workforce education programs.

1252 c. Continue to provide outreach to underserved populations.

1253 d. Continue to provide remedial education.

1254 e. Comply with all provisions of the statewide articulation
1255 agreement that relate to 2-year and 4-year public degree-
1256 granting institutions as adopted by the State Board of Community
1257 Colleges Education pursuant to s. 1007.23.

1258 (c) A district board of trustees that approves a change to
1259 the name of an institution under paragraph (b) must seek
1260 statutory codification of such name change in s. 1000.21(3)
1261 during the next regular legislative session.

1262 (d) A Florida Community College System institution may not
1263 use the designation "university."

1264 (3) LOCAL BOARDS OF TRUSTEES.—Each institution within the
1265 Florida Community College System shall be governed by a local
1266 board of trustees as provided in s. 1001.64. The membership of
1267 each local board of trustees shall be as provided in s. 1001.61.

1268 Section 18. Effective July 1, 2018, section 1001.601,
1269 Florida Statutes, is created to read:

1270 1001.601 State Board of Community Colleges of the Florida
1271 Community College System.—

1272 (1) The State Board of Community Colleges is established as
1273 a body corporate consisting of 13 members, which shall consist
1274 of the Commissioner of Education and 12 citizen members who are
1275 appointed by the Governor in a manner that provides equitable
1276 geographical representation.

581-01304-18

2018540c1

1277 (a) The 12 appointed citizen members must include a student
1278 enrolled in a Florida Community College System institution and a
1279 faculty member employed at a Florida Community College System
1280 institution.

1281 (b) Each citizen member must reside and be registered to
1282 vote in this state.

1283 (c) Except for the student member, who shall serve a 1-year
1284 term, appointed citizen members shall serve staggered 4-year
1285 terms. In order to achieve staggered terms, beginning September
1286 1, 2018, of the initial appointments, 3 members shall serve 2-
1287 year terms, 4 members shall serve 3-year terms, and 4 members
1288 shall serve 4-year terms.

1289 (d) Except for the student member, each citizen member must
1290 be confirmed by the Senate.

1291 (2) Members of the State Board of Community Colleges may
1292 not receive compensation but may be reimbursed for per diem and
1293 travel expenses as provided in s. 112.061.

1294 Section 19. Section 1001.602, Florida Statutes, is created
1295 to read:

1296 1001.602 Powers and duties of the State Board of Community
1297 Colleges.—

1298 (1) RESPONSIBILITIES.—The State Board of Community Colleges
1299 is responsible for the efficient and effective operation and
1300 maintenance of the Florida Community College System, as
1301 established in s. 1001.60. The State Board of Community Colleges
1302 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
1303 implement provisions of law for the Florida Community College
1304 System. For the purposes of this section, the State Board of
1305 Community Colleges is referred to as the "state board."

581-01304-18

2018540c1

1306 (2) DUTIES.—The state board has the following duties:

1307 (a) Ensure that Florida Community College System
1308 institutions operate consistent with the mission of the system,
1309 pursuant to s. 1004.65.

1310 (b) Oversee the Florida Community College System and
1311 coordinate with the State Board of Education and the Board of
1312 Governors to avoid wasteful duplication of facilities or
1313 programs.

1314 (c) Provide for each Florida Community College System
1315 institution to offer educational training and service programs
1316 designed to meet the needs of both students and the communities
1317 served.

1318 (d) Hold meetings, transact business, keep records, and,
1319 except as otherwise provided by law, perform such other duties
1320 as may be necessary for the enforcement of laws and rules
1321 relating to the Florida Community College System.

1322 (e) Provide for the coordination of educational plans and
1323 programs to resolve controversies, minimize problems of
1324 articulation and student transfers, ensure that students moving
1325 from one level of education to the next have acquired
1326 competencies necessary for satisfactory performance at that
1327 level, and ensure maximum utilization of facilities.

1328 (f) Establish and review, in consultation with the State
1329 Board of Education and the Board of Governors, minimum and
1330 uniform standards of college-level communication and computation
1331 skills generally associated with successful performance and
1332 progression through the baccalaureate level, to identify
1333 college-preparatory high school coursework and postsecondary-
1334 level coursework that prepares students with the academic skills

581-01304-18

2018540c1

1335 necessary to succeed in postsecondary education.

1336 (g) Approve plans for cooperating with the Federal
1337 Government.

1338 (h) Approve plans for cooperating with other public
1339 agencies in the development of rules and in the enforcement of
1340 laws for which the state board and the agencies are jointly
1341 responsible.

1342 (i) Create subordinate advisory bodies if required by law
1343 or as necessary for the improvement of the Florida Community
1344 College System.

1345 (j) Coordinate with the State Board of Education and the
1346 Board of Governors to collect and maintain data for the Florida
1347 Community College System.

1348 (k) Establish, in conjunction with the State Board of
1349 Education and the Board of Governors, an effective information
1350 system that will provide composite data concerning the Florida
1351 Community College System institutions and state universities and
1352 that will ensure that special analyses and studies concerning
1353 the institutions are conducted, as necessary, for provision of
1354 accurate and cost-effective information concerning the
1355 institutions.

1356 (l) Establish accountability standards for existing
1357 legislative performance goals, standards, and measures, and
1358 order the development of mechanisms to implement new legislative
1359 goals, standards, and measures.

1360 (m) Require each Florida Community College System
1361 institution, before registration, to provide each enrolled
1362 student electronic access to the economic security report of
1363 employment and earning outcomes prepared by the Department of

581-01304-18

2018540c1

1364 Economic Opportunity pursuant to s. 445.07.

1365 (n) Specify, by rule, procedures to be used by Florida
1366 Community College System institution boards of trustees in the
1367 annual evaluation of presidents, and review the evaluations of
1368 presidents by the boards of trustees, including the extent to
1369 which presidents serve both institutional and system goals.

1370 (o) Establish, subject to existing law, the tuition and
1371 out-of-state fees for developmental education and for credit
1372 instruction that may be counted toward an associate in arts
1373 degree, an associate in applied science degree, or an associate
1374 in science degree.

1375 (p) Develop, in conjunction with the State Board of
1376 Education and the Board of Governors, and implement a common
1377 placement test to assess the basic communication and computation
1378 skills of students who intend to enter a degree program at a
1379 Florida Community College System institution or state
1380 university.

1381 (q) May direct the Chancellor of the Florida Community
1382 College System to conduct investigations of practices,
1383 procedures, or actions at a Florida Community College System
1384 institution which appear to be inconsistent with sound
1385 financial, management, or academic practice.

1386 (r) Examine the annual administrative review of each
1387 Florida Community College System institution.

1388 (s) Through the Chancellor of the Florida Community College
1389 System, integrally work with the Florida Community College
1390 System institution boards of trustees.

1391 (t) Establish criteria for making recommendations
1392 concerning all proposals to establish additional centers or

581-01304-18

2018540c1

1393 campuses for a Florida Community College System institution.

1394 (3) PLAN SPECIFYING GOALS AND OBJECTIVES.—To comply with
1395 the requirements under subsection (4) and the performance
1396 metrics and standards adopted under ss. 1001.66 and 1001.67, the
1397 state board shall identify performance metrics for the Florida
1398 Community College System and develop a plan that specifies goals
1399 and objectives for each Florida Community College System
1400 institution. The plan must include:

1401 (a) Performance metrics and standards common for all
1402 institutions and metrics and standards unique to institutions
1403 depending on institutional core missions, including, but not
1404 limited to, remediation success, retention, graduation,
1405 employment, transfer rates, licensure passage, excess hours,
1406 student loan burden and default rates, job placement, faculty
1407 awards, and highly respected rankings for institution and
1408 program achievements.

1409 (b) Student enrollment and performance data delineated by
1410 method of instruction, including, but not limited to,
1411 traditional, online, and distance learning instruction.

1412 (4) STRATEGIC PLAN, LONG-RANGE PLANS, AND OTHER PLANS.—

1413 (a) The state board shall adopt a strategic plan that
1414 specifies goals and objectives for the Florida Community College
1415 System. The plan must be formulated in conjunction with plans of
1416 the State Board of Education and the Board of Governors in order
1417 to coordinate the roles of the school districts and state
1418 universities to best meet state needs and reflect cost-effective
1419 use of state resources. The strategic plan must clarify the
1420 mission statements of the Florida Community College System and
1421 each Florida Community College System institution and identify

581-01304-18

2018540c1

1422 degree programs, including baccalaureate degree programs, to be
1423 offered at each Florida Community College System institution in
1424 accordance with the objectives provided in this subsection and
1425 the coordinated 5-year plan pursuant to s. 1001.02(2)(v). The
1426 strategic plan must cover a period of 5 years, with modification
1427 of the program lists after 2 years. Development of each 5-year
1428 plan must be coordinated with and initiated after completion of
1429 the master plan. The strategic plan must consider reports and
1430 recommendations of the Higher Education Coordinating Council
1431 pursuant to s. 1004.015 and the Articulation Coordinating
1432 Committee pursuant to s. 1007.01. Upon modification of the plan,
1433 the state board shall submit a report to the President of the
1434 Senate and the Speaker of the House of Representatives as part
1435 of its legislative budget request.

1436 (b) The state board, the State Board of Education, and the
1437 Board of Governors shall jointly develop long-range plans and
1438 annual reports for financial aid in this state. The long-range
1439 plans must establish goals and objectives for a comprehensive
1440 program of financial aid for students and shall be updated every
1441 5 years. The annual report must include programs administered by
1442 the department as well as awards made from financial aid fee
1443 revenues, other funds appropriated by the Legislature for
1444 financial assistance, and the value of tuition and fees waived
1445 for students enrolled in a dual enrollment course at a public
1446 postsecondary educational institution. The annual report must
1447 include an assessment of the progress made in achieving goals
1448 and objectives established in the long-range plans and must
1449 include recommendations for repealing or modifying existing
1450 financial aid programs or establishing new programs. The state

581-01304-18

2018540c1

1451 board, the State Board of Education, and the Board of Governors
1452 shall submit their long-range plans by July 1, 2018, and every 5
1453 years thereafter and shall submit their annual reports on July
1454 1, 2018, and in each successive year that a long-range plan is
1455 not submitted, to the President of the Senate and the Speaker of
1456 the House of Representatives.

1457 (c) The state board shall also:

1458 1. Adopt comprehensive long-range plans and short-range
1459 programs for the development of the Florida Community College
1460 System.

1461 2. Assist in the economic development of the state by
1462 developing a state-level planning process to identify future
1463 training needs for industry, especially high-technology
1464 industry.

1465 3. Adopt criteria and implementation plans for future
1466 growth issues, such as new Florida Community College System
1467 institutions and Florida Community College System institution
1468 campus mergers, and provide for cooperative agreements between
1469 and within public and private education sectors.

1470 (5) MINIMUM STANDARDS AND GUIDELINES.—The state board shall
1471 prescribe minimum standards, definitions, and guidelines for
1472 Florida Community College System institutions which will ensure
1473 the quality of education, coordination among the Florida
1474 Community College System institutions and state universities,
1475 and efficient progress toward accomplishing the Florida
1476 Community College System institution's mission. At a minimum,
1477 these rules must address all of the following:

1478 (a) Personnel.

1479 (b) Contracting.

581-01304-18

2018540c1

1480 (c) Program offerings and classification, including
1481 college-level communication and computation skills associated
1482 with successful performance in college and with tests and other
1483 assessment procedures that measure student achievement of those
1484 skills. The performance measures must provide that students
1485 moving from one level of education to the next acquire the
1486 necessary competencies for that level.

1487 (d) Provisions for curriculum development, graduation
1488 requirements, college calendars, and program service areas.
1489 These provisions must include rules that:

1490 1. Provide for the award of an associate in arts degree to
1491 a student who successfully completes 60 semester credit hours at
1492 the Florida Community College System institution.

1493 2. Require all of the credits accepted for the associate in
1494 arts degree to be in the statewide course numbering system as
1495 credits toward a baccalaureate degree offered by a state
1496 university or a Florida Community College System institution.

1497 3. Require no more than 36 semester credit hours in general
1498 education courses in the subject areas of communication,
1499 mathematics, social sciences, humanities, and natural sciences.

1500
1501 The rules under this paragraph should encourage Florida
1502 Community College System institutions to enter into agreements
1503 with state universities which allow a Florida Community College
1504 System institution student to complete upper-division-level
1505 courses at a Florida Community College System institution. An
1506 agreement may provide for concurrent enrollment at the Florida
1507 Community College System institution and the state university
1508 and may authorize the Florida Community College System

581-01304-18

2018540c1

1509 institution to offer an upper-division-level course or distance
1510 learning.

1511 (e) Student admissions, conduct, and discipline;
1512 nonclassroom activities; and fees.

1513 (f) Budgeting.

1514 (g) Business and financial matters.

1515 (h) Student services.

1516 (i) Reports, surveys, and information systems, including
1517 forms and dates of submission.

1518 (6) CYCLIC REVIEW OF ACADEMIC PROGRAMS.—The state board
1519 shall provide for the cyclic review of all academic programs in
1520 Florida Community College System institutions at least every 7
1521 years. Program reviews must document how individual academic
1522 programs are achieving stated student learning and program
1523 objectives within the context of the institution's mission. The
1524 results of the program reviews must inform strategic planning,
1525 program development, and budgeting decisions at the
1526 institutional level.

1527 (7) FLORIDA COMMUNITY COLLEGE SYSTEM INSTITUTION
1528 BACCALAUREATE DEGREE PROGRAMS.—The state board shall provide for
1529 the review and approval of proposals by Florida Community
1530 College System institutions to offer baccalaureate degree
1531 programs pursuant to s. 1007.33. A Florida Community College
1532 System institution, as defined in s. 1000.21, which is approved
1533 to offer baccalaureate degrees pursuant to s. 1007.33 remains
1534 under the authority of the state board and the Florida Community
1535 College System institution's board of trustees.

1536 (8) MODIFICATIONS TO SERVICE AREA.—The state board shall
1537 establish criteria for making recommendations for modifying

581-01304-18

2018540c1

1538 district boundary lines for a Florida Community College System
1539 institution, including criteria for service delivery areas of a
1540 Florida Community College System institution authorized to grant
1541 baccalaureate degrees.

1542 (9) PERFORMANCE OVERSIGHT.—The state board shall oversee
1543 the performance of Florida Community College System institution
1544 boards of trustees in enforcement of all laws and rules. Florida
1545 Community College System institution boards of trustees are
1546 primarily responsible for compliance with law and state board
1547 rule.

1548 (a) In order to ensure compliance with law or state board
1549 rule, the state board has the authority to request and receive
1550 information, data, and reports from Florida Community College
1551 System institutions. The Florida Community College System
1552 institution president is responsible for the accuracy of the
1553 information and data reported to the state board.

1554 (b) The Chancellor of the Florida Community College System
1555 may investigate allegations of noncompliance with law or state
1556 board rule and determine probable cause. The chancellor shall
1557 report determinations of probable cause to the State Board of
1558 Community Colleges, which shall require the Florida Community
1559 College System institution board of trustees to document
1560 compliance with law or state board rule.

1561 (c) If the Florida Community College System institution
1562 board of trustees cannot satisfactorily document compliance, the
1563 state board may order compliance within a specified timeframe.

1564 (d) If the state board determines that a Florida Community
1565 College System institution board of trustees is unwilling or
1566 unable to comply with law or state board rule within the

581-01304-18

2018540c1

1567 specified time, the state board has the authority to initiate
1568 any of the following actions:

1569 1. Report to the Legislature that the Florida Community
1570 College System institution is unwilling or unable to comply with
1571 law or state board rule and recommend that the Legislature take
1572 action against the institution;

1573 2. Withhold the transfer of state funds, discretionary
1574 grant funds, discretionary lottery funds, or any other funds
1575 specified as eligible for this purpose by the Legislature until
1576 the Florida Community College System institution complies with
1577 the law or state board rule;

1578 3. Declare the Florida Community College System institution
1579 ineligible for competitive grants; or

1580 4. Require monthly or periodic reporting on the situation
1581 related to noncompliance until it is remedied.

1582 (e) This section may not be construed to create a private
1583 cause of action or create any rights for individuals or entities
1584 in addition to those provided elsewhere in law or rule.

1585 (10) INSPECTOR GENERAL.—The inspector general is
1586 responsible for promoting accountability, efficiency, and
1587 effectiveness and detecting fraud and abuse within Florida
1588 Community College System institutions. If the Chancellor of the
1589 Florida Community College System determines that a Florida
1590 Community College System institution board of trustees is
1591 unwilling or unable to address substantiated allegations made by
1592 any person relating to waste, fraud, or financial mismanagement
1593 within the Florida Community College System institution, the
1594 inspector general shall conduct, coordinate, or request
1595 investigations into such substantiated allegations. The

581-01304-18

2018540c1

1596 inspector general shall have access to all information and
1597 personnel necessary to perform its duties and shall have all of
1598 his or her current powers, duties, and responsibilities
1599 authorized in s. 20.055.

1600 (11) COORDINATION WITH THE STATE BOARD OF EDUCATION.—The
1601 state board shall coordinate with the State Board of Education:

1602 (a) Pursuant to s. 1001.02(2)(e), in the adoption of a K-20
1603 education budget.

1604 (b) Pursuant to s. 1001.02(4)(g), to adopt and submit to
1605 the Legislature a 3-year list of priorities for fixed capital
1606 outlay projects.

1607 (12) COMMON POSTSECONDARY DEFINITIONS.—The state board
1608 shall, in collaboration with the State Board of Education, adopt
1609 by rule definitions for associate in science degrees and for
1610 certificates offered by Florida Community College System
1611 institutions.

1612 Section 20. Section 1001.61, Florida Statutes, is amended
1613 to read:

1614 1001.61 Florida Community College System institution boards
1615 of trustees; membership.—

1616 (1) Florida Community College System institution boards of
1617 trustees shall be comprised of five members when a Florida
1618 Community College System institution district is confined to one
1619 school board district; seven members when a Florida Community
1620 College System institution district is confined to one school
1621 board district and the board of trustees so elects; and not more
1622 than nine members when the district contains two or more school
1623 board districts, as provided by rules of the State Board of
1624 Community Colleges ~~Education~~. However, Florida State College at

581-01304-18

2018540c1

1625 Jacksonville shall have an odd number of trustees, and St. Johns
1626 River State College shall have seven trustees from the three-
1627 county area that the college serves.

1628 (2) Trustees shall be appointed by the Governor to
1629 staggered 4-year terms, subject to confirmation by the Senate in
1630 regular session.

1631 (3) Members of the board of trustees shall receive no
1632 compensation but may receive reimbursement for expenses as
1633 provided in s. 112.061.

1634 (4) At its first regular meeting after July 1 of each year,
1635 each Florida Community College System institution board of
1636 trustees shall organize by electing a chair, whose duty as such
1637 is to preside at all meetings of the board, to call special
1638 meetings thereof, and to attest to actions of the board, and a
1639 vice chair, whose duty as such is to act as chair during the
1640 absence or disability of the elected chair. It is the further
1641 duty of the chair of each board of trustees to notify the
1642 Governor, in writing, whenever a board member fails to attend
1643 three consecutive regular board meetings in any one fiscal year,
1644 which absences may be grounds for removal.

1645 (5) A Florida Community College System institution
1646 president shall serve as the executive officer and corporate
1647 secretary of the board of trustees and shall be responsible to
1648 the board of trustees for setting the agenda for meetings of the
1649 board of trustees in consultation with the chair. The president
1650 also serves as the chief administrative officer of the Florida
1651 Community College System institution, and all the components of
1652 the institution and all aspects of its operation are responsible
1653 to the board of trustees through the president.

581-01304-18

2018540c1

1654 Section 21. Subsections (1) through (4), paragraphs (a) and
 1655 (g) of subsection (8), and subsections (11), (12), (14), (18),
 1656 (19), and (42) of section 1001.64, Florida Statutes, are amended
 1657 to read:

1658 1001.64 Florida Community College System institution boards
 1659 of trustees; powers and duties.—

1660 (1) The boards of trustees shall be responsible for cost-
 1661 effective policy decisions appropriate to the Florida Community
 1662 College System institution's mission, the implementation and
 1663 maintenance of high-quality education programs within law and
 1664 rules of the State Board of Community Colleges ~~Education~~, the
 1665 measurement of performance, the reporting of information, and
 1666 the provision of input regarding state policy, budgeting, and
 1667 education standards.

1668 (2) Each board of trustees is vested with the
 1669 responsibility to govern its respective Florida Community
 1670 College System institution and with such necessary authority as
 1671 is needed for the proper operation and improvement thereof in
 1672 accordance with rules of the State Board of Community Colleges
 1673 ~~Education~~.

1674 (3) A board of trustees shall have the power to take action
 1675 without a recommendation from the president and shall have the
 1676 power to require the president to deliver to the board of
 1677 trustees all data and information required by the board of
 1678 trustees in the performance of its duties. A board of trustees
 1679 shall ask the Chancellor of the Florida Community College System
 1680 ~~Commissioner of Education~~ to authorize an investigation of the
 1681 president's actions by the State Board of Community Colleges'
 1682 ~~department's~~ inspector general if the board considers such

581-01304-18

2018540c1

1683 investigation necessary. The inspector general shall provide a
1684 report detailing each issue under investigation and shall
1685 recommend corrective action. If the inspector general identifies
1686 potential legal violations, he or she shall refer the potential
1687 legal violations to the Commission on Ethics, the Department of
1688 Law Enforcement, the Attorney General, or another appropriate
1689 authority.

1690 (4) (a) The board of trustees, after considering
1691 recommendations submitted by the Florida Community College
1692 System institution president, may adopt rules pursuant to ss.
1693 120.536(1) and 120.54 to implement the provisions of law
1694 conferring duties upon it. These rules may supplement those
1695 prescribed by the State Board of Community Colleges ~~Education~~ if
1696 they will contribute to the more orderly and efficient operation
1697 of Florida Community College System institutions.

1698 (b) Each board of trustees is specifically authorized to
1699 adopt rules, procedures, and policies, consistent with law and
1700 rules of the State Board of Community Colleges ~~Education~~,
1701 related to its mission and responsibilities as set forth in s.
1702 1004.65, its governance, personnel, budget and finance,
1703 administration, programs, curriculum and instruction, buildings
1704 and grounds, travel and purchasing, technology, students,
1705 contracts and grants, or college property.

1706 (8) Each board of trustees has authority for policies
1707 related to students, enrollment of students, student records,
1708 student activities, financial assistance, and other student
1709 services.

1710 (a) Each board of trustees shall govern admission of
1711 students pursuant to s. 1007.263 and rules of the State Board of

581-01304-18

2018540c1

1712 Community Colleges Education. A board of trustees may establish
1713 additional admissions criteria, which shall be included in the
1714 dual enrollment articulation agreement developed according to s.
1715 1007.271(21), to ensure student readiness for postsecondary
1716 instruction. Each board of trustees may consider the past
1717 actions of any person applying for admission or enrollment and
1718 may deny admission or enrollment to an applicant because of
1719 misconduct if determined to be in the best interest of the
1720 Florida Community College System institution.

1721 (g) Each board of trustees pursuant to s. 1006.53 shall
1722 adopt a policy in accordance with rules of the State Board of
1723 Community Colleges Education that reasonably accommodates the
1724 religious observance, practice, and belief of individual
1725 students in regard to admissions, class attendance, and the
1726 scheduling of examinations and work assignments.

1727 (11) Each board of trustees shall submit an institutional
1728 budget request, including a request for fixed capital outlay,
1729 and an operating budget to the State Board of Community Colleges
1730 Education for review in accordance with guidelines established
1731 by the State Board of Community Colleges Education.

1732 (12) Each board of trustees shall account for expenditures
1733 of all state, local, federal, and other funds in the manner
1734 described by the State Board of Community Colleges Department of
1735 Education.

1736 (14) Each board of trustees shall develop a strategic plan
1737 specifying institutional goals and objectives for the Florida
1738 Community College System institution for recommendation to the
1739 State Board of Community Colleges Education.

1740 (18) Each board of trustees shall establish the personnel

581-01304-18

2018540c1

1741 program for all employees of the Florida Community College
1742 System institution, including the president, pursuant to the
1743 provisions of chapter 1012 and rules and guidelines of the State
1744 Board of Community Colleges ~~Education~~, including: compensation
1745 and other conditions of employment; recruitment and selection;
1746 nonreappointment; standards for performance and conduct;
1747 evaluation; benefits and hours of work; leave policies;
1748 recognition; inventions and work products; travel; learning
1749 opportunities; exchange programs; academic freedom and
1750 responsibility; promotion; assignment; demotion; transfer;
1751 ethical obligations and conflict of interest; restrictive
1752 covenants; disciplinary actions; complaints; appeals and
1753 grievance procedures; and separation and termination from
1754 employment.

1755 (19) Each board of trustees shall appoint, suspend, or
1756 remove the president of the Florida Community College System
1757 institution. The board of trustees may appoint a search
1758 committee. The board of trustees shall conduct annual
1759 evaluations of the president in accordance with rules of the
1760 State Board of Community Colleges ~~Education~~ and submit such
1761 evaluations to the State Board of Community Colleges ~~Education~~
1762 for review. The evaluation must address the achievement of the
1763 performance goals established by the accountability process
1764 implemented pursuant to s. 1008.45 and the performance of the
1765 president in achieving the annual and long-term goals and
1766 objectives established in the Florida Community College System
1767 institution's employment accountability program implemented
1768 pursuant to s. 1012.86.

1769 (42) Each board of trustees shall implement a plan, in

581-01304-18

2018540c1

1770 accordance with guidelines of the State Board of Community
1771 Colleges Education, for working on a regular basis with the
1772 other Florida Community College System institution boards of
1773 trustees, representatives of the university boards of trustees,
1774 and representatives of the district school boards to achieve the
1775 goals of the seamless education system.

1776 Section 22. Section 1001.65, Florida Statutes, is amended
1777 to read:

1778 1001.65 Florida Community College System institution
1779 presidents; powers and duties.—The president is the chief
1780 executive officer of the Florida Community College System
1781 institution, shall be corporate secretary of the Florida
1782 Community College System institution board of trustees, and is
1783 responsible for the operation and administration of the Florida
1784 Community College System institution. Each Florida Community
1785 College System institution president shall:

1786 (1) Recommend the adoption of rules, as appropriate, to the
1787 Florida Community College System institution board of trustees
1788 to implement provisions of law governing the operation and
1789 administration of the Florida Community College System
1790 institution, which shall include the specific powers and duties
1791 enumerated in this section. Such rules shall be consistent with
1792 law, the mission of the Florida Community College System
1793 institution, and the rules and policies of the State Board of
1794 Community Colleges Education.

1795 (2) Prepare a budget request and an operating budget
1796 pursuant to s. 1011.30 for approval by the Florida Community
1797 College System institution board of trustees at such time and in
1798 such format as the State Board of Community Colleges Education

581-01304-18

2018540c1

1799 may prescribe.

1800 (3) Establish and implement policies and procedures to
1801 recruit, appoint, transfer, promote, compensate, evaluate,
1802 reward, demote, discipline, and remove personnel, within law and
1803 rules of the State Board of Community Colleges ~~Education~~ and in
1804 accordance with rules or policies approved by the Florida
1805 Community College System institution board of trustees.

1806 (4) Govern admissions, subject to law and rules or policies
1807 of the Florida Community College System institution board of
1808 trustees and the State Board of Community Colleges ~~Education~~.

1809 (5) Approve, execute, and administer contracts for and on
1810 behalf of the Florida Community College System institution board
1811 of trustees for licenses; the acquisition or provision of
1812 commodities, goods, equipment, and services; leases of real and
1813 personal property; and planning and construction to be rendered
1814 to or by the Florida Community College System institution,
1815 provided such contracts are within law and guidelines of the
1816 State Board of Community Colleges ~~Education~~ and in conformance
1817 with policies of the Florida Community College System
1818 institution board of trustees, and are for the implementation of
1819 approved programs of the Florida Community College System
1820 institution.

1821 (6) Act for the Florida Community College System
1822 institution board of trustees as custodian of all Florida
1823 Community College System institution property and financial
1824 resources. The authority vested in the Florida Community College
1825 System institution president under this subsection includes the
1826 authority to prioritize the use of Florida Community College
1827 System institution space, property, equipment, and resources and

581-01304-18

2018540c1

1828 the authority to impose charges for the use of those items.

1829 (7) Establish the internal academic calendar of the Florida
1830 Community College System institution within general guidelines
1831 of the State Board of Community Colleges ~~Education~~.

1832 (8) Administer the Florida Community College System
1833 institution's program of intercollegiate athletics.

1834 (9) Recommend to the board of trustees the establishment
1835 and termination of programs within the approved role and scope
1836 of the Florida Community College System institution.

1837 (10) Award degrees.

1838 (11) Recommend to the board of trustees a schedule of
1839 tuition and fees to be charged by the Florida Community College
1840 System institution, within law and rules of the State Board of
1841 Community Colleges ~~Education~~.

1842 (12) Organize the Florida Community College System
1843 institution to efficiently and effectively achieve the goals of
1844 the Florida Community College System institution.

1845 (13) Review periodically the operations of the Florida
1846 Community College System institution in order to determine how
1847 effectively and efficiently the Florida Community College System
1848 institution is being administered and whether it is meeting the
1849 goals of its strategic plan adopted by the State Board of
1850 Community Colleges ~~Education~~.

1851 (14) Enter into agreements for student exchange programs
1852 that involve students at the Florida Community College System
1853 institution and students in other institutions of higher
1854 learning.

1855 (15) Approve the internal procedures of student government
1856 organizations and provide purchasing, contracting, and budgetary

581-01304-18

2018540c1

1857 review processes for these organizations.

1858 (16) Ensure compliance with federal and state laws, rules,
1859 regulations, and other requirements that are applicable to the
1860 Florida Community College System institution.

1861 (17) Maintain all data and information pertaining to the
1862 operation of the Florida Community College System institution,
1863 and report on the attainment by the Florida Community College
1864 System institution of institutional and statewide performance
1865 accountability goals.

1866 (18) Certify to the department a project's compliance with
1867 the requirements for expenditure of PECO funds prior to release
1868 of funds pursuant to ~~the provisions of~~ chapter 1013.

1869 (19) Provide to the law enforcement agency and fire
1870 department that has jurisdiction over the Florida Community
1871 College System institution a copy of the floor plans and other
1872 relevant documents for each educational facility as defined in
1873 s. 1013.01(6). After the initial submission of the floor plans
1874 and other relevant documents, the Florida Community College
1875 System institution president shall submit, by October 1 of each
1876 year, revised floor plans and other relevant documents for each
1877 educational facility that was modified during the preceding
1878 year.

1879 (20) Develop and implement jointly with school
1880 superintendents a comprehensive dual enrollment articulation
1881 agreement for the students enrolled in their respective school
1882 districts and service areas pursuant to s. 1007.271(21).

1883 (21) Have authority, after notice to the student of the
1884 charges and after a hearing thereon, to expel, suspend, or
1885 otherwise discipline any student who is found to have violated

581-01304-18

2018540c1

1886 any law, ordinance, or rule or regulation of the State Board of
1887 Community Colleges ~~Education~~ or of the board of trustees of the
1888 Florida Community College System institution pursuant to the
1889 provisions of s. 1006.62.

1890 (22) Submit an annual employment accountability plan to the
1891 State Board of Community Colleges ~~Department of Education~~
1892 pursuant to the provisions of s. 1012.86.

1893 (23) Annually evaluate, or have a designee annually
1894 evaluate, each department chairperson, dean, provost, and vice
1895 president in achieving the annual and long-term goals and
1896 objectives of the Florida Community College System institution's
1897 employment accountability plan.

1898 (24) Have vested with the president or the president's
1899 designee the authority that is vested with the Florida Community
1900 College System institution.

1901 Section 23. Effective July 1, 2018, section 1001.66,
1902 Florida Statutes, is amended to read:

1903 1001.66 Florida Community College System Performance-Based
1904 Incentive.—

1905 (1) The State Board of Community Colleges shall adopt the
1906 following performance-based metrics for use in awarding a
1907 Florida Community College System Performance-Based Incentive
1908 ~~shall be awarded to a Florida Community College System~~
1909 institution: institutions using performance-based metrics

1910 (a) A student retention rate, as calculated by the State
1911 Board of Community Colleges;

1912 (b) A 100 percent-of-normal-time program completion and
1913 graduation rate for full-time, first-time-in-college students,
1914 as calculated by the State Board of Community Colleges using a

581-01304-18

2018540c1

1915 cohort definition of "full-time" based on a student's majority
1916 enrollment in full-time terms. This paragraph does not apply to
1917 nondegree-seeking students;

1918 (c) A continuing education or postgraduation job placement
1919 rate for workforce education programs, including workforce
1920 baccalaureate degree programs, as reported by the Florida
1921 Education and Training Placement Information Program, with wage
1922 thresholds that reflect the added value of the applicable
1923 certificate or degree. This paragraph does not apply to
1924 associate in arts degrees;

1925 (d) A graduation rate for full-time, first-time-in-college
1926 students enrolled in an associate of arts degree program who
1927 graduate with a baccalaureate degree in 4 years after initially
1928 enrolling in an associates of arts degree program; and

1929 (e) One performance-based metric on college affordability
1930 ~~adopted by the State Board of Education. The performance-based~~
1931 ~~metrics must include retention rates; program completion and~~
1932 ~~graduation rates; postgraduation employment, salaries, and~~
1933 ~~continuing education for workforce education and baccalaureate~~
1934 ~~programs, with wage thresholds that reflect the added value of~~
1935 ~~the certificate or degree; and outcome measures appropriate for~~
1936 ~~associate of arts degree recipients.~~

1937
1938 The state board shall adopt benchmarks to evaluate each
1939 institution's performance on the metrics to measure the
1940 institution's achievement of institutional excellence or need
1941 for improvement and ~~the~~ minimum requirements for eligibility to
1942 receive performance funding.

1943 (2) Each fiscal year, the amount of funds available for

581-01304-18

2018540c1

1944 allocation to the Florida Community College System institutions
1945 based on the performance-based funding model shall consist of
1946 the state's investment in performance funding plus institutional
1947 investments consisting of funds to be redistributed from the
1948 base funding of the Florida Community College System Program
1949 Fund as determined in the General Appropriations Act. The State
1950 Board of Community Colleges ~~Education~~ shall establish minimum
1951 performance funding eligibility thresholds for the state's
1952 investment and the institutional investments. An institution
1953 that meets the minimum institutional investment eligibility
1954 threshold, but fails to meet the minimum state investment
1955 eligibility threshold, shall have its institutional investment
1956 restored but is ineligible for a share of the state's investment
1957 in performance funding. The institutional investment shall be
1958 restored for all institutions eligible for the state's
1959 investment under the performance-based funding model.

1960 (3) (a) Each Florida Community College System institution's
1961 share of the performance funding shall be calculated based on
1962 its relative performance on the established metrics in
1963 conjunction with the institutional size and scope.

1964 (b) A Florida Community College System institution that
1965 fails to meet the State Board of Community Colleges' ~~Education's~~
1966 minimum institutional investment performance funding eligibility
1967 threshold shall have a portion of its institutional investment
1968 withheld by the state board and must submit an improvement plan
1969 to the state board which specifies the activities and strategies
1970 for improving the institution's performance. The state board
1971 must review and approve the improvement plan and, if the plan is
1972 approved, must monitor the institution's progress in

581-01304-18

2018540c1

1973 implementing the activities and strategies specified in the
1974 improvement plan. The institution shall submit monitoring
1975 reports to the state board by December 31 and May 31 of each
1976 year in which an improvement plan is in place. Beginning in the
1977 2017-2018 fiscal year, the ability of an institution to submit
1978 an improvement plan to the state board is limited to 1 fiscal
1979 year.

1980 (c) The Chancellor of the Florida Community College System
1981 ~~Commissioner of Education~~ shall withhold disbursement of the
1982 institutional investment until the monitoring report is approved
1983 by the State Board of Community Colleges Education. A Florida
1984 Community College System institution determined by the state
1985 board to be making satisfactory progress on implementing the
1986 improvement plan shall receive no more than one-half of the
1987 withheld institutional investment in January and the balance of
1988 the withheld institutional investment in June. An institution
1989 that fails to make satisfactory progress may not have its full
1990 institutional investment restored. Any institutional investment
1991 funds that are not restored shall be redistributed in accordance
1992 with the state board's performance-based metrics.

