

Committee Substitute for
Committee Substitute for Senate Bill No. 1270

An act relating to education; amending s. 20.055, F.S.; revising a definition; amending s. 20.15, F.S.; deleting the Division of Colleges and Universities in the Department of Education; requiring the department to provide certain support services to the Board of Governors of the State University System; creating s. 20.155, F.S., relating to the Board of Governors; providing for certain rights and privileges, the head of the board, personnel, certain powers and duties, and an Office of Inspector General; amending s. 23.21, F.S., relating to definitions for purposes of paperwork reduction; updating terminology; amending s. 110.131, F.S., relating to other-personal-services temporary employment; updating terminology; amending s. 110.181, F.S., relating to the Florida State Employees' Charitable Campaign; conforming a cross-reference; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; deleting obsolete provisions; amending s. 112.19, F.S., relating to death benefits for certain officers; updating terminology; requiring the Board of Governors to adopt rules; amending s. 112.191, F.S., relating to death benefits for firefighters; updating terminology; requiring the Board of Governors to adopt rules; amending s. 112.313, F.S., relating to standards of conduct; revising definition of "employee" to include provosts; updating terminology; amending s. 112.3135, F.S., relating to restriction on employment of relatives; updating terminology; amending s. 112.3145, F.S., relating to disclosure of financial interests and clients represented before agencies; updating terminology; amending s. 120.52, F.S., relating to definitions for purposes of the Administrative Procedure Act; revising definition of "agency" to include the Board of Governors and state university boards of trustees under certain circumstances; revising definition of "educational unit"; amending s. 120.65, F.S.; including the Board of Governors in the list of entities that must reimburse the Division of Administrative Hearings for certain services and travel expenses; amending s. 121.021, F.S., relating to definitions for purposes of the Florida Retirement System; updating terminology; amending s. 121.35, F.S., relating to the optional retirement program for the State University System; transferring authority from the State Board of Education to the Board of Governors; updating terminology and provisions; amending s. 159.703, F.S., relating to creation of research and development authorities; updating terminology and an effective date; amending s. 159.704, F.S., relating to research and development authorities; updating terminology; amending s. 159.706, F.S.; including research and development authorities designated by the Board of Regents in a grandfather clause; amending s. 211.3103, F.S., relating to distribution of the tax levy on severance of phosphate rock; updating terminology; amending s. 215.16, F.S., relating to appropriations from the General Revenue Fund; deleting unnecessary language; amending s. 215.32, F.S., relating to segregation

of trust funds; including trust funds under the management of the Board of Governors; amending s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program; updating terminology; deleting obsolete terminology; conforming cross-references; amending s. 215.82, F.S., relating to validation of bonds; conforming a cross-reference; amending s. 216.0152, F.S., relating to inventory of facilities; updating terminology; amending s. 216.251, F.S., relating to salary appropriations; deleting reference to the State Board of Education with respect to State University System positions; amending s. 220.15, F.S., relating to apportionment of adjusted federal income; updating terminology; amending s. 250.10, F.S.; providing duties of the Board of Governors in cooperation with the Adjutant General and the State Board of Education; amending s. 253.381, F.S., relating to the sale of unsurveyed marshlands; deleting reference to the State Board of Education; amending s. 255.02, F.S., relating to boards authorized to replace buildings destroyed by fire; deleting obsolete terminology; amending s. 255.043, F.S., relating to art in state buildings; deleting obsolete terminology; amending s. 255.102, F.S.; requiring the Board of Governors to collaborate in the adoption of rules for contractor compliance with minority business participation; amending s. 280.02, F.S.; revising definition of “public deposit” to include moneys of a state university; amending s. 286.001, F.S., relating to statutorily required reports; updating terminology; amending s. 287.064, F.S., relating to consolidated financing of deferred-payment purchases; conforming a cross-reference; amending s. 287.155, F.S., relating to purchase of motor vehicles; updating terminology; amending s. 288.15, F.S.; adding the Board of Governors to the list of entities authorized to cooperate with the Division of Bond Finance; amending s. 288.17, F.S., relating to revenue certificates; updating terminology; amending s. 288.705, F.S.; updating terminology; amending s. 288.7091, F.S.; requiring the Florida Black Business Investment Board to develop memoranda of understanding with the Board of Governors; amending s. 288.8175, F.S.; requiring a linkage institute to be governed by an agreement between the Board of Governors and the State Board of Education; amending s. 295.07, F.S., relating to preference in appointment and retention for veterans; including certain equivalent positions; amending s. 320.08058, F.S., relating to specialty license plates; updating terminology; amending s. 334.065, F.S.; updating terminology; amending s. 377.705, F.S.; updating terminology; amending s. 381.79, F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund; updating terminology; amending s. 388.43, F.S.; updating terminology; amending s. 403.073, F.S., relating to pollution prevention; updating terminology; amending s. 403.074, F.S., relating to technical assistance by the Department of Environmental Protection; updating terminology; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; updating terminology; amending s. 413.051, F.S., relating to blind persons eligible to operate vending stands; updating terminology; amending s. 447.203, F.S.; designating the Board of Governors, or the board’s designee, as the public employer and legislative body with respect to public employees of state universities; revising definition of “legislative body” to conform; amending

