

Committee Substitute for Committee Substitute
for Senate Bill Nos. 1124, 2048, and 1120

An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; requiring that the Commissioner of Education and the Executive Director of the State Board of Community Colleges investigate issues related to implementing the act; requiring a report to the Governor and the Legislature; creating the Employment Task Force for Adults with Disabilities to review programs that provide education for adults with disabilities; providing for the appointment of members of the task force; requiring that the Department of Education provide staff to assist the task force; providing for reimbursement for travel expenses; requiring that the task force report to the Commissioner of Education; requiring the State Board of Community Colleges to identify procedures to encourage the joint use of facilities for speci-

fied programs; requiring the board to report to the Legislature; providing an effective date.

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

Section 1. This act may be cited as the "Workforce Development Implementation Act of 1998."

Section 2. The Legislature recognizes that the need for school districts and community colleges to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and community colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(a) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a workforce development program. Expansion of a program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a program. No grant funds may be used for recurring instructional costs or for institutions' indirect costs.

(b) The Postsecondary Education Planning Commission shall accept applications from school districts or community colleges for workforce development capitalization incentive grants. Applications from school districts or community colleges shall contain projected enrollments and projected costs for the new or expanded workforce development program. The Postsecondary Education Planning Commission, in consultation with the Jobs and Education Partnership, the Department of Education, and the State Board of Community Colleges, shall review and rank each application for a grant according to paragraph (c) and shall submit to the Legislature a list in priority order of applications recommended for a grant award.

(c) The commission shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the occupational forecasting conference and other programs approved by the Jobs and Education Partnership; programs that train people to enter occupations on the WAGES list; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The commission shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 3. The Legislature finds that changes in workforce development education required by chapter 97-307, Laws of Florida, require the development of an information infrastructure that has been adequately tested and

retrofitted. The Legislature further finds that, to be adequate for calculating funding levels for programs conducted by both school districts and community colleges, a single Workforce Development Information System must be developed in an orderly, phased process with resources adequate to make the changes identified in the final report of the Commissioner's Task Force on Workforce Development. Therefore, the Department of Education, school districts, and community colleges shall cooperate to implement the following schedule:

(1) By July 1, 1998, as recommended by the task force, implement the additional reporting sequences, revised data elements, and combined individually identifiable student information from the student data bases maintained by the Division of Community Colleges and the Division of Public Schools. Individually identifiable student information shall be reported only as required for making funding decisions as required by section 239.115, Florida Statutes, the recommendations of the Commissioner's Task Force on Workforce Development, and the General Appropriations Act. These divisions shall cooperate with the Office of Workforce Education Outcome Information Services of the Department of Education to conduct the joint data element review process recommended in the task force report.

(2) On November 1, 1998, April 1, 1999, and June 1, 1999, provide the Commissioner with a progress report on the implementation of the recommendations of the Commissioner's Task Force on Workforce Development. The report must identify any problems that might impede implementation and describe activities taken to correct them.

(3) By December 1, 1998:

(a) Design specifications for the collection and reporting of data and performance specifications for the Workforce Development Information System. This design must enable parallel reporting and state-level access of workforce data necessary to use the data reports as a basis for calculating funding allocations. In addition, the design must be capable of providing reports necessary to comply with other program performance documentation required by state or federal law, without requiring additional data collection or reporting from local educational agencies.

(b) Develop the computer programs, software, and edit processes necessary for local and state users to produce a single, unified Workforce Development Information System.

(4) By May 15, 1999, complete pilot testing local and state Workforce Development Information System processes.

(5) By July 1, 1999, complete design and development of the Workforce Development Information System.

(6) On October 1, 1999, community colleges and school districts shall complete the first reporting period applicable to the Workforce Development Information System. To assure that this implementation process is conducted successfully, the implementation dates required in sections 239.115 and 239.117, Florida Statutes, are advanced by 1 year, to July 1, 1999, for

implementation of the funding formula, and to the 2000-2001 school year for implementation of the fee schedule. During the 1998-1999 fiscal year, school districts and community colleges shall conduct workforce development education programs with state funding as provided in the General Appropriations Act.