1993 (4) Distributions of performance funding, as provided in
1994 this section, shall be made to each of the Florida Community
1995 College System institutions listed in the Florida Community
1996 Colleges category in the General Appropriations Act.

1997 (5) By October 1 of each year, the State Board of Community
1998 Colleges Education shall submit to the Governor, the President
1999 of the Senate, and the Speaker of the House of Representatives a
2000 report on the previous fiscal year's performance funding
2001 allocation, which must reflect the rankings and award

581-01304-18

2018540c1

2002 distributions.

2003 (6) The State Board of Community Colleges ~~Education~~ shall
2004 adopt rules to administer this section.

2005 Section 24. Effective July 1, 2018, section 1001.67,
2006 Florida Statutes, is amended to read:

2007 1001.67 Distinguished Florida Community College System
2008 Institution Program.—A collaborative partnership is established
2009 between the State Board of Community Colleges ~~Education~~ and the
2010 Legislature to recognize the excellence of Florida's highest-
2011 performing Florida Community College System institutions.

2012 (1) EXCELLENCE STANDARDS.—The following excellence
2013 standards are established for the program:

2014 (a) A 100 ~~150~~ percent-of-normal-time completion rate for
2015 full-time, first-time-in-college students of 50 percent or
2016 higher, as calculated by the State Board of Community ~~Division~~
2017 ~~of Florida~~ Colleges.

2018 (b) A 100 ~~150~~ percent-of-normal-time completion rate for
2019 full-time, first-time-in-college Pell Grant recipients of 40
2020 percent or higher, as calculated by the State Board of Community
2021 ~~Division of Florida~~ Colleges.

2022 (c) A retention rate of 70 percent or higher, as calculated
2023 by the State Board of Community ~~Division of Florida~~ Colleges.

2024 (d) A continuing education, or transfer, rate of 72 percent
2025 or higher for students graduating with an associate of arts
2026 degree, as reported by the Florida Education and Training
2027 Placement Information Program (FETPIP).

2028 (e) A licensure passage rate on the National Council
2029 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
2030 percent or higher for first-time exam takers, as reported by the

581-01304-18

2018540c1

2031 Board of Nursing.

2032 (f) A ~~job placement or~~ continuing education or job
2033 placement rate of 88 percent or higher for workforce programs,
2034 as reported by FETPIP, with wage thresholds that reflect the
2035 added value of the applicable certificate or degree. This
2036 paragraph does not apply to associate of arts degrees.

2037 (g) An excess hours rate of 40 percent or lower for ~~A time-~~
2038 ~~to-degree for students graduating with an~~ associate of arts
2039 degree recipients who graduate with 72 or more credit hours, as
2040 calculated by the State Board of Community Colleges ~~of 2.25~~
2041 ~~years or less for first-time-in-college students with~~
2042 ~~accelerated college credits, as reported by the Southern~~
2043 ~~Regional Education Board.~~

2044 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
2045 Community Colleges ~~Education~~ shall designate each Florida
2046 Community College System institution that meets five of the
2047 seven standards identified in subsection (1) as a distinguished
2048 college.

2049 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida Community
2050 College System institution designated as a distinguished college
2051 by the State Board of Community Colleges ~~Education~~ is eligible
2052 for funding as specified in the General Appropriations Act.

2053 Section 25. Effective July 1, 2018, subsection (9) of
2054 section 1001.706, Florida Statutes, is amended to read:

2055 1001.706 Powers and duties of the Board of Governors.—

2056 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
2057 shall implement a plan for working on a regular basis with the
2058 State Board of Education, the State Board of Community Colleges,
2059 the Commission for Independent Education, the Higher Education

581-01304-18

2018540c1

2060 Coordinating Council, the Articulation Coordinating Committee,
2061 the university boards of trustees, representatives of the
2062 Florida Community College System institution boards of trustees,
2063 representatives of the private colleges and universities, and
2064 representatives of the district school boards to achieve a
2065 seamless education system.

2066 Section 26. Section 1002.34, Florida Statutes, is amended
2067 to read:

2068 1002.34 Charter technical career centers; governance,
2069 mission, and responsibilities.—

2070 (1) MISSION AND AUTHORIZATION.—

2071 (a) The primary mission of a charter technical career
2072 center is to promote ~~The Legislature finds that the~~
2073 ~~establishment of charter technical career centers can assist in~~
2074 ~~promoting~~ advances and innovations in workforce preparation and
2075 economic development. A charter technical career center may
2076 provide a learning environment that ~~better~~ serves the needs of a
2077 specific population group or a group of occupations, thus
2078 promoting diversity and choices within the public education and
2079 public postsecondary technical education community in this
2080 state. Therefore, the creation of such centers is authorized as
2081 part of the state's program of public education. A charter
2082 technical career center may be formed by creating a new school
2083 or converting an existing school district or Florida Community
2084 College System institution program to charter technical status.

2085 (b) A charter technical career center that is operated by a
2086 district school board may not offer a college credit course or
2087 college credit certificate or an associate degree or
2088 baccalaureate degree program.

581-01304-18

2018540c1

2089 (2) PURPOSE.—The purpose of a charter technical career
2090 center is to:

2091 (a) Develop a competitive workforce to support local
2092 business and industry and economic development.

2093 (b) Create a training and education model that is
2094 reflective of marketplace realities.

2095 (c) Offer a continuum of career educational opportunities
2096 using a school-to-work, tech-prep, technical, academy, and
2097 magnet school model.

2098 (d) Provide career pathways for lifelong learning and
2099 career mobility.

2100 (e) Enhance career and technical training.

2101 (3) DEFINITIONS.—As used in this section, the term:

2102 (a) "Charter technical career center" or "center" means a
2103 public school or a public technical center operated under a
2104 charter granted by a district school board or Florida Community
2105 College System institution board of trustees or a consortium,
2106 including one or more district school boards and Florida
2107 Community College System institution boards of trustees, that
2108 includes the district in which the facility is located, that is
2109 nonsectarian in its programs, admission policies, employment
2110 practices, and operations, and is managed by a board of
2111 directors.

2112 (b) "Sponsor" means a district school board, a Florida
2113 Community College System institution board of trustees, or a
2114 consortium of one or more of each.

2115 (4) CHARTER.—A sponsor may designate centers as provided in
2116 this section. An application to establish a center may be
2117 submitted by a sponsor or another organization that is

581-01304-18

2018540c1

2118 determined, by rule of the State Board of Education, to be
2119 appropriate. However, an independent school is not eligible for
2120 status as a center. The charter must be signed by the governing
2121 body of the center and the sponsor and must be approved by the
2122 district school board and Florida Community College System
2123 institution board of trustees in whose geographic region the
2124 facility is located. If a charter technical career center is
2125 established by the conversion to charter status of a public
2126 technical center formerly governed by a district school board,
2127 the charter status of that center takes precedence in any
2128 question of governance. The governance of the center or of any
2129 program within the center remains with its board of directors
2130 unless the board agrees to a change in governance or its charter
2131 is revoked as provided in subsection (15). Such a conversion
2132 charter technical career center is not affected by a change in
2133 the governance of public technical centers or of programs within
2134 other centers that are or have been governed by district school
2135 boards. A charter technical career center, or any program within
2136 such a center, that was governed by a district school board and
2137 transferred to a Florida Community College System institution
2138 prior to the effective date of this act is not affected by this
2139 provision. An applicant who wishes to establish a center must
2140 submit to the district school board or Florida Community College
2141 System institution board of trustees, or a consortium of one or
2142 more of each, an application on a form developed by the
2143 Department of Education which includes:

2144 (a) The name of the proposed center.

2145 (b) The proposed structure of the center, including a list
2146 of proposed members of the board of directors or a description

581-01304-18

2018540c1

2147 of the qualifications for and method of their appointment or
2148 election.

2149 (c) The workforce development goals of the center, the
2150 curriculum to be offered, and the outcomes and the methods of
2151 assessing the extent to which the outcomes are met.

2152 (d) The admissions policy and criteria for evaluating the
2153 admission of students.

2154 (e) A description of the staff responsibilities and the
2155 proposed qualifications of the teaching staff.

2156 (f) A description of the procedures to be implemented to
2157 ensure significant involvement of representatives of business
2158 and industry in the operation of the center.

2159 (g) A method for determining whether a student has
2160 satisfied the requirements for graduation specified in s.
2161 1002.3105(5), s. 1003.4281, or s. 1003.4282 and for completion
2162 of a postsecondary certificate or degree.

2163 (h) A method for granting secondary and postsecondary
2164 diplomas, certificates, and degrees.

2165 (i) A description of and address for the physical facility
2166 in which the center will be located.

2167 (j) A method for resolving conflicts between the governing
2168 body of the center and the sponsor and between consortium
2169 members, if applicable.

2170 (k) A method for reporting student data as required by law
2171 and rule.

2172 (l) A statement that the applicant has participated in the
2173 training provided by the Department of Education.

2174 (m) The identity of all relatives employed by the charter
2175 technical career center who are related to the center owner,

581-01304-18

2018540c1

2176 president, chairperson of the governing board of directors,
2177 superintendent, governing board member, principal, assistant
2178 principal, or any other person employed by the center who has
2179 equivalent decisionmaking authority. As used in this paragraph,
2180 the term "relative" means father, mother, son, daughter,
2181 brother, sister, uncle, aunt, first cousin, nephew, niece,
2182 husband, wife, father-in-law, mother-in-law, son-in-law,
2183 daughter-in-law, brother-in-law, sister-in-law, stepfather,
2184 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
2185 brother, or half sister.

2186 (n) Other information required by the district school board
2187 or Florida Community College System institution board of
2188 trustees.

2189
2190 Students at a center must meet the same testing and academic
2191 performance standards as those established by law and rule for
2192 students at public schools and public technical centers. The
2193 students must also meet any additional assessment indicators
2194 that are included within the charter approved by the district
2195 school board or Florida Community College System institution
2196 board of trustees.

2197 (5) APPLICATION.—An application to establish a center must
2198 be submitted by February 1 of the year preceding the school year
2199 in which the center will begin operation. The sponsor must
2200 review the application using an evaluation instrument developed
2201 by the Department of Education and make a final decision on
2202 whether to approve the application and grant the charter by
2203 March 1, and may condition the granting of a charter on the
2204 center's taking certain actions or maintaining certain

581-01304-18

2018540c1

2205 conditions. Such actions and conditions must be provided to the
2206 applicant in writing. The district school board or Florida
2207 Community College System institution board of trustees is not
2208 required to issue a charter to any person.

2209 (6) SPONSOR.—A district school board or Florida Community
2210 College System institution board of trustees or a consortium of
2211 one or more of each may sponsor a center in the county in which
2212 the board has jurisdiction.

2213 (a) A sponsor must review all applications for centers
2214 received through at least February 1 of each calendar year for
2215 centers to be opened at the beginning of the sponsor's next
2216 school year. A sponsor may receive applications later than this
2217 date if it so chooses. To facilitate an accurate budget
2218 projection process, a sponsor shall be held harmless for FTE
2219 students who are not included in the FTE projection due to
2220 approval of applications after the FTE projection deadline. A
2221 sponsor must, by a majority vote, approve or deny an application
2222 no later than 60 days after the application is received. If an
2223 application is denied, the sponsor must, within 10 days, notify
2224 the applicant in writing of the specific reasons for denial,
2225 which must be based upon good cause. Upon approval of a charter
2226 application, the initial startup must be consistent with the
2227 beginning of the public school or Florida Community College
2228 System institution calendar for the district in which the
2229 charter is granted, unless the sponsor allows a waiver of this
2230 provision for good cause.

2231 (b) An applicant may appeal any denial of its application
2232 to the State Board of Education within 30 days after the
2233 sponsor's denial and shall notify the sponsor of its appeal. Any

581-01304-18

2018540c1

2234 response of the sponsor must be submitted to the state board
2235 within 30 days after notification of the appeal. The State Board
2236 of Education must, by majority vote, accept or reject the
2237 decision of the sponsor no later than 60 days after an appeal is
2238 filed, pursuant to State Board of Education rule. The State
2239 Board of Education may reject an appeal for failure to comply
2240 with procedural rules governing the appeals process, and the
2241 rejection must describe the submission errors. The appellant may
2242 have up to 15 days after notice of rejection to resubmit an
2243 appeal. An application for appeal submitted after a rejection is
2244 timely if the original appeal was filed within 30 days after the
2245 sponsor's denial. The State Board of Education shall remand the
2246 application to the sponsor with a written recommendation that
2247 the sponsor approve or deny the application, consistent with the
2248 state board's decision. The decision of the State Board of
2249 Education is not subject to the provisions of chapter 120.

2250 (c) The sponsor must act upon the recommendation of the
2251 State Board of Education within 30 days after it is received,
2252 unless the sponsor determines by competent substantial evidence
2253 that approving the state board's recommendation would be
2254 contrary to law or the best interests of the students or the
2255 community. The sponsor must notify the applicant in writing
2256 concerning the specific reasons for its failure to follow the
2257 state board's recommendation. The sponsor's action on the state
2258 board's recommendation is a final action, subject to judicial
2259 review.

2260 (d)1. The Department of Education shall offer or arrange
2261 for training and technical assistance to centers which must
2262 include developing and amending business plans, estimating and

581-01304-18

2018540c1

2263 accounting for costs and income, complying with state and
2264 federal grant and student performance accountability reporting
2265 requirements, implementing good business practices, and
2266 identifying state and federal financial aid the center may be
2267 eligible to receive.

2268 2. An applicant must participate in the training provided
2269 by the department after approval of its application but at least
2270 30 days before the first day of classes at the center. The
2271 department may provide technical assistance to an applicant upon
2272 written request.

2273 (e) The terms and conditions for the operation of a center
2274 must be agreed to by the sponsor and the applicant in a written
2275 contract. The sponsor may not impose unreasonable requirements
2276 that violate the intent of giving centers greater flexibility to
2277 meet educational goals. The applicant and sponsor must reach an
2278 agreement on the provisions of the contract or the application
2279 is deemed denied.

2280 (f) The sponsor shall monitor and review the center's
2281 progress toward charter goals and shall monitor the center's
2282 revenues and expenditures. The sponsor shall perform the duties
2283 provided in s. 1002.345.

2284 (7) LEGAL ENTITY.—A center must organize as a nonprofit
2285 organization and adopt a name and corporate seal. A center is a
2286 body corporate and politic, with all powers to implement its
2287 charter program. The center may:

2288 (a) Be a private or a public employer.

2289 (b) Sue and be sued, but only to the same extent and upon
2290 the same conditions that a public entity can be sued.

2291 (c) Acquire real property by purchase, lease, lease with an

581-01304-18

2018540c1

2292 option to purchase, or gift, to use as a center facility.
2293 (d) Receive and disburse funds.
2294 (e) Enter into contracts or leases for services, equipment,
2295 or supplies.
2296 (f) Incur temporary debts in anticipation of the receipt of
2297 funds.
2298 (g) Solicit and accept gifts or grants for career center
2299 purposes.
2300 (h) Take any other action that is not inconsistent with
2301 this section and rules adopted under this section.
2302 (8) ELIGIBLE STUDENTS.—A center must be open to all
2303 students as space is available and may not discriminate in
2304 admissions policies or practices on the basis of an individual's
2305 physical disability or proficiency in English or on any other
2306 basis that would be unlawful if practiced by a public school or
2307 a Florida Community College System institution. A center may
2308 establish reasonable criteria by which to evaluate prospective
2309 students, which criteria must be outlined in the charter.
2310 (9) FACILITIES.—A center may be located in any suitable
2311 location, including part of an existing public school or Florida
2312 Community College System institution building, space provided on
2313 a public worksite, or a public building. A center's facilities
2314 must comply with the State Uniform Building Code for Public
2315 Educational Facilities Construction adopted pursuant to s.
2316 1013.37, or with applicable state minimum building codes
2317 pursuant to chapter 553, and state minimum fire protection codes
2318 pursuant to s. 633.208, adopted by the authority in whose
2319 jurisdiction the facility is located. If K-12 public school
2320 funds are used for construction, the facility must remain on the

581-01304-18

2018540c1

2321 local school district's Florida Inventory of School Houses
2322 (FISH) school building inventory of the district school board
2323 and must revert to the district school board if the consortium
2324 dissolves and the program is discontinued. If Florida Community
2325 College System institution public school funds are used for
2326 construction, the facility must remain on the local Florida
2327 Community College System institution's facilities inventory and
2328 must revert to the local Florida Community College System
2329 institution board of trustees if the consortium dissolves and
2330 the program is discontinued. The additional student capacity
2331 created by the addition of the center to the local school
2332 district's FISH may not be calculated in the permanent student
2333 capacity for the purpose of determining need or eligibility for
2334 state capital outlay funds while the facility is used as a
2335 center. If the construction of the center is funded jointly by
2336 K-12 public school funds and Florida Community College System
2337 institution funds, the sponsoring entities must agree, before
2338 granting the charter, on the appropriate owner and terms of
2339 transfer of the facility if the charter is dissolved.

2340 (10) EXEMPTION FROM STATUTES.—

2341 (a) A center must operate pursuant to its charter and is
2342 exempt from all statutes of the Florida School Code except
2343 provisions pertaining to civil rights and to student health,
2344 safety, and welfare, or as otherwise required by law.

2345 (b) A center must comply with the Florida K-20 Education
2346 Code with respect to providing services to students with
2347 disabilities.

2348 (c) A center must comply with the antidiscrimination
2349 provisions in s. 1000.05 and the provisions in s. 1002.33(24)

581-01304-18

2018540c1

2350 which relate to the employment of relatives.

2351 (11) FUNDING.—

2352 (a) Notwithstanding any other provision of law, a charter
2353 technical career center's student membership enrollment must be
2354 calculated pursuant to this section.

2355 (b) Each district school board and Florida Community
2356 College System institution that sponsors a charter technical
2357 career center shall pay directly to the center an amount stated
2358 in the charter. State funding shall be generated for the center
2359 for its student enrollment and program outcomes as provided in
2360 law. A center is eligible for funding from workforce education
2361 funds, the Florida Education Finance Program, and the Florida
2362 Community College System Program Fund, depending upon the
2363 programs conducted by the center.

2364 (c) A center may receive other state and federal aid,
2365 grants, and revenue through the district school board or Florida
2366 Community College System institution board of trustees.

2367 (d) A center may receive gifts and grants from private
2368 sources.

2369 (e) A center may not levy taxes or issue bonds, but it may
2370 charge a student tuition fee consistent with authority granted
2371 in its charter and permitted by law.

2372 (f) A center shall provide for an annual financial audit in
2373 accordance with s. 218.39. A center shall provide a monthly
2374 financial statement to the sponsor. The monthly financial
2375 statement shall be in a form prescribed by the Department of
2376 Education.

2377 (g) A center must define in the charter agreement the
2378 delivery system in which the instructional offering of

581-01304-18

2018540c1

2379 educational services will be placed. The rules governing this
2380 delivery system must be applied to all of the center's students
2381 and must authorize all other sponsoring educational systems to
2382 report required enrollment and student data based solely on the
2383 rules of the offering institution. Each sponsor shall earn full-
2384 time equivalent membership for each student for funding and
2385 reporting purposes.

2386 (12) EMPLOYEES OF A CENTER.—

2387 (a) A center may select its own employees.

2388 (b) A center may contract for services with an individual,
2389 partnership, or a cooperative. Such persons contracted with are
2390 not public employees.

2391 (c) If a center contracts with a public educational agency
2392 for services, the terms of employment must follow existing state
2393 law and rule and local policies and procedures.

2394 (d) The employees of a center may bargain collectively, as
2395 a separate unit or as part of the existing district collective
2396 bargaining unit, as determined by the structure of the center.

2397 (e) As a public employer, a center may participate in:

2398 1. The Florida Retirement System upon application and
2399 approval as a "covered group" under s. 121.021(34). If a center
2400 participates in the Florida Retirement System, its employees are
2401 compulsory members of the Florida Retirement System.

2402 2. The State Community College System Optional Retirement
2403 Program pursuant to s. 1012.875(2), if the charter is granted by
2404 a Florida Community College System institution that participates
2405 in the optional retirement program and meets the eligibility
2406 criteria of s. 121.051(2)(c).

2407 (f) Teachers who are considered qualified by the career

581-01304-18

2018540c1

2408 center are exempt from state certification requirements.

2409 (g) A public school or Florida Community College System
2410 institution teacher or administrator may take a leave of absence
2411 to accept employment in a charter technical career center upon
2412 the approval of the school district or Florida Community College
2413 System institution.

2414 (h) An employee who is on a leave of absence under this
2415 section may retain seniority accrued in that school district or
2416 Florida Community College System institution and may continue to
2417 be covered by the benefit programs of that district or Florida
2418 Community College System institution if the center and the
2419 district school board or Florida Community College System
2420 institution board of trustees agree to this arrangement and its
2421 financing.

2422 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
2423 of a center may decide matters relating to the operation of the
2424 school, including budgeting, curriculum, and operating
2425 procedures, subject to the center's charter. The board of
2426 directors is responsible for performing the duties provided in
2427 s. 1002.345, including monitoring the corrective action plan.
2428 The board of directors must comply with s. 1002.33(26).

2429 (14) ACCOUNTABILITY.—Each center must submit a report to
2430 the participating district school board or Florida Community
2431 College System institution board of trustees by August 1 of each
2432 year. The report must be in such form as the sponsor prescribes
2433 and must include:

2434 (a) A discussion of progress made toward the achievement of
2435 the goals outlined in the center's charter.

2436 (b) A financial statement setting forth by appropriate

581-01304-18

2018540c1

2437 categories the revenue and expenditures for the previous school
2438 year.

2439 (15) TERMS OF THE CHARTER.—The term of an initial charter
2440 may not exceed 5 years. Thereafter, the sponsor may renew a
2441 charter for a period up to 5 years. The sponsor may refuse to
2442 renew a charter or may revoke a charter if the center has not
2443 fulfilled a condition imposed under the charter or if the center
2444 has violated any provision of the charter. The sponsor may place
2445 the center on probationary status to allow the implementation of
2446 a remedial plan, after which, if the plan is unsuccessful, the
2447 charter may be summarily revoked. The sponsor shall develop
2448 procedures and guidelines for the revocation and renewal of a
2449 center's charter. The sponsor must give written notice of its
2450 intent not to renew the charter at least 12 months before the
2451 charter expires. If the sponsor revokes a charter before the
2452 scheduled expiration date, the sponsor must provide written
2453 notice to the governing board of the center at least 60 days
2454 before the date of termination, stating the grounds for the
2455 proposed revocation. The governing board of the center may
2456 request in writing an informal hearing before the sponsor within
2457 14 days after receiving the notice of revocation. A revocation
2458 takes effect at the conclusion of a school year, unless the
2459 sponsor determines that earlier revocation is necessary to
2460 protect the health, safety, and welfare of students. The sponsor
2461 shall monitor and review the center in its progress toward the
2462 goals established in the charter and shall monitor the revenues
2463 and expenditures of the center.

2464 (16) TRANSPORTATION.—The center may provide transportation,
2465 pursuant to chapter 1006, through a contract with the district

581-01304-18

2018540c1

2466 school board or the Florida Community College System institution
2467 board of trustees, a private provider, or parents of students.
2468 The center must ensure that transportation is not a barrier to
2469 equal access for all students in grades K-12 residing within a
2470 reasonable distance of the facility.

2471 (17) IMMUNITY.—For the purposes of tort liability, the
2472 governing body and employees of a center are governed by s.
2473 768.28.

2474 (18) RULES.—The State Board of Education, for technical
2475 centers operated by school districts, and the State Board of
2476 Community Colleges, for technical centers operated by Florida
2477 Community College System institutions, shall adopt rules,
2478 pursuant to ss. 120.536(1) and 120.54, relating to the
2479 implementation of charter technical career centers, including
2480 rules to implement a charter model application form and an
2481 evaluation instrument in accordance with this section.

2482 (19) EVALUATION; REPORT.—The Commissioner of Education
2483 shall provide for an annual comparative evaluation of charter
2484 technical career centers and public technical centers. The
2485 evaluation may be conducted in cooperation with the sponsor,
2486 through private contracts, or by department staff. At a minimum,
2487 the comparative evaluation must address the demographic and
2488 socioeconomic characteristics of the students served, the types
2489 and costs of services provided, and the outcomes achieved. By
2490 December 30 of each year, the Commissioner of Education shall
2491 submit to the Governor, the President of the Senate, the Speaker
2492 of the House of Representatives, and the Senate and House
2493 committees that have responsibility for secondary and
2494 postsecondary career and technical education a report of the

581-01304-18

2018540c1

2495 comparative evaluation completed for the previous school year.

2496 Section 27. Paragraph (b) of subsection (4) of section
2497 1003.491, Florida Statutes, is amended to read:

2498 1003.491 Florida Career and Professional Education Act.—The
2499 Florida Career and Professional Education Act is created to
2500 provide a statewide planning partnership between the business
2501 and education communities in order to attract, expand, and
2502 retain targeted, high-value industry and to sustain a strong,
2503 knowledge-based economy.

2504 (4) The State Board of Education shall establish a process
2505 for the continual and uninterrupted review of newly proposed
2506 core secondary courses and existing courses requested to be
2507 considered as core courses to ensure that sufficient rigor and
2508 relevance is provided for workforce skills and postsecondary
2509 education and aligned to state curriculum standards.

2510 (b) The curriculum review committee shall review newly
2511 proposed core courses electronically. Each proposed core course
2512 shall be approved or denied within 30 days after submission by a
2513 district school board or local workforce development board. All
2514 courses approved as core courses for purposes of middle school
2515 promotion and high school graduation shall be immediately added
2516 to the Course Code Directory. Approved core courses shall also
2517 be reviewed and considered for approval for dual enrollment
2518 credit. The Board of Governors, the State Board of Community
2519 Colleges, and the Commissioner of Education shall jointly
2520 recommend an annual deadline for approval of new core courses to
2521 be included for purposes of postsecondary admissions and dual
2522 enrollment credit the following academic year. The State Board
2523 of Education shall establish an appeals process in the event

581-01304-18

2018540c1

2524 that a proposed course is denied which shall require a consensus
2525 ruling by the Department of Economic Opportunity and the
2526 Commissioner of Education within 15 days.

2527 Section 28. Paragraph (b) of subsection (4) of section
2528 1003.493, Florida Statutes, is amended to read:

2529 1003.493 Career and professional academies and career-
2530 themed courses.—

2531 (4) Each career and professional academy and secondary
2532 school providing a career-themed course must:

2533 (b) Include one or more partnerships with postsecondary
2534 institutions, businesses, industry, employers, economic
2535 development organizations, or other appropriate partners from
2536 the local community. Such partnerships with postsecondary
2537 institutions shall be delineated in articulation agreements and
2538 include any career and professional academy courses or career-
2539 themed courses that earn postsecondary credit. Such agreements
2540 may include articulation between the secondary school and public
2541 or private 2-year and 4-year postsecondary institutions and
2542 technical centers. The Department of Education, in consultation
2543 with the Board of Governors and the State Board of Community
2544 Colleges, shall establish a mechanism to ensure articulation and
2545 transfer of credits to postsecondary institutions in this state.
2546 Such partnerships must provide opportunities for:

2547 1. Instruction from highly skilled professionals who
2548 possess industry-certification credentials for courses they are
2549 teaching.

2550 2. Internships, externships, and on-the-job training.

2551 3. A postsecondary degree, diploma, or certificate.

2552 4. The highest available level of industry certification.

581-01304-18

2018540c1

2553 5. Maximum articulation of credits pursuant to s. 1007.23
2554 upon program completion.

2555 Section 29. Subsections (4), (5), and (6) of section
2556 1004.015, Florida Statutes, are amended to read:

2557 1004.015 Higher Education Coordinating Council.—

2558 (4) The council shall serve as an advisory board to the
2559 Legislature, the State Board of Education, ~~and~~ the Board of
2560 Governors, and the State Board of Community Colleges.

2561 Recommendations of the council shall be consistent with the
2562 following guiding principles:

2563 (a) To achieve within existing resources a seamless
2564 academic educational system that fosters an integrated continuum
2565 of kindergarten through graduate school education for Florida's
2566 students.

2567 (b) To promote consistent education policy across all
2568 educational delivery systems, focusing on students.

2569 (c) To promote substantially improved articulation across
2570 all educational delivery systems.

2571 (d) To promote a system that maximizes educational access
2572 and allows the opportunity for a high-quality education for all
2573 Floridians.

2574 (e) To promote a system of coordinated and consistent
2575 transfer of credit and data collection for improved
2576 accountability purposes between the educational delivery
2577 systems.

2578 (5) The council shall annually by December 31 submit to the
2579 Governor, the President of the Senate, the Speaker of the House
2580 of Representatives, the Board of Governors, the State Board of
2581 Community Colleges, and the State Board of Education a report

581-01304-18

2018540c1

2582 outlining its recommendations relating to:

2583 (a) The primary core mission of public and nonpublic
2584 postsecondary education institutions in the context of state
2585 access demands and economic development goals.

2586 (b) Performance outputs and outcomes designed to meet
2587 annual and long-term state goals, including, but not limited to,
2588 increased student access, preparedness, retention, transfer, and
2589 completion. Performance measures must be consistent across
2590 sectors and allow for a comparison of the state's performance to
2591 that of other states.

2592 (c) The state's articulation policies and practices to
2593 ensure that cost benefits to the state are maximized without
2594 jeopardizing quality. The recommendations shall consider return
2595 on investment for both the state and students and propose
2596 systems to facilitate and ensure institutional compliance with
2597 state articulation policies.

2598 (d) Workforce development education, specifically
2599 recommending improvements to the consistency of workforce
2600 education data collected and reported by Florida Community
2601 College System institutions and school districts, including the
2602 establishment of common elements and definitions for any data
2603 that is used for state and federal funding and program
2604 accountability.

2605 (6) The Office of K-20 Articulation, in collaboration with
2606 the Board of Governors and the State Board of Community Division
2607 ~~of Florida~~ Colleges, shall provide administrative support for
2608 the council.

2609 Section 30. Subsection (7) of section 1004.02, Florida
2610 Statutes, is amended to read:

581-01304-18

2018540c1

2611 1004.02 Definitions.—As used in this chapter:

2612 (7) "Applied technology diploma program" means a course of
2613 study that is part of a technical degree program, is less than
2614 60 credit hours, and leads to employment in a specific
2615 occupation. An applied technology diploma program may consist of
2616 either technical credit or college credit. A public school
2617 district may offer an applied technology diploma program only as
2618 technical credit, with college credit awarded to a student upon
2619 articulation to a Florida Community College System institution.
2620 Statewide articulation among public schools and Florida
2621 Community College System institutions is guaranteed by s.
2622 1007.23, and is subject to guidelines and standards adopted by
2623 the State Board of Community Colleges ~~Education~~ pursuant to ss.
2624 1007.24 and 1007.25.

2625 Section 31. Subsection (2) of section 1004.03, Florida
2626 Statutes, is amended to read:

2627 1004.03 Program approval.—

2628 (2) The State Board of Community Colleges ~~Education~~ shall
2629 establish criteria for the approval of new programs at Florida
2630 Community College System institutions, which criteria include,
2631 but are not limited to, the following:

2632 (a) New programs may not be approved unless the same
2633 objectives cannot be met through use of educational technology.

2634 (b) Unnecessary duplication of programs offered by
2635 independent institutions shall be avoided.

2636 (c) Cooperative programs, particularly within regions,
2637 should be encouraged.

2638 (d) New programs may be approved only if they are
2639 consistent with the ~~state master~~ plan adopted by the State Board

581-01304-18

2018540c1

2640 of Community Colleges ~~Education~~.

2641 Section 32. Paragraph (f) of subsection (4) of section
2642 1004.04, Florida Statutes, is amended to read:

2643 1004.04 Public accountability and state approval for
2644 teacher preparation programs.—

2645 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
2646 teacher preparation program shall be based upon evidence that
2647 the program continues to implement the requirements for initial
2648 approval and upon significant, objective, and quantifiable
2649 measures of the program and the performance of the program
2650 completers.

2651 (f) By January 1 of each year, the Department of Education
2652 shall report the results of each approved program's annual
2653 progress on the performance measures in paragraph (a) as well as
2654 the current approval status of each program to:

- 2655 1. The Governor.
- 2656 2. The President of the Senate.
- 2657 3. The Speaker of the House of Representatives.
- 2658 4. The State Board of Education.
- 2659 5. The Board of Governors.
- 2660 6. The State Board of Community Colleges.
- 2661 7. The Commissioner of Education.

2662 ~~8.7.~~ Each Florida postsecondary teacher preparation
2663 program.

2664 ~~9.8.~~ Each district school superintendent.

2665 ~~10.9.~~ The public.

2666

2667 This report may include the results of other continued approval
2668 requirements provided by State Board of Education rule and

581-01304-18

2018540c1

2669 recommendations for improving teacher preparation programs in
2670 the state.

2671 Section 33. Section 1004.07, Florida Statutes, is amended
2672 to read:

2673 1004.07 Student withdrawal from courses due to military
2674 service; effect.—

2675 (1) Each district school board, Florida Community College
2676 System institution board of trustees, and state university board
2677 of trustees shall establish policies regarding currently
2678 enrolled students who are called to, or enlist in, active
2679 military service.

2680 (2) Such policies must ~~shall~~ provide that any student
2681 enrolled in a postsecondary course or courses at a career
2682 center, a Florida Community College System institution, or a
2683 state university may ~~shall~~ not incur academic or financial
2684 penalties by virtue of performing military service on behalf of
2685 our country. Such student shall be permitted the option of
2686 either completing the course or courses at a later date without
2687 penalty or withdrawing from the course or courses with a full
2688 refund of fees paid. If the student chooses to withdraw, the
2689 student's record shall reflect that the withdrawal is due to
2690 active military service.

2691 (3) Policies of district school boards must ~~and Florida~~
2692 ~~College System institution boards of trustees shall~~ be
2693 established by rule and pursuant to guidelines of the State
2694 Board of Education.

2695 (4) Policies of state university boards of trustees must
2696 ~~shall~~ be established by regulation and pursuant to guidelines of
2697 the Board of Governors.

581-01304-18

2018540c1

2698 (5) Policies of Florida Community College System
2699 institution boards of trustees must be established by rule and
2700 pursuant to guidelines of the State Board of Community Colleges.

2701 Section 34. Section 1004.084, Florida Statutes, is amended
2702 to read:

2703 1004.084 College affordability.—

2704 (1) The Board of Governors and the State Board of Community
2705 Colleges ~~Education~~ shall annually identify strategies to promote
2706 college affordability for all Floridians by evaluating, at a
2707 minimum, the impact of:

2708 (a) Tuition and fees on undergraduate, graduate, and
2709 professional students at public colleges and universities and
2710 graduate assistants employed by public universities.

2711 (b) Federal, state, and institutional financial aid
2712 policies on the actual cost of attendance for students and their
2713 families.

2714 (c) The costs of textbooks and instructional materials.

2715 (2) By December 31 of each year, ~~beginning in 2016,~~ the
2716 Board of Governors and the State Board of Community Colleges
2717 ~~Education~~ shall submit a report on their respective college
2718 affordability initiatives to the Governor, the President of the
2719 Senate, and the Speaker of the House of Representatives.

2720 Section 35. Paragraph (d) of subsection (3) and subsections
2721 (6), (7), and (8) of section 1004.085, Florida Statutes, are
2722 amended to read:

2723 1004.085 Textbook and instructional materials
2724 affordability.—

2725 (3) An employee may receive:

2726 (d) Fees associated with activities such as reviewing,

581-01304-18

2018540c1

2727 critiquing, or preparing support materials for textbooks or
2728 instructional materials pursuant to guidelines adopted by the
2729 State Board of Community Colleges ~~Education~~ or the Board of
2730 Governors.