s. 455.2125, F.S., relating to adoption of changes to training requirements; updating terminology; amending s. 456.028, F.S., relating to adoption of changes to training requirements; updating terminology; amending s. 464.0196, F.S., relating to nurse educator appointments; prescribing appointing authorities for the Florida Center for Nursing board; amending s. 489.103, F.S., relating to exemptions for purposes of construction contracting; updating terminology; amending s. 489.503, F.S., relating to exemptions for purposes of electrical and alarm system contracting; updating terminology; amending s. 553.71, F.S., relating to definitions for purposes of the Florida Building Code; conforming terminology relating to education boards; amending ss. 627.06281 and 627.06292, F.S., relating to hurricane loss data; updating terminology; amending s. 633.01, F.S., relating to the State Fire Marshal; conforming cross-references; amending s. 650.03, F.S., relating to federal-state agreement; updating terminology; amending s. 943.1755, F.S., relating to the Florida Criminal Justice Executive Institute; updating terminology; amending s. 1000.01, F.S.; providing for certain transfers; amending s. 1000.03, F.S., relating to the function, mission, and goals of the Florida K-20 education system; deleting duplicative provisions; limiting oversight authority over state university matters to the Board of Governors; amending s. 1000.05, F.S.; assigning responsibilities for implementation of equal opportunity policies to the Commissioner of Education and State Board of Education and to the Board of Governors; limiting the functions of the Office of Equal Educational Opportunity to those relating to school districts and community colleges; amending s. 1000.21, F.S.; defining "Board of Governors" as used in the education code; amending s. 1001.02, F.S.; revising powers and duties of the State Board of Education to include working in consultation with the Board of Governors on certain matters; providing for exceptions; prohibiting the State Board of Education from amending a specified budget request; prohibiting the State Board of Education from amending a list of specified fixed capital outlay requests; deleting certain responsibilities relating to state universities; revising reporting requirements relating to financial aid; conforming provisions; amending s. 1001.03, F.S.; providing exceptions regarding State Board of Education enforcement authority; requiring working in conjunction with the Board of Governors on certain matters; deleting State Board of Education review of state university academic programs; amending s. 1001.10, F.S.; providing duties of the Commissioner of Education relating to expenditures of the Board of Governors in the K-20 budget; revising reporting requirements; amending s. 1001.11, F.S.; requiring the Commissioner of Education to work with the Board of Governors for allocation of funds for qualified postsecondary projects; requiring annual reporting by the Commissioner of Education; conforming provisions; amending s. 1001.20, F.S.; transferring responsibilities regarding determination of need for investigations of state universities by the Office of Inspector General; amending s. 1001.28, F.S.; providing that Department of Education distance learning duties do not alter duties of the Board of Governors; amending s. 1001.64, F.S., relating to powers and

duties of community college boards of trustees; conforming a cross-reference; amending s. 1001.70, F.S.; providing authority of the Board of Governors; authorizing travel and per diem; creating s. 1001.706, F.S., relating to powers and duties of the Board of Governors; providing for rulemaking; providing powers and duties relating to organization and operation of state universities, finance, accountability, personnel, property, compliance with laws and rules, and cooperation with other education boards; prohibiting assessment of a fee on universities; amending s. 1001.71, F.S.; providing that the university boards of trustees are part of the executive branch of state government; deleting certain board member requirements; amending s. 1001.72, F.S., relating to university boards of trustees acting as corporations; amending s. 1001.73, F.S., relating to university boards acting as trustees; transferring responsibilities of the State Board of Education to the Board of Governors; subjecting agreements to requirements for the issuance of bonds and debt; amending s. 1001.74, F.S.; revising powers and duties of university boards of trustees relating to general provisions for responsibility, organization and operation of state universities, finance, accountability, personnel, property, and compliance with laws and rules; amending s. 1002.35, F.S.; requiring the State Board of Education to work in conjunction with the Board of Governors regarding assignment of a university partner to the New World School of the Arts; updating terminology; amending s. 1002.41, F.S., relating to home education programs; conforming provisions; amending s. 1004.03, F.S.; transferring responsibilities for approval of new programs at state universities from the State Board of Education to the Board of Governors; amending s. 1004.04, F.S., relating to accountability and approval for teacher preparation programs; including the Board of Governors as a report recipient; amending s. 1004.07, F.S., relating to student withdrawal from courses due to military service; providing for rules by the State Board of Education and Board of Governors; amending s. 1004.21, F.S.; removing legislative intent regarding state universities; providing that state universities are part of the executive branch of state government and administered by a board of trustees; amending s. 1004.22, F.S., relating to divisions of sponsored research at state universities; providing for guidelines of the Board of Governors; transferring responsibilities from the State Board of Education to the Board of Governors; amending s. 1004.24, F.S.; transferring responsibilities relating to securing liability insurance from the State Board of Education to the Board of Governors or the board's designee; amending s. 1004.28, F.S.; transferring responsibilities relating to duties of direct-support organizations from the State Board of Education to the Board of Governors; defining "property"; providing for rules; subjecting certain agreements to requirements for issuance of bonds and debt; amending s. 1004.29, F.S.; transferring responsibilities relating to university health services support organizations from the State Board of Education to the Board of Governors; providing for rules; amending s. 1004.35, F.S.; including the Board of Governors in consultations regarding coordination of course offerings; amending s. 1004.36,