Section 4. Subsection (1) of section 229.551, Florida Statutes, is amended to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;

(b) Coordination of management information system development for all levels of education and for all divisions of the department, to include the development and utilization of cooperative education computing networks for the state system of public education;

(c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;

(d) Coordination of all planning functions for all levels and divisions within the department;

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;

(f) Development and coordination of a common course designation and numbering system for postsecondary education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all postsecondary delivery systems ~~community colleges and universities~~, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. ~~Also, the system shall be applied to all postsecondary and certificate career education programs and courses offered in school districts and community colleges.~~ The Articulation Coordinating Committee, whose membership represents public and nonpublic postsecondary institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. ~~By January 1, 1996,~~ The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. ~~By January 1, 1996,~~ The common course numbering and designation system shall include the courses at the recommended levels, and by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. ~~By January 1, 1996,~~ The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. ~~By fall semester, 1996,~~ All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. ~~By fall semester, 1996,~~ Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program; ~~and~~

(g) Expansion and ongoing maintenance of the common course designation and numbering system to include the numbering and designation of ~~college-credit~~ postsecondary vocational courses and facilitate the transfer of credits between public schools, ~~and~~ community colleges, and state universities. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering ~~college-credit~~ courses that may be transferred to a certificate, diploma, or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable ~~college~~ credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. ~~Identify~~ Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The ~~list~~ study shall also identify ~~postsecondary~~ vocational courses designated as college credit courses applicable toward a vocational diploma or degree. Such ~~college-credit~~ courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program, diploma, and degree; ~~and. A course designated as college credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met~~

(h) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

Section 5. Subsection (1) of section 229.8075, Florida Statutes, is amended to read:

229.8075 Florida Education and Training Placement Information Program.—

(1) The Department of Education shall develop and maintain a continuing program of information management named the “Florida Education and Training Placement Information Program,” the purpose of which is to compile, maintain, and disseminate information concerning the educational histories, placement and employment, enlistments in the United States armed services, and other measures of success of former participants in state educational and workforce development programs. Placement and employment information shall contain data appropriate to calculate job retention and job retention rates.

Section 6. Paragraph (h) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(h) Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required ~~number of school days or year~~ if such instruction counts as credit toward a high school graduation diploma. However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed student's school district must pay the community college for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

Section 7. Section 239.105, Florida Statutes, is amended to read:

239.105 Definitions.—As used in this chapter, the term:

(1) “Adult basic education” means courses of instruction designed to improve the employability of the state's workforce through instruction in mathematics, reading, language, and workforce readiness skills at grade level equivalency 0-8.9. at or below a fifth grade educational level in the language arts, including English for speakers of other languages, mathematics, natural and social sciences, consumer education and other courses that enable an adult to attain basic or functional literacy.

(2) “Adult ESOL” or “adult ESL” means noncredit English language courses designed to improve the employability of the state's workforce through acquisition of communication skills and cultural competencies which enhance ability to read, write, speak, and listen in English. ESOL means English for Speaker of Other Languages. ESL means English as a Second Language. The two terms are interchangeable.

(3)(2) “Adult general education” means a comprehensive instructional programs designed to improve the employability of the state's workforce through program of adult basic education, adult secondary education, English for Speakers of Other Languages, vocational preparatory instruction, and instruction for adults with disabilities. general educational development test instruction, and vocational preparatory instruction.

(4) “Adult high school credit program” means the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law,

the graduation standards for adults shall be the same as those for secondary students.

~~(5)~~⁽³⁾ “Adult secondary education” means courses through which a person receives high school credit that leads to the award of a high school diploma or courses of instruction through which a student prepares to take the General Educational Development test. This includes grade levels 9.0 through 12.9.

~~(6)~~ “Adult student” is a student who is beyond the compulsory school age and who has legally left elementary or secondary school, or a high school student who is taking an adult course required for high school graduation.

~~(7)~~ “Adult with disability,” for the purpose of funding, means an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, and who requires modifications to the educational program, adaptive equipment, or specialized instructional methods and services in order to participate in workforce development programs that lead to competitive employment.

~~(8)~~ “Applied technology diploma program” means a course of study that is part of a degree vocational education program, is less than 60 credit hours, and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit. A public school district may offer an applied technology diploma program only as vocational credit, with college credit awarded to a student upon articulation to a community college. Statewide articulation among public schools and community colleges is guaranteed by s. 240.115, and is subject to guidelines and standards adopted by the articulation coordinating committee pursuant to s. 229.551(1)(g).