2731 (6) Each Florida Community College System institution and
2732 state university shall post prominently in the course
2733 registration system and on its website, as early as is feasible,
2734 but at least 45 days before the first day of class for each
2735 term, a hyperlink to lists of required and recommended textbooks
2736 and instructional materials for at least 95 percent of all
2737 courses and course sections offered at the institution during
2738 the upcoming term. The lists must include the International
2739 Standard Book Number (ISBN) for each required and recommended
2740 textbook and instructional material or other identifying
2741 information, which must include, at a minimum, all of the
2742 following: the title, all authors listed, publishers, edition
2743 number, copyright date, published date, and other relevant
2744 information necessary to identify the specific textbooks or
2745 instructional materials required and recommended for each
2746 course. The State Board of Community Colleges ~~Education~~ and the
2747 Board of Governors shall include in the policies, procedures,
2748 and guidelines adopted under subsection (7) certain limited
2749 exceptions to this notification requirement for classes added
2750 after the notification deadline.

2751 (7) After receiving input from students, faculty,
2752 bookstores, and publishers, the State Board of Community
2753 Colleges ~~Education~~ and the Board of Governors each shall adopt
2754 textbook and instructional materials affordability policies,
2755 procedures, and guidelines for implementation by Florida

581-01304-18

2018540c1

2756 Community College System institutions and state universities,
2757 respectively, that further efforts to minimize the cost of
2758 textbooks and instructional materials for students attending
2759 such institutions while maintaining the quality of education and
2760 academic freedom. The policies, procedures, and guidelines shall
2761 address:

2762 (a) The establishment of deadlines for an instructor or
2763 department to notify the bookstore of required and recommended
2764 textbooks and instructional materials so that the bookstore may
2765 verify availability, source lower cost options when practicable,
2766 explore alternatives with faculty when academically appropriate,
2767 and maximize the availability of used textbooks and
2768 instructional materials.

2769 (b) Confirmation by the course instructor or academic
2770 department offering the course, before the textbook or
2771 instructional materials adoption is finalized, of the intent to
2772 use all items ordered, particularly each individual item sold as
2773 part of a bundled package.

2774 (c) Determination by a course instructor or the academic
2775 department offering the course, before a textbook or
2776 instructional material is adopted, of the extent to which a new
2777 edition differs significantly and substantively from earlier
2778 versions and the value to the student of changing to a new
2779 edition or the extent to which an open-access textbook or
2780 instructional material is available.

2781 (d) The availability of required and recommended textbooks
2782 and instructional materials to students otherwise unable to
2783 afford the cost, including consideration of the extent to which
2784 an open-access textbook or instructional material may be used.

581-01304-18

2018540c1

2785 (e) Participation by course instructors and academic
2786 departments in the development, adaptation, and review of open-
2787 access textbooks and instructional materials and, in particular,
2788 open-access textbooks and instructional materials for high-
2789 demand general education courses.

2790 (f) Consultation with school districts to identify
2791 practices that impact the cost of dual enrollment textbooks and
2792 instructional materials to school districts, including, but not
2793 limited to, the length of time that textbooks and instructional
2794 materials remain in use.

2795 (g) Selection of textbooks and instructional materials
2796 through cost-benefit analyses that enable students to obtain the
2797 highest-quality product at the lowest available price, by
2798 considering:

- 2799 1. Purchasing digital textbooks in bulk.
- 2800 2. Expanding the use of open-access textbooks and
2801 instructional materials.
- 2802 3. Providing rental options for textbooks and instructional
2803 materials.
- 2804 4. Increasing the availability and use of affordable
2805 digital textbooks and learning objects.
- 2806 5. Developing mechanisms to assist in buying, renting,
2807 selling, and sharing textbooks and instructional materials.
- 2808 6. The length of time that textbooks and instructional
2809 materials remain in use.
- 2810 7. An evaluation of cost savings for textbooks and
2811 instructional materials which a student may realize if
2812 individual students are able to exercise opt-in provisions for
2813 the purchase of the materials.

581-01304-18

2018540c1

2814 (8) The board of trustees of each Florida Community College
2815 System institution and state university shall report, by
2816 September 30 of each year, beginning in 2016, to the Chancellor
2817 of the Florida Community College System or the Chancellor of the
2818 State University System, as applicable, the textbook and
2819 instructional materials selection process for general education
2820 courses with a wide cost variance identified pursuant to
2821 subsection (4) and high-enrollment courses; specific initiatives
2822 of the institution designed to reduce the costs of textbooks and
2823 instructional materials; policies implemented in accordance with
2824 subsection (6); the number of courses and course sections that
2825 were not able to meet the textbook and instructional materials
2826 posting deadline for the previous academic year; and any
2827 additional information determined by the chancellors. By
2828 November 1 of each year, ~~beginning in 2016,~~ each chancellor
2829 shall provide a summary of the information provided by
2830 institutions to the State Board of Community Colleges ~~Education~~
2831 and the Board of Governors, as applicable.

2832 Section 36. Section 1004.096, Florida Statutes, is amended
2833 to read:

2834 1004.096 College credit for military training and education
2835 courses.—The Board of Governors shall adopt regulations and the
2836 State Board of Community Colleges ~~Education~~ shall adopt rules
2837 that enable eligible servicemembers or veterans of the United
2838 States Armed Forces to earn academic college credit at public
2839 postsecondary educational institutions for college-level
2840 training and education acquired in the military. The regulations
2841 and rules shall include procedures for credential evaluation and
2842 the award of academic college credit, including, but not limited

581-01304-18

2018540c1

2843 to, equivalency and alignment of military coursework with
2844 appropriate college courses, course descriptions, type and
2845 amount of college credit that may be awarded, and transfer of
2846 credit.

2847 Section 37. Section 1004.0961, Florida Statutes, is amended
2848 to read:

2849 1004.0961 Credit for online courses. ~~Beginning in the 2015-~~
2850 ~~2016 school year,~~ The State Board of Community Colleges
2851 ~~Education~~ shall adopt rules and the Board of Governors shall
2852 adopt regulations that enable students to earn academic credit
2853 for online courses, including massive open online courses,
2854 before initial enrollment at a postsecondary institution. The
2855 rules of the State Board of Community Colleges ~~Education~~ and
2856 regulations of the Board of Governors must include procedures
2857 for credential evaluation and the award of credit, including,
2858 but not limited to, recommendations for credit by the American
2859 Council on Education; equivalency and alignment of coursework
2860 with appropriate courses; course descriptions; type and amount
2861 of credit that may be awarded; and transfer of credit.

2862 Section 38. Section 1004.35, Florida Statutes, is amended
2863 to read:

2864 1004.35 Broward County campuses of Florida Atlantic
2865 University; coordination with other institutions.—The State
2866 Board of Community Colleges ~~Education~~, the Board of Governors,
2867 and Florida Atlantic University shall consult with Broward
2868 College and Florida International University in coordinating
2869 course offerings at the postsecondary level in Broward County.
2870 Florida Atlantic University may contract with the Board of
2871 Trustees of Broward College and with Florida International

581-01304-18

2018540c1

2872 University to provide instruction in courses offered at the
2873 Southeast Campus. Florida Atlantic University shall increase
2874 course offerings at the Southeast Campus as facilities become
2875 available.

2876 Section 39. Paragraphs (c) and (d) of subsection (5) and
2877 subsections (8) and (9) of section 1004.6495, Florida Statutes,
2878 are amended to read:

2879 1004.6495 Florida Postsecondary Comprehensive Transition
2880 Program and Florida Center for Students with Unique Abilities.—

2881 (5) CENTER RESPONSIBILITIES.—The Florida Center for
2882 Students with Unique Abilities is established within the
2883 University of Central Florida. At a minimum, the center shall:

2884 (c) Create the application for the initial approval and
2885 renewal of approval as an FPCTP for use by an eligible
2886 institution which, at a minimum, must align with the federal
2887 comprehensive transition and postsecondary program application
2888 requirements. Notwithstanding the program approval requirements
2889 of s. 1004.03, the director shall review applications for the
2890 initial approval of an application for, or renewal of approval
2891 of, an FPCTP.

2892 1. Within 30 days after receipt of an application, the
2893 director shall issue his or her recommendation regarding
2894 approval to the Chancellor of the State University System, ~~or~~
2895 the Chancellor of the Florida Community College System, or the
2896 Commissioner of Education, as applicable, or shall give written
2897 notice to the applicant of any deficiencies in the application,
2898 which the eligible institution must be given an opportunity to
2899 correct. Within 15 days after receipt of a notice of
2900 deficiencies, an eligible institution that chooses to continue

581-01304-18

2018540c1

2901 to seek program approval shall correct the application
2902 deficiencies and return the application to the center. Within 30
2903 days after receipt of a revised application, the director shall
2904 recommend approval or disapproval of the revised application to
2905 the applicable chancellor or the commissioner, as applicable.
2906 Within 15 days after receipt of the director's recommendation,
2907 the applicable chancellor or the commissioner shall approve or
2908 disapprove the recommendation. If the applicable chancellor or
2909 the commissioner does not act on the director's recommendation
2910 within 15 days after receipt of such recommendation, the
2911 comprehensive transition program proposed by the institution
2912 shall be considered approved.

2913 2. Initial approval of an application for an FPCTP that
2914 meets the requirements of this section is valid for the 3
2915 academic years immediately following the academic year during
2916 which the approval is granted. An eligible institution may
2917 submit an application to the center requesting that the initial
2918 approval be renewed. If the approval is granted and the FPCTP
2919 continues to meet the requirements of this section, including,
2920 but not limited to, program and student performance outcomes,
2921 and federal requirements, a renewal is valid for the 5 academic
2922 years immediately following the academic year during which the
2923 renewal is granted.

2924 3. An application must, at a minimum:

2925 a. Identify a credential associated with the proposed
2926 program which will be awarded to eligible students upon
2927 completion of the FPCTP.

2928 b. Outline the program length and design, including, at a
2929 minimum, inclusive and successful experiential education

581-01304-18

2018540c1

2930 practices relating to curricular, assessment, and advising
2931 structure and internship and employment opportunities, which
2932 must support students with intellectual disabilities who are
2933 seeking to continue academic, career and technical, and
2934 independent living instruction at an eligible institution,
2935 including, but not limited to, opportunities to earn industry
2936 certifications, to prepare students for gainful employment. If
2937 an eligible institution offers a credit-bearing degree program,
2938 the institution is responsible for maintaining the rigor and
2939 effectiveness of a comprehensive transition degree program at
2940 the same level as other comparable degree programs offered by
2941 the institution pursuant to applicable accreditation standards.

2942 c. Outline a plan for students with intellectual
2943 disabilities to be integrated socially and academically with
2944 nondisabled students, to the maximum extent possible, and to
2945 participate on not less than a half-time basis, as determined by
2946 the eligible institution, with such participation focusing on
2947 academic components and occurring through one or more of the
2948 following activities with nondisabled students:

2949 (I) Regular enrollment in credit-bearing courses offered by
2950 the institution.

2951 (II) Auditing or participating in courses offered by the
2952 institution for which the student does not receive academic
2953 credit.

2954 (III) Enrollment in noncredit-bearing, nondegree courses.

2955 (IV) Participation in internships or work-based training.

2956 d. Outline a plan for partnerships with businesses to
2957 promote experiential training and employment opportunities for
2958 students with intellectual disabilities.

581-01304-18

2018540c1

2959 e. Identify performance indicators pursuant to subsection
2960 (8) and other requirements identified by the center.

2961 f. Outline a 5-year plan incorporating enrollment and
2962 operational expectations for the program.

2963 (d) Provide technical assistance regarding programs and
2964 services for students with intellectual disabilities to
2965 administrators, instructors, staff, and others, as applicable,
2966 at eligible institutions by:

2967 1. Holding meetings and annual workshops to share
2968 successful practices and to address issues or concerns.

2969 2. Facilitating collaboration between eligible institutions
2970 and school districts, private schools operating pursuant to s.
2971 1002.42, and parents of students enrolled in home education
2972 programs operating pursuant to s. 1002.41 in assisting students
2973 with intellectual disabilities and their parents to plan for the
2974 transition of such students into an FPCTP or another program at
2975 an eligible institution.

2976 3. Assisting eligible institutions with FPCTP and federal
2977 comprehensive transition and postsecondary program applications.

2978 4. Assisting eligible institutions with the identification
2979 of funding sources for an FPCTP and for student financial
2980 assistance for students enrolled in an FPCTP.

2981 5. Monitoring federal and state law relating to the
2982 comprehensive transition program and notifying the Legislature,
2983 the Governor, the Board of Governors, the State Board of
2984 Community Colleges, and the State Board of Education of any
2985 change in law which may impact the implementation of this
2986 section.

2987 (8) ACCOUNTABILITY.—

581-01304-18

2018540c1

2988 (a) The center, in collaboration with the Board of
2989 Governors, the State Board of Community Colleges, and the State
2990 Board of Education, shall identify indicators for the
2991 satisfactory progress of a student in an FPCTP and for the
2992 performance of such programs. Each eligible institution must
2993 address the indicators identified by the center in its
2994 application for the approval of a proposed program and for the
2995 renewal of an FPCTP and in the annual report that the
2996 institution submits to the center.

2997 (b) By October 1 of each year, the center shall provide to
2998 the Governor, the President of the Senate, the Speaker of the
2999 House of Representatives, the Chancellor of the State University
3000 System, the Chancellor of the Florida Community College System,
3001 and the Commissioner of Education a report summarizing
3002 information including, but not limited to:

3003 1. The status of the statewide coordination of FPCTPs and
3004 the implementation of FPCTPs at eligible institutions including,
3005 but not limited to:

3006 a. The number of applications approved and disapproved and
3007 the reasons for each disapproval and no action taken by the
3008 chancellor or the commissioner.

3009 b. The number and value of all scholarships awarded to
3010 students and undisbursed advances remitted to the center
3011 pursuant to subsection (7).

3012 2. Indicators identified by the center pursuant to
3013 paragraph (a) and the performance of each eligible institution
3014 based on the indicators identified in paragraph (6)(c).

3015 3. The projected number of students with intellectual
3016 disabilities who may be eligible to enroll in the FPCTPs within

581-01304-18

2018540c1

3017 the next academic year.

3018 4. Education programs and services for students with
3019 intellectual disabilities which are available at eligible
3020 institutions.

3021 (c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in
3022 collaboration with the Board of Governors, State Board of
3023 Community Colleges, State Board of Education, Higher Education
3024 Coordinating Council, and other stakeholders, by December 1 of
3025 each year, shall submit to the Governor, the President of the
3026 Senate, and the Speaker of the House of Representatives
3027 statutory and budget recommendations for improving the
3028 implementation and delivery of FPCTPs and other education
3029 programs and services for students with disabilities.

3030 (9) RULES.—The Board of Governors, the State Board of
3031 Community Colleges, and the State Board of Education, in
3032 consultation with the center, shall expeditiously adopt any
3033 necessary regulations and rules, as applicable, to allow the
3034 center to perform its responsibilities pursuant to this section
3035 ~~beginning in the 2016-2017 fiscal year.~~

3036 Section 40. Section 1004.65, Florida Statutes, is amended
3037 to read:

3038 1004.65 Florida Community College System institutions;
3039 governance, mission, and responsibilities.—

3040 (1) Each Florida Community College System institution shall
3041 be governed by a district board of trustees under statutory
3042 authority and rules of the State Board of Community Colleges
3043 Education.

3044 (2) Each Florida Community College System institution
3045 district shall:

581-01304-18

2018540c1

3046 (a) Consist of the county or counties served by the Florida
3047 Community College System institution pursuant to s. 1000.21(3).

3048 (b) Be an independent, separate, legal entity created for
3049 the operation of a Florida Community College System institution.

3050 (3) Florida Community College System institutions are
3051 locally based and governed entities with statutory and funding
3052 ties to state government. As such, the mission for Florida
3053 Community College System institutions reflects a commitment to
3054 be responsive to local educational needs and challenges. In
3055 achieving this mission, Florida Community College System
3056 institutions strive to maintain sufficient local authority and
3057 flexibility while preserving appropriate legal accountability to
3058 the state.

3059 (4) As comprehensive institutions, Florida Community
3060 College System institutions shall provide high-quality,
3061 affordable education and training opportunities, shall foster a
3062 climate of excellence, and shall provide opportunities to all
3063 while combining high standards with an open-door admission
3064 policy for lower-division programs. Florida Community College
3065 System institutions shall, as open-access institutions, serve
3066 all who can benefit, without regard to age, race, gender, creed,
3067 or ethnic or economic background, while emphasizing the
3068 achievement of social and educational equity so that all can be
3069 prepared for full participation in society.

3070 (5) The primary mission and responsibility of Florida
3071 Community College System institutions is responding to community
3072 needs for postsecondary academic education and career degree
3073 education. This mission and responsibility includes being
3074 responsible for:

581-01304-18

2018540c1

3075 (a) Providing lower-level ~~lower level~~ undergraduate
3076 instruction and awarding associate degrees.

3077 (b) Preparing students directly for careers requiring less
3078 than baccalaureate degrees. This may include preparing for job
3079 entry, supplementing of skills and knowledge, and responding to
3080 needs in new areas of technology. Career education in a Florida
3081 Community College System institution consists ~~shall consist~~ of
3082 career certificates, nationally recognized industry
3083 certifications, credit courses leading to associate in science
3084 degrees and associate in applied science degrees, and other
3085 programs in fields requiring substantial academic work,
3086 background, or qualifications. A Florida Community College
3087 System institution may offer career education programs in fields
3088 having lesser academic or technical requirements.

3089 (c) Providing student development services, including
3090 assessment, student tracking, support for disabled students,
3091 advisement, counseling, financial aid, career development, and
3092 remedial and tutorial services, to ensure student success.

3093 (d) Promoting economic development for the state within
3094 each Florida Community College System institution district
3095 through the provision of special programs, including, but not
3096 limited to, the:

- 3097 1. Enterprise Florida-related programs.
- 3098 2. Technology transfer centers.
- 3099 3. Economic development centers.
- 3100 4. Workforce literacy programs.

3101 (e) Providing dual enrollment instruction.

3102 ~~(f) Providing upper level instruction and awarding~~
3103 ~~baccalaureate degrees as specifically authorized by law.~~

581-01304-18

2018540c1

3104 (6) A separate and secondary role for Florida Community
3105 College System institutions includes ~~the offering of programs~~
3106 ~~in~~:

3107 (a) Programs in community services that are not directly
3108 related to academic or occupational advancement.

3109 (b) Programs in adult education services, including adult
3110 basic education, adult general education, adult secondary
3111 education, and high school equivalency examination instruction.

3112 (c) Programs in recreational and leisure services.

3113 (d) Upper-level instruction and awarding baccalaureate
3114 degrees as specifically authorized by law.

3115 (7) Funding for Florida Community College System
3116 institutions must ~~shall~~ reflect their mission as follows:

3117 (a) Postsecondary academic and career education programs
3118 and adult general education programs must ~~shall~~ have first
3119 priority in Florida Community College System institution
3120 funding.

3121 (b) Community service programs shall be presented to the
3122 Legislature with rationale for state funding. The Legislature
3123 may identify priority areas for use of these funds.

3124 (c) The resources of a Florida Community College System
3125 institution, including staff, faculty, land, and facilities, may
3126 ~~shall~~ not be used to support the establishment of a new
3127 independent nonpublic educational institution. If any
3128 institution uses resources for such purpose, the State Board of
3129 Community ~~Division of Florida~~ Colleges shall notify the
3130 President of the Senate and the Speaker of the House of
3131 Representatives.

3132 (8) Florida Community College System institutions are

581-01304-18

2018540c1

3133 authorized to:

3134 (a) Offer such programs and courses as are necessary to
3135 fulfill their mission.

3136 (b) Grant associate in arts degrees, associate in science
3137 degrees, associate in applied science degrees, certificates,
3138 awards, and diplomas.

3139 (c) Make provisions for the high school equivalency
3140 examination.

3141 (d) Provide access to and award baccalaureate degrees in
3142 accordance with law.

3143

3144 Authority to offer one or more baccalaureate degree programs
3145 does not alter the governance relationship of the Florida
3146 Community College System institution with its district board of
3147 trustees or the State Board of Community Colleges ~~Education~~.

3148 Section 41. Section 1004.67, Florida Statutes, is amended
3149 to read:

3150 1004.67 Florida Community College System institutions;
3151 legislative intent.—It is The legislative intent that Florida
3152 Community College System institutions, constituted as political
3153 subdivisions of the state, continue to be operated by Florida
3154 Community College System institution boards of trustees as
3155 provided in s. 1001.63 and that no department, bureau, division,
3156 agency, or subdivision of the state exercise any responsibility
3157 and authority to operate any Florida Community College System
3158 institution of the state except as specifically provided by law
3159 or rules of the State Board of Community Colleges ~~Education~~.

3160 Section 42. Section 1004.70, Florida Statutes, is amended
3161 to read:

581-01304-18

2018540c1

3162 1004.70 Florida Community College System institution
3163 direct-support organizations.—

3164 (1) DEFINITIONS.—For the purposes of this section:

3165 (a) "Florida Community College System institution direct-
3166 support organization" means an organization that is:

3167 1. A Florida corporation not for profit, incorporated under
3168 the provisions of chapter 617 and approved by the Department of
3169 State.

3170 2. Organized and operated exclusively to receive, hold,
3171 invest, and administer property and to make expenditures to, or
3172 for the benefit of, a Florida Community College System
3173 institution in this state.

3174 3. An organization that the Florida Community College
3175 System institution board of trustees, after review, has
3176 certified to be operating in a manner consistent with the goals
3177 of the Florida Community College System institution and in the
3178 best interest of the state. Any organization that is denied
3179 certification by the board of trustees may not use the name of
3180 the Florida Community College System institution that it serves.

3181 (b) "Personal services" includes full-time or part-time
3182 personnel as well as payroll processing.

3183 (2) BOARD OF DIRECTORS.—The chair of the board of trustees
3184 shall appoint at least one ~~a~~ representative to the board of
3185 directors and the executive committee of each direct-support
3186 organization established under this section, including those
3187 established before July 1, 1998. The president of the Florida
3188 Community College System institution for which the direct-
3189 support organization is established, or the president's
3190 designee, shall also serve on the board of directors and the

581-01304-18

2018540c1

3191 executive committee of the direct-support organization,
3192 including any direct-support organization established before
3193 July 1, 1998.

3194 (3) USE OF PROPERTY.—

3195 (a) The board of trustees is authorized to permit the use
3196 of property, facilities, and personal services at any Florida
3197 Community College System institution by any Florida Community
3198 College System institution direct-support organization, subject
3199 to the provisions of this section. Beginning July 1, 2022, a
3200 community college board of trustees may not permit any Florida
3201 Community College System institution direct-support organization
3202 to use personal services.

3203 (b) The board of trustees is authorized to prescribe by
3204 rule any condition with which a Florida Community College System
3205 institution direct-support organization must comply in order to
3206 use property, facilities, or personal services at any Florida
3207 Community College System institution.

3208 (c) The board of trustees may not permit the use of
3209 property, facilities, or personal services at any Florida
3210 Community College System institution by any Florida Community
3211 College System institution direct-support organization that does
3212 not provide equal employment opportunities to all persons
3213 regardless of race, color, national origin, gender, age, or
3214 religion.

3215 (d) The board of trustees may not permit the use of state
3216 funds for travel expenses by any Florida Community College
3217 System institution direct-support organization.

3218 (4) ACTIVITIES; RESTRICTIONS.—

3219 (a) A direct-support organization may, at the request of

581-01304-18

2018540c1

3220 the board of trustees, provide residency opportunities on or
3221 near campus for students.

3222 (b) A direct-support organization that constructs
3223 facilities for use by a Florida Community College System
3224 institution or its students must comply with all requirements of
3225 law relating to the construction of facilities by a Florida
3226 Community College System institution, including requirements for
3227 competitive bidding.

3228 (c) Any transaction or agreement between one direct-support
3229 organization and another direct-support organization must be
3230 approved by the board of trustees.

3231 (d) A Florida Community College System institution direct-
3232 support organization is prohibited from giving, either directly
3233 or indirectly, any gift to a political committee as defined in
3234 s. 106.011 for any purpose ~~other than those certified by a~~
3235 ~~majority roll call vote of the governing board of the direct-~~
3236 ~~support organization at a regularly scheduled meeting as being~~
3237 ~~directly related to the educational mission of the Florida~~
3238 ~~College System institution.~~

3239 (e) A Florida Community College System institution board of
3240 trustees must authorize all debt, including lease-purchase
3241 agreements, incurred by a direct-support organization.
3242 Authorization for approval of short-term loans and lease-
3243 purchase agreements for a term of not more than 5 years,
3244 including renewals, extensions, and refundings, for goods,
3245 materials, equipment, and services may be delegated by the board
3246 of trustees to the board of directors of the direct-support
3247 organization. Trustees shall evaluate proposals for debt
3248 according to guidelines issued by the State Board of Community

581-01304-18

2018540c1

3249 ~~Division of Florida~~ Colleges. Revenues of the Florida Community
3250 College System institution may not be pledged to debt issued by
3251 direct-support organizations.

3252 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
3253 organization shall submit to the board of trustees its federal
3254 Internal Revenue Service Application for Recognition of
3255 Exemption form (Form 1023) and its federal Internal Revenue
3256 Service Return of Organization Exempt from Income Tax form (Form
3257 990).

3258 (6) ANNUAL AUDIT.—Each direct-support organization shall
3259 provide for an annual financial audit in accordance with rules
3260 adopted by the Auditor General pursuant to s. 11.45(8). The
3261 annual audit report must be submitted, within 9 months after the
3262 end of the fiscal year, to the Auditor General, the State Board
3263 of Community Colleges Education, and the board of trustees for
3264 review. The board of trustees, the Auditor General, and the
3265 Office of Program Policy Analysis and Government Accountability
3266 may require and receive from the organization or from its
3267 independent auditor any detail or supplemental data relative to
3268 the operation of the organization. The identity of donors who
3269 desire to remain anonymous shall be protected, and that
3270 anonymity shall be maintained in the auditor's report. All
3271 records of the organization, other than the auditor's report,
3272 any information necessary for the auditor's report, any
3273 information related to the expenditure of funds, and any
3274 supplemental data requested by the board of trustees, the
3275 Auditor General, and the Office of Program Policy Analysis and
3276 Government Accountability, shall be confidential and exempt from
3277 the provisions of s. 119.07(1).

581-01304-18

2018540c1

3278 Section 43. Section 1004.71, Florida Statutes, is amended
3279 to read:

3280 1004.71 Statewide Florida Community College System
3281 institution direct-support organizations.—

3282 (1) DEFINITIONS.—For the purposes of this section:

3283 (a) "Statewide Florida Community College System institution
3284 direct-support organization" means an organization that is:

3285 1. A Florida corporation not for profit, incorporated under
3286 the provisions of chapter 617 and approved by the Department of
3287 State.

3288 2. Organized and operated exclusively to receive, hold,
3289 invest, and administer property and to make expenditures to, or
3290 for the benefit of, the Florida Community College System
3291 institutions in this state.

3292 3. An organization that the State Board of Community
3293 Colleges Education, after review, has certified to be operating
3294 in a manner consistent with the goals of the Florida Community
3295 College System institutions and in the best interest of the
3296 state.

3297 (b) "Personal services" includes full-time or part-time
3298 personnel as well as payroll processing.

3299 (2) BOARD OF DIRECTORS.—The chair of the State Board of
3300 Community Colleges Education may appoint a representative to the
3301 board of directors and the executive committee of any statewide,
3302 direct-support organization established under this section or s.
3303 1004.70. The chair of the State Board of Community Colleges
3304 Education, or the chair's designee, shall also serve on the
3305 board of directors and the executive committee of any direct-
3306 support organization established to benefit Florida Community

581-01304-18

2018540c1

3307 College System institutions.

3308 (3) USE OF PROPERTY.—

3309 (a) The State Board of Education may permit the use of
3310 property, facilities, and personal services of the Department of
3311 Education by any statewide Florida Community College System
3312 institution direct-support organization, subject to the
3313 provisions of this section.

3314 (b) The State Board of Education may prescribe by rule any
3315 condition with which a statewide Florida Community College
3316 System institution direct-support organization must comply in
3317 order to use property, facilities, or personal services of the
3318 Department of Education.

3319 (c) The State Board of Education may not permit the use of
3320 property, facilities, or personal services of the Department of
3321 Education by any statewide Florida Community College System
3322 institution direct-support organization that does not provide
3323 equal employment opportunities to all persons regardless of
3324 race, color, national origin, gender, age, or religion.

3325 (4) RESTRICTIONS.—

3326 (a) A statewide, direct-support organization may not use
3327 public funds to acquire, construct, maintain, or operate any
3328 facilities.

3329 (b) Any transaction or agreement between a statewide,
3330 direct-support organization and any other direct-support
3331 organization must be approved by the State Board of Community
3332 Colleges ~~Education~~.

3333 (c) A statewide Florida Community College System
3334 institution direct-support organization is prohibited from
3335 giving, either directly or indirectly, any gift to a political

581-01304-18

2018540c1

3336 committee as defined in s. 106.011 for any purpose other than
3337 those certified by a majority roll call vote of the governing
3338 board of the direct-support organization at a regularly
3339 scheduled meeting as being directly related to the educational
3340 mission of the State Board of Community Colleges ~~Education~~.

3341 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
3342 organization shall submit to the State Board of Community
3343 Colleges ~~Education~~ its federal Internal Revenue Service
3344 Application for Recognition of Exemption form (Form 1023) and
3345 its federal Internal Revenue Service Return of Organization
3346 Exempt from Income Tax form (Form 990).

3347 (6) ANNUAL AUDIT.—A statewide Florida Community College
3348 System institution direct-support organization shall provide for
3349 an annual financial audit in accordance with s. 1004.70. The
3350 identity of a donor or prospective donor who desires to remain
3351 anonymous and all information identifying such donor or
3352 prospective donor are confidential and exempt from the
3353 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
3354 Constitution. Such anonymity shall be maintained in the
3355 auditor's report.

3356 Section 44. Subsection (4) of section 1004.74, Florida
3357 Statutes, is amended to read:

3358 1004.74 Florida School of the Arts.—

3359 (4) The Council for the Florida School of the Arts shall be
3360 established to advise the Florida Community College System
3361 institution district board of trustees on matters pertaining to
3362 the operation of the school. The council shall consist of nine
3363 members, appointed jointly by the Chancellor of the Florida
3364 Community College System and the Commissioner of Education for

581-01304-18

2018540c1

3365 4-year terms. A member may serve three terms and may serve until
3366 replaced.

3367 Section 45. Section 1004.78, Florida Statutes, is amended
3368 to read:

3369 1004.78 Technology transfer centers at Florida Community
3370 College System institutions.—

3371 (1) Each Florida Community College System institution may
3372 establish a technology transfer center for the purpose of
3373 providing institutional support to local business and industry
3374 and governmental agencies in the application of new research in
3375 technology. The primary responsibilities of such centers may
3376 include: identifying technology research developed by
3377 universities, research institutions, businesses, industries, the
3378 United States Armed Forces, and other state or federal
3379 governmental agencies; determining and demonstrating the
3380 application of technologies; training workers to integrate
3381 advanced equipment and production processes; and determining for
3382 business and industry the feasibility and efficiency of
3383 accommodating advanced technologies.

3384 (2) The Florida Community College System institution board
3385 of trustees shall set such policies to regulate the activities
3386 of the technology transfer center as it may consider necessary
3387 to effectuate the purposes of this section and to administer the
3388 programs of the center in a manner which assures efficiency and
3389 effectiveness, producing the maximum benefit for the educational
3390 programs and maximum service to the state. To this end,
3391 materials that relate to methods of manufacture or production,
3392 potential trade secrets, potentially patentable material, actual
3393 trade secrets, business transactions, or proprietary information

581-01304-18

2018540c1

3394 received, generated, ascertained, or discovered during the
3395 course of activities conducted within the Florida Community
3396 College System institutions shall be confidential and exempt
3397 from the provisions of s. 119.07(1), except that a Florida
3398 Community College System institution shall make available upon
3399 request the title and description of a project, the name of the
3400 investigator, and the amount and source of funding provided for
3401 such project.

3402 (3) A technology transfer center created under the
3403 provisions of this section shall be under the supervision of the
3404 board of trustees of that Florida Community College System
3405 institution, which is authorized to appoint a director; to
3406 employ full-time and part-time staff, research personnel, and
3407 professional services; to employ on a part-time basis personnel
3408 of the Florida Community College System institution; and to
3409 employ temporary employees whose salaries are paid entirely from
3410 the permanent technology transfer fund or from that fund in
3411 combination with other nonstate sources, with such positions
3412 being exempt from the requirements of the Florida Statutes
3413 relating to salaries, except that no such appointment shall be
3414 made for a total period of longer than 1 year.

3415 (4) The board of trustees of the Florida Community College
3416 System institution in which a technology transfer center is
3417 created, or its designee, may negotiate, enter into, and execute
3418 contracts; solicit and accept grants and donations; and fix and
3419 collect fees, other payments, and donations that may accrue by
3420 reason thereof for technology transfer activities. The board of
3421 trustees or its designee may negotiate, enter into, and execute
3422 contracts on a cost-reimbursement basis and may provide

581-01304-18

2018540c1

3423 temporary financing of such costs prior to reimbursement from
3424 moneys on deposit in the technology transfer fund, except as may
3425 be prohibited elsewhere by law.

3426 (5) A technology transfer center shall be financed from the
3427 Academic Improvement Program or from moneys of a Florida
3428 Community College System institution which are on deposit or
3429 received for use in the activities conducted in the center. Such
3430 moneys shall be deposited by the Florida Community College
3431 System institution in a permanent technology transfer fund in a
3432 depository or depositories approved for the deposit of state
3433 funds and shall be accounted for and disbursed subject to audit
3434 by the Auditor General.

3435 (6) The fund balance in any existing research trust fund of
3436 a Florida Community College System institution at the time a
3437 technology transfer center is created shall be transferred to a
3438 permanent technology transfer fund established for the Florida
3439 Community College System institution, and thereafter the fund
3440 balance of the technology transfer fund at the end of any fiscal
3441 period may be used during any succeeding period pursuant to this
3442 section.

3443 (7) Moneys deposited in the permanent technology transfer
3444 fund of a Florida Community College System institution shall be
3445 disbursed in accordance with the terms of the contract, grant,
3446 or donation under which they are received. Moneys received for
3447 overhead or indirect costs and other moneys not required for the
3448 payment of direct costs shall be applied to the cost of
3449 operating the technology transfer center.

3450 (8) All purchases of a technology transfer center shall be
3451 made in accordance with the policies and procedures of the

581-01304-18

2018540c1

3452 Florida Community College System institution.

3453 (9) The Florida Community College System institution board
3454 of trustees may authorize the construction, alteration, or
3455 remodeling of buildings when the funds used are derived entirely
3456 from the technology transfer fund of a Florida Community College
3457 System institution or from that fund in combination with other
3458 nonstate sources, provided that such construction, alteration,
3459 or remodeling is for use exclusively by the center. It also may
3460 authorize the acquisition of real property when the cost is
3461 entirely from said funds. Title to all real property shall vest
3462 in the board of trustees.

3463 (10) The State Board of Community Colleges ~~Education~~ may
3464 award grants to Florida Community College System institutions,
3465 or consortia of public and private colleges and universities and
3466 other public and private entities, for the purpose of supporting
3467 the objectives of this section. Grants awarded pursuant to this
3468 subsection shall be in accordance with rules of the State Board
3469 of Community Colleges ~~Education~~. Such rules shall include the
3470 following provisions:

3471 (a) The number of centers established with state funds
3472 provided expressly for the purpose of technology transfer shall
3473 be limited, but shall be geographically located to maximize
3474 public access to center resources and services.

3475 (b) Grants to centers funded with state revenues
3476 appropriated specifically for technology transfer activities
3477 shall be reviewed and approved by the State Board of Community
3478 Colleges ~~Education~~ using proposal solicitation, evaluation, and
3479 selection procedures established by the state board in
3480 consultation with Enterprise Florida, Inc. Such procedures may

581-01304-18

2018540c1

3481 include designation of specific areas or applications of
3482 technology as priorities for the receipt of funding.