F.S.; transferring responsibilities relating to comprehensive master plans from the State Board of Education to the Board of Governors; amending s. 1004.39, F.S.; transferring responsibilities relating to the college of law at Florida International University from the State Board of Education to the Board of Governors; deleting obsolete provisions; amending s. 1004.40, F.S.; transferring responsibilities relating to the college of law at Florida Agricultural and Mechanical University from the State Board of Education to the Board of Governors; deleting obsolete provisions; amending s. 1004.41, F.S., relating to the J. Hillis Miller Health Center at the University of Florida; authorizing the University of Florida Board of Trustees to utilize certain revenues; amending s. 1004.43, F.S.; transferring responsibilities relating to the H. Lee Moffitt Cancer Center and Research Institute from the State Board of Education to the Board of Governors; amending s. 1004.435, F.S.; transferring responsibilities relating to cancer control from the State Board of Education to the Board of Governors; revising membership of the Florida Cancer Control and Research Council; amending s. 1004.445, F.S.; transferring responsibilities relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute from the State Board of Education to the Board of Governors; amending s. 1004.447, F.S.; requiring annual reporting to the Board of Governors; amending s. 1004.47, F.S.; updating terminology relating to solid and hazardous waste management research; amending s. 1004.58, F.S.; including the Board of Governors as a report recipient; providing for the Chancellor of the State University System to serve as a member of the board and to staff the board; amending s. 1005.03, F.S., relating to the designation "college" or "university"; deleting obsolete terminology; amending s. 1005.06, F.S., relating to institutions not under the jurisdiction of the Commission for Independent Education; deleting obsolete terminology; amending s. 1005.22, F.S.; removing an obsolete reference; amending s. 1006.53, F.S.; removing references to State Board of Education rules for religious observances; amending s. 1006.60, F.S.; including rules of the Board of Governors relating to codes of conduct; amending s. 1006.61, F.S.; including policies of the Board of Governors relating to disruptive student activities; amending s. 1006.62, F.S.; including rules of the Board of Governors relating to expulsion and discipline of students; amending s. 1006.65, F.S.; requiring the Board of Governors to adopt rules for state universities relating to safety issues; amending s. 1006.71, F.S., relating to gender equity in intercollegiate athletics; transferring responsibilities relating to state universities from the Commissioner of Education and State Board of Education to the Chancellor of the State University System and Board of Governors; adding the Legislature to the list of recipients of annual assessments; amending s. 1007.01, F.S.; requiring recommendations to the Legislature relating to articulation; amending s. 1007.22, F.S.; encouraging boards to establish programs to maximize articulation; amending s. 1007.23, F.S.; requiring the State Board of Education and the Board of Governors to enter into a statewide articulation agreement which addresses certain issues; revising provisions relating to admissions; amending s.

1007.24, F.S., relating to the statewide course numbering system; requiring the Commissioner of Education in conjunction with the chancellor, to perform certain duties; requiring the Department of Education in conjunction with the Board of Governors to perform certain duties; requiring the State Board of Education to approve course level with input from the Board of Governors; amending s. 1007.25, F.S., relating to general education courses, common prerequisites, and other degree requirements; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1007.2615, F.S., relating to acceptance of American Sign Language credits as foreign language credits; conforming provisions; amending s. 1007.262, F.S., relating to foreign language competence and equivalence determinations; conforming provisions; providing an exemption; amending s. 1007.264, F.S., relating to admission of impaired and learning disabled persons to postsecondary educational institutions; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1007.265, F.S., relating to graduation, study program admission, and upper-division entry for impaired and learning disabled persons; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1007.27, F.S., relating to articulated acceleration mechanisms and the statewide articulation agreement; conforming provisions; deleting obsolete provisions; amending s. 1007.28, F.S.; transferring requirement for establishment and maintenance of a computer-assisted student advising system from the State Board of Education to the Department of Education in conjunction with the Board of Governors; requiring the State Board of Education and the Board of Governors to specify roles and responsibilities relating to the system; amending s. 1007.33, F.S., relating to site-determined baccalaureate degree access; conforming provisions; amending s. 1008.29, F.S., relating to the college-level communication and mathematics skills examination (CLAST); requiring the State Board of Education in conjunction with the Board of Governors to establish minimum passing scores and identify coursework to satisfy testing requirements; authorizing the Board of Governors to set certain examination fees; amending s. 1008.30, F.S., relating to common placement testing; requiring public postsecondary educational institutions to provide certain modifications for students with disabilities; requiring the State Board of Education in conjunction with the Board of Governors to specify certain college-preparatory requirements; amending s. 1008.32, F.S.; limiting State Board of Education oversight enforcement authority to school districts and community colleges and their respective boards; amending s. 1008.345, F.S.; conforming provisions relating to implementation of the state system of school improvement and education accountability; requiring State Board of Education and Board of Governors approval of CLAST skills and certain assessments; including the Board of Governors as a recipient of certain information; amending s. 1008.37, F.S., relating to postsecondary feedback of information to high schools; remov-

ing State Board of Education rulemaking; requiring the Commissioner of Education to report to the Board of Governors; amending s. 1008.38, F.S., relating to the articulation accountability process; requiring the State Board of Education in conjunction with the Board of Governors to establish an articulation accountability process; amending s. 1008.45, F.S., relating to the community college accountability process; conforming provisions; amending s. 1008.46, F.S.; transferring responsibilities relating to the state university accountability process from the State Board of Education to the Board of Governors; amending s. 1009.01, F.S.; revising definition of "out-of-state fee"; amending s. 1009.21, F.S., relating to determination of resident status for tuition purposes; modifying State Board of Education rulemaking; authorizing rulemaking by the Board of Governors; amending s. 1009.24, F.S.; revising provisions relating to state university tuition and fees; providing guidelines and requirements for the establishment of fees and fines; updating terminology; providing that a state university may not charge any fee except as specifically authorized by law; amending s. 1009.26, F.S.; transferring responsibilities relating to state university fee waivers from the State Board of Education to the Board of Governors; authorizing university boards of trustees to waive tuition and out-of-state fees under certain conditions; amending s. 1009.27, F.S., relating to deferral of fees; removing State Board of Education rulemaking; amending s. 1009.285, F.S., relating to fees for repeated enrollment in college-credit courses; deleting reference to definitions and fee levels established by the State Board of Education; amending s. 1009.29, F.S., relating to increased fees for funding financial aid programs; correcting a reference; amending s. 1009.40, F.S., relating to general requirements for student eligibility for state financial aid; conforming provisions relating to tuition assistance grants; amending s. 1009.90, F.S.; including the Board of Governors with respect to Department of Education duties relating to student financial aid; amending s. 1009.91, F.S.; requiring state university student loan information to be reported annually to the Board of Governors; amending s. 1009.971, F.S., relating to the Florida Prepaid College Board; updating terminology; amending s. 1010.01, F.S., relating to uniform records and accounts; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; requiring a uniform classification of accounts; requiring state universities to file financial statements; amending s. 1010.011, F.S.; revising a definition for purposes of financial matters; amending s. 1010.02, F.S., relating to financial accounting and expenditure; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1010.04, F.S., relating to purchasing; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1010.07, F.S., relating to bonds and insurance; transferring responsibilities relating to state universities from the State Board of Education to the Board of Governors; amending s. 1010.09, F.S., relating to direct-support organizations; transferring responsibilities relating to state