~~(9)~~⁽⁴⁾ “Basic literacy,” which is also referred to as “beginning adult basic education,” means the demonstration of academic competence from 2.0 through 5.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

~~(10)~~⁽⁵⁾ “Beginning literacy” means the demonstration of academic competence from 0 through 1.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

~~(11)~~⁽⁶⁾ “College-preparatory instruction” means courses through which a high school graduate who applies for an associate in arts degree program or an associate in science a degree program may attain the communication and computation skills necessary to enroll in college credit instruction.

~~(12)~~⁽⁷⁾ “Commissioner” means the Commissioner of Education.

~~(13)~~⁽⁸⁾ “Community education” means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, including lifelong learning.

(14) “Continuing workforce education” means instruction that does not result in a vocational certificate, diploma, associate in applied science degree, or associate in science degree. Continuing workforce education is for:

(a) Individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body;

(b) New or expanding businesses as described in chapter 288;

(c) Business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or

(d) Individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment.

(15)(18) “Degree vocational education program” means a course of study that leads to an associate in applied science technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates or diplomas within the course of study. The term is interchangeable with the term “degree career education program.”

(16)(9) “Department” means the Department of Education.

~~(10) “Document literacy” means the demonstration of competence in identifying and using information located in materials such as charts, forms, tables, and indexes.~~

(17)(11) “Family literacy” means a program for adults with a literacy component for parents and children or other intergenerational literacy components.

(18)(12) “Functional literacy,” which is also referred to as “intermediate adult basic education,” means the demonstration of academic competence from 6.0 through 8.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(19)(13) “General Educational Development (GED) test preparation instruction” means courses of instruction designed to prepare adults for success on the five GED subject area tests leading to qualification for a State of Florida high school diploma. noncredit courses through which persons prepare to take the general educational development test.

(20)(14) “Lifelong learning” means a noncredit course or activity offered by a school district or community college which seeks to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. The course or activity must have specific expected outcomes that relate to one or more of these areas.

(21)(15) “Local educational agency” means a community college or school district.

(22)(16) “Local sponsor” means a school board, community college board of trustees, public library, other public entity, or private nonprofit entity, or any combination of these entities, that provides adult literacy instruction.

(23)(17) ~~“Vocational certificate program”~~ “Certificate vocational education program” means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a diploma or degree career education program, if authorized by rules of the Department of Education. Any ~~college~~ credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g). The term is interchangeable with the term “certificate career education program.”

(24)(19) “Occupational completion point” means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

~~(20) “Prose literacy” means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.~~

~~(21) “Quantitative literacy” means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.~~

(25)(22) “Vocational education planning region” means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. The term may be used interchangeably with the term “career education planning region.”

(26)(23) “Vocational-preparatory instruction” means adult general education through which persons attain academic and workforce readiness skills at the level of functional literacy (grade levels 6.0-8.9) or higher so that such persons may pursue certificate career education or higher-level career education.

(27) “Vocational program” means a group of identified competencies leading to occupations identified by a Classification of Instructional Programs number.

~~(28)(25) “Workforce development education” means adult general education or vocational education and may consist of a continuing workforce education course single course or a program course of study leading to an occupational completion point, a vocational certificate, an applied technology diploma, or a vocational education an associate in applied technology degree, or an associate in science degree.~~

(29)(24) “Workforce literacy” means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

Section 8. Section 239.115, Florida Statutes, is amended to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms “workforce development education” and “workforce development program” include:

(a) Adult general education programs designed to improve the employability skills of the state’s workforce through adult basic education, adult secondary education, GED preparation, and vocational-preparatory education.;

(b) Certificate Vocational certificate education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate, a diploma or a degree.;

(c) Applied technology diploma programs.

(d) Continuing workforce education courses.

~~(e)(e) Degree vocational education programs, that lead to an associate in applied technology degree or an associate in science degree; and~~

~~(f)(d) Apprenticeship and pre-apprenticeship programs as defined in s. 446.021.~~

(2) Any workforce development education program may be conducted by a community college or a school district, except that college credit and an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an ~~associate in applied technology diploma~~ degree, that portion of the program may be conducted by a school district technical center. Any ~~college credit~~ instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g).