3483 (c) Priority for the receipt of state funds appropriated
3484 specifically for the purpose of technology transfer shall be
3485 given to grant proposals developed jointly by Florida Community
3486 College System institutions and public and private colleges and
3487 universities.

3488 (11) Each technology transfer center established under the
3489 provisions of this section shall establish a technology transfer
3490 center advisory committee. Each committee shall include
3491 representatives of a university or universities conducting
3492 research in the area of specialty of the center. Other members
3493 shall be determined by the Florida Community College System
3494 institution board of trustees.

3495 Section 46. Subsection (4) of section 1004.80, Florida
3496 Statutes, is amended to read:

3497 1004.80 Economic development centers.—

3498 (4) The State Board of Community Colleges ~~Education~~ may
3499 award grants to economic development centers for the purposes of
3500 this section. Grants awarded pursuant to this subsection shall
3501 be in accordance with rules established by the State Board of
3502 Community Colleges ~~Education~~.

3503 Section 47. Section 1004.91, Florida Statutes, is amended
3504 to read:

3505 1004.91 Requirements for career education program basic
3506 skills.—

3507 (1) The State Board of Education, for career centers
3508 operated by district school boards, and the State Board of
3509 Community Colleges, for charter technical career centers

581-01304-18

2018540c1

3510 operated by Florida Community College System institutions, shall
3511 collaborate to adopt, by rule, standards of basic skill mastery
3512 for completion of certificate career education programs. Each
3513 school district and Florida Community College System institution
3514 that conducts programs that confer career and technical
3515 certificates shall provide applied academics instruction through
3516 which students receive the basic skills instruction required
3517 pursuant to this section.

3518 (2) Students who enroll in a program offered for career
3519 credit of 450 hours or more shall complete an entry-level
3520 examination within the first 6 weeks after admission into the
3521 program. The State Board of Education and the State Board of
3522 Community Colleges shall collaborate to designate examinations
3523 that are currently in existence, the results of which are
3524 comparable across institutions, to assess student mastery of
3525 basic skills. Any student found to lack the required level of
3526 basic skills for such program shall be referred to applied
3527 academics instruction or another adult general education program
3528 for a structured program of basic skills instruction. Such
3529 instruction may include English for speakers of other languages.
3530 A student may not receive a career or technical certificate of
3531 completion without first demonstrating the basic skills required
3532 in the state curriculum frameworks for the career education
3533 program.

3534 (3) (a) An adult student with a disability may be exempted
3535 from this section.

3536 (b) The following students are exempt from this section:

3537 1. A student who possesses a college degree at the
3538 associate in applied science level or higher.

581-01304-18

2018540c1

3539 2. A student who demonstrates readiness for public
3540 postsecondary education pursuant to s. 1008.30 and applicable
3541 rules adopted by the State Board of Education and State Board of
3542 Community Colleges.

3543 3. A student who passes a state or national industry
3544 certification or licensure examination that is identified in
3545 State Board of Education or State Board of Community Colleges
3546 rules and aligned to the career education program in which the
3547 student is enrolled.

3548 4. An adult student who is enrolled in an apprenticeship
3549 program that is registered with the Department of Education in
3550 accordance with chapter 446.

3551 Section 48. Paragraph (b) of subsection (2) of section
3552 1004.92, Florida Statutes, is amended, and subsection (4) is
3553 added to that section, to read:

3554 1004.92 Purpose and responsibilities for career education.-
3555 (2)

3556 (b) The Department of Education, for school districts, and
3557 the State Board of Community Colleges, for Florida Community
3558 College System institutions, have the following responsibilities
3559 related to accountability for career education ~~includes, but is~~
3560 ~~not limited to:~~

3561 1. The provision of timely, accurate technical assistance
3562 to school districts and Florida Community College System
3563 institutions.

3564 2. The provision of timely, accurate information to the
3565 State Board of Education, the Legislature, and the public.

3566 3. The development of policies, rules, and procedures that
3567 facilitate institutional attainment of the accountability

581-01304-18

2018540c1

3568 standards and coordinate the efforts of all divisions within the
3569 department.

3570 4. The development of program standards and industry-driven
3571 benchmarks for career, adult, and community education programs,
3572 which must be updated every 3 years. The standards must include
3573 career, academic, and workplace skills; viability of distance
3574 learning for instruction; ~~and~~ work/learn cycles that are
3575 responsive to business and industry; and provisions that reflect
3576 the quality components of career and technical education
3577 programs. The Department of Education and the State Board of
3578 Community Colleges shall collaborate to develop a common set of
3579 standards and benchmarks as specified under this subparagraph
3580 for the programs that are offered by both the school districts
3581 and Florida Community College System institutions.

3582 5. Overseeing school district and Florida Community College
3583 System institution compliance with ~~the provisions of~~ this
3584 chapter.

3585 6. Ensuring that the educational outcomes for the technical
3586 component of career programs are uniform and designed to provide
3587 a graduate who is capable of entering the workforce on an
3588 equally competitive basis regardless of the institution of
3589 choice.

3590 (4) The State Board of Education, for career education
3591 provided by school districts, and the State Board of Community
3592 Colleges, for career education provided by Florida Community
3593 College System institutions, shall collaborate to adopt rules to
3594 administer this section.

3595 Section 49. Subsection (1) of section 1004.925, Florida
3596 Statutes, is amended to read:

581-01304-18

2018540c1

3597 1004.925 Automotive service technology education programs;
3598 certification.—

3599 (1) All automotive service technology education programs
3600 shall be industry certified in accordance with rules adopted by
3601 the State Board of Education and the State Board of Community
3602 Colleges.

3603 Section 50. Paragraphs (c) and (d) of subsection (4) and
3604 subsections (6) and (9) of section 1004.93, Florida Statutes,
3605 are amended to read:

3606 1004.93 Adult general education.—

3607 (4)

3608 (c) The State Board of Community Colleges ~~Education~~ shall
3609 define, by rule, the levels and courses of instruction to be
3610 funded through the developmental education program. The State
3611 Board of Community Colleges shall coordinate the establishment
3612 of costs for developmental education courses, the establishment
3613 of statewide standards that define required levels of
3614 competence, acceptable rates of student progress, and the
3615 maximum amount of time to be allowed for completion of
3616 developmental education. Developmental education is part of an
3617 associate in arts degree program and may not be funded as an
3618 adult career education program.

3619 (d) Expenditures for developmental education and lifelong
3620 learning students shall be reported separately. Allocations for
3621 developmental education shall be based on proportional full-time
3622 equivalent enrollment. Program review results shall be included
3623 in the determination of subsequent allocations. A student shall
3624 be funded to enroll in the same developmental education class
3625 within a skill area only twice, after which time the student

581-01304-18

2018540c1

3626 shall pay 100 percent of the full cost of instruction to support
3627 the continuous enrollment of that student in the same class;
3628 however, students who withdraw or fail a class due to
3629 extenuating circumstances may be granted an exception only once
3630 for each class, provided approval is granted according to policy
3631 established by the board of trustees. Each Florida Community
3632 College System institution shall have the authority to review
3633 and reduce payment for increased fees due to continued
3634 enrollment in a developmental education class on an individual
3635 basis contingent upon the student's financial hardship, pursuant
3636 to definitions and fee levels established by the State Board of
3637 Community Colleges Education. Developmental education and
3638 lifelong learning courses do not generate credit toward an
3639 associate or baccalaureate degree.

3640 (6) The commissioner, for school districts, and the
3641 Chancellor of the Florida Community College System, for Florida
3642 Community College System institutions, shall recommend the level
3643 of funding for public school and Florida Community College
3644 System institution adult education within the legislative budget
3645 request and make other recommendations and reports considered
3646 necessary or required by rules of the State Board of Education.

3647 (9) The State Board of Education and the State Board of
3648 Community Colleges may adopt rules necessary for the
3649 implementation of this section.

3650 Section 51. Subsection (3) of section 1006.60, Florida
3651 Statutes, is amended to read:

3652 1006.60 Codes of conduct; disciplinary measures; authority
3653 to adopt rules or regulations.—

3654 (3) Sanctions authorized by such codes of conduct may be

581-01304-18

2018540c1

3655 imposed only for acts or omissions in violation of rules or
3656 regulations adopted by the institution, including rules or
3657 regulations adopted under this section, rules of the State Board
3658 of Community Colleges regarding the Florida Community College
3659 System Education, rules or regulations of the Board of Governors
3660 regarding the State University System, county and municipal
3661 ordinances, and the laws of this state, the United States, or
3662 any other state.

3663 Section 52. Subsection (1) of section 1006.61, Florida
3664 Statutes, is amended to read:

3665 1006.61 Participation by students in disruptive activities
3666 at public postsecondary educational institution; penalties.—

3667 (1) Any person who accepts the privilege extended by the
3668 laws of this state of attendance at any public postsecondary
3669 educational institution shall, by attending such institution, be
3670 deemed to have given his or her consent to the policies of that
3671 institution, the State Board of Community Colleges regarding the
3672 Florida Community College System Education, and the Board of
3673 Governors regarding the State University System, and the laws of
3674 this state. Such policies shall include prohibition against
3675 disruptive activities at public postsecondary educational
3676 institutions.

3677 Section 53. Section 1006.62, Florida Statutes, is amended
3678 to read:

3679 1006.62 Expulsion and discipline of students of Florida
3680 Community College System institutions and state universities.—

3681 (1) Each student in a Florida Community College System
3682 institution or state university is subject to federal and state
3683 law, respective county and municipal ordinances, and all rules

581-01304-18

2018540c1

3684 and regulations of the State Board of Community Colleges
3685 regarding the Florida Community College System ~~Education~~, the
3686 Board of Governors regarding the State University System, or the
3687 board of trustees of the institution.

3688 (2) Violation of these published laws, ordinances, or rules
3689 and regulations may subject the violator to appropriate action
3690 by the institution's authorities.

3691 (3) Each president of a Florida Community College System
3692 institution or state university may, after notice to the student
3693 of the charges and after a hearing thereon, expel, suspend, or
3694 otherwise discipline any student who is found to have violated
3695 any law, ordinance, or rule or regulation of the State Board of
3696 Community Colleges regarding the Florida Community College
3697 System ~~Education~~, the Board of Governors regarding the State
3698 University System, or the board of trustees of the institution.
3699 A student may be entitled to waiver of expulsion:

3700 (a) If the student provides substantial assistance in the
3701 identification, arrest, or conviction of any of his or her
3702 accomplices, accessories, coconspirators, or principals or of
3703 any other person engaged in violations of chapter 893 within a
3704 state university or Florida Community College System
3705 institution;

3706 (b) If the student voluntarily discloses his or her
3707 violations of chapter 893 prior to his or her arrest; or

3708 (c) If the student commits himself or herself, or is
3709 referred by the court in lieu of sentence, to a state-licensed
3710 drug abuse program and successfully completes the program.

3711 Section 54. Paragraphs (c) and (g) of subsection (1),
3712 paragraph (b) of subsection (2), and subsection (3) of section

581-01304-18

2018540c1

3713 1006.71, Florida Statutes, are amended to read:

3714 1006.71 Gender equity in intercollegiate athletics.—

3715 (1) GENDER EQUITY PLAN.—

3716 (c) The Chancellor of the Florida Community College System
 3717 ~~Commissioner of Education~~ shall annually assess the progress of
 3718 each Florida Community College System institution's plan and
 3719 advise the State Board of Community Colleges ~~Education~~ and the
 3720 Legislature regarding compliance.

3721 (g)1. If a Florida Community College System institution is
 3722 not in compliance with Title IX of the Education Amendments of
 3723 1972 and the Florida Educational Equity Act, the State Board of
 3724 Community Colleges ~~Education~~ shall:

3725 a. Declare the Florida Community College System institution
 3726 ineligible for competitive state grants.

3727 b. Withhold funds sufficient to obtain compliance.

3728

3729 The Florida Community College System institution shall remain
 3730 ineligible and the funds may ~~shall~~ not be paid until the Florida
 3731 Community College System institution comes into compliance or
 3732 the Chancellor of the Florida Community College System
 3733 ~~Commissioner of Education~~ approves a plan for compliance.

3734 2. If a state university is not in compliance with Title IX
 3735 of the Education Amendments of 1972 and the Florida Educational
 3736 Equity Act, the Board of Governors shall:

3737 a. Declare the state university ineligible for competitive
 3738 state grants.

3739 b. Withhold funds sufficient to obtain compliance.

3740

3741 The state university shall remain ineligible and the funds may

581-01304-18

2018540c1

3742 ~~shall~~ not be paid until the state university comes into
 3743 compliance or the Board of Governors approves a plan for
 3744 compliance.

3745 (2) FUNDING.—

3746 (b) The level of funding and percentage share of support
 3747 for women's intercollegiate athletics for Florida Community
 3748 College System institutions shall be determined by the State
 3749 Board of Community Colleges ~~Education~~. The level of funding and
 3750 percentage share of support for women's intercollegiate
 3751 athletics for state universities shall be determined by the
 3752 Board of Governors. The level of funding and percentage share
 3753 attained in the 1980-1981 fiscal year shall be the minimum level
 3754 and percentage maintained by each institution, except as the
 3755 State Board of Community Colleges ~~Education~~ or the Board of
 3756 Governors otherwise directs its respective institutions for the
 3757 purpose of assuring equity. Consideration shall be given by the
 3758 State Board of Community Colleges ~~Education~~ or the Board of
 3759 Governors to emerging athletic programs at institutions which
 3760 may not have the resources to secure external funds to provide
 3761 athletic opportunities for women. It is the intent that the
 3762 effect of any redistribution of funds among institutions may
 3763 ~~shall~~ not negate the requirements as set forth in this section.

3764 (3) STATE BOARD OF COMMUNITY COLLEGES ~~EDUCATION~~.—The State
 3765 Board of Community Colleges ~~Education~~ shall assure equal
 3766 opportunity for female athletes at Florida Community College
 3767 System institutions and establish:

3768 (a) In conjunction with the State Board of Education,
 3769 guidelines for reporting of intercollegiate athletics data
 3770 concerning financial, program, and facilities information for

581-01304-18

2018540c1

3771 review by the State Board of Community Colleges ~~Education~~
3772 annually.

3773 (b) Systematic audits for the evaluation of such data.

3774 (c) Criteria for determining and assuring equity.

3775 Section 55. Section 1007.01, Florida Statutes, is amended
3776 to read:

3777 1007.01 Articulation; legislative intent; purpose; role of
3778 the State Board of Education, the State Board of Community
3779 Colleges, and the Board of Governors; Articulation Coordinating
3780 Committee.—

3781 (1) It is the intent of the Legislature to facilitate
3782 articulation and seamless integration of the K-20 education
3783 system by building, sustaining, and strengthening relationships
3784 among K-20 public organizations, between public and private
3785 organizations, and between the education system as a whole and
3786 Florida's communities. The purpose of building, sustaining, and
3787 strengthening these relationships is to provide for the
3788 efficient and effective progression and transfer of students
3789 within the education system and to allow students to proceed
3790 toward their educational objectives as rapidly as their
3791 circumstances permit. The Legislature further intends that
3792 articulation policies and budget actions be implemented
3793 consistently in the practices of the Department of Education and
3794 postsecondary educational institutions and expressed in the
3795 collaborative policy efforts of the State Board of Education,
3796 ~~and~~ the Board of Governors, and the State Board of Community
3797 Colleges.

3798 (2) To preserve Florida's "2+2" system of articulation and
3799 improve and facilitate articulation systemwide, the State Board

581-01304-18

2018540c1

3800 of Education, ~~and~~ the Board of Governors, and the State Board of
3801 Community Colleges shall collaboratively establish and adopt
3802 policies with input from statewide K-20 advisory groups
3803 established by the Commissioner of Education, the Chancellor of
3804 the Florida Community College System, and the Chancellor of the
3805 State University System and shall recommend the policies to the
3806 Legislature. The policies shall relate to:

3807 (a) The alignment between the exit requirements of one
3808 education system and the admissions requirements of another
3809 education system into which students typically transfer.

3810 (b) The identification of common courses, the level of
3811 courses, institutional participation in a statewide course
3812 numbering system, and the transferability of credits among such
3813 institutions.

3814 (c) Identification of courses that meet general education
3815 or common degree program prerequisite requirements at public
3816 postsecondary educational institutions.

3817 (d) Dual enrollment course equivalencies.

3818 (e) Articulation agreements.

3819 (3) The Commissioner of Education, in consultation with the
3820 Chancellor of the Florida Community College System and the
3821 Chancellor of the State University System, shall establish the
3822 Articulation Coordinating Committee, which shall make
3823 recommendations related to statewide articulation policies and
3824 issues regarding access, quality, and reporting of data
3825 maintained by the K-20 data warehouse, established pursuant to
3826 ss. 1001.10 and 1008.31, to the Higher Education Coordination
3827 Council, the State Board of Education, ~~and~~ the Board of
3828 Governors, and the State Board of Community Colleges. The

581-01304-18

2018540c1

3829 committee shall consist of two members each representing the
3830 State University System, the Florida Community College System,
3831 public career and technical education, K-12 education, and
3832 nonpublic postsecondary education and one member representing
3833 students. The chair shall be elected from the membership. The
3834 Office of K-20 Articulation shall provide administrative support
3835 for the committee. The committee shall:

3836 (a) Monitor the alignment between the exit requirements of
3837 one education system and the admissions requirements of another
3838 education system into which students typically transfer and make
3839 recommendations for improvement.

3840 (b) Propose guidelines for interinstitutional agreements
3841 between and among public schools, career and technical education
3842 centers, Florida Community College System institutions, state
3843 universities, and nonpublic postsecondary institutions.

3844 (c) Annually recommend dual enrollment course and high
3845 school subject area equivalencies for approval by the State
3846 Board of Education, ~~and the Board of Governors,~~ and the State
3847 Board of Community Colleges.

3848 (d) Annually review the statewide articulation agreement
3849 pursuant to s. 1007.23 and make recommendations for revisions.

3850 (e) Annually review the statewide course numbering system,
3851 the levels of courses, and the application of transfer credit
3852 requirements among public and nonpublic institutions
3853 participating in the statewide course numbering system and
3854 identify instances of student transfer and admissions
3855 difficulties.

3856 (f) Annually publish a list of courses that meet common
3857 general education and common degree program prerequisite

581-01304-18

2018540c1

3858 requirements at public postsecondary institutions identified
3859 pursuant to s. 1007.25.

3860 (g) Foster timely collection and reporting of statewide
3861 education data to improve the K-20 education performance
3862 accountability system pursuant to ss. 1001.10 and 1008.31,
3863 including, but not limited to, data quality, accessibility, and
3864 protection of student records.

3865 (h) Recommend roles and responsibilities of public
3866 education entities in interfacing with the single, statewide
3867 computer-assisted student advising system established pursuant
3868 to s. 1006.735.

3869 (i) Make recommendations regarding the cost and
3870 requirements to develop and implement an online system for
3871 collecting and analyzing data regarding requests for transfer of
3872 credit by postsecondary education students. The online system,
3873 at a minimum, must collect information regarding the total
3874 number of credit transfer requests denied and the reason for
3875 each denial. Recommendations shall be reported to the President
3876 of the Senate and the Speaker of the House of Representatives on
3877 or before January 31, 2015.

3878 Section 56. Subsections (1) and (6) of section 1007.23,
3879 Florida Statutes, are amended, and subsection (7) is added to
3880 that section, to read:

3881 1007.23 Statewide articulation agreement.—

3882 (1) The State Board of Education, ~~and~~ and the Board of
3883 Governors, and the State Board of Community Colleges shall enter
3884 into a statewide articulation agreement which the State Board of
3885 Education and the State Board of Community Colleges shall adopt
3886 by rule. The agreement must preserve Florida's "2+2" system of

581-01304-18

2018540c1

3887 articulation, facilitate the seamless articulation of student
3888 credit across and among Florida's educational entities, and
3889 reinforce the provisions of this chapter by governing:

3890 (a) Articulation between secondary and postsecondary
3891 education;

3892 (b) Admission of associate in arts degree graduates from
3893 Florida Community College System institutions and state
3894 universities;

3895 (c) Admission of applied technology diploma program
3896 graduates from Florida Community College System institutions or
3897 career centers;

3898 (d) Admission of associate in science degree and associate
3899 in applied science degree graduates from Florida Community
3900 College System institutions;

3901 (e) The use of acceleration mechanisms, including
3902 nationally standardized examinations through which students may
3903 earn credit;

3904 (f) General education requirements and statewide course
3905 numbers as provided for in ss. 1007.24 and 1007.25; and

3906 (g) Articulation among programs in nursing.

3907 (6) The articulation agreement must guarantee the
3908 articulation of 9 credit hours toward a postsecondary degree in
3909 early childhood education for programs approved by the State
3910 Board of Community Colleges ~~Education~~ and the Board of Governors
3911 which:

3912 (a) Award a child development associate credential issued
3913 by the National Credentialing Program of the Council for
3914 Professional Recognition or award a credential approved under s.
3915 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the

581-01304-18

2018540c1

3916 child development associate credential; and

3917 (b) Include training in emergent literacy which meets or
3918 exceeds the minimum standards for training courses for
3919 prekindergarten instructors of the Voluntary Prekindergarten
3920 Education Program in s. 1002.59.

3921 (7) To strengthen Florida's "2+2" system of articulation
3922 and improve student retention and on-time graduation, by the
3923 2018-2019 academic year, each Florida Community College System
3924 institution shall execute at least one "2+2" targeted pathway
3925 articulation agreement with one or more state universities and
3926 each state university shall execute at least one such agreement
3927 with one or more Florida Community College System institutions
3928 to establish "2+2" targeted pathway programs. The agreement must
3929 provide students who graduate with an associate in arts degree
3930 and who meet specified requirements guaranteed access to the
3931 state university and a degree program at that university, in
3932 accordance with the terms of the "2+2" targeted pathway
3933 articulation agreement.

3934 (a) To participate in a "2+2" targeted pathway program, a
3935 student must:

3936 1. Enroll in the program before completing 30 credit hours,
3937 including, but not limited to, college credits earned through
3938 articulated acceleration mechanisms pursuant to s. 1007.27;

3939 2. Complete an associate in arts degree; and

3940 3. Meet the university's transfer requirements.

3941 (b) A state university that executes a "2+2" targeted
3942 pathway articulation agreement must meet the following
3943 requirements in order to implement a "2+2" targeted pathway
3944 program in collaboration with its partner Florida Community

581-01304-18

2018540c1

3945 College System institution:

3946 1. Establish a 4-year on-time graduation plan for a
3947 baccalaureate degree program, including, but not limited to, a
3948 plan for students to complete associate in arts degree programs,
3949 general education courses, common prerequisite courses, and
3950 elective courses;

3951 2. Advise students enrolled in the program about the
3952 university's transfer and degree program requirements; and

3953 3. Provide students who meet the requirements under this
3954 paragraph with access to academic advisors and campus events and
3955 with guaranteed admittance to the state university and a degree
3956 program of the state university, in accordance with the terms of
3957 the agreement.

3958 (c) To assist the state universities and Florida Community
3959 College System institutions with implementing the "2+2" targeted
3960 pathway programs effectively, the State Board of Community
3961 Colleges and the Board of Governors shall collaborate to
3962 eliminate barriers in executing "2+2" targeted pathway
3963 articulation agreements.

3964 Section 57. Subsections (1), (2), and (3) of section
3965 1007.24, Florida Statutes, are amended to read:

3966 1007.24 Statewide course numbering system.—

3967 (1) The Department of Education, in conjunction with the
3968 Board of Governors and the State Board of Community Colleges,
3969 shall develop, coordinate, and maintain a statewide course
3970 numbering system for postsecondary and dual enrollment education
3971 in school districts, public postsecondary educational
3972 institutions, and participating nonpublic postsecondary
3973 educational institutions that will improve program planning,

581-01304-18

2018540c1

3974 increase communication among all delivery systems, and
3975 facilitate student acceleration and the transfer of students and
3976 credits between public school districts, public postsecondary
3977 educational institutions, and participating nonpublic
3978 educational institutions. The continuing maintenance of the
3979 system shall be accomplished with the assistance of appropriate
3980 faculty committees representing public and participating
3981 nonpublic educational institutions.

3982 (2) The Commissioner of Education, in conjunction with the
3983 Chancellor of the Florida Community College System and the
3984 Chancellor of the State University System, shall appoint faculty
3985 committees representing faculties of participating institutions
3986 to recommend a single level for each course, including
3987 postsecondary career education courses, included in the
3988 statewide course numbering system.

3989 (a) Any course designated as an upper-division-level course
3990 must be characterized by a need for advanced academic
3991 preparation and skills that a student would be unlikely to
3992 achieve without significant prior coursework.

3993 (b) A course that is offered as part of an associate in
3994 science degree program and as an upper-division course for a
3995 baccalaureate degree shall be designated for both the lower and
3996 upper division.

3997 (c) A course designated as lower-division may be offered by
3998 any Florida Community College System institution.

3999 (3) The Commissioner of Education shall recommend to the
4000 State Board of Education the levels for the courses. The State
4001 Board of Education, with input from the Board of Governors and
4002 the State Board of Community Colleges, shall approve the levels

581-01304-18

2018540c1

4003 for the courses.

4004 Section 58. Subsections (3), (6), and (9) through (12) of
4005 section 1007.25, Florida Statutes, are amended to read:

4006 1007.25 General education courses; common prerequisites;
4007 other degree requirements.—

4008 (3) The chair of the State Board of Community Colleges
4009 ~~Education~~ and the chair of the Board of Governors, or their
4010 designees, shall jointly appoint faculty committees to identify
4011 statewide general education core course options. General
4012 education core course options shall consist of a maximum of five
4013 courses within each of the subject areas of communication,
4014 mathematics, social sciences, humanities, and natural sciences.
4015 The core courses may be revised, or the five-course maximum
4016 within each subject area may be exceeded, if approved by the
4017 State Board of Community Colleges ~~Education~~ and the Board of
4018 Governors, as recommended by the subject area faculty committee
4019 and approved by the Articulation Coordinating Committee as
4020 necessary for a subject area. Each general education core course
4021 option must contain high-level academic and critical thinking
4022 skills and common competencies that students must demonstrate to
4023 successfully complete the course. Beginning with students
4024 initially entering a Florida Community College System
4025 institution or state university in 2015-2016 and thereafter,
4026 each student must complete at least one identified core course
4027 in each subject area as part of the general education course
4028 requirements. All public postsecondary educational institutions
4029 shall accept these courses as meeting general education core
4030 course requirements. The remaining general education course
4031 requirements shall be identified by each institution and

581-01304-18

2018540c1

4032 reported to the department by their statewide course number. The
4033 general education core course options shall be adopted in rule
4034 by the State Board of Community Colleges ~~Education~~ and in
4035 regulation by the Board of Governors.

4036 (6) The department shall identify common prerequisite
4037 courses and course substitutions for degree programs across all
4038 institutions. Common degree program prerequisites shall be
4039 offered and accepted by all state universities and Florida
4040 Community College System institutions, except in cases approved
4041 by the State Board of Community Colleges, ~~Education~~ for Florida
4042 Community College System institutions, and the Board of
4043 Governors, for state universities. The department shall develop
4044 a centralized database containing the list of courses and course
4045 substitutions that meet the prerequisite requirements for each
4046 baccalaureate degree program.

4047 (9) A baccalaureate degree program shall require no more
4048 than 120 semester hours of college credit and include 36
4049 semester hours of general education coursework, unless prior
4050 approval has been granted by the Board of Governors for
4051 baccalaureate degree programs offered by state universities and
4052 by the State Board of Community Colleges ~~Education~~ for
4053 baccalaureate degree programs offered by Florida Community
4054 College System institutions.

4055 (10) A student who received an associate in arts degree for
4056 successfully completing 60 semester credit hours may continue to
4057 earn ~~additional~~ credits at a Florida Community College System
4058 institution. The university must provide credit toward the
4059 student's baccalaureate degree for a ~~an additional~~ Florida
4060 Community College System institution course if, according to the

581-01304-18

2018540c1

4061 statewide course numbering, the Florida Community College System
4062 institution course is a course listed in the university catalog
4063 as required for the degree or as prerequisite to a course
4064 required for the degree. Of the courses required for the degree,
4065 at least half of the credit hours required for the degree shall
4066 be achievable through courses designated as lower division,
4067 except in degree programs approved by the State Board of
4068 Community Colleges ~~Education~~ for programs offered by Florida
4069 Community College System institutions and by the Board of
4070 Governors for programs offered by state universities.

4071 (11) Students at state universities may request associate
4072 in arts certificates if they have successfully completed the
4073 minimum requirements for the degree of associate in arts (A.A.).
4074 The university must grant the student an associate in arts
4075 degree if the student has successfully completed minimum
4076 requirements for college-level communication and computation
4077 skills adopted by the State Board of Community Colleges
4078 ~~Education~~ and 60 academic semester hours or the equivalent
4079 within a degree program area, including 36 semester hours in
4080 general education courses in the subject areas of communication,
4081 mathematics, social sciences, humanities, and natural sciences,
4082 consistent with the general education requirements specified in
4083 the articulation agreement pursuant to s. 1007.23.

4084 (12) The Commissioner of Education and the Chancellor of
4085 the Florida Community College System shall jointly appoint
4086 faculty committees representing both Florida Community College
4087 System institution and public school faculties to recommend to
4088 the commissioner, or the Chancellor of the Florida Community
4089 College System, as applicable, for approval by the State Board

581-01304-18

2018540c1

4090 of Education and the State Board of Community Colleges, as
4091 applicable, a standard program length and appropriate
4092 occupational completion points for each postsecondary career
4093 certificate program, diploma, and degree offered by a school
4094 district or a Florida Community College System institution.

4095 Section 59. Section 1007.262, Florida Statutes, is amended
4096 to read:

4097 1007.262 Foreign language competence; equivalence
4098 determinations.—The Department of Education shall identify the
4099 competencies demonstrated by students upon the successful
4100 completion of 2 credits of sequential high school foreign
4101 language instruction. For the purpose of determining
4102 postsecondary equivalence, the State Board of Community Colleges
4103 ~~department~~ shall develop rules through which Florida Community
4104 College System institutions correlate such competencies to the
4105 competencies required of students in the colleges' respective
4106 courses. Based on this correlation, each Florida Community
4107 College System institution shall identify the minimum number of
4108 postsecondary credits that students must earn in order to
4109 demonstrate a level of competence in a foreign language at least
4110 equivalent to that of students who have completed 2 credits of
4111 such instruction in high school. The department may also specify
4112 alternative means by which students can demonstrate equivalent
4113 foreign language competence, including means by which a student
4114 whose native language is not English may demonstrate proficiency
4115 in the native language. A student who demonstrates proficiency
4116 in a native language other than English is exempt from a
4117 requirement of completing foreign language courses at the
4118 secondary or Florida Community College System level.

581-01304-18

2018540c1

4119 Section 60. Section 1007.263, Florida Statutes, is amended
4120 to read:

4121 1007.263 Florida Community College System institutions;
4122 admissions of students.—Each Florida Community College System
4123 institution board of trustees is authorized to adopt rules
4124 governing admissions of students subject to this section and
4125 rules of the State Board of Community Colleges ~~Education~~. These
4126 rules shall include the following:

4127 (1) Admissions counseling shall be provided to all students
4128 entering college or career credit programs. For students who are
4129 not otherwise exempt from testing under s. 1008.30, counseling
4130 must use tests to measure achievement of college-level
4131 communication and computation competencies by students entering
4132 college credit programs or tests to measure achievement of basic
4133 skills for career education programs as prescribed in s.
4134 1004.91. Counseling includes providing developmental education
4135 options for students whose assessment results, determined under
4136 s. 1008.30, indicate that they need to improve communication or
4137 computation skills that are essential to perform college-level
4138 work.

4139 (2) Admission to associate degree programs is subject to
4140 minimum standards adopted by the State Board of Community
4141 Colleges ~~Education~~ and shall require:

4142 (a) A standard high school diploma, a high school
4143 equivalency diploma as prescribed in s. 1003.435, previously
4144 demonstrated competency in college credit postsecondary
4145 coursework, or, in the case of a student who is home educated, a
4146 signed affidavit submitted by the student's parent or legal
4147 guardian attesting that the student has completed a home

581-01304-18

2018540c1

4148 education program pursuant to the requirements of s. 1002.41.
4149 Students who are enrolled in a dual enrollment or early
4150 admission program pursuant to s. 1007.271 are exempt from this
4151 requirement.

4152 (b) A demonstrated level of achievement of college-level
4153 communication and computation skills.

4154 (c) Any other requirements established by the board of
4155 trustees.

4156 (3) Admission to other programs within the Florida
4157 Community College System institution shall include education
4158 requirements as established by the board of trustees.

4159 (4) A student who has been awarded a certificate of
4160 completion under s. 1003.4282 is eligible to enroll in
4161 certificate career education programs.

4162 (5) A student with a documented disability may be eligible
4163 for reasonable substitutions, as prescribed in ss. 1007.264 and
4164 1007.265.

4165
4166 Each board of trustees shall establish policies that notify
4167 students about developmental education options for improving
4168 their communication or computation skills that are essential to
4169 performing college-level work, including tutoring, extended time
4170 in gateway courses, free online courses, adult basic education,
4171 adult secondary education, or private provider instruction.

4172 Section 61. Subsection (2) of section 1007.264, Florida
4173 Statutes, is amended to read:

4174 1007.264 Persons with disabilities; admission to
4175 postsecondary educational institutions; substitute requirements;
4176 rules and regulations.-

581-01304-18

2018540c1

4177 (2) The State Board of Community Colleges ~~Education~~, in
4178 consultation with the Board of Governors, shall adopt rules to
4179 implement this section for Florida Community College System
4180 institutions and shall develop substitute admission requirements
4181 where appropriate.

4182 Section 62. Subsections (2) and (3) of section 1007.265,
4183 Florida Statutes, are amended to read:

4184 1007.265 Persons with disabilities; graduation, study
4185 program admission, and upper-division entry; substitute
4186 requirements; rules and regulations.—

4187 (2) The State Board of Community Colleges ~~Education~~, in
4188 consultation with the Board of Governors, shall adopt rules to
4189 implement this section for Florida Community College System
4190 institutions and shall develop substitute requirements where
4191 appropriate.

4192 (3) The Board of Governors, in consultation with the State
4193 Board of Community Colleges ~~Education~~, shall adopt regulations
4194 to implement this section for state universities and shall
4195 develop substitute requirements where appropriate.

4196 Section 63. Effective July 1, 2018, subsections (2), (6),
4197 (7), and (8) of section 1007.27, Florida Statutes, are amended
4198 to read:

4199 1007.27 Articulated acceleration mechanisms.—

4200 (2) (a) The Department of Education shall annually identify
4201 and publish the minimum scores, maximum credit, and course or
4202 courses for which credit is to be awarded for each College Level
4203 Examination Program (CLEP) subject examination, College Board
4204 Advanced Placement Program examination, Advanced International
4205 Certificate of Education examination, International

581-01304-18

2018540c1

4206 Baccalaureate examination, Excelsior College subject
4207 examination, Defense Activity for Non-Traditional Education
4208 Support (DANTES) subject standardized test, and Defense Language
4209 Proficiency Test (DLPT). The department shall use student
4210 performance data in subsequent postsecondary courses to
4211 determine the appropriate examination scores and courses for
4212 which credit is to be granted. Minimum scores may vary by
4213 subject area based on available performance data. In addition,
4214 the department shall identify such courses in the general
4215 education core curriculum of each state university and Florida
4216 Community College System institution.

4217 (b) Each district school board shall notify students who
4218 enroll in articulated acceleration mechanism courses or take
4219 examinations pursuant to this section of the credit-by-
4220 examination equivalency list adopted by rule by the State Board
4221 of Education and the dual enrollment course and high school
4222 subject area equivalencies approved by the state board pursuant
4223 to s. 1007.271(9).