universities from the State Board of Education to the Board of Governors; amending s. 1010.30, F.S., relating to audits; transferring supervision of state universities from the State Board of Education to the Board of Governors; amending s. 1011.01, F.S.; transferring budget responsibilities relating to state universities from the State Board of Education to the Board of Governors; requiring coordination; amending s. 1011.011, F.S.; requiring the State Board of Education in conjunction with the Board of Governors to submit legislative capital outlay budget requests for state universities; amending s. 1011.40, F.S.; transferring state university budget responsibilities from the State Board of Education to the Board of Governors; amending s. 1011.41, F.S.; requiring compliance with certain tuition and fee policies for receipt of state university appropriations; amending s. 1011.4106, F.S.; providing requirements for the expenditure of tuition and fee revenues from local accounts; providing for deposit into the State Treasury under certain conditions; amending s. 1011.411, F.S., relating to budgets for sponsored research at universities; conforming a cross-reference; amending s. 1011.42, F.S., relating to university depositories; authorizing certain fund transfers; amending s. 1011.48, F.S.; transferring responsibilities for educational research centers for child development from the State Board of Education to the Board of Governors; amending s. 1011.82, F.S., relating to requirements for participation in the Community College Program Fund; conforming a cross-reference; amending s. 1011.90, F.S.; transferring state university funding responsibilities from the State Board of Education to the Board of Governors; amending s. 1011.91, F.S.; transferring certain responsibilities relating to additional appropriations; amending s. 1011.94, F.S.; redesignating the Trust Fund for University Major Gifts as the “University Major Gifts Program”; removing provisions relating to the trust fund; transferring responsibilities relating to the University Major Gifts Program from the State Board of Education to the Board of Governors; removing references to New College and the New College Foundation; amending s. 1012.01, F.S.; limiting definitions for purposes of personnel; amending s. 1012.80, F.S.; transferring responsibilities relating to employee disruptive activities at state universities from the State Board of Education to the Board of Governors; amending s. 1012.801, F.S., relating to State University System employees; updating terminology; amending s. 1012.93, F.S.; authorizing evaluation of faculty proficiency in English through a test approved by the Board of Governors; amending s. 1012.98, F.S.; deleting obsolete provisions relating to professional development programs; amending s. 1013.01, F.S.; excluding the Board of Governors from the definition of “board” for purposes of educational facilities; amending s. 1013.02, F.S.; transferring rulemaking authority relating to state university educational facilities from the State Board of Education to the Board of Governors; amending s. 1013.03, F.S.; providing functions of the Board of Governors relating to state university educational facilities; revising provisions relating to submission of data; deleting obsolete provisions; amending s. 1013.11, F.S.; providing for the Chancellor of the State University System to

receive reports; amending s. 1013.12, F.S.; requiring state university firesafety inspections to comply with rules of the Board of Governors; revising recipients of an annual report; amending s. 1013.15, F.S.; subjecting lease or lease-purchase agreements to requirements for issuance of bonds and debt; amending s. 1013.16, F.S.; subjecting leases executed by a university board of trustees to requirements for issuance of bonds and debt; amending s. 1013.17, F.S.; transferring responsibilities relating to university leasing in affiliated research and development parks from the State Board of Education to the Board of Governors; subjecting leases to requirements for issuance of bonds and debt; amending s. 1013.171, F.S.; authorizing each university board of trustees to enter into certain lease agreements; transferring systemwide strategic plan adoption responsibilities from the State Board of Education to the Board of Governors; subjecting agreements to requirements for issuance of bonds and debt; amending s. 1013.19, F.S.; subjecting certain contracts executed by a university board of trustees to requirements for the issuance of bonds and debt; amending s. 1013.25, F.S.; requiring approval of the Administration Commission to exercise the power of eminent domain; amending s. 1013.28, F.S.; requiring state university disposal of property according to rules of the Board of Governors or the Board of Trustees for the Florida School for the Deaf and the Blind; amending s. 1013.31, F.S.; providing Department of Education duties relating to educational plant surveys and PECO funding; removing State Board of Education rulemaking; updating terminology and making technical changes; requiring approval of state university educational plant surveys by the Board of Governors; amending s. 1013.46, F.S.; deleting State Board of Education rulemaking for prequalification of bidders; amending s. 1013.47, F.S.; including rules of the Board of Governors with respect to contracts for construction of educational facilities; amending s. 1013.52, F.S.; requiring the Board of Governors' or the Chancellor of the State University System's review and approval for state university joint-use facilities proposals; amending s. 1013.60, F.S.; requiring that state university capital outlay budget request information approved by the Board of Governors be submitted to the Commissioner of Education; amending s. 1013.64, F.S.; requiring the Board of Governors to submit a 3-year priority list for capital outlay projects for the universities; transferring responsibilities for state university funds for comprehensive educational plant needs from the State Board of Education to the Board of Governors; amending s. 1013.65, F.S.; requiring copies of capital outlay allocations to be provided to the Board of Governors; amending s. 1013.74, F.S.; deleting a cross-reference; transferring responsibilities relating to state university fixed capital outlay projects from the State Board of Education to the Board of Governors; subjecting projects to requirements for issuance of bonds and debt; amending s. 1013.78, F.S.; providing an exception relating to legislative approval for university-related facility acquisitions; authorizing the Board of Governors of the State University System to repeal certain rules; providing a requirement for the repeal of any such rules; repealing s. 186.805, F.S., relating to the Data Bank on