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in law this section it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1999 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a program course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and standard optimum program length.

(b)1. The performance output measure for a vocational education programs course of study is student completion of a vocational a single course; a program of study that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology diploma degree or an associate in science degree. Performance output measures for registered apprenticeship programs shall be based on program lengths that coincide with lengths established pursuant to the requirements of chapter 446.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills. This measure shall include improvement in literacy skills, grade level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The performance outcome measures for programs funded through the Workforce Development Education Fund are associated with placement and retention of students after reaching a completion point or completing of a program course of study. These measures include placement or retention in employment that is related to the program course of study; placement into or retention in employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; and placement and retention of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. Placement and retention must be reported pursuant to ss. 229.8075 and 239.233.

(5) Effective July 1, 1999, for school districts providing adult basic education for the elderly to at least 10,000 students during fiscal year 1996-97, and to at least 10,000 students during subsequent fiscal years, funds for these adult basic education courses for the elderly may be provided in a separate categorical subject to provisions defined in the General Appropriations Act. Unless exempt pursuant to s. 239.117, fees for these courses shall be set at no less than 10 percent of the average cost of instruction.

(6) State funding and student fees for workforce development instruction funded through the Workforce Development Education Fund shall be established as follows:

(a) For a continuing workforce education course, state funding shall equal 50 percent of the cost of instruction, with student fees, business support, quick-response training funds, or other means making up the remaining 50 percent.

(b) For all other workforce development education funded through the Workforce Development Education Fund, state funding shall equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees. Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, unless otherwise specified in the General Appropriations Act.

(c) For fee-exempt students pursuant to s. 239.117, unless otherwise provided for in law, state funding shall equal 100 percent of the average cost of instruction.

(7) Beginning in fiscal year 1999-2000, a school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

(a) Base funding shall not exceed 85 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on a maximum of 85 percent of the institution's prior year's total allocation from base and performance funds.

(b) Performance funding shall be at least 15 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (9). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. For fiscal year 1999-2000, school districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data generated for fiscal year 1998-1999 and performance outcome data available in that year.

(c) If a local educational agency achieves a level of performance sufficient to generate a full allocation as authorized by the workforce development funding formula, the agency may earn performance incentive funds as appropriated for that purpose in a General Appropriations Act. If performance incentive funds are funded and awarded, these funds must be added to the local educational agency's prior year total allocation from the Workforce Development Education Fund and shall be used to calculate the following year's base funding.

(8) A school district or community college that earns performance funding must use the money to benefit the postsecondary vocational and adult education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce development program improvement. The school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs. Notwithstanding s. 216.351, funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the school board or community college board of trustees.

(9) The Department of Education, the State Board of Community Colleges, and the Jobs and Education Partnership shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recom-

mendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the Division of Community Colleges and the Division of Workforce Development through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost efficiency of education.

~~(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.~~

~~(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.~~

~~(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick-response training funds, or other means making up the remaining 50 percent.~~

~~2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.~~

~~(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.~~

~~(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.~~

~~(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incentive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.~~

~~(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.~~

~~(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.~~

~~(10) A high school student dually enrolled under s. 240.116 in a workforce development program funded through the Workforce Development Education Fund and operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance funding incentives, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time equivalent~~

funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) The Department of Education may adopt rules to administer this section.

(12) The Auditor General shall annually audit the Workforce Development Education Fund. The Office of Program Policy Analysis and Government Accountability shall review the workforce development program and provide a report to the Legislature by December 31, 2000, and thereafter at the direction of the Joint Legislative Auditing Committee. Such audits and reviews shall be based on source data at the community colleges and school districts.

Section 9. Subsections (1), (7), and (8), paragraphs (c) and (d) of subsection (4), and paragraphs (a) and (c) of subsection (6) of section 239.117, Florida Statutes, are amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in workforce development programs, ~~including programs and courses leading to an associate in applied technology degree or an associate in science degree~~ who are reported for funding through the Workforce Development Education Fund, except that college credit fees for the community colleges are governed by s. 240.35.