4224 (6) Credit by examination shall be the program through
4225 which secondary and postsecondary students generate
4226 postsecondary credit based on the receipt of a specified minimum
4227 score on nationally standardized general or subject-area
4228 examinations. For the purpose of statewide application, such
4229 examinations and the corresponding minimum scores required for
4230 an award of credit shall be delineated by the State Board of
4231 Education, ~~and~~ the Board of Governors, and the State Board of
4232 Community Colleges in the statewide articulation agreement
4233 required by s. 1007.23(1). The maximum credit generated by a
4234 student pursuant to this subsection shall be mitigated by any

581-01304-18

2018540c1

4235 related postsecondary credit earned by the student prior to the
4236 administration of the examination. This subsection shall not
4237 preclude Florida Community College System institutions and
4238 universities from awarding credit by examination based on
4239 student performance on examinations developed within and
4240 recognized by the individual postsecondary institutions.

4241 (7) The International Baccalaureate Program shall be the
4242 curriculum in which eligible secondary students are enrolled in
4243 a program of studies offered through the International
4244 Baccalaureate Program administered by the International
4245 Baccalaureate Office. The State Board of Community Colleges
4246 ~~Education~~ and the Board of Governors shall specify in the
4247 statewide articulation agreement required by s. 1007.23(1) the
4248 cutoff scores and International Baccalaureate Examinations which
4249 will be used to grant postsecondary credit at Florida Community
4250 College System institutions and universities. Any changes to the
4251 articulation agreement, ~~7~~ which have the effect of raising the
4252 required cutoff score or of changing the International
4253 Baccalaureate Examinations which will be used to grant
4254 postsecondary credit, ~~7~~ shall only apply to students taking
4255 International Baccalaureate Examinations after such changes are
4256 adopted by the State Board of Community Colleges ~~Education~~ and
4257 the Board of Governors. Students shall be awarded a maximum of
4258 30 semester credit hours pursuant to this subsection. The
4259 specific course for which a student may receive such credit
4260 shall be specified in the statewide articulation agreement
4261 required by s. 1007.23(1). Students enrolled pursuant to this
4262 subsection shall be exempt from the payment of any fees for
4263 administration of the examinations regardless of whether or not

581-01304-18

2018540c1

4264 the student achieves a passing score on the examination.

4265 (8) The Advanced International Certificate of Education
4266 Program and the International General Certificate of Secondary
4267 Education (pre-AICE) Program shall be the curricula in which
4268 eligible secondary students are enrolled in programs of study
4269 offered through the Advanced International Certificate of
4270 Education Program or the International General Certificate of
4271 Secondary Education (pre-AICE) Program administered by the
4272 University of Cambridge Local Examinations Syndicate. The State
4273 Board of Community Colleges Education and the Board of Governors
4274 shall specify in the statewide articulation agreement required
4275 by s. 1007.23(1) the cutoff scores and Advanced International
4276 Certificate of Education examinations which will be used to
4277 grant postsecondary credit at Florida Community College System
4278 institutions and universities. Any changes to the cutoff scores,
4279 which changes have the effect of raising the required cutoff
4280 score or of changing the Advanced International Certification of
4281 Education examinations which will be used to grant postsecondary
4282 credit, shall apply to students taking Advanced International
4283 Certificate of Education examinations after such changes are
4284 adopted by the State Board of Community Colleges Education and
4285 the Board of Governors. Students shall be awarded a maximum of
4286 30 semester credit hours pursuant to this subsection. The
4287 specific course for which a student may receive such credit
4288 shall be determined by the Florida Community College System
4289 institution or university that accepts the student for
4290 admission. Students enrolled in either program of study pursuant
4291 to this subsection shall be exempt from the payment of any fees
4292 for administration of the examinations regardless of whether the

581-01304-18

2018540c1

4293 student achieves a passing score on the examination.

4294 Section 64. Subsections (3) and (22) of section 1007.271,
4295 Florida Statutes, are amended to read:

4296 1007.271 Dual enrollment programs.—

4297 (3) Student eligibility requirements for initial enrollment
4298 in college credit dual enrollment courses must include a 3.0
4299 unweighted high school grade point average and the minimum score
4300 on a common placement test adopted by the State Board of
4301 Education which indicates that the student is ready for college-
4302 level coursework. Student eligibility requirements for continued
4303 enrollment in college credit dual enrollment courses must
4304 include the maintenance of a 3.0 unweighted high school grade
4305 point average and the minimum postsecondary grade point average
4306 established by the postsecondary institution. Regardless of
4307 meeting student eligibility requirements for continued
4308 enrollment, a student may lose the opportunity to participate in
4309 a dual enrollment course if the student is disruptive to the
4310 learning process such that the progress of other students or the
4311 efficient administration of the course is hindered. Student
4312 eligibility requirements for initial and continued enrollment in
4313 career certificate dual enrollment courses must include a 2.0
4314 unweighted high school grade point average. Exceptions to the
4315 required grade point averages may be granted on an individual
4316 student basis if the educational entities agree and the terms of
4317 the agreement are contained within the dual enrollment
4318 articulation agreement established pursuant to subsection (21).
4319 Florida Community College System institution boards of trustees
4320 may establish additional initial student eligibility
4321 requirements, which shall be included in the dual enrollment

581-01304-18

2018540c1

4322 articulation agreement, to ensure student readiness for
4323 postsecondary instruction. Additional requirements included in
4324 the agreement may not arbitrarily prohibit students who have
4325 demonstrated the ability to master advanced courses from
4326 participating in dual enrollment courses.

4327 (22) The Department of Education shall develop an
4328 electronic submission system for dual enrollment articulation
4329 agreements and shall review, for compliance, each dual
4330 enrollment articulation agreement submitted pursuant to
4331 subsections (13), (21), and (24). The Commissioner of Education
4332 shall notify the district school superintendent and the Florida
4333 Community College System institution president if the dual
4334 enrollment articulation agreement does not comply with statutory
4335 requirements and shall submit any dual enrollment articulation
4336 agreement with unresolved issues of noncompliance to the State
4337 Board of Education. The State Board of Education shall
4338 collaborate with the State Board of Community Colleges to settle
4339 unresolved issues of noncompliance.

4340 Section 65. Subsection (6) of section 1007.273, Florida
4341 Statutes, is amended to read:

4342 1007.273 Collegiate high school program.—

4343 (6) The collegiate high school program shall be funded
4344 pursuant to ss. 1007.271 and 1011.62. The State Board of
4345 Education shall enforce compliance with this section by
4346 withholding the transfer of funds for the school districts ~~and~~
4347 ~~the Florida College System institutions~~ in accordance with s.
4348 1008.32. Annually, by December 31, the State Board of Community
4349 Colleges shall enforce compliance with this section by
4350 withholding the transfer of funds for the Florida Community

581-01304-18

2018540c1

4351 College System institutions in accordance with s. 1001.602.

4352 Section 66. Section 1007.33, Florida Statutes, is amended
4353 to read:

4354 1007.33 Site-determined baccalaureate degree access.—

4355 (1) (a) The Legislature recognizes that public and private
4356 postsecondary educational institutions play an essential role in
4357 improving the quality of life and economic well-being of the
4358 state and its residents. The Legislature also recognizes that
4359 economic development needs and the educational needs of place-
4360 bound, nontraditional students have increased the demand for
4361 local access to baccalaureate degree programs. It is therefore
4362 the intent of the Legislature to further expand access to
4363 baccalaureate degree programs through the use of Florida
4364 Community College System institutions.

4365 (b) For purposes of this section, the term "district"
4366 refers to the county or counties served by a Florida Community
4367 College System institution pursuant to s. 1000.21(3).

4368 (2) Any Florida Community College System institution that
4369 offers one or more baccalaureate degree programs must:

4370 (a) Maintain as its primary mission:

4371 1. Responsibility for responding to community needs for
4372 postsecondary academic education and career degree education as
4373 prescribed in s. 1004.65(5).

4374 2. The provision of associate degrees that provide access
4375 to a university.

4376 (b) Maintain an open-door admission policy for associate-
4377 level degree programs and workforce education programs.

4378 (c) Continue to provide outreach to underserved
4379 populations.

581-01304-18

2018540c1

4380 (d) Continue to provide remedial education pursuant to s.
4381 1008.30.

4382 (e) Comply with all provisions of the statewide
4383 articulation agreement which relate to 2-year and 4-year public
4384 degree-granting institutions as adopted by the State Board of
4385 Education or the State Board of Community Colleges, as
4386 applicable, pursuant to s. 1007.23.

4387 (f) Not award graduate credit.

4388 (g) Not participate in intercollegiate athletics beyond the
4389 2-year level.

4390 (3) A Florida Community College System institution may not
4391 terminate its associate in arts or associate in science degree
4392 programs as a result of being authorized to offer one or more
4393 baccalaureate degree programs. The Legislature intends that the
4394 primary responsibility of a Florida Community College System
4395 institution, including a Florida Community College System
4396 institution that offers baccalaureate degree programs, continues
4397 to be the provision of associate degrees that provide access to
4398 a university.

4399 (4) A Florida Community College System institution may:

4400 (a) Offer specified baccalaureate degree programs through
4401 formal agreements between the Florida Community College System
4402 institution and other regionally accredited postsecondary
4403 educational institutions pursuant to s. 1007.22.

4404 (b) Offer baccalaureate degree programs that are ~~were~~
4405 authorized by law ~~prior to July 1, 2009~~.

4406 ~~(c) Beginning July 1, 2009, establish a first or subsequent~~
4407 ~~baccalaureate degree program~~ for purposes of meeting district,
4408 regional, or statewide workforce needs if approved by the State

581-01304-18

2018540c1

4409 Board of Community Colleges Education under this section.
4410 However, a Florida Community College System institution may not
4411 offer a bachelor of arts degree program.
4412
4413 ~~Beginning July 1, 2009, the Board of Trustees of St. Petersburg~~
4414 ~~College is authorized to establish one or more bachelor of~~
4415 ~~applied science degree programs based on an analysis of~~
4416 ~~workforce needs in Pinellas, Pasco, and Hernando Counties and~~
4417 ~~other counties approved by the Department of Education. For each~~
4418 ~~program selected, St. Petersburg College must offer a related~~
4419 ~~associate in science or associate in applied science degree~~
4420 ~~program, and the baccalaureate degree level program must be~~
4421 ~~designed to articulate fully with at least one associate in~~
4422 ~~science degree program. The college is encouraged to develop~~
4423 ~~articulation agreements for enrollment of graduates of related~~
4424 ~~associate in applied science degree programs. The Board of~~
4425 ~~Trustees of St. Petersburg College is authorized to establish~~
4426 ~~additional baccalaureate degree programs if it determines a~~
4427 ~~program is warranted and feasible based on each of the factors~~
4428 ~~in paragraph (5)(d). However, the Board of Trustees of St.~~
4429 ~~Petersburg College may not establish any new baccalaureate~~
4430 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
4431 ~~to developing or proposing a new baccalaureate degree program,~~
4432 ~~St. Petersburg College shall engage in need, demand, and impact~~
4433 ~~discussions with the state university in its service district~~
4434 ~~and other local and regional, accredited postsecondary providers~~
4435 ~~in its region. Documentation, data, and other information from~~
4436 ~~inter-institutional discussions regarding program need, demand,~~
4437 ~~and impact shall be provided to the college's board of trustees~~

581-01304-18

2018540c1

4438 ~~to inform the program approval process. Employment at St.~~
4439 ~~Petersburg College is governed by the same laws that govern~~
4440 ~~Florida College System institutions, except that upper-division~~
4441 ~~faculty are eligible for continuing contracts upon the~~
4442 ~~completion of the fifth year of teaching. Employee records for~~
4443 ~~all personnel shall be maintained as required by s. 1012.81.~~

4444 (5) The approval process for baccalaureate degree programs
4445 requires ~~shall require~~:

4446 (a) Each Florida Community College System institution to
4447 submit a notice of interest at least 180 days before submitting
4448 a notice of its intent to propose a baccalaureate degree program
4449 ~~to the Division of Florida Colleges at least 100 days before the~~
4450 ~~submission of its proposal under paragraph (d).~~ The notice of
4451 interest must be submitted into a shared postsecondary database
4452 that allows other postsecondary institutions to preview and
4453 provide feedback on the notice of interest. A written notice of
4454 intent must be submitted to the Chancellor of the Florida
4455 Community College System at least 100 days before the submission
4456 of a baccalaureate degree program proposal under paragraph (c).
4457 The notice of intent must include a brief description of the
4458 program, the workforce demand and unmet need for graduates of
4459 the program to include evidence from entities independent of the
4460 institution, the geographic region to be served, and an
4461 estimated timeframe for implementation. Notices of interest and
4462 intent may be submitted by a Florida Community College System
4463 institution at any time throughout the year. The notice of
4464 intent must also include evidence that the Florida Community
4465 College System institution engaged in need, demand, and impact
4466 discussions with the state university and other regionally

581-01304-18

2018540c1

4467 accredited postsecondary education providers in its service
4468 district.

4469 (b) The Chancellor of the Florida Community College System
4470 ~~Division of Florida Colleges~~ to forward the notice of intent
4471 submitted pursuant to paragraph (a) and the justification for
4472 the proposed baccalaureate degree program required under
4473 paragraph (c) within 10 business days after receiving such
4474 notice and justification to the Chancellor of the State
4475 University System, the president of the Independent Colleges and
4476 Universities of Florida, and the Executive Director of the
4477 Commission for Independent Education. State universities ~~shall~~
4478 have 60 days following receipt of the notice of intent and
4479 justification by the Chancellor of the State University System
4480 to submit an objection and a reason for the objection to the
4481 proposed baccalaureate degree program which may include
4482 ~~objections to the proposed new program or submit~~ an alternative
4483 proposal to offer the baccalaureate degree program. The
4484 Chancellor of the State University System shall review the
4485 objection raised by a state university and inform the Board of
4486 Governors of the objection before a state university submits its
4487 objection to the Chancellor of the Florida Community College
4488 System. The Chancellor of the Florida Community College System
4489 must consult with the Chancellor of the State University System
4490 to consider the objection raised by the state university before
4491 the State Board of Community Colleges approves or denies a
4492 Florida Community College System institution's proposal
4493 submitted pursuant to paragraph (c). ~~If a proposal from a state~~
4494 ~~university is not received within the 60-day period,~~ The
4495 Chancellor of the Florida Community College System ~~State Board~~

581-01304-18

2018540c1

4496 ~~of Education~~ shall also provide regionally accredited private
4497 colleges and universities 60 ~~30~~ days to submit an objection and
4498 a reason for the objection to the proposed baccalaureate degree
4499 program which may include an alternative proposal to offer a
4500 baccalaureate degree program ~~objections to the proposed new~~
4501 ~~program or submit an alternative proposal~~. Objections by a
4502 regionally accredited private college or university ~~or~~
4503 ~~alternative proposals~~ shall be submitted to the Chancellor of
4504 the Florida Community College System, and the state board must
4505 consider such objections before ~~Division of Florida Colleges and~~
4506 ~~must be considered by the State Board of Education in~~ making its
4507 decision to approve or deny a Florida Community College System
4508 institution's proposal submitted pursuant to paragraph (c).

4509 ~~(c) An alternative proposal submitted by a state university~~
4510 ~~or private college or university to adequately address:~~

4511 ~~1. The extent to which the workforce demand and unmet need~~
4512 ~~described in the notice of intent will be met.~~

4513 ~~2. The extent to which students will be able to complete~~
4514 ~~the degree in the geographic region proposed to be served by the~~
4515 ~~Florida College System institution.~~

4516 ~~3. The level of financial commitment of the college or~~
4517 ~~university to the development, implementation, and maintenance~~
4518 ~~of the specified degree program, including timelines.~~

4519 ~~4. The extent to which faculty at both the Florida College~~
4520 ~~System institution and the college or university will~~
4521 ~~collaborate in the development and offering of the curriculum.~~

4522 ~~5. The ability of the Florida College System institution~~
4523 ~~and the college or university to develop and approve the~~
4524 ~~curriculum for the specified degree program within 6 months~~

581-01304-18

2018540c1

4525 ~~after an agreement between the Florida College System~~
4526 ~~institution and the college or university is signed.~~

4527 ~~6. The extent to which the student may incur additional~~
4528 ~~costs above what the student would expect to incur if the~~
4529 ~~program were offered by the Florida College System institution.~~

4530 ~~(c)~~ (d) Each Florida Community College System institution to
4531 submit a baccalaureate degree program proposal at least 100 days
4532 after submitting the notice of intent. Each proposal must
4533 ~~submitted by a Florida College System institution to, at a~~
4534 ~~minimum, include:~~

4535 1. A description of the planning process and timeline for
4536 implementation.

4537 2. A justification for the proposed baccalaureate degree
4538 program, including, at a minimum, a data-driven An analysis of
4539 workforce demand and unmet need for graduates of the program on
4540 a district, regional, or statewide basis, as appropriate, and
4541 the extent to which the proposed program will meet the workforce
4542 demand and unmet need. The analysis must include workforce and
4543 employment data for the most recent years and projections by the
4544 Department of Economic Opportunity for future years, and a
4545 summary of degree programs similar to the proposed degree
4546 program which are currently offered by state universities or by
4547 independent nonprofit colleges or universities that are eligible
4548 to participate in a grant program pursuant to s. 1009.89 and
4549 which are located in the Florida Community College System
4550 institution's regional service area. The analysis and evidence
4551 must be verified by the Chancellor of the Florida Community
4552 College System including evidence from entities independent of
4553 ~~the institution.~~

581-01304-18

2018540c1

4554 3. Identification of the facilities, equipment, and library
4555 and academic resources that will be used to deliver the program.

4556 4. The program cost analysis of creating a new
4557 baccalaureate degree when compared to ~~alternative proposals~~ and
4558 other program delivery options.

4559 5. The program's admission requirements, academic content,
4560 curriculum, faculty credentials, student-to-teacher ratios, and
4561 accreditation plan.

4562 6. The program's student enrollment ~~projections~~ and funding
4563 requirements, including:

4564 a. The impact of the program's enrollment projections on
4565 compliance with the upper-level enrollment provisions under
4566 subsection (6); and

4567 b. The institution's efforts to sustain the program at the
4568 cost of tuition and fees for students who are classified as
4569 residents for tuition purposes under s. 1009.21, not to exceed
4570 \$10,000 for the entire degree program, including flexible
4571 tuition and fee rates, and the use of waivers pursuant to s.
4572 1009.26(11).

4573 7. A plan of action if the program is terminated.

4574 ~~(d)(e)~~ The State Board of Community ~~Division of Florida~~
4575 Colleges to review the proposal, notify the Florida Community
4576 College System institution of any deficiencies in writing within
4577 30 days following receipt of the proposal, and provide the
4578 Florida Community College System institution with an opportunity
4579 to correct the deficiencies. Within 45 days following receipt of
4580 a completed proposal by the State Board of Community ~~Division of~~
4581 ~~Florida~~ Colleges, the Chancellor of the Florida Community
4582 College System ~~Commissioner of Education~~ shall recommend

581-01304-18

2018540c1

4583 approval or disapproval of the proposal to the State Board of
4584 Community Colleges Education. The State Board of Community
4585 Colleges Education shall consider such recommendation, the
4586 proposal, input from the Chancellor of the State University
4587 System and the president of the Independent Colleges and
4588 Universities of Florida, and any objections or alternative
4589 proposals at its next meeting. If the State Board of Community
4590 Colleges Education disapproves the Florida Community College
4591 System institution's proposal, it shall provide the Florida
4592 Community College System institution with written reasons for
4593 that determination.

4594 (e) ~~(f)~~ The Florida Community College System institution to
4595 obtain from the Commission on Colleges of the Southern
4596 Association of Colleges and Schools accreditation as a
4597 baccalaureate-degree-granting institution if approved by the
4598 State Board of Community Colleges Education to offer its first
4599 baccalaureate degree program.

4600 (f) ~~(g)~~ The Florida Community College System institution to
4601 notify the Commission on Colleges of the Southern Association of
4602 Colleges and Schools of subsequent degree programs that are
4603 approved by the State Board of Community Colleges Education and
4604 to comply with the association's required substantive change
4605 protocols for accreditation purposes.

4606 (g) ~~(h)~~ The Florida Community College System institution to
4607 annually report to the State Board of Community Colleges, the
4608 Chancellor of the State University System, and upon request of
4609 the State Board of Education, the Commissioner of Education, the
4610 Chancellor of the Florida College System, or the Legislature,
4611 ~~report~~ its status using the following performance and compliance

581-01304-18

2018540c1

4612 indicators:

- 4613 1. Obtaining and maintaining appropriate Southern
4614 Association of Colleges and Schools accreditation;
- 4615 2. Maintaining qualified faculty and institutional
4616 resources;
- 4617 3. Maintaining student enrollment in previously approved
4618 programs;
- 4619 4. Managing fiscal resources appropriately;
- 4620 5. Complying with the primary mission and responsibility
4621 requirements in subsections (2) and (3); ~~and~~
- 4622 6. Incorporating other indicators of success, including
4623 program completions, employment and earnings outcomes, student
4624 acceptance into and performance in graduate programs placements,
4625 and surveys of graduates and employers;-
- 4626 7. Continuing to meet workforce demand, as provided in
4627 subparagraph (c)2., as demonstrated through a data-driven needs
4628 assessment by the Florida Community College System institution
4629 which is verified by more than one third-party professional
4630 entity that is independent of the institution; and
- 4631 8. Complying with the upper-level enrollment provisions
4632 under subsection (6).

4633

4634 The State Board of Community Colleges Education, upon annual
4635 review of the baccalaureate degree program performance and
4636 compliance indicators and needs assessment, may require a
4637 Florida Community College System institution's board of trustees
4638 to modify or terminate a baccalaureate degree program authorized
4639 under this section. If the annual review indicates negative
4640 program performance and compliance results, and if the needs

581-01304-18

2018540c1

4641 assessment fails to demonstrate a need for the program, the
4642 State Board of Community Colleges must require a Florida
4643 Community College System institution's board of trustees to
4644 terminate that baccalaureate degree program.

4645 (6) (a) The upper-level, undergraduate full-time equivalent
4646 enrollment at a Florida Community College System institution may
4647 not exceed 20 percent of the total full-time equivalent
4648 enrollment at that institution.

4649 (b) The upper-level, undergraduate full-time equivalent
4650 enrollment in the Florida Community College System may not
4651 exceed 10 percent of the total full-time equivalent enrollment
4652 of the Florida Community College System.

4653 (c) For any planned and purposeful expansion of existing
4654 baccalaureate degree programs or creation of a new baccalaureate
4655 program, a Florida Community College System institution must
4656 demonstrate satisfactory performance in fulfilling its primary
4657 mission pursuant to s. 1004.65, executing at least one "2+2"
4658 targeted pathway articulation agreement pursuant to s. 1007.23,
4659 and meeting or exceeding the performance standards related to
4660 on-time completion and graduation rates under s. 1001.66 for
4661 students earning associate in arts or baccalaureate degrees. The
4662 State Board of Community Colleges may not approve a new
4663 baccalaureate degree program proposal for a Florida Community
4664 College System institution that does not meet the conditions
4665 specified in this subsection in addition to the other
4666 requirements for approval under this section. Each community
4667 college that offers a baccalaureate degree must annually review
4668 each baccalaureate degree program and annually report to the
4669 State Board of Community Colleges, in a format prescribed by the

581-01304-18

2018540c1

4670 state board, current and projected student enrollment for such
4671 program, justification for continuation of each baccalaureate
4672 degree program, and a plan to comply with the upper-level
4673 enrollment provisions of this subsection. A Florida Community
4674 College System institution that does not comply with the
4675 requirements of this section is subject to s. 1001.602(9) and
4676 may not report for funding the upper-level, undergraduate full-
4677 time equivalent enrollment that exceeds the upper-level
4678 enrollment percent provision of this subsection.

4679 (7)-(6) The State Board of Community Colleges Education
4680 shall adopt rules to prescribe format and content requirements
4681 and submission procedures for notices of interest and intent,
4682 baccalaureate degree program proposals, objections alternative
4683 proposals, and compliance reviews under subsection (5).

4684 Section 67. Effective July 1, 2018, subsections (1), (3),
4685 (4), and (5) of section 1008.30, Florida Statutes, are amended
4686 and subsection (7) is added to that section, to read:

4687 1008.30 Common placement testing for public postsecondary
4688 education.—

4689 (1) The State Board of Community Colleges Education, in
4690 conjunction with the Board of Governors and the State Board of
4691 Education, shall develop and implement a common placement test
4692 for the purpose of assessing the basic computation and
4693 communication skills of students who intend to enter a degree
4694 program at any public postsecondary educational institution.
4695 Alternative assessments that may be accepted in lieu of the
4696 common placement test shall also be identified in rule. Public
4697 postsecondary educational institutions shall provide appropriate
4698 modifications of the test instruments or test procedures for

581-01304-18

2018540c1

4699 students with disabilities.

4700 (3) ~~By October 31, 2013,~~ The State Board of Community
4701 Colleges, in conjunction with the Board of Governors and the
4702 State Board of Education, Education shall establish by rule the
4703 test scores a student must achieve to demonstrate readiness to
4704 perform college-level work, and the rules must specify the
4705 following:

4706 (a) A student who entered 9th grade in a Florida public
4707 school in the 2003-2004 school year, or any year thereafter, and
4708 earned a Florida standard high school diploma or a student who
4709 is serving as an active duty member of any branch of the United
4710 States Armed Services shall not be required to take the common
4711 placement test and shall not be required to enroll in
4712 developmental education instruction in a Florida Community
4713 College System institution. However, a student who is not
4714 required to take the common placement test and is not required
4715 to enroll in developmental education under this paragraph may
4716 opt to be assessed and to enroll in developmental education
4717 instruction, and the college shall provide such assessment and
4718 instruction upon the student's request.

4719 (b) A student who takes the common placement test and whose
4720 score on the test indicates a need for developmental education
4721 must be advised of all the developmental education options
4722 offered at the institution and, after advisement, shall be
4723 allowed to enroll in the developmental education option of his
4724 or her choice.

4725 (c) A student who demonstrates readiness by achieving or
4726 exceeding the test scores established by the state board and
4727 enrolls in a Florida Community College System institution within

581-01304-18

2018540c1

4728 2 years after achieving such scores shall not be required to
4729 retest or complete developmental education when admitted to any
4730 Florida Community College System institution.

4731 (4) ~~By December 31, 2013,~~ The State Board of Community
4732 Colleges Education, in consultation with the Board of Governors,
4733 shall approve a series of meta-majors and the academic pathways
4734 that identify the gateway courses associated with each meta-
4735 major. Florida Community College System institutions shall use
4736 placement test results to determine the extent to which each
4737 student demonstrates sufficient communication and computation
4738 skills to indicate readiness for his or her chosen meta-major.
4739 Florida Community College System institutions shall counsel
4740 students into college credit courses as quickly as possible,
4741 with developmental education limited to that content needed for
4742 success in the meta-major.

4743 (5) (a) Each Florida Community College System institution
4744 board of trustees shall develop a plan to implement the
4745 developmental education strategies defined in s. 1008.02 and
4746 rules established by the State Board of Community Colleges
4747 Education. The plan must be submitted to the Chancellor of the
4748 Florida Community College System for approval no later than
4749 March 1, 2014, for implementation no later than the fall
4750 semester 2014. Each plan must include, at a minimum, local
4751 policies that outline:

4752 1. Documented student achievements such as grade point
4753 averages, work history, military experience, participation in
4754 juried competitions, career interests, degree major declaration,
4755 or any combination of such achievements that the institution may
4756 consider, in addition to common placement test scores, for

581-01304-18

2018540c1

4757 advising students regarding enrollment options.

4758 2. Developmental education strategies available to
4759 students.

4760 3. A description of student costs and financial aid
4761 opportunities associated with each option.

4762 4. Provisions for the collection of student success data.

4763 5. A comprehensive plan for advising students into
4764 appropriate developmental education strategies based on student
4765 success data.

4766 (b) Beginning October 31, 2015, each Florida Community
4767 College System institution shall annually prepare an
4768 accountability report that includes student success data
4769 relating to each developmental education strategy implemented by
4770 the institution. The report shall be submitted to the State
4771 Board of Community ~~Division of Florida~~ Colleges by October 31 in
4772 a format determined by the Chancellor of the Florida Community
4773 College System. By December 31, the chancellor shall compile and
4774 submit the institutional reports to the Governor, the President
4775 of the Senate, the Speaker of the House of Representatives, and
4776 the State Board of Community Colleges ~~and the State Board of~~
4777 ~~Education~~.

4778 (c) A university board of trustees may contract with a
4779 Florida Community College System institution board of trustees
4780 for the Florida Community College System institution to provide
4781 developmental education on the state university campus. Any
4782 state university in which the percentage of incoming students
4783 requiring developmental education equals or exceeds the average
4784 percentage of such students for the Florida Community College
4785 System may offer developmental education without contracting

581-01304-18

2018540c1

4786 with a Florida Community College System institution; however,
4787 any state university offering college-preparatory instruction as
4788 of January 1, 1996, may continue to provide developmental
4789 education instruction pursuant to s. 1008.02(1) ~~such services.~~

4790 (7) The Supporting Students for Academic Success Program is
4791 established to fund the efforts of Florida Community College
4792 System institutions in assisting students enrolled in an
4793 associate in arts degree program with successfully completing
4794 college credit courses, graduating with an associate in arts
4795 degree, and transferring to a baccalaureate degree program. It
4796 is the intent of the Legislature to boost student achievement
4797 through investments in effective and purposeful outcome-based
4798 strategies and efforts to increase student access to relevant
4799 supports and services. Such investments shall be used to boost
4800 the achievement of students, including, but not limited to,
4801 nontraditional students and underprepared students participating
4802 in developmental education.

4803 (a) A Florida Community College institution's efforts must
4804 include the implementation of the developmental education
4805 instructional strategies under s. 1008.02 and other effective
4806 approaches to improve student completion and graduation
4807 outcomes. Such approaches may relate to direct instruction,
4808 academic support, and student services.

4809 (b) Funding for the Supporting Students for Academic
4810 Success Program shall be as provided in the General
4811 Appropriations Act. Each Florida Community College System
4812 institution shall use the funds only for the purpose and
4813 investments authorized under this subsection.

4814 (c) The Chancellor of the Florida Community College System

581-01304-18

2018540c1

4815 must include in the accountability report required under
4816 subsection (5) a summary of information from each Florida
4817 Community College System institution which includes, but is not
4818 limited to, the number and percentage of students enrolled at
4819 Florida Community College System institutions who:

4820 1. Successfully complete a gateway course in mathematics
4821 within the first academic year after initial enrollment;

4822 2. Successfully complete at least 24 credit hours at a
4823 Florida Community College System institution within the first
4824 academic year after initial enrollment and who remain enrolled
4825 at that institution in the academic year immediately following
4826 the first academic year;

4827 3. Graduate with an associate in arts degree; and

4828 4. Transfer to a baccalaureate degree program offered by an
4829 institution of higher education in Florida within one year after
4830 earning an associate in arts degree.

4831 Section 68. Paragraphs (d) and (e) of subsection (1) and
4832 paragraphs (a) and (c) of subsection (3) of section 1008.31,
4833 Florida Statutes, are amended to read:

4834 1008.31 Florida's K-20 education performance accountability
4835 system; legislative intent; mission, goals, and systemwide
4836 measures; data quality improvements.-

4837 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
4838 that:

4839 (d) The State Board of Education, ~~and~~ and the Board of
4840 Governors of the State University System, and the State Board of
4841 Community Colleges of the Florida Community College System
4842 recommend to the Legislature systemwide performance standards;
4843 the Legislature establish systemwide performance measures and

581-01304-18

2018540c1

4844 standards; and the systemwide measures and standards provide
4845 Floridians with information on what the public is receiving in
4846 return for the funds it invests in education and how well the K-
4847 20 system educates its students.

4848 (e)1. The State Board of Education establish performance
4849 measures and set performance standards for individual public
4850 schools ~~and Florida College System institutions~~, with measures
4851 and standards based primarily on student achievement.

4852 2. The Board of Governors of the State University System
4853 establish performance measures and set performance standards for
4854 individual state universities, including actual completion
4855 rates.

4856 3. The State Board of Community Colleges establish
4857 performance measures and set performance standards for
4858 individual Florida Community College System institutions.

4859 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
4860 data required to implement education performance accountability
4861 measures in state and federal law, the Commissioner of Education
4862 shall initiate and maintain strategies to improve data quality
4863 and timeliness. The Board of Governors shall make available to
4864 the department all data within the State University Database
4865 System to be integrated into the K-20 data warehouse. The
4866 commissioner shall have unlimited access to such data for the
4867 purposes of conducting studies, reporting annual and
4868 longitudinal student outcomes, and improving college readiness
4869 and articulation. All public educational institutions shall
4870 annually provide data from the prior year to the K-20 data
4871 warehouse in a format based on data elements identified by the
4872 commissioner.

581-01304-18

2018540c1

4873 (a) School districts and public postsecondary educational
4874 institutions shall maintain information systems that will
4875 provide the State Board of Education, the Board of Governors of
4876 the State University System, the State Board of Community
4877 Colleges of the Florida Community College System, and the
4878 Legislature with information and reports necessary to address
4879 the specifications of the accountability system. The level of
4880 comprehensiveness and quality must be no less than that which
4881 was available as of June 30, 2001.

4882 (c) The Commissioner of Education shall determine the
4883 standards for the required data, monitor data quality, and
4884 measure improvements. The commissioner shall report annually to
4885 the State Board of Education, the Board of Governors of the
4886 State University System, the State Board of Community Colleges
4887 of the Florida Community College System, the President of the
4888 Senate, and the Speaker of the House of Representatives data
4889 quality indicators and ratings for all school districts and
4890 public postsecondary educational institutions.

4891 Section 69. Section 1008.32, Florida Statutes, is amended
4892 to read:

4893 1008.32 State Board of Education oversight enforcement
4894 authority.—The State Board of Education shall oversee the
4895 performance of district school boards ~~and Florida College System~~
4896 ~~institution boards of trustees~~ in enforcement of all laws and
4897 rules. District school boards ~~and Florida College System~~
4898 ~~institution boards of trustees~~ shall be primarily responsible
4899 for compliance with law and state board rule.

4900 (1) In order to ensure compliance with law or state board
4901 rule, the State Board of Education shall have the authority to

581-01304-18

2018540c1

4902 request and receive information, data, and reports from school
4903 districts ~~and Florida College System institutions~~. District
4904 school superintendents ~~and Florida College System institution~~
4905 ~~presidents~~ are responsible for the accuracy of the information
4906 and data reported to the state board.

4907 (2) The Commissioner of Education may investigate
4908 allegations of noncompliance with law or state board rule and
4909 determine probable cause. The commissioner shall report
4910 determinations of probable cause to the State Board of Education
4911 which shall require the district school board ~~or Florida College~~
4912 ~~System institution board of trustees~~ to document compliance with
4913 law or state board rule.

4914 (3) If the district school board ~~or Florida College System~~
4915 ~~institution board of trustees~~ cannot satisfactorily document
4916 compliance, the State Board of Education may order compliance
4917 within a specified timeframe.

4918 (4) If the State Board of Education determines that a
4919 district school board ~~or Florida College System institution~~
4920 ~~board of trustees~~ is unwilling or unable to comply with law or
4921 state board rule within the specified time, the state board
4922 shall have the authority to initiate any of the following
4923 actions:

4924 (a) Report to the Legislature that the school district ~~or~~
4925 ~~Florida College System institution~~ is unwilling or unable to
4926 comply with law or state board rule and recommend action to be
4927 taken by the Legislature.

4928 (b) Withhold the transfer of state funds, discretionary
4929 grant funds, discretionary lottery funds, or any other funds
4930 specified as eligible for this purpose by the Legislature until

581-01304-18

2018540c1

4931 the school district ~~or Florida College System~~ institution
4932 complies with the law or state board rule.

4933 (c) Declare the school district ~~or Florida College System~~
4934 ~~institution~~ ineligible for competitive grants.

4935 (d) Require monthly or periodic reporting on the situation
4936 related to noncompliance until it is remedied.

4937 (5) Nothing in this section shall be construed to create a
4938 private cause of action or create any rights for individuals or
4939 entities in addition to those provided elsewhere in law or rule.