Older Floridians; repealing s. 1004.54, F.S., relating to the Learning Development and Evaluation Center; repealing s. 741.03055, F.S., relating to review of premarital preparation courses, pilot programs, and questionnaire and curriculum; repealing s. 741.03056, F.S., relating to an informational questionnaire; repealing s. 1001.75, F.S., relating to powers and duties of state university presidents; repealing s. 1007.261, F.S., relating to state university admission of students; repealing s. 1007.31, F.S., relating to limited access programs; repealing s. 1007.32, F.S., relating to transfer students; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; repealing s. 1011.4105, F.S., relating to transition from the state accounting system (FLAIR) to the university accounting system; repealing s. 1012.92, F.S., relating to personnel codes of conduct, disciplinary measures, and rulemaking authority; repealing s. 1012.94, F.S., relating to evaluations of faculty members; repealing s. 1012.95, F.S., relating to university employment equity accountability programs; requiring the Board of Governors and the university boards of trustees to repeal certain rules; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(1) For the purposes of this section:

(a) “State agency” means each department created pursuant to this chapter, and also includes the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, and the state courts system.

Section 2. Paragraphs (d) and (e) of subsection (3) of section 20.15, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, present paragraph (c) of that subsection and subsections (5) and (7) are amended, and subsection (8) is added to that section, to read:

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

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

~~(e) Division of Colleges and Universities.~~

(5) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education shall assign to the divisions such powers, duties,

responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in K-20 education under the jurisdiction of the State Board of Education.

(7) BOARDS.—Notwithstanding anything contained in law to the contrary, all members of the ~~university and~~ community college boards of trustees must be appointed according to chapter 1001.

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

Section 3. Section 20.155, Florida Statutes, is created to read:

20.155 Board of Governors of the State University System.—

(1) GENERAL PROVISIONS.—The Board of Governors of the State University System is established by the State Constitution under s. 7, Art. IX and, accordingly, is granted rights and privileges equal to those of departments established under this chapter while preserving the Board of Governors' constitutional designation and title.

(2) HEAD OF THE BOARD.—The head of the Board of Governors is the board with members appointed by the Governor as provided for in s. 7, Art. IX of the State Constitution.

(3) PERSONNEL.—The Board of Governors may appoint a Chancellor to aid the board in the implementation of its responsibilities.

(4) POWERS AND DUTIES.—

(a) The Board of Governors shall operate, regulate, control, and be responsible for the management of the whole State University System in accordance with s. 7, Art. IX of the State Constitution and law.

(b) The Board of Governors, in exercising its authority under the State Constitution and statutes, shall do so in a manner that supports, promotes, and enhances all of the following:

1. Affordable access to postsecondary educational opportunities for Florida residents.

2. Articulation among state universities and with public schools and other postsecondary educational institutions.

3. Fiscal responsibility.

4. Accountability.

(5) OFFICE OF INSPECTOR GENERAL.—An Office of Inspector General shall be organized using existing resources and funds to promote ac-

countability, efficiency, and effectiveness and to detect fraud and abuse within state universities. If the Board of Governors determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office shall conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within a state university. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 4. Subsection (1) of section 23.21, Florida Statutes, is amended to read:

23.21 Definitions.—For purposes of this part:

(1) “Department” means a principal administrative unit within the executive branch of state government, as defined in chapter 20, and includes the State Board of Administration, the Executive Office of the Governor, the Fish and Wildlife Conservation Commission, the Parole Commission, the Agency for Health Care Administration, ~~the Board of Regents, the State Board of Education Community Colleges, the Board of Governors of the State University System,~~ the Justice Administrative Commission, the capital collateral regional counsel, and separate budget entities placed for administrative purposes within a department.

Section 5. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Governors of the State University System, ~~or the board’s designee, Regents~~ or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 6. Subsection (5) of section 110.181, Florida Statutes, is amended to read:

110.181 Florida State Employees’ Charitable Campaign.—

(5) PARTICIPATION OF STATE UNIVERSITIES.—Each university may elect to participate in the Florida State Employees’ Charitable Campaign, upon timely notice to the department. Each university may also conduct annual charitable fundraising drives for employees under the authority granted in ss. 1001.706 and s. 1001.74(19).

Section 7. Paragraphs (e), (f), and (g) of subsection (13) of section 112.0455, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, and paragraph (d) of that subsection is amended to read:

112.0455 Drug-Free Workplace Act.—

(13) RULES.—

~~(d) The Board of Regents may adopt rules for the State University System implementing this section.~~

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

Section 8. Subsection (5) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

(5) The State Board Department of Education or the Board of Governors, as appropriate, shall adopt rules and procedures as are necessary to implement the educational benefits provisions of this section.

Section 9. Subsection (5) of section 112.191, Florida Statutes, is amended to read:

112.191 Firefighters; death benefits.—

(5) The State Board Department of Education or the Board of Governors, as appropriate, shall adopt rules and procedures as are necessary to implement the educational benefits provisions of this section.

Section 10. Paragraph (a) of subsection (9) of section 112.313, Florida Statutes, is amended to read:

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

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secre-

tary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System Regents; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

Section 11. Paragraph (a) of subsection (1) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) “Agency” means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System ~~Division of Universities of the Department of Education~~;

2. An office, agency, or other establishment in the legislative branch;

3. An office, agency, or other establishment in the judicial branch;

4. A county;

5. A city; and

6. Any other political subdivision of the state, except a district school board or community college district.

Section 12. Paragraph (c) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

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

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

(c) “State officer” means:

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

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

3. A member of the Board of Governors of the State University System or a state university board of trustees ~~Regents~~, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

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

Section 13. Paragraph (b) of subsection (1) and subsection (6) of section 120.52, Florida Statutes, are amended to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board, including the Board of Governors of the State University System and a state university board of trustees when acting pursuant to statutory authority derived from the Legislature.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, an expressway authority pursuant to chap-

ter 348, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

(6) “Educational unit” means a local school district, a community college district, the Florida School for the Deaf and the Blind, or a state university when the university is acting pursuant to statutory authority derived from the Legislature.