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(c) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts II III and III V of chapter 39, for whom the permanency planning goal pursuant to part III V of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after December 31, 1997. Such exemption includes fees associated with enrollment in vocational college-preparatory instruction and completion of the college-level communication and computation skills testing program. Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(d) A student enrolled in an employment and training program under the WAGES Program. ~~Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the~~

financial aid package. The local WAGES coalition shall pay the community college or school district for costs incurred for WAGES clients.

(6)(a) The Commissioner of Education shall provide ~~recommend~~ to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education for school districts and community colleges. The fee schedule shall be based on the amount of student fees necessary to produce 25 percent of the prior year's average cost of a course of study leading to a certificate or diploma degree and 50 percent of the prior year's cost of a continuing workforce education course ~~that does not lead to an occupational completion point~~. At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled. Fees for students who are not residents for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. ~~Such rule must define the cost of educational programs as the product of semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree. The rule shall be developed in consultation with the Legislature.~~

(7)(a) Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. ~~If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's average program cost for college-preparatory and certificate-level workforce development supplemental vocational programs and 50 ~~40~~ percent of the prior year's program cost for student enrollment in continuing workforce education certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take~~

effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of Education. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college preparatory class within a skill area more than one time shall pay fees at 100 percent of the full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each community college shall have the authority to review and reduce payment for increased fees due to continued enrollment in a college preparatory class on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.~~

(8) Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional 10 percent of the student fees collected for workforce development programs funded through the Workforce Development Education Fund. All fees collected shall be deposited into a separate workforce development the student financial aid fee trust fund of the district or community college to support students enrolled in workforce development programs. Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to workforce development education certificate career education students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

Section 10. Subsection (2) of section 239.213, Florida Statutes, is amended to read:

239.213 Vocational-preparatory instruction.—

(2) Students who enroll in a certificate career education program ~~of 450 hours or more~~ shall complete an entry-level examination within the first 6 weeks of admission into the program. The state board shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student

deemed to lack a minimal level of basic skills for such program shall be referred to vocational-preparatory instruction or adult basic education for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a certificate of vocational program completion prior to demonstrating the basic skills required in the state curriculum frameworks for the vocational program.

Section 11. Subsection (2) of section 239.229, Florida Statutes, is amended to read:

239.229 Vocational standards.—

(2)(a) School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

1. Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.
2. Student awareness of available vocational programs and the corresponding occupations into which such programs lead.
3. Student development of individual career plans.
4. Integration of academic and vocational skills in the secondary curriculum.
5. Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college-preparatory or vocational-preparatory instruction.
6. Student retention in school through high school graduation.
7. Vocational curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(b) School board, superintendent, and area technical center, and community college board of trustees and president, accountability for certificate career education and diploma programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.
2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
3. Vocational program articulation with other corresponding postsecondary programs and job training experiences.
4. Employer satisfaction with the performance of students who complete workforce development education or reach occupational completion points.
5. Student completion, ~~and~~ placement, and retention rates as defined in s. 239.233.

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

1. The provision of timely, accurate technical assistance to school districts and community colleges.
2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.
3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.
4. The development of program standards and industry-driven benchmarks for vocational, adult, and community education programs.
5. Overseeing school district and community college compliance with the provisions of this chapter.
6. Ensuring that the educational outcomes for the technical component of workforce development programs the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs are shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 12. Paragraph (a) of subsection (1) of section 239.233, Florida Statutes, is amended to read:

239.233 Reporting requirements.—

(1)(a) The Department of Education shall develop a system of performance measures in order to evaluate the vocational and technical education programs as required in s. 239.229. This system must measure program enrollment, completion rates, placement rates, and amount of earnings at the time of placement. Placement and employment information, where applicable, shall contain data relevant to job retention, including retention rates. The State Board of Education shall adopt by rule the specific measures and any definitions needed to establish the system of performance measures.

Section 13. Present subsections (6), (7), (8), and (9) of section 239.301, Florida Statutes, are redesignated as (8), (9), (10), and (11), respectively, and new subsections (6) and (7) are added to that section to read:

239.301 Adult general education.—

(6) If students who have been determined to be adults with disabilities are enrolled in workforce development programs, the funding formula must provide additional incentives for their achievement of performance outputs and outcomes.