4940 Section 70. Paragraphs (e) and (f) of subsection (7) of
4941 section 1008.345, Florida Statutes, are amended to read:

4942 1008.345 Implementation of state system of school
4943 improvement and education accountability.—

4944 (7) As a part of the system of educational accountability,
4945 the Department of Education shall:

4946 (e) Maintain a listing of college-level communication and
4947 mathematics skills associated with successful student
4948 performance through the baccalaureate level and submit it to the
4949 State Board of Education, ~~and~~ the Board of Governors, and the
4950 State Board of Community Colleges for approval.

4951 (f) Perform any other functions that may be involved in
4952 educational planning, research, and evaluation or that may be
4953 required by the commissioner, the State Board of Education, the
4954 State Board of Community Colleges, the Board of Governors, or
4955 law.

4956 Section 71. Subsections (1) and (2) of section 1008.37,
4957 Florida Statutes, are amended to read:

4958 1008.37 Postsecondary feedback of information to high
4959 schools.—

581-01304-18

2018540c1

4960 (1) The Commissioner of Education shall report to the State
4961 Board of Education, the Board of Governors, the State Board of
4962 Community Colleges, the Legislature, and the district school
4963 boards on the performance of each first-time-in-postsecondary
4964 education student from each public high school in this state who
4965 is enrolled in a public postsecondary institution or public
4966 career center. Such reports must be based on information
4967 databases maintained by the Department of Education. In
4968 addition, the public postsecondary educational institutions and
4969 career centers shall provide district school boards access to
4970 information on student performance in regular and preparatory
4971 courses and shall indicate students referred for remediation
4972 pursuant to s. 1004.91 or s. 1008.30.

4973 (2) The Commissioner of Education shall report, by high
4974 school, to the State Board of Education, the Board of Governors,
4975 the State Board of Community Colleges, and the Legislature, no
4976 later than November 30 of each year, on the number of prior year
4977 Florida high school graduates who enrolled for the first time in
4978 public postsecondary education in this state during the previous
4979 summer, fall, or spring term, indicating the number of students
4980 whose scores on the common placement test indicated the need for
4981 developmental education under s. 1008.30 or for applied
4982 academics for adult education under s. 1004.91.

4983 Section 72. Section 1008.38, Florida Statutes, is amended
4984 to read:

4985 1008.38 Articulation accountability process.—The State
4986 Board of Education, in conjunction with the Board of Governors
4987 and the State Board of Community Colleges, shall develop
4988 articulation accountability measures which assess the status of

581-01304-18

2018540c1

4989 systemwide articulation processes authorized under s. 1007.23
4990 and establish an articulation accountability process which at a
4991 minimum shall address:

4992 (1) The impact of articulation processes on ensuring
4993 educational continuity and the orderly and unobstructed
4994 transition of students between public secondary and
4995 postsecondary education systems and facilitating the transition
4996 of students between the public and private sectors.

4997 (2) The adequacy of preparation of public secondary
4998 students to smoothly articulate to a public postsecondary
4999 institution.

5000 (3) The effectiveness of articulated acceleration
5001 mechanisms available to secondary students.

5002 (4) The smooth transfer of Florida Community College System
5003 associate degree graduates to a Florida Community College System
5004 institution or a state university.

5005 (5) An examination of degree requirements that exceed the
5006 parameters of 60 credit hours for an associate degree and 120
5007 hours for a baccalaureate degree in public postsecondary
5008 programs.

5009 (6) The relationship between student attainment of college-
5010 level academic skills and articulation to the upper division in
5011 public postsecondary institutions.

5012 Section 73. Section 1008.405, Florida Statutes, is amended
5013 to read:

5014 1008.405 Adult student information.—Each school district
5015 and Florida Community College System institution shall maintain
5016 sufficient information for each student enrolled in workforce
5017 education to allow local and state administrators to locate such

581-01304-18

2018540c1

5018 student upon the termination of instruction and to determine the
5019 appropriateness of student placement in specific instructional
5020 programs. The State Board of Education and the State Board of
5021 Community Colleges shall adopt, by rule, specific information
5022 that must be maintained and acceptable means of maintaining that
5023 information.

5024 Section 74. Subsection (2) of section 1008.44, Florida
5025 Statutes, is amended to read:

5026 1008.44 CAPE Industry Certification Funding List and CAPE
5027 Postsecondary Industry Certification Funding List.—

5028 (2) The State Board of Education, for school districts, and
5029 the State Board of Community Colleges, for Florida Community
5030 College System institutions, shall collaborate to approve, at
5031 least annually, the CAPE Postsecondary Industry Certification
5032 Funding List pursuant to this section. The Commissioner of
5033 Education and the Chancellor of the Florida Community College
5034 System shall recommend, at least annually, the CAPE
5035 Postsecondary Industry Certification Funding List to the State
5036 Board of Education and the State Board of Community Colleges,
5037 respectively, and may at any time recommend adding
5038 certifications. The Chancellor of the State University System,
5039 the Chancellor of the Florida Community College System, and the
5040 Chancellor of Career and Adult Education shall work with local
5041 workforce boards, other postsecondary institutions, businesses,
5042 and industry to identify, create, and recommend to the
5043 Commissioner of Education industry certifications to be placed
5044 on the funding list. The list shall be used to determine annual
5045 performance funding distributions to school districts or Florida
5046 Community College System institutions as specified in ss.

581-01304-18

2018540c1

5047 1011.80 and 1011.81, respectively. The chancellors shall review
5048 results of the economic security report of employment and
5049 earning outcomes produced annually pursuant to s. 445.07 when
5050 determining recommended certifications for the list, as well as
5051 other reports and indicators available regarding certification
5052 needs.

5053 Section 75. Section 1008.45, Florida Statutes, is amended
5054 to read:

5055 1008.45 Florida Community College System institution
5056 accountability process.—

5057 (1) It is the intent of the Legislature that a management
5058 and accountability process be implemented which provides for the
5059 systematic, ongoing improvement and assessment of the
5060 improvement of the quality and efficiency of the Florida
5061 Community College System institutions. Accordingly, the State
5062 Board of Community Colleges ~~Education~~ and the Florida Community
5063 College System institution boards of trustees shall develop and
5064 implement an accountability plan to improve and evaluate the
5065 instructional and administrative efficiency and effectiveness of
5066 the Florida Community College System. This plan shall be
5067 designed in consultation with staff of the Governor and the
5068 Legislature and must address the following issues:

5069 (a) Graduation rates of A.A. and A.S. degree-seeking
5070 students compared to first-time-enrolled students seeking the
5071 associate degree.

5072 (b) Minority student enrollment and retention rates.

5073 (c) Student performance, including student performance in
5074 college-level academic skills, mean grade point averages for
5075 Florida Community College System institution A.A. transfer

581-01304-18

2018540c1

5076 students, and Florida Community College System institution
5077 student performance on state licensure examinations.

5078 (d) Job placement rates of Florida Community College System
5079 institution career students.

5080 (e) Student progression by admission status and program.

5081 (f) Career accountability standards identified in s.
5082 1008.42.

5083 (g) Institutional assessment efforts related to the
5084 requirements of s. III in the Criteria for Accreditation of the
5085 Commission on Colleges of the Southern Association of Colleges
5086 and Schools.

5087 (h) Other measures approved by the State Board of Community
5088 Colleges Education.

5089 (2) The State Board of Community Colleges ~~Education~~ shall
5090 submit an annual report, to coincide with the submission of the
5091 state board's agency strategic plan required by law, providing
5092 the results of initiatives taken during the prior year and the
5093 initiatives and related objective performance measures proposed
5094 for the next year.

5095 (3) The State Board of Community Colleges ~~Education~~ shall
5096 address within the annual evaluation of the performance of the
5097 chancellor ~~executive director~~, and the Florida Community College
5098 System institution boards of trustees shall address within the
5099 annual evaluation of the presidents, the achievement of the
5100 performance goals established by the accountability process.

5101 Section 76. Subsection (13) of section 1009.21, Florida
5102 Statutes, is amended to read:

5103 1009.21 Determination of resident status for tuition
5104 purposes.—Students shall be classified as residents or

581-01304-18

2018540c1

5105 nonresidents for the purpose of assessing tuition in
5106 postsecondary educational programs offered by charter technical
5107 career centers or career centers operated by school districts,
5108 in Florida Community College System institutions, and in state
5109 universities.

5110 (13) The State Board of Education, ~~and~~ the Board of
5111 Governors, and the State Board of Community Colleges shall adopt
5112 rules to implement this section.

5113 Section 77. Effective July 1, 2018, paragraph (e) of
5114 subsection (3) of section 1009.22, Florida Statutes, is amended
5115 to read:

5116 1009.22 Workforce education postsecondary student fees.—

5117 (3)

5118 (e) The State Board of Education and the State Board of
5119 Community Colleges may adopt, by rule, the definitions and
5120 procedures that district school boards and Florida Community
5121 College System institution boards of trustees shall use in the
5122 calculation of cost borne by students.

5123 Section 78. Subsection (7), paragraph (b) of subsection
5124 (12), subsection (13), paragraph (b) of subsection (16), and
5125 subsection (19) of section 1009.23, Florida Statutes, are
5126 amended to read:

5127 1009.23 Florida Community College System institution
5128 student fees.—

5129 (7) Each Florida Community College System institution board
5130 of trustees may establish a separate activity and service fee
5131 not to exceed 10 percent of the tuition fee, according to rules
5132 of the State Board of Community Colleges ~~Education~~. The student
5133 activity and service fee shall be collected as a component part

581-01304-18

2018540c1

5134 of the tuition and fees. The student activity and service fees
5135 shall be paid into a student activity and service fund at the
5136 Florida Community College System institution and shall be
5137 expended for lawful purposes to benefit the student body in
5138 general. These purposes include, but are not limited to, student
5139 publications and grants to duly recognized student
5140 organizations, the membership of which is open to all students
5141 at the Florida Community College System institution without
5142 regard to race, sex, or religion. No Florida Community College
5143 System institution shall be required to lower any activity and
5144 service fee approved by the board of trustees of the Florida
5145 Community College System institution and in effect prior to
5146 October 26, 2007, in order to comply with the provisions of this
5147 subsection.

5148 (12)

5149 (b) The State Board of Community Colleges ~~Education~~ may
5150 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
5151 this subsection.

5152 (13) The State Board of Community Colleges ~~Education~~ shall
5153 specify, as necessary, by rule, approved methods of student fee
5154 payment. Such methods shall include, but not be limited to,
5155 student fee payment; payment through federal, state, or
5156 institutional financial aid; and employer fee payments.

5157 (16)

5158 (b) The amount of the distance learning course user fee may
5159 not exceed the additional costs of the services provided which
5160 are attributable to the development and delivery of the distance
5161 learning course. If a Florida Community College System
5162 institution assesses the distance learning course user fee, the

581-01304-18

2018540c1

5163 institution may not assess any other fees to cover the
5164 additional costs. By September 1 of each year, each board of
5165 trustees shall report to the State Board of Community Colleges
5166 ~~Division of Florida Colleges~~ the total amount of revenue
5167 generated by the distance learning course user fee for the prior
5168 fiscal year and how the revenue was expended.

5169 (19) The State Board of Community Colleges ~~Education~~ shall
5170 adopt a rule specifying the definitions and procedures to be
5171 used in the calculation of the percentage of cost paid by
5172 students. The rule must provide for the calculation of the full
5173 cost of educational programs based on the allocation of all
5174 funds provided through the general current fund to programs of
5175 instruction, and other activities as provided in the annual
5176 expenditure analysis. The rule shall be developed in
5177 consultation with the Legislature.

5178 Section 79. Subsection (2) of section 1009.25, Florida
5179 Statutes, is amended to read:

5180 1009.25 Fee exemptions.—

5181 (2) Each Florida Community College System institution is
5182 authorized to grant student fee exemptions from all fees adopted
5183 by the State Board of Community Colleges ~~Education~~ and the
5184 Florida Community College System institution board of trustees
5185 for up to 54 full-time equivalent students or 1 percent of the
5186 institution's total full-time equivalent enrollment, whichever
5187 is greater, at each institution.

5188 Section 80. Paragraph (b) of subsection (12), paragraphs
5189 (c) and (d) of subsection (13), and paragraph (d) of subsection
5190 (14) of section 1009.26, Florida Statutes, are amended to read:

5191 1009.26 Fee waivers.—

581-01304-18

2018540c1

5192 (12)

5193 (b) Tuition and fees charged to a student who qualifies for
5194 the out-of-state fee waiver under this subsection may not exceed
5195 the tuition and fees charged to a resident student. The waiver
5196 is applicable for 110 percent of the required credit hours of
5197 the degree or certificate program for which the student is
5198 enrolled. Each state university, Florida Community College
5199 System institution, career center operated by a school district
5200 under s. 1001.44, and charter technical career center shall
5201 report to the Board of Governors, the State Board of Community
5202 Colleges, and the State Board of Education, respectively, the
5203 number and value of all fee waivers granted annually under this
5204 subsection. By October 1 of each year, the Board of Governors,
5205 for the state universities; ~~and~~ the State Board of Community
5206 Colleges, ~~Education~~ for Florida Community College System
5207 institutions; ~~;~~ career centers operated by a school district
5208 under s. 1001.44; ~~;~~ and charter technical career centers shall
5209 annually report for the previous academic year the percentage of
5210 resident and nonresident students enrolled systemwide.

5211 (13)

5212 (c) Each state university, Florida Community College System
5213 institution, career center operated by a school district under
5214 s. 1001.44, and charter technical career center shall report to
5215 the Board of Governors, the State Board of Community Colleges,
5216 and the State Board of Education, respectively, the number and
5217 value of all fee waivers granted annually under this subsection.

5218 (d) The Board of Governors, the State Board of Community
5219 Colleges, and the State Board of Education shall respectively
5220 adopt regulations and rules to administer this subsection.

581-01304-18

2018540c1

5221 (14)

5222 (d) The Board of Governors, the State Board of Community
5223 Colleges, and the State Board of Education shall respectively
5224 adopt regulations and rules to administer this subsection.

5225 Section 81. Section 1009.28, Florida Statutes, is amended
5226 to read:

5227 1009.28 Fees for repeated enrollment in developmental
5228 education classes.—A student enrolled in the same developmental
5229 education class more than twice shall pay 100 percent of the
5230 full cost of instruction to support continuous enrollment of
5231 that student in the same class, and the student shall not be
5232 included in calculations of full-time equivalent enrollments for
5233 state funding purposes; however, students who withdraw or fail a
5234 class due to extenuating circumstances may be granted an
5235 exception only once for each class, provided approval is granted
5236 according to policy established by the board of trustees. Each
5237 Florida Community College System institution may review and
5238 reduce fees paid by students due to continued enrollment in a
5239 developmental education class on an individual basis contingent
5240 upon the student's financial hardship, pursuant to definitions
5241 and fee levels established by the State Board of Community
5242 Colleges ~~Education~~.

5243 Section 82. Subsections (9) and (12) of section 1009.90,
5244 Florida Statutes, are amended to read:

5245 1009.90 Duties of the Department of Education.—The duties
5246 of the department shall include:

5247 (9) Development and submission of a report, annually, to
5248 the State Board of Education, the Board of Governors, the State
5249 Board of Community Colleges, the President of the Senate, and

581-01304-18

2018540c1

5250 the Speaker of the House of Representatives, which shall
5251 include, but not be limited to, recommendations for the
5252 distribution of state financial aid funds.

5253 (12) Calculation of the amount of need-based student
5254 financial aid required to offset fee increases recommended by
5255 the State Board of Education, ~~and~~ the Board of Governors, and
5256 the State Board of Community Colleges, and inclusion of such
5257 amount within the legislative budget request for student
5258 assistance grant programs.

5259 Section 83. Subsection (4) of section 1009.91, Florida
5260 Statutes, is amended to read:

5261 1009.91 Assistance programs and activities of the
5262 department.—

5263 (4) The department shall maintain records on the student
5264 loan default rate of each Florida postsecondary institution and
5265 report that information annually to both the institution and the
5266 State Board of Education. Information relating to state
5267 universities shall also be reported annually to the Board of
5268 Governors. Information relating to Florida Community College
5269 System institutions shall be reported annually to the State
5270 Board of Community Colleges.

5271 Section 84. Subsection (2) of section 1009.971, Florida
5272 Statutes, is amended to read:

5273 1009.971 Florida Prepaid College Board.—

5274 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board
5275 shall consist of seven members to be composed of the Attorney
5276 General, the Chief Financial Officer, the Chancellor of the
5277 State University System, the Chancellor of the Florida Community
5278 College System ~~Division of Florida Colleges,~~ and three members

581-01304-18

2018540c1

5279 appointed by the Governor and subject to confirmation by the
5280 Senate. Each member appointed by the Governor shall possess
5281 knowledge, skill, and experience in the areas of accounting,
5282 actuary, risk management, or investment management. Each member
5283 of the board not appointed by the Governor may name a designee
5284 to serve on the board on behalf of the member; however, any
5285 designee so named shall meet the qualifications required of
5286 gubernatorial appointees to the board. Members appointed by the
5287 Governor shall serve terms of 3 years. Any person appointed to
5288 fill a vacancy on the board shall be appointed in a like manner
5289 and shall serve for only the unexpired term. Any member shall be
5290 eligible for reappointment and shall serve until a successor
5291 qualifies. Members of the board shall serve without compensation
5292 but shall be reimbursed for per diem and travel in accordance
5293 with s. 112.061. Each member of the board who is not otherwise
5294 required to file a full and public disclosure of financial
5295 interests pursuant to s. 8, Art. II of the State Constitution or
5296 s. 112.3144 shall file a statement of financial interests
5297 pursuant to s. 112.3145.

5298 Section 85. Section 1010.01, Florida Statutes, is amended
5299 to read:

5300 1010.01 Uniform records and accounts.—

5301 (1) (a) The financial records and accounts of each school
5302 district, ~~Florida College System institution,~~ and other
5303 institution or agency under the supervision of the State Board
5304 of Education shall be prepared and maintained as prescribed by
5305 law and rules of the State Board of Education.

5306 (b) The financial records and accounts of each state
5307 university under the supervision of the Board of Governors shall

581-01304-18

2018540c1

5308 be prepared and maintained as prescribed by law and rules of the
5309 Board of Governors.

5310 (c) The financial records and accounts of each Florida
5311 Community College System institution under the supervision of
5312 the State Board of Community Colleges shall be prepared and
5313 maintained as prescribed by law and by the rules of the State
5314 Board of Community Colleges.

5315 (2) Rules of the State Board of Education, ~~and rules of the~~
5316 Board of Governors, and the State Board of Community Colleges
5317 shall incorporate the requirements of law and accounting
5318 principles generally accepted in the United States. Such rules
5319 shall include a uniform classification of accounts.

5320 (3) Each state university shall annually file with the
5321 Board of Governors financial statements prepared in conformity
5322 with accounting principles generally accepted by the United
5323 States and the uniform classification of accounts prescribed by
5324 the Board of Governors. The Board of Governors' rules shall
5325 prescribe the filing deadline for the financial statements.

5326 (4) Required financial accounts and reports shall include
5327 provisions that are unique to each of the following: K-12 school
5328 districts, Florida Community College System institutions, and
5329 state universities, and shall provide for the data to be
5330 reported to the National Center of Educational Statistics and
5331 other governmental and professional educational data information
5332 services as appropriate.

5333 (5) Each Florida Community College System institution shall
5334 annually file with the State Board of Community Colleges
5335 financial statements prepared in conformity with accounting
5336 principles generally accepted by the United States and the

581-01304-18

2018540c1

5337 uniform classification of accounts prescribed by the State Board
5338 of Community Colleges. The State Board of Community Colleges'
5339 rules shall prescribe the filing deadline for the financial
5340 statements.

5341 Section 86. Subsection (1) of section 1010.02, Florida
5342 Statutes, is amended, and subsection (3) is added to that
5343 section, to read:

5344 1010.02 Financial accounting and expenditures.—

5345 (1) All funds accruing to a school district ~~or a Florida~~
5346 ~~College System institution~~ must be received, accounted for, and
5347 expended in accordance with law and rules of the State Board of
5348 Education.

5349 (3) All funds accruing to a Florida Community College
5350 System institution must be received, accounted for, and expended
5351 in accordance with law and rules of the State Board of Community
5352 Colleges.

5353 Section 87. Section 1010.04, Florida Statutes, is amended
5354 to read:

5355 1010.04 Purchasing.—

5356 (1) (a) Purchases and leases by school districts must ~~and~~
5357 ~~Florida College System institutions shall~~ comply with the
5358 requirements of law and rules of the State Board of Education.

5359 (b) Before purchasing nonacademic commodities and
5360 contractual services, each district school board and Florida
5361 Community College System institution board of trustees shall
5362 review the purchasing agreements and state term contracts
5363 available under s. 287.056 to determine whether it is in the
5364 school board's or the board of trustees' economic advantage to
5365 use the agreements and contracts. Each bid specification for

581-01304-18

2018540c1

5366 nonacademic commodities and contractual services must include a
5367 statement indicating that the purchasing agreements and state
5368 term contracts available under s. 287.056 have been reviewed.
5369 Each district school board may also use the cooperative state
5370 purchasing programs managed through the regional consortium
5371 service organizations pursuant to their authority under s.
5372 1001.451(3). This paragraph does not apply to services that are
5373 eligible for reimbursement under the federal E-rate program
5374 administered by the Universal Service Administrative Company.

5375 (c) Purchases and leases by state universities must ~~shall~~
5376 comply with the requirements of law and regulations of the Board
5377 of Governors.

5378 (d) Purchases and leases by Florida Community College
5379 System institutions must comply with the requirements of law and
5380 rules of the State Board of Community Colleges.

5381 (2) Each district school board and Florida Community
5382 College System institution board of trustees shall adopt rules,
5383 and each university board of trustees shall adopt regulations,
5384 to be followed in making purchases. Purchases may be made
5385 through an online procurement system, an electronic auction
5386 service, or other efficient procurement tool.

5387 (3) In districts in which the county purchasing agent is
5388 authorized by law to make purchases for the benefit of other
5389 governmental agencies within the county, the district school
5390 board and Florida Community College System institution board of
5391 trustees shall have the option to purchase from the current
5392 county contracts at the unit price stated therein if such
5393 purchase is to the economic advantage of the district school
5394 board or the Florida Community College System institution board

581-01304-18

2018540c1

5395 of trustees; subject to confirmation of the items of purchase to
5396 the standards and specifications prescribed by the school
5397 district or Florida Community College System institution.

5398 (4) (a) The State Board of Education may, by rule, provide
5399 for alternative procedures for school districts ~~and Florida~~
5400 ~~College System institutions~~ for bidding or purchasing in cases
5401 in which the character of the item requested renders competitive
5402 bidding impractical.

5403 (b) The Board of Governors may, by regulation, provide for
5404 alternative procedures for state universities for bidding or
5405 purchasing in cases in which the character of the item requested
5406 renders competitive bidding impractical.

5407 (c) The State Board of Community Colleges may provide by
5408 rule for alternative procedures for Florida Community College
5409 System institutions for bidding or purchasing in cases in which
5410 the character of the item requested renders competitive bidding
5411 impractical.

5412 Section 88. Section 1010.07, Florida Statutes, is amended
5413 to read:

5414 1010.07 Bonds or insurance required.—

5415 (1) Each district school board, Florida Community College
5416 System institution board of trustees, and university board of
5417 trustees shall ensure that each official and employee
5418 responsible for handling, expending, or authorizing the
5419 expenditure of funds shall be appropriately bonded or insured to
5420 protect the board and the funds involved.

5421 (2) (a) Contractors paid from school district ~~or Florida~~
5422 ~~College System institution~~ funds shall give bond for the
5423 faithful performance of their contracts in such amount and for

581-01304-18

2018540c1

5424 such purposes as prescribed by s. 255.05 or by rules of the
5425 State Board of Education relating to the type of contract
5426 involved. It shall be the duty of the district school board ~~or~~
5427 ~~Florida College System institution board of trustees~~ to require
5428 from construction contractors a bond adequate to protect the
5429 board and the board's funds involved.

5430 (b) Contractors paid from university funds shall give bond
5431 for the faithful performance of their contracts in such amount
5432 and for such purposes as prescribed by s. 255.05 or by
5433 regulations of the Board of Governors relating to the type of
5434 contract involved. It shall be the duty of the university board
5435 of trustees to require from construction contractors a bond
5436 adequate to protect the board and the board's funds involved.

5437 (c) Contractors paid from Florida Community College System
5438 institution funds shall give bonds for the faithful performance
5439 of their contracts in such amount and for such purposes as
5440 prescribed by s. 255.05 or by rules of the State Board of
5441 Community Colleges relating to the type of contract involved. It
5442 is the duty of the Florida Community College System institution
5443 board of trustees to require construction contractors to provide
5444 a bond adequate to protect the board and the board's funds
5445 involved.

5446 Section 89. Section 1010.08, Florida Statutes, is amended
5447 to read:

5448 1010.08 Promotion and public relations; funding.—

5449 (1) Each district school board and Florida College System
5450 institution board of trustees may budget and use a portion of
5451 the funds accruing to it from auxiliary enterprises and
5452 undesignated gifts for promotion and public relations as

581-01304-18

2018540c1

5453 prescribed by rules of the State Board of Education. Such funds
5454 may be used to provide hospitality to business guests in the
5455 district or elsewhere. However, such hospitality expenses may
5456 not exceed the amount authorized for such contingency funds as
5457 prescribed by rules of the State Board of Education.

5458 (2) Each Florida Community College System institution board
5459 of trustees may budget and use a portion of the funds accruing
5460 to it from auxiliary enterprises and undesignated gifts for
5461 promotion and public relations as prescribed by rules of the
5462 State Board of Community Colleges. Such funds may be used to
5463 provide hospitality to business guests in the district or
5464 elsewhere. However, such hospitality expenses may not exceed the
5465 amount authorized for such contingency funds as prescribed by
5466 rules of the State Board of Community Colleges.

5467 Section 90. Subsection (1) of section 1010.09, Florida
5468 Statutes, is amended, and subsection (3) is added to that
5469 section, to read:

5470 1010.09 Direct-support organizations.—

5471 (1) ~~School district and Florida College System institution~~
5472 direct-support organizations shall be organized and conducted
5473 under the provisions of ss. 1001.453 and 1004.70 and rules of
5474 the State Board of Education, as applicable.

5475 (3) Florida Community College System institution direct-
5476 support organizations shall be organized and conducted under s.
5477 1004.70 and rules of the State Board of Community Colleges.

5478 Section 91. Section 1010.22, Florida Statutes, is amended
5479 to read:

5480 1010.22 Cost accounting and reporting for workforce
5481 education.—

581-01304-18

2018540c1

5482 (1) (a) Each school district ~~and each Florida College System~~
5483 ~~institution~~ shall account for expenditures of all state, local,
5484 federal, and other funds in the manner prescribed by the State
5485 Board of Education.

5486 (b) Each Florida Community College System institution shall
5487 account for expenditures of all state, local, federal, and other
5488 funds in the manner prescribed by the State Board of Community
5489 Colleges.

5490 (2) (a) Each school district ~~and each Florida College System~~
5491 ~~institution~~ shall report expenditures for workforce education in
5492 accordance with requirements prescribed by the State Board of
5493 Education.

5494 (b) Each Florida Community College System institution shall
5495 report expenditures for workforce education in accordance with
5496 requirements prescribed by the State Board of Community
5497 Colleges.

5498 (3) The Department of Education, in cooperation with school
5499 districts and Florida Community College System institutions,
5500 shall develop and maintain a database of valid comparable
5501 information on workforce education which will meet both state
5502 and local needs.

5503 Section 92. Subsection (1) of section 1010.30, Florida
5504 Statutes, is amended to read:

5505 1010.30 Audits required.—

5506 (1) School districts, ~~Florida College System institutions,~~
5507 and other institutions and agencies under the supervision of the
5508 State Board of Education, Florida Community College System
5509 institutions under the supervision of the State Board of
5510 Community Colleges, and state universities under the supervision

581-01304-18

2018540c1

5511 of the Board of Governors are subject to the audit provisions of
5512 ss. 11.45 and 218.39.

5513 Section 93. Section 1010.58, Florida Statutes, is amended
5514 to read:

5515 1010.58 Procedure for determining number of instruction
5516 units for Florida Community College System institutions.—The
5517 number of instruction units for Florida Community College System
5518 institutions shall be determined from the full-time equivalent
5519 students in the Florida Community College System institution,
5520 provided that full-time equivalent students may not be counted
5521 more than once in determining instruction units. Instruction
5522 units for Florida Community College System institutions shall be
5523 computed as follows:

5524 (1) One unit for each 12 full-time equivalent students at a
5525 Florida Community College System institution for the first 420
5526 students and one unit for each 15 full-time equivalent students
5527 for all over 420 students, in other than career education
5528 programs as defined by rules of the State Board of Community
5529 Colleges Education, and one unit for each 10 full-time
5530 equivalent students in career education programs and
5531 compensatory education programs as defined by rules of the State
5532 Board of Community Colleges Education. Full-time equivalent
5533 students enrolled in a Florida Community College System
5534 institution shall be defined by rules of the State Board of
5535 Community Colleges Education.

5536 (2) For each 8 instruction units in a Florida Community
5537 College System institution, 1 instruction unit or proportionate
5538 fraction of a unit shall be allowed for administrative and
5539 special instructional services, and for each 20 instruction

581-01304-18

2018540c1

5540 units, 1 instruction unit or proportionate fraction of a unit
5541 shall be allowed for student personnel services.

5542 Section 94. Section 1011.01, Florida Statutes, is amended
5543 to read:

5544 1011.01 Budget system established.—

5545 (1) The State Board of Education shall prepare and submit a
5546 coordinated K-20 education annual legislative budget request to
5547 the Governor and the Legislature on or before the date provided
5548 by the Governor and the Legislature. The board's legislative
5549 budget request must clearly define the needs of school
5550 districts, Florida Community College System institutions,
5551 universities, other institutions, organizations, programs, and
5552 activities under the supervision of the board and that are
5553 assigned by law or the General Appropriations Act to the
5554 Department of Education.

5555 (2) (a) There is ~~shall be~~ established in each school
5556 district ~~and Florida College System institution~~ a budget system
5557 as prescribed by law and rules of the State Board of Education.

5558 (b) There is ~~shall be~~ established in each state university
5559 a budget system as prescribed by law and rules of the Board of
5560 Governors.

5561 (c) There is established in each Florida Community College
5562 System institution a budget system as prescribed by law and
5563 rules of the State Board of Community Colleges.

5564 (3) (a) Each district school board ~~and each Florida College~~
5565 ~~System institution board of trustees~~ shall prepare, adopt, and
5566 submit to the Commissioner of Education an annual operating
5567 budget. Operating budgets must ~~shall~~ be prepared and submitted
5568 in accordance with the provisions of law, rules of the State

581-01304-18

2018540c1

5569 Board of Education, the General Appropriations Act, and for
 5570 district school boards in accordance with the provisions of ss.
 5571 200.065 and 1011.64.

5572 (b) Each state university board of trustees shall prepare,
 5573 adopt, and submit to the Chancellor of the State University
 5574 System for review an annual operating budget in accordance with
 5575 provisions of law, rules of the Board of Governors, and the
 5576 General Appropriations Act.

5577 (c) Each Florida Community College System institution board
 5578 of trustees shall prepare, adopt, and submit to the State Board
 5579 of Community Colleges an annual operating budget in accordance
 5580 with provisions of law, rules of the State Board of Community
 5581 Colleges, and the General Appropriations Act.

5582 (4) The State Board of Education shall coordinate with the
 5583 Board of Governors and the State Board of Community Colleges to
 5584 facilitate the budget system requirements of this section. The
 5585 State Board of Community Colleges exclusively retains the review
 5586 and approval powers of this section for Florida Community
 5587 College System institutions. The Board of Governors exclusively
 5588 retains the review and approval powers of this section for state
 5589 universities.

5590 Section 95. Section 1011.011, Florida Statutes, is amended
 5591 to read:

5592 1011.011 Legislative capital outlay budget request.—The
 5593 State Board of Education shall submit an integrated,
 5594 comprehensive budget request for educational facilities
 5595 construction and fixed capital outlay needs for school
 5596 districts, and, in conjunction with the State Board of Community
 5597 Colleges for Florida Community College System institutions, and

581-01304-18

2018540c1

5598 ~~in conjunction~~ with the Board of Governors for state,
5599 universities, pursuant to this section and s. 1013.46 and
5600 applicable provisions of chapter 216.

5601 Section 96. Section 1011.30, Florida Statutes, is amended
5602 to read:

5603 1011.30 Budgets for Florida Community College System
5604 institutions.—Each Florida Community College System institution
5605 president shall recommend to the Florida Community College
5606 System institution board of trustees a budget of income and
5607 expenditures at such time and in such form as the State Board of
5608 Community Colleges Education may prescribe. Upon approval of a
5609 budget by the Florida Community College System institution board
5610 of trustees, such budget must ~~shall~~ be transmitted to the State
5611 Board of Community Colleges Department of Education for review.
5612 Rules of the State Board of Community Colleges must ~~Education~~
5613 ~~shall~~ prescribe procedures for effecting budget amendments
5614 subsequent to the final approval of a budget for a given year.

5615 Section 97. Section 1011.32, Florida Statutes, is amended
5616 to read:

5617 1011.32 Florida Community College System Institution
5618 Facility Enhancement Challenge Grant Program.—

5619 (1) The Legislature recognizes that ~~the~~ Florida Community
5620 College System institutions do not have sufficient physical
5621 facilities to meet the current demands of their instructional
5622 and community programs. It further recognizes that, to
5623 strengthen and enhance Florida Community College System
5624 institutions, it is necessary to provide facilities in addition
5625 to those currently available from existing revenue sources. It
5626 further recognizes that there are sources of private support

581-01304-18

2018540c1

5627 that, if matched with state support, can assist in constructing
5628 much needed facilities and strengthen the commitment of citizens
5629 and organizations in promoting excellence at each Florida
5630 Community College System institution. Therefore, it is the
5631 intent of the Legislature to establish a program to provide the
5632 opportunity for each Florida Community College System
5633 institution through its direct-support organization to receive
5634 and match challenge grants for instructional and community-
5635 related capital facilities within the Florida Community College
5636 System institution.

5637 (2) There is established the Florida Community College
5638 System Institution Facility Enhancement Challenge Grant Program
5639 for the purpose of assisting the Florida Community College
5640 System institutions in building high priority instructional and
5641 community-related capital facilities consistent with s. 1004.65,
5642 including common areas connecting such facilities. The direct-
5643 support organizations that serve the Florida Community College
5644 System institutions shall solicit gifts from private sources to
5645 provide matching funds for capital facilities. For the purposes
5646 of this section, private sources of funds shall not include any
5647 federal or state government funds that a Florida Community
5648 College System institution may receive.

5649 (3) The Florida Community College System Institution
5650 Capital Facilities Matching Program shall provide funds to match
5651 private contributions for the development of high priority
5652 instructional and community-related capital facilities,
5653 including common areas connecting such facilities, within the
5654 Florida Community College System institutions.

5655 (4) Within the direct-support organization of each Florida

581-01304-18

2018540c1

5656 Community College System institution there must be established a
5657 separate capital facilities matching account for the purpose of
5658 providing matching funds from the direct-support organization's
5659 unrestricted donations or other private contributions for the
5660 development of high priority instructional and community-related
5661 capital facilities, including common areas connecting such
5662 facilities. The Legislature shall appropriate funds for
5663 distribution to a Florida Community College System institution
5664 after matching funds are certified by the direct-support
5665 organization and Florida Community College System institution.
5666 The Public Education Capital Outlay and Debt Service Trust Fund
5667 shall not be used as the source of the state match for private
5668 contributions.

5669 (5) A project may not be initiated unless all private funds
5670 for planning, construction, and equipping the facility have been
5671 received and deposited in the direct-support organization's
5672 matching account for this purpose. However, this requirement
5673 does not preclude the Florida Community College System
5674 institution or direct-support organization from expending
5675 available funds from private sources to develop a prospectus,
5676 including preliminary architectural schematics or models, for
5677 use in its efforts to raise private funds for a facility and for
5678 site preparation, planning, and construction. The Legislature
5679 may appropriate the state's matching funds in one or more fiscal
5680 years for the planning, construction, and equipping of an
5681 eligible facility. Each Florida Community College System
5682 institution shall notify all donors of private funds of a
5683 substantial delay in the availability of state matching funds
5684 for this program.