Section 14. Subsection (11) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(11) The division shall be reimbursed for administrative law judge services and travel expenses by the following entities: water management districts, regional planning councils, school districts, community colleges, the Division of Community Colleges, state universities, the Board of Governors of the State University System, the State Board of Education, the Florida School for the Deaf and the Blind, and the Commission for Independent Education. These entities shall contract with the division to establish a contract rate for services and provisions for reimbursement of administrative law judge travel expenses and video teleconferencing expenses attributable to hearings conducted on behalf of these entities. The contract rate must be based on a total-cost-recovery methodology.

Section 15. Paragraph (b) of subsection (22) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) “Compensation” means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(b) Under no circumstances shall compensation include:

1. Fees paid professional persons for special or particular services or include salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System operated by rule of the Board of Regents for eligible clinical faculty at a state university with a faculty practice plan ~~the University of Florida and the University of South Florida;~~ or

2. Any bonuses or other payments prohibited from inclusion in the member’s average final compensation and defined in subsection (47).

Section 16. Paragraphs (b) and (d) of subsection (2) and paragraphs (a) and (b) of subsection (6) of section 121.35, Florida Statutes, are amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(b) For purposes of this section, both the appointees and employees are referred to as “employees,” and the “employer” of an appointee or employee is the individual institution within the State University System or the Board of Governors of the State University System ~~State Board of Education~~, whichever is appropriate with respect to the particular employee or appointee.

(d) For purposes of this section, the authority granted to the Board of Governors of the State University System ~~State Board of Education~~ may be exercised by the Board of Governors or by the Chancellor of the State University System ~~Division of Colleges and Universities~~.

(6) ADMINISTRATION OF PROGRAM.—

(a) The optional retirement program authorized by this section shall be administered by the department. The department shall adopt rules establishing the responsibilities of the ~~State Board of Education~~ and institutions in the State University System in administering the optional retirement program. The Board of Regents ~~State Board of Education~~ shall, no more than 90 days after July 1, 1983, submit to the department its recommendations for the contracts to be offered by the companies chosen by the department. Effective July 1, 2001, the State Board of Education shall submit to the department its recommendations for the contracts to be offered by the companies chosen by the department. Effective July 1, 2007, the Board of Governors of the State University System shall submit recommendations on contracts within 90 days after request by the department. The recommendations of the board shall include the following:

1. The nature and extent of the rights and benefits in relation to the required contributions; and

2. The suitability of the rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of eligible employees.

(b) After receiving and considering the recommendations of the Board of Governors of the State University System ~~State Board of Education~~, the department shall designate no more than five companies from which contracts may be purchased under the program and shall approve the form and content of the optional retirement program contracts. Any domestic company that has been designated as of July 1, 2005, shall be included in the five companies until expiration of its existing contract with the department. The domestic company may assign its contract with the department to an affiliated qualified company that is wholly owned by the domestic company’s parent company and has assumed 100 percent of the responsibility for the contracts purchased from the domestic company.

Section 17. Subsection (1) of section 159.703, Florida Statutes, is amended to read:

159.703 Creation of research and development authorities.—

(1) Subject to the provisions of this part, each county or group of counties may create by ordinance a local governmental body as a public body corporate and politic to be known as “... Research and Development Authority,” hereafter referred to as “authority” or “authorities.” Each of the authorities is constituted as a public instrumentality for the purposes of development, operation, management, and financing of a research and development park, and the exercise by an authority of the powers conferred by ss. 159.701-159.7095 shall be deemed and held to be the performance of an essential public purpose and function. However, no authority created on or after July 1, 2007 ~~July 7, 1988~~, shall transact any business or exercise any power hereunder until and unless the Board of Governors of the State University System ~~Board of Regents~~ has designated the authority pursuant to the requirements of s. 159.704.

Section 18. Subsections (1) and (3) of section 159.704, Florida Statutes, are amended to read:

159.704 Designation by Board of Governors of the State University System ~~Board of Regents~~; procedure.—

(1) The authority shall prepare and submit to the Board of Governors of the State University System ~~Board of Regents~~ a petition requesting that the authority be designated a research and development authority.

(3) Upon approval of the petition and designation as a research and development authority by the Board of Governors of the State University System ~~Board of Regents~~, the authority shall be empowered to transact any business and exercise any power authorized by ss. 159.701-159.7095 for the purposes set out in such sections.

Section 19. Section 159.706, Florida Statutes, is amended to read:

159.706 Grandfather clause.—Each county designated as a research and development authority on June 30, 1979, or designated by the Board of Regents as a research and development authority prior to July 1, 2001, shall be entitled to continue to be designated and shall be accorded all powers conferred to designated authorities by ss. 159.701-159.7095, except that any authority not constituted and designated under the provisions of ss. 159.701-159.7095 shall be prohibited from exercising any power to issue revenue bonds or other debt obligations pursuant to s. 159.705(6) and (7).

Section 20. Paragraph (b) of subsection (2) of section 211.3103, Florida Statutes, is amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(2) Beginning July 1, 2003, the proceeds of all taxes, interest, and penalties imposed under this section shall be paid into the State Treasury as follows:

(b) The remaining revenues collected from the tax during that fiscal year, after the required payment under paragraph (a), shall be paid into the State Treasury as follows:

1. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 18.75 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

2. For payment to counties that have been designated a rural area of critical economic concern pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 15 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year.

3. To the credit of the Phosphate Research Trust Fund in the Department of Education, ~~Division of Universities~~, 11.25 percent.