(7) If the plan for a program for adults with disabilities pursuant to subsection (5) indicates that there are students whose expected time to

completion exceeds twice that of a similar program for nondisabled students, or if there are students enrolled whose individual education plan does not include competitive employment, those students shall generate funds in addition to funds from the workforce development fund, as provided in the annual General Appropriations Act.

Section 14. Subsections (1) and (2) of section 240.115, Florida Statutes, are amended to read:

240.115 Articulation agreement; acceleration mechanisms.—

(1)(a) Articulation between secondary and postsecondary education; admission of associate in arts degree graduates from Florida community colleges and state universities; admission of applied technology diploma program graduates from public community colleges or technical centers; admission of associate in science degree and associate in applied science degree graduates from Florida community colleges; the use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit; general education requirements and common course code numbers as provided for in s. 229.551(1)(f)4.; and articulation among programs in nursing shall be governed by the articulation agreement, as established by the Department of Education. The articulation agreement must specifically provide that every associate in arts graduate of a Florida community college shall have met all general education requirements and must be granted admission to the upper division of a state university except to a limited access or teacher certification program or a major program requiring an audition. After admission has been granted to students under provisions of this section and to university students who have successfully completed 60 credit hours of coursework, including 36 hours of general education, and met the requirements of s. 240.107, admission shall be granted to State University System and Florida community college students who have successfully completed 60 credit hours of work, including 36 hours of general education. Community college associate in arts graduates shall receive priority for admission to a state university over out-of-state students. Orientation programs and student handbooks provided to freshman enrollees and transfer students at state universities must include an explanation of this provision of the articulation agreement.

(b) Any student who transfers among regionally accredited postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the common course designation and numbering system shall be awarded credit by the receiving institution for courses satisfactorily completed by the student at the previous institutions. Credit shall be awarded if the courses are judged by the appropriate common course designation and numbering system faculty task force representing school districts, community colleges, public universities, and participating nonpublic postsecondary education institutions to be academically equivalent to courses offered at the receiving institution, including equivalency of faculty credentials, regardless of the public or nonpublic control of the previous institution. The Department of Education shall ensure that credits to be accepted by a receiving institution are generated in courses for which the

faculty possess credentials that are comparable to those required by the accrediting association of the receiving institution. The award of credit may be limited to courses that are entered in the common course designation and numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

(c) The articulation agreement must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and community colleges and specifically provide that every applied technology diploma graduate must be granted the same amount of credit upon admission to an associate in science degree or associate in applied science degree program unless it is a limited access program. Preference for admission must be given to graduates who are residents of Florida.

(d) By fall semester 1998, the articulation agreement must guarantee the statewide articulation of appropriate courses within associate in science degree programs to baccalaureate degree programs, according to standards established by the Articulation Coordinating Committee after consultation with the Board of Regents and the State Board of Community Colleges. Courses within an associate in applied science degree program may articulate into a baccalaureate degree program on an individual or block basis as authorized in local inter-institutional articulation agreements.

(2) The universities, community college district boards of trustees, and district school boards are authorized to establish intrainstitutional and interinstitutional programs to maximize this articulation. Programs may include upper-division-level courses offered at the community college, distance learning, transfer agreements that facilitate the transfer of credits between public and nonpublic postsecondary institutions, and the concurrent enrollment of students at a community college and a state university to enable students to take any level of baccalaureate degree coursework. Should the establishment of these programs necessitate the waiver of existing State Board of Education rules, reallocation of funds, or revision or modification of student fees, each college or university shall submit the proposed articulation program to the State Board of Education for review and approval. The State Board of Education is authorized to waive its rules and make appropriate reallocations, revisions, or modifications in accordance with the above.

Section 15. Section 240.3031, Florida Statutes, is amended to read:

240.3031 Florida State Community College System defined.—The Florida State Community College System shall consist of the following:

(1) The State Board of Community Colleges of the Division of Community Colleges of the Department of Education.

(2) Brevard Community College.

(3) Broward Community College.

(4) Central Florida Community College.