581-01304-18

2018540c1

5685 (6) To be eligible to participate in the Florida Community
5686 College System Institution Facility Enhancement Challenge Grant
5687 Program, a Florida Community College System institution, through
5688 its direct-support organization, shall raise a contribution
5689 equal to one-half of the total cost of a facilities construction
5690 project from private sources which shall be matched by a state
5691 appropriation equal to the amount raised for a facilities
5692 construction project, subject to the General Appropriations Act.

5693 (7) If the state's share of the required match is
5694 insufficient to meet the requirements of subsection (6), the
5695 Florida Community College System institution shall renegotiate
5696 the terms of the contribution with the donors. If the project is
5697 terminated, each private donation, plus accrued interest,
5698 reverts to the direct-support organization for remittance to the
5699 donor.

5700 (8) By October 15 of each year, the State Board of
5701 Community Colleges ~~Education~~ shall transmit to the Governor and
5702 the Legislature a list of projects that meet all eligibility
5703 requirements to participate in the Florida Community College
5704 System Institution Facility Enhancement Challenge Grant Program
5705 and a budget request that includes the recommended schedule
5706 necessary to complete each project.

5707 (9) In order for a project to be eligible under this
5708 program, it must be survey recommended under the provisions of
5709 s. 1013.31 and included in the Florida Community College System
5710 institution's 5-year capital improvement plan, and it must
5711 receive approval from the State Board of Community Colleges
5712 ~~Education~~ or the Legislature.

5713 (10) A Florida Community College System institution project

581-01304-18

2018540c1

5714 may not be removed from the approved 3-year PECO priority list
5715 because of its successful participation in this program until
5716 approved by the Legislature and provided for in the General
5717 Appropriations Act. When such a project is completed and removed
5718 from the list, all other projects shall move up on the 3-year
5719 PECO priority list.

5720 (11) Any private matching funds for a project which are
5721 unexpended after the project is completed shall revert to the
5722 Florida Community College System institution's direct-support
5723 organization capital facilities matching account. The balance of
5724 any unexpended state matching funds shall be returned to the
5725 fund from which those funds were appropriated.

5726 (12) The surveys, architectural plans, facility, and
5727 equipment shall be the property of the participating Florida
5728 Community College System institution. A facility constructed
5729 under this section may be named in honor of a donor at the
5730 option of the Florida Community College System institution
5731 district board of trustees. A facility may not be named after a
5732 living person without prior approval by the State Board of
5733 Community Colleges ~~Education~~.

5734 (13) Effective July 1, 2011, state matching funds are
5735 temporarily suspended for donations received for the program on
5736 or after June 30, 2011. Existing eligible donations remain
5737 eligible for future matching funds. The program may be restarted
5738 after \$200 million of the backlog for programs under this
5739 section and ss. 1011.85, 1011.94, and 1013.79 have been matched.

5740 Section 98. Subsection (2), paragraph (b) of subsection
5741 (5), and subsections (8), (9), and (11) of section 1011.80,
5742 Florida Statutes, are amended to read:

581-01304-18

2018540c1

5743 1011.80 Funds for operation of workforce education
5744 programs.—

5745 (2) Any workforce education program may be conducted by a
5746 Florida Community College System institution or a school
5747 district, except that college credit in an associate in applied
5748 science or an associate in science degree may be awarded only by
5749 a Florida Community College System institution. However, if an
5750 associate in applied science or an associate in science degree
5751 program contains within it an occupational completion point that
5752 confers a certificate or an applied technology diploma, that
5753 portion of the program may be conducted by a school district
5754 career center. Any instruction designed to articulate to a
5755 degree program is subject to guidelines and standards adopted by
5756 the State Board of Community Colleges ~~Education~~ pursuant to s.
5757 1007.25.

5758 (5) State funding and student fees for workforce education
5759 instruction shall be established as follows:

5760 (b) For all other workforce education programs, state
5761 funding shall equal 75 percent of the average cost of
5762 instruction with the remaining 25 percent made up from student
5763 fees. Fees for courses within a program shall not vary according
5764 to the cost of the individual program, but instead shall be
5765 based on a uniform fee calculated and set at the state level, as
5766 adopted by the State Board of Education, for school districts,
5767 and the State Board of Community Colleges, for Florida Community
5768 College System institutions, unless otherwise specified in the
5769 General Appropriations Act.

5770 (8) The State Board of Education, the State Board of
5771 Community Colleges, and CareerSource Florida, Inc., shall

581-01304-18

2018540c1

5772 provide the Legislature with recommended formulas, criteria,
5773 timeframes, and mechanisms for distributing performance funds.
5774 The commissioner shall consolidate the recommendations and
5775 develop a consensus proposal for funding. The Legislature shall
5776 adopt a formula and distribute the performance funds to the
5777 State Board of Community Colleges ~~Education~~ for Florida
5778 Community College System institutions and to the State Board of
5779 Education for school districts through the General
5780 Appropriations Act. These recommendations shall be based on
5781 formulas that would discourage low-performing or low-demand
5782 programs and encourage through performance-funding awards:

5783 (a) Programs that prepare people to enter high-wage
5784 occupations identified by the Workforce Estimating Conference
5785 created by s. 216.136 and other programs as approved by
5786 CareerSource Florida, Inc. At a minimum, performance incentives
5787 shall be calculated for adults who reach completion points or
5788 complete programs that lead to specified high-wage employment
5789 and to their placement in that employment.

5790 (b) Programs that successfully prepare adults who are
5791 eligible for public assistance, economically disadvantaged,
5792 disabled, not proficient in English, or dislocated workers for
5793 high-wage occupations. At a minimum, performance incentives
5794 shall be calculated at an enhanced value for the completion of
5795 adults identified in this paragraph and job placement of such
5796 adults upon completion. In addition, adjustments may be made in
5797 payments for job placements for areas of high unemployment.

5798 (c) Programs that are specifically designed to be
5799 consistent with the workforce needs of private enterprise and
5800 regional economic development strategies, as defined in

581-01304-18

2018540c1

5801 guidelines set by CareerSource Florida, Inc. CareerSource
5802 Florida, Inc., shall develop guidelines to identify such needs
5803 and strategies based on localized research of private employers
5804 and economic development practitioners.

5805 (d) Programs identified by CareerSource Florida, Inc., as
5806 increasing the effectiveness and cost efficiency of education.

5807 (9) School districts shall report full-time equivalent
5808 students by discipline category for the programs specified in
5809 subsection (1). There shall be an annual cost analysis for the
5810 school district workforce education programs that reports cost
5811 by discipline category consistent with the reporting for full-
5812 time equivalent students. The annual financial reports submitted
5813 by the school districts must accurately report on the student
5814 fee revenues by fee type according to the programs specified in
5815 subsection (1). The Department of Education and the State Board
5816 of Community Colleges shall develop a plan for comparable
5817 reporting of program, student, facility, personnel, and
5818 financial data between the Florida Community College System
5819 institutions and the school district workforce education
5820 programs.

5821 (11) The State Board of Education and the State Board of
5822 Community Colleges may adopt rules to administer this section.

5823 Section 99. Section 1011.801, Florida Statutes, is amended
5824 to read:

5825 1011.801 Workforce Development Capitalization Incentive
5826 Grant Program.—The Legislature recognizes that the need for
5827 school districts and Florida Community College System
5828 institutions to be able to respond to emerging local or
5829 statewide economic development needs is critical to the

581-01304-18

2018540c1

5830 workforce development system. The Workforce Development
5831 Capitalization Incentive Grant Program is created to provide
5832 grants to school districts and Florida Community College System
5833 institutions on a competitive basis to fund some or all of the
5834 costs associated with the creation or expansion of workforce
5835 development programs that serve specific employment workforce
5836 needs.

5837 (1) Funds awarded for a workforce development
5838 capitalization incentive grant may be used for instructional
5839 equipment, laboratory equipment, supplies, personnel, student
5840 services, or other expenses associated with the creation or
5841 expansion of a workforce development program. Expansion of a
5842 program may include either the expansion of enrollments in a
5843 program or expansion into new areas of specialization within a
5844 program. No grant funds may be used for recurring instructional
5845 costs or for institutions' indirect costs.

5846 (2) The State Board of Education shall accept applications
5847 from school districts, and the State Board of Community Colleges
5848 shall accept applications from ~~or~~ Florida Community College
5849 System institutions, for workforce development capitalization
5850 incentive grants. Applications from school districts or Florida
5851 Community College System institutions must ~~shall~~ contain
5852 projected enrollments and projected costs for the new or
5853 expanded workforce development program. The State Board of
5854 Education or the State Board of Community Colleges, as
5855 appropriate, in consultation with CareerSource Florida, Inc.,
5856 shall review and rank each application for a grant according to
5857 subsection (3) and shall submit to the Legislature a list in
5858 priority order of applications recommended for a grant award.

581-01304-18

2018540c1

5859 (3) The State Board of Education or the State Board of
5860 Community Colleges, as appropriate, shall give highest priority
5861 to programs that train people to enter high-skill, high-wage
5862 occupations identified by the Workforce Estimating Conference
5863 and other programs approved by CareerSource Florida, Inc. ;
5864 programs that train people to enter occupations under the
5865 welfare transition program; or programs that train for the
5866 workforce adults who are eligible for public assistance,
5867 economically disadvantaged, disabled, not proficient in English,
5868 or dislocated workers. The State Board of Education or the State
5869 Board of Community Colleges, as appropriate, shall consider the
5870 statewide geographic dispersion of grant funds in ranking the
5871 applications and shall give priority to applications from
5872 education agencies that are making maximum use of their
5873 workforce development funding by offering high-performing, high-
5874 demand programs.

5875 Section 100. Section 1011.81, Florida Statutes, is amended
5876 to read:

5877 1011.81 Florida Community College System Program Fund.—

5878 (1) There is established a Florida Community College System
5879 Program Fund. This fund shall comprise all appropriations made
5880 by the Legislature for the support of the current operating
5881 program and shall be apportioned and distributed to the Florida
5882 Community College System institution districts of the state on
5883 the basis of procedures established by law and rules of the
5884 State Board of Education. The annual apportionment for each
5885 Florida Community College System institution district shall be
5886 distributed monthly in payments as nearly equal as possible.

5887 (2) Performance funding for industry certifications for

581-01304-18

2018540c1

5888 Florida Community College System institutions is contingent upon
5889 specific appropriation in the General Appropriations Act and
5890 shall be determined as follows:

5891 (a) Occupational areas for which industry certifications
5892 may be earned, as established in the General Appropriations Act,
5893 are eligible for performance funding. Priority shall be given to
5894 the occupational areas emphasized in state, national, or
5895 corporate grants provided to Florida educational institutions.

5896 (b) The Chancellor of the Florida Community College System,
5897 for the Florida Community College System institutions, shall
5898 identify the industry certifications eligible for funding on the
5899 CAPE Postsecondary Industry Certification Funding List approved
5900 by the State Board of Community Colleges ~~Education~~ pursuant to
5901 s. 1008.44, based on the occupational areas specified in the
5902 General Appropriations Act.

5903 (c) Each Florida Community College System institution shall
5904 be provided \$1,000 for each industry certification earned by a
5905 student. The maximum amount of funding appropriated for
5906 performance funding pursuant to this subsection shall be limited
5907 to \$15 million annually. If funds are insufficient to fully fund
5908 the calculated total award, such funds shall be prorated.

5909 (3) None of the funds made available in the Florida
5910 Community College System Program Fund, or funds made available
5911 to Florida Community College System institutions outside the
5912 Florida Community College System Program Fund, may be used to
5913 implement, organize, direct, coordinate, or administer, or to
5914 support the implementation, organization, direction,
5915 coordination, or administration of, activities related to, or
5916 involving, travel to a terrorist state. For purposes of this

581-01304-18

2018540c1

5917 section, "terrorist state" is defined as any state, country, or
5918 nation designated by the United States Department of State as a
5919 state sponsor of terrorism.

5920 (4) State funds provided for the Florida Community College
5921 System Program Fund may not be expended for the education of
5922 state or federal inmates.

5923 Section 101. Section 1011.82, Florida Statutes, is amended
5924 to read:

5925 1011.82 Requirements for participation in Florida Community
5926 College System Program Fund.—Each Florida Community College
5927 System institution district which participates in the state
5928 appropriations for the Florida Community College System Program
5929 Fund shall provide evidence of its effort to maintain an
5930 adequate Florida Community College System institution program
5931 which shall:

5932 (1) Meet the minimum standards prescribed by the State
5933 Board of Community Colleges ~~Education~~ in accordance with s.
5934 1001.602(5) ~~s. 1001.02(6)~~.

5935 (2) Effectively fulfill the mission of the Florida
5936 Community College System institutions in accordance with s.
5937 1004.65.

5938 Section 102. Section 1011.83, Florida Statutes, is amended
5939 to read:

5940 1011.83 Financial support of Florida Community College
5941 System institutions.—

5942 (1) Each Florida Community College System institution that
5943 ~~has been approved by the Department of Education and~~ meets the
5944 requirements of law and rules of the State Board of Community
5945 Colleges ~~Education~~ shall participate in the Florida Community

581-01304-18

2018540c1

5946 College System Program Fund. However, funds to support workforce
5947 education programs conducted by Florida Community College System
5948 institutions shall be provided pursuant to s. 1011.80.

5949 (2) A student in a baccalaureate degree program approved
5950 pursuant to s. 1007.33 who is not classified as a resident for
5951 tuition purposes pursuant to s. 1009.21 may not be included in
5952 calculations of full-time equivalent enrollments for state
5953 funding purposes.

5954 Section 103. Section 1011.84, Florida Statutes, is amended
5955 to read:

5956 1011.84 Procedure for determining state financial support
5957 and annual apportionment of state funds to each Florida
5958 Community College System institution district.—The procedure for
5959 determining state financial support and the annual apportionment
5960 to each Florida Community College System institution district
5961 authorized to operate a Florida Community College System
5962 institution under the provisions of s. 1001.61 shall be as
5963 follows:

5964 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA
5965 COMMUNITY COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING
5966 PROGRAM.—

5967 (a) The State Board of Community Colleges ~~Department of~~
5968 ~~Education~~ shall determine annually, from an analysis of
5969 operating costs, prepared in the manner prescribed by rules of
5970 ~~the State Board of Education,~~ the costs per full-time equivalent
5971 student served in courses and fields of study offered in Florida
5972 Community College System institutions. This information and
5973 current college operating budgets shall be submitted to the
5974 Executive Office of the Governor with the legislative budget

581-01304-18

2018540c1

5975 request prior to each regular session of the Legislature.

5976 (b) The allocation of funds for Florida Community College
5977 System institutions must ~~shall~~ be based on advanced and
5978 professional disciplines, developmental education, and other
5979 programs for adults funded pursuant to s. 1011.80.

5980 (c) The category of lifelong learning is for students
5981 enrolled pursuant to s. 1004.93. A student shall also be
5982 reported as a lifelong learning student for his or her
5983 enrollment in any course that he or she has previously taken,
5984 unless it is a credit course in which the student earned a grade
5985 of D or F.

5986 (d) If an adult student has been determined to be a
5987 disabled student eligible for an approved educational program
5988 for disabled adults provided pursuant to s. 1004.93 and rules of
5989 the State Board of Community Colleges ~~Education~~ and is enrolled
5990 in a class with curriculum frameworks developed for the program,
5991 state funding for that student shall be provided at a level
5992 double that of a student enrolled in a special adult general
5993 education program provided by a Florida Community College System
5994 institution.

5995 (e) All state inmate education provided by Florida
5996 Community College System institutions shall be reported by
5997 program, FTE expenditure, and revenue source. These enrollments,
5998 expenditures, and revenues shall be reported and projected
5999 separately. Instruction of state inmates may ~~shall~~ not be
6000 included in the full-time equivalent student enrollment for
6001 funding through the Florida Community College System Program
6002 Fund.

6003 (f) When a public educational institution has been fully

581-01304-18

2018540c1

6004 funded by an external agency for direct instructional costs of
6005 any course or program, the FTE generated may ~~shall~~ not be
6006 reported for state funding.

6007 (g) The State Board of Education shall adopt rules to
6008 implement s. 9(d)(8)f., Art. XII of the State Constitution.
6009 These rules shall provide for the use of the funds available
6010 under s. 9(d)(8)f., Art. XII by an individual Florida Community
6011 College System institution for operating expense in any fiscal
6012 year during which the State Board of Education has determined
6013 that all major capital outlay needs have been met. Highest
6014 priority for the use of these funds for purposes other than
6015 financing approved capital outlay projects shall be for the
6016 proper maintenance and repair of existing facilities for
6017 projects approved by the State Board of Education. However, in
6018 any fiscal year in which funds from this source are authorized
6019 for operating expense other than approved maintenance and repair
6020 projects, the allocation of Florida Community College System
6021 institution program funds shall be reduced by an amount equal to
6022 the sum used for such operating expense for that Florida
6023 Community College System institution that year, and that amount
6024 shall not be released or allocated among the other Florida
6025 Community College System institutions that year.

6026 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
6027 OUTLAY AND DEBT SERVICE.—The amount included for capital outlay
6028 and debt service shall be as determined and provided in s. 18,
6029 Art. XII of the State Constitution of 1885, as adopted by s.
6030 9(d), Art. XII of the 1968 revised State Constitution and State
6031 Board of Education rules.

6032 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

581-01304-18

2018540c1

6033 (a) By December 15 of each year, the State Board of
6034 Community Colleges ~~Department of Education~~ shall estimate the
6035 annual enrollment of each Florida Community College System
6036 institution for the current fiscal year and for the 3 subsequent
6037 fiscal years. These estimates shall be based upon prior years'
6038 enrollments, upon the initial fall term enrollments for the
6039 current fiscal year for each college, and upon each college's
6040 estimated current enrollment and demographic changes in the
6041 respective Florida Community College System institution
6042 districts. Upper-division enrollment shall be estimated
6043 separately from lower-division enrollment.

6044 (b) The apportionment to each Florida Community College
6045 System institution from the Florida Community College System
6046 Program Fund shall be determined annually in the General
6047 Appropriations Act. In determining each college's apportionment,
6048 the Legislature shall consider the following components:

6049 1. Base budget, which includes the state appropriation to
6050 the Florida Community College System Program Fund in the current
6051 year plus the related student tuition and out-of-state fees
6052 assigned in the current General Appropriations Act.

6053 2. The cost-to-continue allocation, which consists of
6054 incremental changes to the base budget, including salaries,
6055 price levels, and other related costs allocated through a
6056 funding model approved by the Legislature which may recognize
6057 differing economic factors arising from the individual
6058 educational approaches of the various Florida Community College
6059 System institutions, including, but not limited to:

6060 a. Direct Instructional Funding, including class size,
6061 faculty productivity factors, average faculty salary, ratio of

581-01304-18

2018540c1

6062 full-time to part-time faculty, costs of programs, and
6063 enrollment factors.

6064 b. Academic Support, including small colleges factor,
6065 multicampus factor, and enrollment factor.

6066 c. Student Services Support, including headcount of
6067 students as well as FTE count and enrollment factors.

6068 d. Library Support, including volume and other
6069 materials/audiovisual requirements.

6070 e. Special Projects.

6071 f. Operations and Maintenance of Plant, including square
6072 footage and utilization factors.

6073 g. District Cost Differential.

6074 3. Students enrolled in a recreation and leisure program
6075 and students enrolled in a lifelong learning program who may not
6076 be counted as full-time equivalent enrollments for purposes of
6077 enrollment workload adjustments.

6078 4. Operating costs of new facilities adjustments, which
6079 shall be provided, from funds available, for each new facility
6080 that is owned by the college and is recommended in accordance
6081 with s. 1013.31.

6082 5. New and improved program enhancements, which shall be
6083 determined by the Legislature.

6084
6085 Student fees in the base budget plus student fee revenues
6086 generated by increases in fee rates shall be deducted from the
6087 sum of the components determined in subparagraphs 1.-5. The
6088 amount remaining shall be the net annual state apportionment to
6089 each college.

6090 (c) A ~~No~~ Florida Community College System institution may

581-01304-18

2018540c1

6091 ~~not shall~~ commit funds for the employment of personnel or
6092 resources in excess of those required to continue the same level
6093 of support for either the previously approved enrollment or the
6094 revised enrollment, whichever is lower.

6095 (d) The apportionment to each Florida Community College
6096 System institution district for capital outlay and debt service
6097 shall be the amount determined in accordance with subsection
6098 (2). This amount, less any amount determined as necessary for
6099 administrative expense by the State Board of Education and any
6100 amount necessary for debt service on bonds issued by the State
6101 Board of Education, shall be transmitted to the Florida
6102 Community College System institution board of trustees to be
6103 expended in a manner prescribed by rules of the State Board of
6104 Education.

6105 (e) If at any time the unencumbered balance in the general
6106 fund of the Florida Community College System institution board
6107 of trustees approved operating budget goes below 5 percent, the
6108 president shall provide written notification to the State Board
6109 of Education.

6110 (f) Expenditures for apprenticeship programs must ~~shall~~ be
6111 reported separately.

6112 (g) Expenditures for upper-division enrollment in a Florida
6113 Community College System institution that grants baccalaureate
6114 degrees must ~~shall~~ be reported separately from expenditures for
6115 lower-division enrollment, in accordance with law and State
6116 Board of Education rule.

6117 (4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated
6118 herein to any Florida Community College System institution must
6119 ~~shall~~ be expended only for the purpose of supporting that

581-01304-18

2018540c1

6120 Florida Community College System institution.

6121 (5) REPORT OF DEVELOPMENTAL EDUCATION.—Each Florida
6122 Community College System institution board of trustees shall
6123 report, as a separate item in its annual cost accounting system,
6124 the volume and cost of developmental education options provided
6125 to help students attain the communication and computation skills
6126 that are essential for college-level work pursuant to s.
6127 1008.30.

6128 Section 104. Section 1011.85, Florida Statutes, is amended
6129 to read:

6130 1011.85 Dr. Philip Benjamin Matching Grant Program for
6131 Florida Community College System Institutions.—

6132 (1) There is created the Dr. Philip Benjamin Matching Grant
6133 Program for Florida Community College System Institutions as a
6134 single matching gifts program that encompasses the goals
6135 originally set out in the Academic Improvement Program, the
6136 Scholarship Matching Program, and the Health Care Education
6137 Quality Enhancement Challenge Grant. The program shall be
6138 administered according to rules of the State Board of Community
6139 Colleges ~~Education~~ and used to encourage private support in
6140 enhancing Florida Community College System institutions by
6141 providing the Florida Community College System with the
6142 opportunity to receive and match challenge grants. Funds
6143 received prior to the effective date of this act for each of the
6144 three programs shall be retained in the separate account for
6145 which it was designated.

6146 (2) Each Florida Community College System institution board
6147 of trustees receiving state appropriations under this program
6148 shall approve each gift to ensure alignment with the unique

581-01304-18

2018540c1

6149 mission of the Florida Community College System institution. The
6150 board of trustees must link all requests for a state match to
6151 the goals and mission statement. The Florida Community College
6152 System Institution Foundation Board receiving state
6153 appropriations under this program shall approve each gift to
6154 ensure alignment with its goals and mission statement. Funds
6155 received from community events and festivals are not eligible
6156 for state matching funds under this program.

6157 (3) Upon approval by the Florida Community College System
6158 institution board of trustees and the State Board of Community
6159 Colleges ~~Education~~, the ordering of donations for priority
6160 listing of unmatched gifts should be determined by the
6161 submitting Florida Community College System institution.

6162 (4) Each year, eligible contributions received by a Florida
6163 Community College System institution's foundation or the State
6164 Board of Community Colleges ~~Education~~ by February 1 shall be
6165 eligible for state matching funds.

6166 (a) Each Florida Community College System institution board
6167 of trustees and, when applicable, the Florida Community College
6168 System Institution Foundation Board, receiving state
6169 appropriations under this program shall also certify in an
6170 annual report to the State Board of Community Colleges ~~Education~~
6171 the receipt of eligible cash contributions that were previously
6172 unmatched by the state. The State Board of Education shall adopt
6173 rules providing all Florida Community College System
6174 institutions with an opportunity to apply for excess funds
6175 before the awarding of such funds.

6176 (b) Florida Community College System institutions must
6177 submit to the State Board of Community Colleges ~~Education~~ an

581-01304-18

2018540c1

6178 annual expenditure report tracking the use of all matching
6179 funds.

6180 (c) The audit of each foundation receiving state funds from
6181 this program must include a certification of accuracy in the
6182 amount reported for matching funds.

6183 (5) The matching ratio for donations that are specifically
6184 designated to support scholarships, including scholarships for
6185 first-generation-in-college students, student loans, or need-
6186 based grants shall be \$1 of state funds to \$1 of local private
6187 funds.

6188 (6) Otherwise, funds must ~~shall~~ be proportionately
6189 allocated to the Florida Community College System institutions
6190 on the basis of matching each \$6 of local or private funds with
6191 \$4 of state funds. To be eligible, a minimum of \$4,500 must be
6192 raised from private sources.

6193 (7) The Florida Community College System institution board
6194 of trustees, in conjunction with the donor, shall determine ~~make~~
6195 ~~the determination of~~ whether scholarships established pursuant
6196 to this program are endowed.

6197 (8) (a) Funds sufficient to provide the match shall be
6198 transferred from the state appropriations to the local Florida
6199 Community College System institution foundation or the statewide
6200 Florida Community College System institution foundation upon
6201 notification that a proportionate amount has been received and
6202 deposited by a Florida Community College System institution in
6203 its own trust fund.

6204 (b) If state funds appropriated for the program are
6205 insufficient to match contributions, the amount allocated must
6206 ~~shall~~ be reduced in proportion to its share of the total

581-01304-18

2018540c1

6207 eligible contributions. However, in making proportional
6208 reductions, every Florida Community College System institution
6209 shall receive a minimum of \$75,000 in state matching funds if
6210 its eligible contributions would have generated an amount at
6211 least equal to \$75,000. All unmet contributions must ~~shall~~ be
6212 eligible for state matching funds in subsequent fiscal years.

6213 (9) Each Florida Community College System institution
6214 entity shall establish its own matching grant program fund as a
6215 depository for the private contributions and matching state
6216 funds provided under this section. Florida Community College
6217 System institution foundations are responsible for the
6218 maintenance, investment, and administration of their matching
6219 grant program funds.

6220 (10) The State Board of Community Colleges ~~Education~~ may
6221 receive submissions of requests for matching funds and
6222 documentation relating to those requests, may approve requests
6223 for matching funds, and may allocate such funds to the Florida
6224 Community College System institutions.

6225 (11) The board of trustees of the Florida Community College
6226 System institution and the State Board of Community Colleges
6227 ~~Education~~ are responsible for determining the uses for the
6228 proceeds of their respective trust funds. Such use of the
6229 proceeds shall include, but not be limited to, expenditure of
6230 the funds for:

6231 (a) Scientific and technical equipment.

6232 (b) Scholarships, loans, or need-based grants.

6233 (c) Other activities that will benefit future students as
6234 well as students currently enrolled at the Florida Community
6235 College System institution, will improve the quality of

581-01304-18

2018540c1

6236 education at the Florida Community College System institution,
6237 or will enhance economic development in the community.

6238 (12) Each Florida Community College System institution
6239 shall notify all donors of private funds of a substantial delay
6240 in the availability of state matching funds for this program.

6241 (13) Effective July 1, 2011, state matching funds are
6242 temporarily suspended for donations received for this program on
6243 or after June 30, 2011. Existing eligible donations remain
6244 eligible for future matching funds. The program may be restarted
6245 after \$200 million of the backlog for programs under this
6246 section and ss. 1011.32, 1011.94, and 1013.79 have been matched.

6247 Section 105. Subsection (1) of section 1012.01, Florida
6248 Statutes, is amended to read:

6249 1012.01 Definitions.—As used in this chapter, the following
6250 terms have the following meanings:

6251 (1) SCHOOL OFFICERS.—The officers of the state system of
6252 public K-12 ~~and Florida College System institution~~ education
6253 shall be the Commissioner of Education and the members of the
6254 State Board of Education; for the Florida Community College
6255 System, the officers shall be the Chancellor of the Florida
6256 Community College System and the members of the State Board of
6257 Community Colleges; for each district school system, the
6258 officers shall be the district school superintendent and members
6259 of the district school board; and for each Florida Community
6260 College System institution, the officers shall be the Florida
6261 Community College System institution president and members of
6262 the Florida Community College System institution board of
6263 trustees.

6264 Section 106. Paragraph (a) of subsection (1) of section

581-01304-18

2018540c1

6265 1012.80, Florida Statutes, is amended to read:

6266 1012.80 Participation by employees in disruptive activities
6267 at public postsecondary educational institutions; penalties.—

6268 (1) (a) Any person who accepts the privilege extended by the
6269 laws of this state of employment at any Florida Community
6270 College System institution shall, by working at such
6271 institution, be deemed to have given his or her consent to the
6272 policies of that institution, the policies of the State Board of
6273 Community Colleges Education, and the laws of this state. Such
6274 policies shall include prohibition against disruptive activities
6275 at Florida Community College System institutions.

6276 Section 107. Subsection (1) of section 1012.81, Florida
6277 Statutes, is amended to read:

6278 1012.81 Personnel records.—

6279 (1) The State Board of Community Colleges Education shall
6280 adopt rules prescribing the content and custody of limited-
6281 access records that a Florida Community College System
6282 institution may maintain on its employees. Limited-access
6283 employee records are confidential and exempt from ~~the provisions~~
6284 ~~of~~ s. 119.07(1). Limited-access records include only the
6285 following:

6286 (a) Records containing information reflecting academic
6287 evaluations of employee performance; however, the employee and
6288 officials of the institution responsible for supervision of the
6289 employee shall have access to such records.

6290 (b) Records maintained for the purposes of any
6291 investigation of employee misconduct, including, but not limited
6292 to, a complaint against an employee and all information obtained
6293 pursuant to the investigation of such complaint; however, these

581-01304-18

2018540c1

6294 records become public after the investigation ceases to be
6295 active or when the institution provides written notice to the
6296 employee who is the subject of the complaint that the
6297 institution has either:

- 6298 1. Concluded the investigation with a finding not to
6299 proceed with disciplinary action;
- 6300 2. Concluded the investigation with a finding to proceed
6301 with disciplinary action; or
- 6302 3. Issued a letter of discipline.

6303

6304 For the purpose of this paragraph, an investigation shall be
6305 considered active as long as it is continuing with a reasonable,
6306 good faith anticipation that a finding will be made in the
6307 foreseeable future. An investigation shall be presumed to be
6308 inactive if no finding is made within 90 days after the
6309 complaint is filed.

6310 (c) Records maintained for the purposes of any disciplinary
6311 proceeding brought against an employee; however, these records
6312 shall be open to inspection by the employee and shall become
6313 public after a final decision is made in the proceeding.

6314 (d) Records maintained for the purposes of any grievance
6315 proceeding brought by an employee for enforcement of a
6316 collective bargaining agreement or contract; however, these
6317 records shall be open to inspection by the employee and by
6318 officials of the institution conducting the grievance proceeding
6319 and shall become public after a final decision is made in the
6320 proceeding.

6321 Section 108. Subsection (1) of section 1012.83, Florida
6322 Statutes, is amended to read:

581-01304-18

2018540c1

6323 1012.83 Contracts with administrative and instructional
6324 staff.—

6325 (1) Each person employed in an administrative or
6326 instructional capacity in a Florida Community College System
6327 institution shall be entitled to a contract as provided by rules
6328 of the State Board of Community Colleges ~~Education~~.

6329 Section 109. Section 1012.855, Florida Statutes, is amended
6330 to read:

6331 1012.855 Employment of Florida Community College System
6332 institution personnel; discrimination in granting salary
6333 prohibited.—

6334 (1) (a) Employment of all personnel in each Florida
6335 Community College System institution shall be upon
6336 recommendation of the president, subject to rejection for cause
6337 by the Florida Community College System institution board of
6338 trustees; to the rules of the State Board of Community Colleges
6339 ~~Education~~ relative to certification, tenure, leaves of absence
6340 of all types, including sabbaticals, remuneration, and such
6341 other conditions of employment as the State Board of Community
6342 Colleges ~~Education~~ deems necessary and proper; and to policies
6343 of the Florida Community College System institution board of
6344 trustees not inconsistent with law.

6345 (b) Any internal auditor employed by a Florida Community
6346 College System institution shall be hired by the Florida
6347 Community College System institution board of trustees and shall
6348 report directly to the board.

6349 (2) Each Florida Community College System institution board
6350 of trustees shall undertake a program to eradicate any
6351 discrimination on the basis of gender, race, or physical

581-01304-18

2018540c1

6352 handicap in the granting of salaries to employees.

6353 Section 110. Section 1012.86, Florida Statutes, is amended
6354 to read:

6355 1012.86 Florida Community College System institution
6356 employment equity accountability program.—

6357 (1) Each Florida Community College System institution shall
6358 include in its annual equity update a plan for increasing the
6359 representation of women and minorities in senior-level
6360 administrative positions and in full-time faculty positions, and
6361 for increasing the representation of women and minorities who
6362 have attained continuing-contract status. Positions shall be
6363 defined in the personnel data element directory of the
6364 Department of Education. The plan must include specific
6365 measurable goals and objectives, specific strategies and
6366 timelines for accomplishing these goals and objectives, and
6367 comparable national standards as provided by the Department of
6368 Education. The goals and objectives shall be based on meeting or
6369 exceeding comparable national standards and shall be reviewed
6370 and recommended by the State Board of Community Colleges
6371 ~~Education~~ as appropriate. Such plans shall be maintained until
6372 appropriate representation has been achieved and maintained for
6373 at least 3 consecutive reporting years.

6374 (2) (a) On or before May 1 of each year, each Florida
6375 Community College System institution president shall submit an
6376 annual employment accountability plan to the Chancellor of the
6377 Florida Community College System and the State Board of
6378 Community Colleges ~~Commissioner of Education and the State Board~~
6379 ~~of Education~~. The accountability plan must show faculty and
6380 administrator employment data according to requirements

581-01304-18

2018540c1

6381 specified on the federal Equal Employment Opportunity (EEO-6)
6382 report.

6383 (b) The plan must show the following information for those
6384 positions including, but not limited to:

6385 1. Job classification title.

6386 2. Gender.

6387 3. Ethnicity.

6388 4. Appointment status.

6389 5. Salary information. At each Florida Community College
6390 System institution, salary information shall also include the
6391 salary ranges in which new hires were employed compared to the
6392 salary ranges for employees with comparable experience and
6393 qualifications.

6394 6. Other comparative information including, but not limited
6395 to, composite information regarding the total number of
6396 positions within the particular job title classification for the
6397 Florida Community College System institution by race, gender,
6398 and salary range compared to the number of new hires.

6399 7. A statement certifying diversity and balance in the
6400 gender and ethnic composition of the selection committee for
6401 each vacancy, including a brief description of guidelines used
6402 for ensuring balanced and diverse membership on selection and
6403 review committees.

6404 (c) The annual employment accountability plan shall also
6405 include an analysis and an assessment of the Florida Community
6406 College System institution's attainment of annual goals and of
6407 long-range goals for increasing the number of women and
6408 minorities in faculty and senior-level administrative positions,
6409 and a corrective action plan for addressing underrepresentation.

581-01304-18

2018540c1

6410 (d) Each Florida Community College System institution's
6411 employment accountability plan must also include:

6412 1. The requirements for receiving a continuing contract.

6413 2. A brief description of the process used to grant
6414 continuing-contract status.

6415 3. A brief description of the process used to annually
6416 apprise each eligible faculty member of progress toward
6417 attainment of continuing-contract status.

6418 (3) Florida Community College System institution presidents
6419 and the heads of each major administrative division shall be
6420 evaluated annually on the progress made toward meeting the goals
6421 and objectives of the Florida Community College System
6422 institution's employment accountability plan.