4. To the credit of the Minerals Trust Fund, 11.25 percent.

5. To the credit of the Nonmandatory Land Reclamation Trust Fund, 43.75 percent.

Section 21. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds exclude the administrative budgets of the Board of Governors and the Department of Education. ~~provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools and Community Education, the Division of Workforce Development, the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.~~

Section 22. Paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 23. Subsection (4) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(4) Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to the Florida International University a ~~Type I~~ center ~~within the State University System~~ dedicated to hurricane research. The ~~Type I~~ center shall develop a preliminary work plan approved by the advisory council set forth in subsection (5) ~~(6)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (7) ~~(8)~~.

Section 24. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds

to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint 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. In any action to validate bonds issued pursuant to s. 1010.62 ~~ss. 1010.61-1010.619~~ or issued pursuant to s. 9(a)(1), Art. XII of the State Constitution or issued pursuant to s. 215.605 or s. 338.227, the complaint 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 in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, 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; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.

Section 25. Subsection (1) of section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.—

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state or by the judicial branch, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition assessment, maintenance record, age, parking and employee facilities, and other information as required by the department for determining maintenance needs and life-cycle cost evaluations of the facility. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency or by the judicial branch. The term “facility,” as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Governors of the State University System and Regents and the Division of Community Colleges of the Department of Education, respectively, shall develop and maintain an inventory, in the manner prescribed by the Department of Management Services, of all state university and community college higher education ~~higher education~~ facilities and shall make the data available in a format acceptable to the Department of Management Services.

Section 26. Paragraph (a) of subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.
2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.
3. Within the classification and pay plan approved and administered by the ~~State Board of Education and the~~ Board of Governors or the designee of the board for those positions in the State University System.
4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.
5. Within the approved classification and pay plan for the judicial branch.

Section 27. Paragraph (c) of subsection (2) and paragraph (c) of subsection (4) of section 220.15, Florida Statutes, are amended to read:

220.15 Apportionment of adjusted federal income.—

(2) The property factor is a fraction the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year or period and the denominator of which is the average value of such property owned or rented and used everywhere.

(c) The property factor fraction shall not include any real or tangible personal property located in this state with respect to which it is certified to the Department of Revenue that such property is dedicated exclusively to research and development activities performed pursuant to sponsored research contracts conducted in conjunction with and through a university that is a member of the State University System or a nonpublic university that is chartered in Florida and conducts graduate programs at the professional or doctoral level. The Board of Governors of the State University System ~~Board of Regents~~ must certify the contracts for members of the State University System, and the president of the university must certify the contracts for a nonpublic university. As used in this paragraph, "sponsored research contract" means an agreement executed by parties that include at least the university and the taxpayer. Funding for sponsored research contracts may be provided from public or private sources.

(4) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period.

(c) The payroll factor fraction shall not include any compensation paid to any employee located in this state when it is certified to the Department of

Revenue that such compensation was paid to employees dedicated exclusively to research and development activities performed pursuant to sponsored research contracts conducted in conjunction with and through a university that is a member of the State University System or a nonpublic university that is chartered in Florida and conducts graduate programs at the professional or doctoral level. The Board of Governors of the State University System ~~Board of Regents~~ must certify the contracts for members of the State University System, and the president of the university must certify the contracts for a nonpublic university. As used in this paragraph, “sponsored research contract” means an agreement executed by parties that include at least the university and the taxpayer. Funding for sponsored research contracts may be provided from public or private sources.

Section 28. Subsection (7) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General, the Board of Governors of the State University System, and the State Board of Education shall develop education assistance programs for members in good standing of the active Florida National Guard who enroll in a public institution of higher learning in the state.

(a) The programs shall set forth application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.
2. Be presently domiciled in the state.
3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.
4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.

5. Upon enrollment in a program specified in subsection (8) or subsection (9), complete a memorandum of agreement to comply with the rules of the program and serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted or tuition and fees are paid.

(b) The programs shall define those members of the active Florida National Guard who are ineligible to participate in the program and those courses of study which are not authorized for the program.

1. Such members include, but are not limited to:
 - a. Any member, commissioned officer, warrant officer, or enlisted person who has a baccalaureate degree.

- b. Any member who has 15 years or more of total military service creditable toward retirement.
- c. Any member who has not completed basic military training.
2. Courses not authorized include noncredit courses, courses that do not meet degree requirements, or courses that do not meet requirements for completion of career training.

(c) The Adjutant General, together with the Board of Governors of the State University System and the State Board of Education, shall adopt rules for the overall policy, guidance, administration, implementation, and proper utilization of the program. Such rules must include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in this section.

Section 29. Section 253.381, Florida Statutes, is amended to read:

253.381 Unsurveyed marshlands; sale to upland owners.—The Board of Trustees of the Internal Improvement Trust Fund of the state is and the State Board of Education are hereby authorized to make sales of unsurveyed marshlands to record owners of uplands which have been surveyed by the United States, and to make equitable divisions of unsurveyed marsh areas and allocations of the same for sales with due respect to upland ownership, sales heretofore made, natural divisions of the unsurveyed marshes which are indicated by the general courses of water channels within or across the unsurveyed marshes and to other topographical features of the affected areas.

Section 30. Section 255.02, Florida Statutes, is amended to read:

255.02 Boards authorized to replace buildings destroyed by fire.—The Department of Management Services, ~~the Board of Regents of the Department of Education~~, or any other board or person having the direct supervision and control of any state building or state property, may have rebuilt or replaced, out of the proceeds from the fire insurance on such buildings or property, any buildings or property owned by the state, which may be destroyed in whole or in part by fire.

Section 31. Subsection (2) of section 255.043, Florida Statutes, is amended to read:

255.043 Art in state buildings.—

(2) The Department of Management Services, ~~the Board of Regents~~, or other state agencies receiving appropriations for original constructions shall notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of this section. The Department of Management Services, ~~the Board of Regents~~, or other state agency shall determine the amount to be made available for purchase or commission of works of art for each project and shall report these amounts to the

Florida Arts Council and the user agency. Payments therefor shall be made from funds appropriated for fixed capital outlay according to law.