- (5) Chipola Junior College.
- (6) Daytona Beach Community College.
- (7) Edison Community College.
- (8) Florida Community College at Jacksonville.
- (9) Florida Keys Community College.
- (10) Gulf Coast Community College.
- (11) Hillsborough Community College.
- (12) Indian River Community College.
- (13) Lake City Community College.
- (14) Lake-Sumter Community College.
- (15) Manatee Community College.
- (16) Miami-Dade Community College.
- (17) North Florida Community College.
- (18) Okaloosa-Walton Community College.
- (19) Palm Beach Community College.
- (20) Pasco-Hernando Community College.
- (21) Pensacola Junior College.
- (22) Polk Community College.
- (23) St. Johns River Community College.
- (24) St. Petersburg Junior College.
- (25) Santa Fe Community College.
- (26) Seminole Community College.
- (27) South Florida Community College.
- (28) Tallahassee Community College.
- (29) Valencia Community College.

Section 16. Paragraphs (b) and (c) of subsection (3) and paragraph (a) of subsection (5) of section 240.311, Florida Statutes, are amended to read:

240.311 State Board of Community Colleges; powers and duties.—

- (3) The State Board of Community Colleges shall:

(b) Provide, through rule, for the coordination of the Florida state community college system.

(c) Review new associate degree, diploma, and ~~or~~ certificate programs for relationship to student demand; conduct periodic reviews of existing programs; and provide rules for termination of associate degree or certificate programs when excessive duplication exists.

(5) The State Board of Community Colleges is responsible for reviewing and administering the state program of support for the Florida state community college system and, subject to existing law, shall:

(a) Review and approve all budgets and recommended budget amendments in the Florida state community college system.

Section 17. Section 240.35, Florida Statutes, as amended by chapter 97-383, Laws of Florida, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit, ~~including college-preparatory courses defined in s. 239.105.~~

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for college-preparatory instruction and for credit instruction which may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree. ~~This instruction includes advanced programs and professional programs.~~

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts ~~II III~~ and ~~III V~~ of chapter 39, for whom the permanency planning goal pursuant to part ~~III V~~ of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after December 31, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term,

maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs under s. 240.116 and students enrolled in employment and training programs under the WAGES Program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. ~~The community college shall assist a student under the WAGES Program in obtaining financial aid as it would any other student. A student under the WAGES Program may not be denied participation in programs during the application process for financial aid. If financial aid is denied,~~ The local WAGES coalition shall pay the community college for costs incurred by that WAGES participant related to that person's classes or program. Other fee-exempt instruction provided under this subsection generates an additional one-fourth full-time equivalent enrollment.

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(8).

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, associate in science degree, and college-preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. Fees for courses in college-preparatory programs and associate in arts and associate in science degree programs may be established at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. The annual fee increases

for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

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

(c) Up to 25 percent or \$300,000 ~~\$250,000~~, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the

balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

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

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected by community colleges through these fees may be bonded only for the purpose of financing or refinancing new construction of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip,

maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 18. Paragraph (b) of subsection (1) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines, college-preparatory programs, and ~~on~~ other programs for adults funded pursuant to s. 239.115.

Section 19. Subsection (1) of section 246.013, Florida Statutes, is amended to read:

246.013 Participation in the common course designation and numbering system.—

(1) Nonpublic colleges and schools that have been issued a regular license pursuant to s. 246.081(2), or nonpublic postsecondary colleges that are

~~exempt from state licensure pursuant to s. 246.085(1)(a) and that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education, by a member of the Commission on Colleges of the Southern Association of Colleges and Schools and accredited nonpublic postsecondary colleges exempt from state licensure pursuant to s. 246.085(1)(a) may participate in the common course designation and numbering system pursuant to s. 229.551. Participating colleges and schools shall bear the costs associated with inclusion in the system and shall meet the terms and conditions for institutional participation in the system. The department shall adopt a fee schedule that includes the expenses incurred through data processing, faculty task force travel and per diem, and staff and clerical support time. Such fee schedule may differentiate between the costs associated with initial course inclusion in the system and costs associated with subsequent course maintenance in the system. Decisions regarding initial course inclusion and subsequent course maintenance must be made within 360 days after submission of the required materials and fees by the institution. The Department of Education may select a date by which colleges must submit requests for new courses to be included, and may delay review of courses submitted after that date until the next year's cycle. Any college that currently participates in the system, and that participated in the system prior to July 1, 1986, shall not be required to pay the costs associated with initial course inclusion in the system. Fees collected for participation in the common course designation and numbering system pursuant to the provisions of this section shall be deposited in the Institutional Assessment Trust Fund created by s. 246.31. Any nonpublic, nonprofit college or university that is eligible to participate in the common course designation and numbering system shall not be required to pay the costs associated with participation in the system. The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the Florida resident access grant program pursuant to s. 240.605 are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. ~~Any independent college or university that is eligible to participate in the Florida resident access grant program shall not be required to pay the costs associated with participation in the common course designation and numbering system.~~~~