6423 (a) The Florida Community College System institution
6424 presidents, or the presidents' designees, shall annually
6425 evaluate each department chairperson, dean, provost, and vice
6426 president in achieving the annual and long-term goals and
6427 objectives. A summary of the results of such evaluations shall
6428 be reported annually by the Florida Community College System
6429 institution president to the Florida Community College System
6430 institution board of trustees. Annual budget allocations by the
6431 Florida Community College System institution board of trustees
6432 for positions and funding must take into consideration these
6433 evaluations.

6434 (b) Florida Community College System institution boards of
6435 trustees shall annually evaluate the performance of the Florida
6436 Community College System institution presidents in achieving the
6437 annual and long-term goals and objectives. A summary of the
6438 results of such evaluations shall be reported to the State Board

581-01304-18

2018540c1

6439 of Community Colleges ~~Commissioner of Education and the State~~
6440 ~~Board of Education~~ as part of the Florida Community College
6441 System institution's annual employment accountability plan, and
6442 to the Legislature as part of the annual equity progress report
6443 submitted by the State Board of Community Colleges ~~Education~~.

6444 (4) The State Board of Community Colleges ~~Education~~ shall
6445 submit an annual equity progress report to the President of the
6446 Senate and the Speaker of the House of Representatives on or
6447 before January 1 of each year.

6448 (5) Each Florida Community College System institution shall
6449 develop a budgetary incentive plan to support and ensure
6450 attainment of the goals developed pursuant to this section. The
6451 plan shall specify, at a minimum, how resources shall be
6452 allocated to support the achievement of goals and the
6453 implementation of strategies in a timely manner. After prior
6454 review and approval by the Florida Community College System
6455 institution president and the Florida Community College System
6456 institution board of trustees, the plan shall be submitted as
6457 part of the annual employment accountability plan submitted by
6458 each Florida Community College System institution to the State
6459 Board of Community Colleges ~~Education~~.

6460 (6) Subject to available funding, the Legislature shall
6461 provide an annual appropriation to the State Board of Community
6462 Colleges ~~Education~~ to be allocated to Florida Community College
6463 System institution presidents, faculty, and administrative
6464 personnel to further enhance equity initiatives and related
6465 priorities that support the mission of colleges and departments
6466 in recognition of the attainment of the equity goals and
6467 objectives.

581-01304-18

2018540c1

6468 Section 111. Subsection (3) of section 1013.01, Florida
6469 Statutes, is amended to read:

6470 1013.01 Definitions.—The following terms shall be defined
6471 as follows for the purpose of this chapter:

6472 (3) "Board," unless otherwise specified, means a district
6473 school board, a Florida Community College System institution
6474 board of trustees, a university board of trustees, and the Board
6475 of Trustees for the Florida School for the Deaf and the Blind.
6476 The term "board" does not include the State Board of Education,
6477 ~~or~~ the Board of Governors, or the State Board of Community
6478 Colleges.

6479 Section 112. Subsection (2) of section 1013.02, Florida
6480 Statutes, is amended to read:

6481 1013.02 Purpose; rules and regulations.—

6482 (2) (a) The State Board of Education shall adopt rules
6483 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
6484 ~~provisions of this chapter for school districts and Florida~~
6485 ~~College System institutions.~~

6486 (b) The Board of Governors shall adopt regulations pursuant
6487 to its regulation development procedure to implement ~~the~~
6488 ~~provisions of this chapter for state universities.~~

6489 (c) The State Board of Community Colleges shall adopt rules
6490 pursuant to ss. 120.536(1) and 120.54 to implement this chapter
6491 for Florida Community College System institutions.

6492 Section 113. Section 1013.03, Florida Statutes, is amended
6493 to read:

6494 1013.03 Functions of the department, the State Board of
6495 Community Colleges, and the Board of Governors.—The functions of
6496 the Department of Education as it pertains to educational

581-01304-18

2018540c1

6497 facilities of school districts, of the State Board of Community
6498 Colleges as it pertains to educational facilities of ~~and~~ Florida
6499 Community College System institutions, and of the Board of
6500 Governors as it pertains to educational facilities of state
6501 universities shall include, but not be limited to, the
6502 following:

6503 (1) Establish recommended minimum and maximum square
6504 footage standards for different functions and areas and
6505 procedures for determining the gross square footage for each
6506 educational facility to be funded in whole or in part by the
6507 state, including public broadcasting stations but excluding
6508 postsecondary special purpose laboratory space. The gross square
6509 footage determination standards may be exceeded when the core
6510 facility space of an educational facility is constructed or
6511 renovated to accommodate the future addition of classrooms to
6512 meet projected increases in student enrollment. The department,
6513 the State Board of Community Colleges, and the Board of
6514 Governors shall encourage multiple use of facilities and spaces
6515 in educational plants.

6516 (2) Establish, for the purpose of determining need,
6517 equitably uniform utilization standards for all types of like
6518 space, regardless of the level of education. These standards
6519 shall also establish, for postsecondary education classrooms, a
6520 minimum room utilization rate of 40 hours per week and a minimum
6521 station utilization rate of 60 percent. These rates shall be
6522 subject to increase based on national norms for utilization of
6523 postsecondary education classrooms.

6524 (3) Require boards to submit other educational plant
6525 inventories data and statistical data or information relevant to

581-01304-18

2018540c1

6526 construction, capital improvements, and related costs.

6527 (4) Require each board and other appropriate agencies to
6528 submit complete and accurate financial data as to the amounts of
6529 funds from all sources that are available and spent for
6530 construction and capital improvements. The commissioner shall
6531 prescribe the format and the date for the submission of this
6532 data and any other educational facilities data. If any district
6533 does not submit the required educational facilities fiscal data
6534 by the prescribed date, the Commissioner of Education shall
6535 notify the district school board of this fact and, if
6536 appropriate action is not taken to immediately submit the
6537 required report, the district school board shall be directed to
6538 proceed pursuant to s. 1001.42(13)(b). If any Florida Community
6539 College System institution or university does not submit the
6540 required educational facilities fiscal data by the prescribed
6541 date, the same policy prescribed in this subsection for school
6542 districts shall be implemented.

6543 (5) Administer, under the supervision of the Commissioner
6544 of Education, the Public Education Capital Outlay and Debt
6545 Service Trust Fund and the School District and Community College
6546 District Capital Outlay and Debt Service Trust Fund.

6547 (6) Develop, review, update, revise, and recommend a
6548 mandatory portion of the Florida Building Code for educational
6549 facilities construction and capital improvement by Florida
6550 Community College System institution boards and district school
6551 boards.

6552 (7) Provide training, technical assistance, and building
6553 code interpretation for requirements of the mandatory Florida
6554 Building Code for the educational facilities construction and

581-01304-18

2018540c1

6555 capital improvement programs of ~~the Florida College System~~
6556 ~~institution boards and~~ district school boards and, upon request,
6557 approve phase III construction documents for remodeling,
6558 renovation, or new construction of educational plants or
6559 ancillary facilities, except that Florida Community College
6560 System institutions and university boards of trustees shall
6561 approve specifications and construction documents for their
6562 respective institutions pursuant to guidelines of the Board of
6563 Governors or State Board of Community Colleges, as applicable.

6564 The Department of Management Services may, upon request, provide
6565 similar services for the Florida School for the Deaf and the
6566 Blind and shall use the Florida Building Code and the Florida
6567 Fire Prevention Code.

6568 (8) Provide minimum criteria, procedures, and training to
6569 boards to conduct educational plant surveys and document the
6570 determination of future needs.

6571 (9) Make available to boards technical assistance,
6572 awareness training, and research and technical publications
6573 relating to lifesafety, casualty, sanitation, environmental,
6574 maintenance, and custodial issues; and, as needed, technical
6575 assistance for survey, planning, design, construction,
6576 operation, and evaluation of educational and ancillary
6577 facilities and plants, facilities administrative procedures
6578 review, and training for new administrators.

6579 (10) (a) Review and validate surveys proposed or amended by
6580 the boards and recommend to the Commissioner of Education, the
6581 Chancellor of the Florida Community College System, or the
6582 Chancellor of the State University System, as appropriate, for
6583 approval, surveys that meet the requirements of this chapter.

581-01304-18

2018540c1

6584 1. The term "validate" as applied to surveys by school
6585 districts means to review inventory data as submitted to the
6586 department by district school boards; provide for review and
6587 inspection, where required, of student stations and aggregate
6588 square feet of inventory changed from satisfactory to
6589 unsatisfactory or changed from unsatisfactory to satisfactory;
6590 compare new school inventory to allocation limits provided by
6591 this chapter; review cost projections for conformity with cost
6592 limits set by s. 1013.64(6); compare total capital outlay full-
6593 time equivalent enrollment projections in the survey with the
6594 department's projections; review facilities lists to verify that
6595 student station and auxiliary facility space allocations do not
6596 exceed the limits provided by this chapter and related rules;
6597 review and confirm the application of uniform facility
6598 utilization factors, where provided by this chapter or related
6599 rules; use ~~utilize~~ the documentation of programs offered per
6600 site, as submitted by the board, to analyze facility needs;
6601 confirm that need projections for career and adult educational
6602 programs comply with needs documented by the Department of
6603 Education; and confirm the assignment of full-time student
6604 stations to all space except auxiliary facilities, which, for
6605 purposes of exemption from student station assignment, include
6606 the following:

- 6607 a. Cafeterias.
- 6608 b. Multipurpose dining areas.
- 6609 c. Media centers.
- 6610 d. Auditoriums.
- 6611 e. Administration.
- 6612 f. Elementary, middle, and high school resource rooms, up

581-01304-18

2018540c1

6613 to the number of such rooms recommended for the applicable
6614 occupant and space design capacity of the educational plant in
6615 the State Requirements for Educational Facilities, beyond which
6616 student stations must be assigned.

6617 g. Elementary school skills labs, up to the number of such
6618 rooms recommended for the applicable occupant and space design
6619 capacity of the educational plant in the State Requirements for
6620 Educational Facilities, beyond which student stations must be
6621 assigned.

6622 h. Elementary school art and music rooms.

6623

6624 The Commissioner of Education may grant a waiver from the
6625 requirements of this subparagraph if a district school board
6626 determines that such waiver will make possible a substantial
6627 savings of funds or will be advantageous to the welfare of the
6628 educational system. The district school board shall present a
6629 full statement to the commissioner which sets forth the facts
6630 that warrant the waiver. If the commissioner denies a request
6631 for a waiver, the district school board may appeal such decision
6632 to the State Board of Education.

6633 2. The term "validate" as applied to surveys by Florida
6634 Community College System institutions and universities means to
6635 review and document the approval of each new site and official
6636 designation, where applicable; review the inventory database as
6637 submitted by each board to the department, including noncareer,
6638 and total capital outlay full-time equivalent enrollment
6639 projections per site and per college; provide for the review and
6640 inspection, where required, of student stations and aggregate
6641 square feet of space changed from satisfactory to

581-01304-18

2018540c1

6642 unsatisfactory; use ~~utilize~~ and review the documentation of
6643 programs offered per site submitted by the boards as accurate
6644 for analysis of space requirements and needs; confirm that needs
6645 projected for career and adult educational programs comply with
6646 needs documented by the Department of Education; compare new
6647 facility inventory to allocations limits as provided in this
6648 chapter; review cost projections for conformity with state
6649 averages or limits designated by this chapter; compare student
6650 enrollment projections in the survey to the department's
6651 projections; review facilities lists to verify that area
6652 allocations and space factors for generating space needs do not
6653 exceed the limits as provided by this chapter and related rules;
6654 confirm the application of facility utilization factors as
6655 provided by this chapter and related rules; and review, as
6656 submitted, documentation of how survey recommendations will
6657 implement the detail of current campus master plans and
6658 integrate with local comprehensive plans and development
6659 regulations.

6660 (b) Recommend priority of projects to be funded.

6661 (11) Prepare the commissioner's comprehensive fixed capital
6662 outlay legislative budget request and provide annually an
6663 estimate of the funds available for developing required 3-year
6664 priority lists. This amount shall be based upon the average
6665 percentage for the 5 prior years of funds appropriated by the
6666 Legislature for fixed capital outlay to each level of public
6667 education: public schools, Florida Community College System
6668 institutions, and universities.

6669 (12) Perform any other functions that may be involved in
6670 educational facilities construction and capital improvement

581-01304-18

2018540c1

6671 which shall ensure that the intent of the Legislature is
6672 implemented.

6673 Section 114. Section 1013.28, Florida Statutes, is amended
6674 to read:

6675 1013.28 Disposal of property.—

6676 (1) REAL PROPERTY.—

6677 (a) Subject to rules of the State Board of Education, a
6678 district school board or, the Board of Trustees for the Florida
6679 School for the Deaf and the Blind, ~~or a Florida College System~~
6680 ~~institution board of trustees~~ may dispose of any land or real
6681 property to which the board holds title which is, by resolution
6682 of the board, determined to be unnecessary for educational
6683 purposes as recommended in an educational plant survey. A
6684 district school board or, the Board of Trustees for the Florida
6685 School for the Deaf and the Blind, ~~or a Florida College System~~
6686 ~~institution board of trustees~~ shall take diligent measures to
6687 dispose of educational property only in the best interests of
6688 the public. However, appraisals may be obtained by the district
6689 school board or, the Board of Trustees for the Florida School
6690 for the Deaf and the Blind before, ~~or the Florida College System~~
6691 ~~institution board of trustees prior to~~ or simultaneously with
6692 the receipt of bids.

6693 (b) Subject to regulations of the Board of Governors, a
6694 state university board of trustees may dispose of any land or
6695 real property to which it holds valid title which is, by
6696 resolution of the state university board of trustees, determined
6697 to be unnecessary for educational purposes as recommended in an
6698 educational plant survey. A state university board of trustees
6699 shall take diligent measures to dispose of educational property

581-01304-18

2018540c1

6700 only in the best interests of the public. However, appraisals
6701 may be obtained by the state university board of trustees prior
6702 to or simultaneously with the receipt of bids.

6703 (c) Subject to rules of the State Board of Community
6704 Colleges, a Florida Community College System institution board
6705 of trustees may dispose of any land or real property to which it
6706 holds valid title which is, by resolution of the Florida
6707 Community College System institution board of trustees,
6708 determined to be unnecessary for educational purposes as
6709 recommended in an educational plant survey. A Florida Community
6710 College System institution board of trustees shall take diligent
6711 measures to dispose of educational property only in the best
6712 interests of the public. However, appraisals may be obtained by
6713 the Florida Community College System institution board of
6714 trustees prior to or simultaneously with the receipt of bids.

6715 (2) TANGIBLE PERSONAL PROPERTY.—

6716 (a) Tangible personal property that has been properly
6717 classified as surplus by a district school board ~~or Florida~~
6718 ~~College System institution board of trustees~~ shall be disposed
6719 of in accordance with the procedure established by chapter 274.
6720 However, the provisions of chapter 274 shall not be applicable
6721 to a motor vehicle used in driver education to which title is
6722 obtained for a token amount from an automobile dealer or
6723 manufacturer. In such cases, the disposal of the vehicle shall
6724 be as prescribed in the contractual agreement between the
6725 automotive agency or manufacturer and the board.

6726 (b) Tangible personal property that has been properly
6727 classified as surplus by a state university board of trustees
6728 shall be disposed of in accordance with the procedure

581-01304-18

2018540c1

6729 established by chapter 273.

6730 (c) Tangible personal property that has been properly
6731 classified as surplus by a Florida Community College System
6732 institution board of trustees shall be disposed of in accordance
6733 with the procedure established by chapter 274.

6734 Section 115. Subsection (1) of section 1013.31, Florida
6735 Statutes, is amended to read:

6736 1013.31 Educational plant survey; localized need
6737 assessment; PECO project funding.—

6738 (1) At least every 5 years, each board shall arrange for an
6739 educational plant survey, to aid in formulating plans for
6740 housing the educational program and student population, faculty,
6741 administrators, staff, and auxiliary and ancillary services of
6742 the district or campus, including consideration of the local
6743 comprehensive plan. The Department of Education, for school
6744 districts, and the State Board of Community Colleges, for the
6745 Florida Community College System, shall document the need for
6746 additional career and adult education programs and the
6747 continuation of existing programs before facility construction
6748 or renovation related to career or adult education may be
6749 included in the educational plant survey of a school district or
6750 Florida Community College System institution that delivers
6751 career or adult education programs. Information used by the
6752 Department of Education or State Board of Community Colleges to
6753 establish facility needs must include, but need not be limited
6754 to, labor market data, needs analysis, and information submitted
6755 by the school district or Florida Community College System
6756 institution.

6757 (a) *Survey preparation and required data.*—Each survey shall

581-01304-18

2018540c1

6758 be conducted by the board or an agency employed by the board.
6759 Surveys shall be reviewed and approved by the board, and a file
6760 copy shall be submitted to the Department of Education, the
6761 Chancellor of the Florida Community College System, or the
6762 Chancellor of the State University System, as appropriate. The
6763 survey report shall include at least an inventory of existing
6764 educational and ancillary plants, including safe access
6765 facilities; recommendations for existing educational and
6766 ancillary plants; recommendations for new educational or
6767 ancillary plants, including the general location of each in
6768 coordination with the land use plan and safe access facilities;
6769 campus master plan update and detail for Florida Community
6770 College System institutions; the use ~~utilization~~ of school
6771 plants based on an extended school day or year-round operation;
6772 and such other information as may be required by the Department
6773 of Education. This report may be amended, if conditions warrant,
6774 at the request of the department or commissioner.

6775 (b) *Required need assessment criteria for district, Florida*
6776 *Community College System institution, state university, and*
6777 *Florida School for the Deaf and the Blind plant surveys.*—
6778 Educational plant surveys must use uniform data sources and
6779 criteria specified in this paragraph. Each revised educational
6780 plant survey and each new educational plant survey supersedes
6781 previous surveys.

6782 1. The school district's survey must be submitted as a part
6783 of the district educational facilities plan defined in s.
6784 1013.35. To ensure that the data reported to the Department of
6785 Education as required by this section is correct, the department
6786 shall annually conduct an onsite review of 5 percent of the

581-01304-18

2018540c1

6787 facilities reported for each school district completing a new
6788 survey that year. If the department's review finds the data
6789 reported by a district is less than 95 percent accurate, within
6790 1 year from the time of notification by the department the
6791 district must submit revised reports correcting its data. If a
6792 district fails to correct its reports, the commissioner may
6793 direct that future fixed capital outlay funds be withheld until
6794 such time as the district has corrected its reports so that they
6795 are not less than 95 percent accurate.

6796 2. Each survey of a special facility, joint-use facility,
6797 or cooperative career education facility must be based on
6798 capital outlay full-time equivalent student enrollment data
6799 prepared by the department for school districts and Florida
6800 Community College System institutions and by the Chancellor of
6801 the State University System for universities. A survey of space
6802 needs of a joint-use facility shall be based upon the respective
6803 space needs of the school districts, Florida Community College
6804 System institutions, and universities, as appropriate.
6805 Projections of a school district's facility space needs may not
6806 exceed the norm space and occupant design criteria established
6807 by the State Requirements for Educational Facilities.

6808 3. Each Florida Community College System institution's
6809 survey must reflect the capacity of existing facilities as
6810 specified in the inventory maintained and validated by the
6811 Chancellor of the Florida Community College System ~~by the~~
6812 ~~Department of Education~~. Projections of facility space needs
6813 must comply with standards for determining space needs as
6814 specified by rule of the State Board of Community Colleges
6815 ~~Education~~. The 5-year projection of capital outlay student

581-01304-18

2018540c1

6816 enrollment must be consistent with the annual report of capital
6817 outlay full-time student enrollment prepared by the Department
6818 of Education.

6819 4. Each state university's survey must reflect the capacity
6820 of existing facilities as specified in the inventory maintained
6821 and validated by the Chancellor of the State University System.
6822 Projections of facility space needs must be consistent with
6823 standards for determining space needs as specified by regulation
6824 of the Board of Governors. The projected capital outlay full-
6825 time equivalent student enrollment must be consistent with the
6826 5-year planned enrollment cycle for the State University System
6827 approved by the Board of Governors.

6828 5. The district educational facilities plan of a school
6829 district and the educational plant survey of a Florida Community
6830 College System institution, state university, or the Florida
6831 School for the Deaf and the Blind may include space needs that
6832 deviate from approved standards for determining space needs if
6833 the deviation is justified by the district or institution and
6834 approved by the department, the State Board of Community
6835 Colleges, or the Board of Governors, as appropriate, as
6836 necessary for the delivery of an approved educational program.

6837 (c) *Review and validation.*—The Department of Education
6838 shall review and validate the surveys of school districts, the
6839 Chancellor of the Florida Community College System shall review
6840 and validate the surveys of ~~and~~ Florida Community College System
6841 institutions, and the Chancellor of the State University System
6842 shall review and validate the surveys of universities, and any
6843 amendments thereto for compliance with the requirements of this
6844 chapter and shall recommend those in compliance for approval by

581-01304-18

2018540c1

6845 the State Board of Education, the State Board of Community
6846 Colleges, or the Board of Governors, as appropriate. Annually,
6847 the department shall perform an in-depth analysis of a
6848 representative sample of each survey of recommended needs for
6849 five districts selected by the commissioner from among districts
6850 with the largest need-to-revenue ratio. For the purpose of this
6851 subsection, the need-to-revenue ratio is determined by dividing
6852 the total 5-year cost of projects listed on the district survey
6853 by the total 5-year fixed capital outlay revenue projections
6854 from state and local sources as determined by the department.
6855 The commissioner may direct fixed capital outlay funds to be
6856 withheld from districts until such time as the survey accurately
6857 projects facilities needs.

6858 (d) *Periodic update of Florida Inventory of School Houses.*—
6859 School districts shall periodically update their inventory of
6860 educational facilities as new capacity becomes available and as
6861 unsatisfactory space is eliminated. The State Board of Education
6862 shall adopt rules to determine the timeframe in which districts
6863 must provide a periodic update.

6864 Section 116. Subsections (1) and (3) of section 1013.36,
6865 Florida Statutes, are amended to read:

6866 1013.36 Site planning and selection.—

6867 (1) Before acquiring property for sites, each district
6868 school board and Florida Community College System institution
6869 board of trustees shall determine the location of proposed
6870 educational centers or campuses. In making this determination,
6871 the board shall consider existing and anticipated site needs and
6872 the most economical and practicable locations of sites. The
6873 board shall coordinate with the long-range or comprehensive

581-01304-18

2018540c1

6874 plans of local, regional, and state governmental agencies to
6875 assure the consistency of such plans. Boards are encouraged to
6876 locate district educational facilities proximate to urban
6877 residential areas to the extent possible, and shall seek to
6878 collocate district educational facilities with other public
6879 facilities, such as parks, libraries, and community centers, to
6880 the extent possible and to encourage using elementary schools as
6881 focal points for neighborhoods.

6882 (3) Sites recommended for purchase or purchased must meet
6883 standards prescribed in law and such supplementary standards as
6884 the State Board of Education or State Board of Community
6885 Colleges, as appropriate, prescribes to promote the educational
6886 interests of the students. Each site must be well drained and
6887 suitable for outdoor educational purposes as appropriate for the
6888 educational program or collocated with facilities to serve this
6889 purpose. As provided in s. 333.03, the site must not be located
6890 within any path of flight approach of any airport. Insofar as is
6891 practicable, the site must not adjoin a right-of-way of any
6892 railroad or through highway and must not be adjacent to any
6893 factory or other property from which noise, odors, or other
6894 disturbances, or at which conditions, would be likely to
6895 interfere with the educational program. To the extent
6896 practicable, sites must be chosen which will provide safe access
6897 from neighborhoods to schools.

6898 Section 117. Subsections (3) and (4) of section 1013.37,
6899 Florida Statutes, are amended to read:

6900 1013.37 State uniform building code for public educational
6901 facilities construction.—

6902 (3) REVIEW PROCEDURE.—The Commissioner of Education and the

581-01304-18

2018540c1

6903 Chancellor of the Florida Community College System, as
6904 appropriate, shall cooperate with the Florida Building
6905 Commission in addressing all questions, disputes, or
6906 interpretations involving the provisions of the Florida Building
6907 Code which govern the construction of public educational and
6908 ancillary facilities, and any objections to decisions made by
6909 the inspectors or the department must be submitted in writing.

6910 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The
6911 department, for school districts, and the State Board of
6912 Community Colleges, for Florida Community College System
6913 institutions, shall biennially review and recommend to the
6914 Florida Building Commission updates and revisions to the
6915 provisions of the Florida Building Code which govern the
6916 construction of public educational and ancillary facilities. The
6917 department, for school districts, and the State Board of
6918 Community Colleges, for Florida Community College System
6919 institutions, shall publish and make available to each board at
6920 no cost copies of the State Requirements for Educational
6921 Facilities and each amendment and revision thereto. The
6922 department and state board shall make additional copies
6923 available to all interested persons at a price sufficient to
6924 recover costs.

6925 Section 118. Section 1013.40, Florida Statutes, is amended
6926 to read:

6927 1013.40 Planning and construction of Florida Community
6928 College System institution facilities; property acquisition.—

6929 (1) The need for Florida Community College System
6930 institution facilities shall be established by a survey
6931 conducted pursuant to this chapter. The facilities recommended

581-01304-18

2018540c1

6932 by such survey must be approved by the State Board of Community
6933 Colleges Education, and the projects must be constructed
6934 according to the provisions of this chapter and State Board of
6935 Community Colleges Education rules.

6936 (2) A ~~No~~ Florida Community College System institution may
6937 not expend public funds for the acquisition of additional
6938 property without the specific approval of the Legislature.

6939 (3) A ~~No~~ facility may not be acquired or constructed by a
6940 Florida Community College System institution or its direct-
6941 support organization if such facility requires general revenue
6942 funds for operation or maintenance upon project completion or in
6943 subsequent years of operation, unless prior approval is received
6944 from the Legislature.

6945 (4) The campus of a Florida Community College System
6946 institution within a municipality designated as an area of
6947 critical state concern, as defined in s. 380.05, and having a
6948 comprehensive plan and land development regulations containing a
6949 building permit allocation system that limits annual growth, may
6950 construct dormitories for up to 300 beds for Florida Community
6951 College System institution students. Such dormitories are exempt
6952 from the building permit allocation system and may be
6953 constructed up to 45 feet in height if the dormitories are
6954 otherwise consistent with the comprehensive plan, the Florida
6955 Community College System institution has a hurricane evacuation
6956 plan that requires all dormitory occupants to be evacuated 48
6957 hours in advance of tropical force winds, and transportation is
6958 provided for dormitory occupants during an evacuation. State
6959 funds and tuition and fee revenues may not be used for
6960 construction, debt service payments, maintenance, or operation

581-01304-18

2018540c1

6961 of such dormitories. Additional dormitory beds constructed after
6962 July 1, 2016, may not be financed through the issuance of bonds.

6963 Section 119. Section 1013.47, Florida Statutes, is amended
6964 to read:

6965 1013.47 Substance of contract; contractors to give bond;
6966 penalties.—Each board shall develop contracts consistent with
6967 this chapter and statutes governing public facilities. Such a
6968 contract must contain the drawings and specifications of the
6969 work to be done and the material to be furnished, the time limit
6970 in which the construction is to be completed, the time and
6971 method by which payments are to be made upon the contract, and
6972 the penalty to be paid by the contractor for a failure to comply
6973 with the terms of the contract. The board may require the
6974 contractor to pay a penalty for any failure to comply with the
6975 terms of the contract and may provide an incentive for early
6976 completion. Upon accepting a satisfactory bid, the board shall
6977 enter into a contract with the party or parties whose bid has
6978 been accepted. The contractor shall furnish the board with a
6979 performance and payment bond as set forth in s. 255.05. A board
6980 or other public entity may not require a contractor to secure a
6981 surety bond under s. 255.05 from a specific agent or bonding
6982 company. A person, firm, or corporation that constructs any part
6983 of any educational plant, or addition thereto, on the basis of
6984 any unapproved plans or in violation of any plans approved in
6985 accordance with the provisions of this chapter and rules of the
6986 State Board of Education or State Board of Community Colleges or
6987 regulations of the Board of Governors relating to building
6988 standards or specifications is subject to forfeiture of the
6989 surety bond and unpaid compensation in an amount sufficient to

581-01304-18

2018540c1

6990 reimburse the board for any costs that will need to be incurred
6991 in making any changes necessary to assure that all requirements
6992 are met and is also guilty of a misdemeanor of the second
6993 degree, punishable as provided in s. 775.082 or s. 775.083, for
6994 each separate violation.

6995 Section 120. Section 1013.52, Florida Statutes, is amended
6996 to read:

6997 1013.52 Cooperative development and joint use of facilities
6998 by two or more boards.—

6999 (1) Two or more boards, including district school boards,
7000 Florida Community College System institution boards of trustees,
7001 the Board of Trustees for the Florida School for the Deaf and
7002 the Blind, and university boards of trustees, desiring to
7003 cooperatively establish a common educational facility to
7004 accommodate students shall:

7005 (a) Jointly request a formal assessment by the Commissioner
7006 of Education, ~~or~~ the Chancellor of the State University System,
7007 or the Chancellor of the State Board of Community Colleges, as
7008 appropriate, of the academic program need and the need to build
7009 new joint-use facilities to house approved programs. Completion
7010 of the assessment and approval of the project by the State Board
7011 of Education, the State Board of Community Colleges, the
7012 Chancellor of the Florida Community College System, the Board of
7013 Governors, the Chancellor of the State University System, or the
7014 Commissioner of Education, as appropriate, should be done prior
7015 to conducting an educational facilities survey.

7016 (b) Demonstrate the need for construction of new joint-use
7017 facilities involving postsecondary institutions by those
7018 institutions presenting evidence of the presence of sufficient

581-01304-18

2018540c1

7019 actual full-time equivalent enrollments in the locale in leased,
7020 rented, or borrowed spaces to justify the requested facility for
7021 the programs identified in the formal assessment rather than
7022 using projected or anticipated future full-time equivalent
7023 enrollments as justification. If the decision is made to
7024 construct new facilities to meet this demonstrated need, then
7025 building plans should consider full-time equivalent enrollment
7026 growth facilitated by this new construction and subsequent new
7027 program offerings made possible by the existence of the new
7028 facilities.

7029 (c) Adopt and submit to the Commissioner of Education, the
7030 Chancellor of the Florida Community College System, or and the
7031 Chancellor of the State University System, as appropriate, if
7032 the joint request involves a state university, a joint
7033 resolution of the participating boards indicating their
7034 commitment to the utilization of the requested facility and
7035 designating the locale of the proposed facility. The joint
7036 resolution shall contain a statement of determination by the
7037 participating boards that alternate options, including the use
7038 of leased, rented, or borrowed space, were considered and found
7039 less appropriate than construction of the proposed facility. The
7040 joint resolution shall contain assurance that the development of
7041 the proposed facility has been examined in conjunction with the
7042 programs offered by neighboring public educational facilities
7043 offering instruction at the same level. The joint resolution
7044 also shall contain assurance that each participating board shall
7045 provide for continuity of educational progression. All joint
7046 resolutions shall be submitted by August 1 for consideration of
7047 funding by the subsequent Legislature.

581-01304-18

2018540c1

7048 (d) Submit requests for funding of joint-use facilities
7049 projects involving state universities and Florida Community
7050 College System institutions for approval by the Chancellor of
7051 the Florida Community College System ~~Commissioner of Education~~
7052 and the Chancellor of the State University System. The
7053 Chancellor of the Florida Community College System ~~Commissioner~~
7054 ~~of Education~~ and the Chancellor of the State University System
7055 shall jointly determine the priority for funding these projects
7056 in relation to the priority of all other capital outlay projects
7057 under their consideration. To be eligible for funding from the
7058 Public Education Capital Outlay and Debt Service Trust Fund
7059 under the provisions of this section, projects involving both
7060 state universities and Florida Community College System
7061 institutions shall appear on the 3-year capital outlay priority
7062 lists of Florida Community College System institutions and of
7063 universities required by s. 1013.64. Projects involving a state
7064 university, a Florida Community College System institution, and
7065 a public school, and in which the larger share of the proposed
7066 facility is for the use of the state university or the Florida
7067 Community College System institution, shall appear on the 3-year
7068 capital outlay priority lists of the Florida Community College
7069 System institutions or of the universities, as applicable.

7070 (e) Include in their joint resolution for the joint-use
7071 facilities, comprehensive plans for the operation and management
7072 of the facility upon completion. Institutional responsibilities
7073 for specific functions shall be identified, including
7074 designation of one participating board as sole owner of the
7075 facility. Operational funding arrangements shall be clearly
7076 defined.

581-01304-18

2018540c1

7077 (2) An educational plant survey must be conducted within 90
7078 days after submission of the joint resolution and substantiating
7079 data describing the benefits to be obtained, the programs to be
7080 offered, and the estimated cost of the proposed project. Upon
7081 completion of the educational plant survey, the participating
7082 boards may include the recommended projects in their plan as
7083 provided in s. 1013.31. Upon approval of the project by the
7084 commissioner, the Chancellor of the Florida Community College
7085 System, or the Chancellor of the State University System, as
7086 appropriate, 25 percent of the total cost of the project, or the
7087 pro rata share based on space utilization of 25 percent of the
7088 cost, must be included in the department's legislative capital
7089 outlay budget request as provided in s. 1013.60 for educational
7090 plants. The participating boards must include in their joint
7091 resolution a commitment to finance the remaining funds necessary
7092 to complete the planning, construction, and equipping of the
7093 facility. Funds from the Public Education Capital Outlay and
7094 Debt Service Trust Fund may not be expended on any project
7095 unless specifically authorized by the Legislature.

7096 (3) Included in all proposals for joint-use facilities must
7097 be documentation that the proposed new campus or new joint-use
7098 facility has been reviewed by the State Board of Education, the
7099 State Board of Community Colleges, or the Board of Governors, as
7100 appropriate, and has been formally requested for authorization
7101 by the Legislature.

7102 (4) A ~~No~~ district school board, Florida Community College
7103 System institution, or state university may not ~~shall~~ receive
7104 funding for more than one approved joint-use facility per campus
7105 in any 3-year period.

581-01304-18

2018540c1

7106 Section 121. Subsection (1) of section 1013.65, Florida
7107 Statutes, is amended to read:

7108 1013.65 Educational and ancillary plant construction funds;
7109 Public Education Capital Outlay and Debt Service Trust Fund;
7110 allocation of funds.—

7111 (1) The commissioner, through the department, shall
7112 administer the Public Education Capital Outlay and Debt Service
7113 Trust Fund. The commissioner shall allocate or reallocate funds
7114 as authorized by the Legislature. Copies of each allocation or
7115 reallocation shall be provided to members of the State Board of
7116 Education, the State Board of Community Colleges, and the Board
7117 of Governors and to the chairs of the House of Representatives
7118 and Senate appropriations committees. The commissioner shall
7119 provide for timely encumbrances of funds for duly authorized
7120 projects. Encumbrances may include proceeds to be received under
7121 a resolution approved by the State Board of Education
7122 authorizing the issuance of public education capital outlay
7123 bonds pursuant to s. 9(a)(2), Art. XII of the State
7124 Constitution, s. 215.61, and other applicable law. The
7125 commissioner shall provide for the timely disbursement of moneys
7126 necessary to meet the encumbrance authorizations of the boards.
7127 Records shall be maintained by the department to identify
7128 legislative appropriations, allocations, encumbrance
7129 authorizations, disbursements, transfers, investments, sinking
7130 funds, and revenue receipts by source. The Department of
7131 Education shall pay the administrative costs of the Public
7132 Education Capital Outlay and Debt Service Trust Fund from the
7133 funds which comprise the trust fund.

7134 Section 122. The Division of Law Revision and Information

581-01304-18

2018540c1

7135 is directed to prepare a reviser's bill for the 2019 Regular
7136 Session to substitute the term "Florida Community College
7137 System" for "Florida College System" and the term "Florida
7138 Community College System institution" for "Florida College
7139 System institution" wherever those terms appear in the Florida
7140 Statutes.

7141 Section 123. Except as otherwise expressly provided in this
7142 act and except for this section, which shall take effect upon
7143 becoming a law, this act shall take effect October 1, 2018.