Section 20. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Workforce Development and the Division of Public Schools and Community Education of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 21. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of Workforce Development ~~and the Division of Public Schools and Community Education~~ of the Department of Education and appropriate education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 22. Subsections (2) and (3) of section 446.052, Florida Statutes, is amended to read:

446.052 Preapprenticeship program.—

(2) ~~The Division of Workforce Development Public Schools and Community Education~~ of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) ~~The Division of Workforce Development Public Schools and Community Education~~, the district school boards, the community college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 23. (1) The State Board of Education shall adopt an implementation schedule that establishes standard fees for instruction in certificate career education and continuing workforce education offered by community colleges and school districts. The schedule shall establish fees for the 1998-1999 school year and shall take effect in the fall term of 1998. This implementation schedule must provide a transition in fee levels from the 1997-1998 fees to the level established in this act, and must provide authority for local educational agencies to vary their fees by 10 percent below the standard. However, the fee schedule must not require an educational agency to reduce its fees to reach the standard fee level.

(2) A local educational agency may waive fees, as designated in section 239.117(5), Florida Statutes, up to an amount equal to 8 percent of the agency's total Workforce Development enrollment hours.

Section 24. (1) The Commissioner of Education and the Executive Director of the State Board of Community Colleges shall continue to investigate issues related to implementation of this act, especially those issues associated with:

- (a) The adoption of common reporting formats and common timeframes associated with the Workforce Development Information System;
- (b) The expansion of electronic transcript systems;
- (c) The implementation of occupational completion points and literacy completion points;
- (d) The consolidation of state and federal workforce development funds into a common administrative entity; and
- (e) The elimination of duplicative reporting requirements.

(2) The commissioner and director shall report to the Executive Office of the Governor and the Legislature before December 31, 1998, on the progress of the implementation of the provisions of this act and this section. The report must indicate recommendations for changes in law or policy.

Section 25. There is established the Employment Task Force for Adults with Disabilities, to be composed of an equal number of members appointed by the Commissioner of Education and the Executive Director of the State Board of Community Colleges. The commissioner shall appoint an additional member to serve as chairperson. Composition of the task force must include representation from organizations and state agencies that provide services to people with disabilities and people who receive services through programs that enroll adults with disabilities.

(1) The task force shall:

(a) Review current programs that provide education for adults with disabilities and identify those that are appropriately funded by the Workforce Development Education Fund or the categorical fund created in Specific Appropriations 119-A and 157-A of the Conference Report on House Bill 4201. If the task force identifies programs that are appropriate for funding from both sources, it shall define conditions of the programs or the students that make the dual funding appropriate.

(b) Identify and classify programs conducted for adults with disabilities and report the number of adults with disabilities enrolled in those programs and in other workforce development education programs during the 1997-1998 and 1998-1999 school years.

(c) Review the expenditure of funds by school districts and community colleges for educational programs for adults with disabilities. This review includes identifying programs in which funds are used with maximum efficiency and an analysis of the characteristics of effective and efficient funding methods.

(d) Identify and recommend remedies for conditions that could preclude the participation of people who are capable of working toward competitive employment.

(2) The Department of Education shall provide staff to assist the task force. Task force members may be reimbursed for travel expenses as provided in section 112.061, Florida Statutes.

(3) The task force shall submit a report to the Commissioner of Education by December 1, 1998. The report may include recommendations for changes in policy, rule, or law to increase the effectiveness of programs that enroll adults with disabilities.

Section 26. (1) The State Board of Community Colleges shall identify procedures that will encourage the joint use of facilities by community colleges and school districts for the purpose of conducting educational programs in workforce development.

(2) The board shall report its findings and recommendations to the Legislature by December 1, 1998.

Section 27. This act shall take effect July 1, 1998.

Approved by the Governor May 15, 1998.

Filed in Office Secretary of State May 15, 1998.