Section 32. Subsection (2) of section 255.102, Florida Statutes, is amended to read:

255.102 Contractor utilization of minority business enterprises.—

(2) The Office of Supplier Diversity, in collaboration with the Board of Governors of the State University System, shall adopt rules to determine what is a “good faith effort” for purposes of contractor compliance with minority participation goals established for competitively awarded building and construction projects. Pro forma efforts shall not be considered good faith. Factors which shall be considered by the state agency in determining whether a contractor has made good faith efforts shall include, but not be limited to:

(a) Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities.

(b) Whether the contractor advertised in general circulation, trade association, or minority-focus media concerning the subcontracting opportunities.

(c) Whether the contractor provided written notice to all relevant subcontractors listed on the minority vendor list for that locality and statewide as provided by the agency as of the date of issuance of the invitation to bid, that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(d) Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises, the Office of Supplier Diversity, or minority persons who responded and provided detailed information about prebid meetings, access to plans, specifications, contractor’s project manager, subcontractor bonding, if any, payment schedule, bid addenda, and other assistance provided by the contractor to enhance minority business enterprise participation.

(e) Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise procurement goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation under reasonable and economical conditions of performance.

(f) Whether the contractor provided the Office of Supplier Diversity as well as interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs at a time no later than when such information was provided to other subcontractors.

(g) Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority busi-

ness enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities or imposing implausible conditions of performance on the contract.

(h) Whether the contractor diligently seeks to replace a minority business enterprise subcontractor that is unable to perform successfully with another minority business enterprise.

(i) Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

Section 33. Subsection (23) of section 280.02, Florida Statutes, is amended to read:

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

(23) “Public deposit” means the moneys of the state or of any state university, county, school district, community college district, special district, metropolitan government, or municipality, including agencies, boards, bureaus, commissions, and institutions of any of the foregoing, or of any court, and includes the moneys of all county officers, including constitutional officers, that are placed on deposit in a bank, savings bank, or savings association and for which the bank, savings bank, or savings association is required to maintain reserves. This includes, but is not limited to, time deposit accounts, demand deposit accounts, and nonnegotiable certificates of deposit. Moneys in deposit notes and in other nondeposit accounts such as repurchase or reverse repurchase operations are not public deposits. Securities, mutual funds, and similar types of investments are not considered public deposits and shall not be subject to the provisions of this chapter.

Section 34. Section 286.001, Florida Statutes, is amended to read:

286.001 Reports statutorily required; filing, maintenance, retrieval, and provision of copies.—

(1) Unless otherwise specifically provided by law, any agency or officer of the executive, legislative, or judicial branches of state government, the State Board of Education, the Board of Governors of the State University System Community Colleges, the Board of Regents, or the Public Service Commission required or authorized by law to make reports regularly or periodically shall fulfill such requirement by filing an abstract of the report with the statutorily or administratively designated recipients of the report and an abstract and one copy of the report with the Division of Library and Information Services of the Department of State, unless the head of the reporting entity makes a determination that the additional cost of providing the entire report to the statutorily or administratively designated recipients is justified. A one-page summary justifying the determination shall be submitted to the chairs of the governmental operations committees of both houses of the Legislature. The abstract of the contents of such report shall be no more than one-half page in length. The actual report shall be retained

by the reporting agency or officer, and copies of the report shall be provided to interested parties and the statutorily or administratively designated recipients of the report upon request.

(2) With respect to reports statutorily required of agencies or officers within the executive, legislative, or judicial branches of state government, the State Board of Education, the Board of Governors of the State University System Community Colleges, ~~the Board of Regents~~, or the Public Service Commission, it is the duty of the division, in addition to its duties under s. 257.05, to:

(a) Regularly compile and update bibliographic information on such reports for distribution as provided in paragraph (b). Such bibliographic information may be included in the bibliographies prepared by the division pursuant to s. 257.05(3)(c).

(b) Provide for at least quarterly distribution of bibliographic information on reports to:

1. Agencies and officers within the executive, legislative, and judicial branches of state government, the State Board of Education, the Board of Governors of the State University System Community Colleges, ~~the Board of Regents~~, and the Public Service Commission, free of charge; and

2. Other interested parties upon request properly made and upon payment of the actual cost of duplication pursuant to s. 119.07(1).

(3) As soon as practicable, the administrative head of each executive, legislative, or judicial agency and each agency of the State Board of Educa-tion, the Board of Governors of the State University System Community Colleges, ~~the Board of Regents~~, and the Public Service Commission required by law to make reports periodically shall ensure that those reports are created, stored, managed, updated, retrieved, and disseminated through electronic means.

(4) Nothing in this section shall be construed to waive or modify the requirement in s. 257.05(2) pertaining to the provision of copies of public documents to the division.

Section 35. Subsection (1) of section 287.064, Florida Statutes, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.—

(1) The Division of Bond Finance of the State Board of Administration and the Chief Financial Officer shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state universities or state community colleges participating under this section pursuant to s. ~~1001.74(6)~~ s. ~~1001.74(5)~~ or s. 1001.64(26), respectively. The Division of Bond Finance shall negotiate and the Chief Financial Officer shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of

financial institutions. As used in this act, the term “deferred-payment” includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency, state university, or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Chief Financial Officer.

Section 36. Subsection (1) of section 287.155, Florida Statutes, is amended to read:

287.155 Motor vehicles; purchase by ~~Division of Universities~~, Department of Children and Family Services, Agency for Persons with Disabilities, Department of Health, Department of Juvenile Justice, and Department of Corrections.—

(1) ~~The Division of Universities of the Department of Education, the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Department of Juvenile Justice, and the Department of Corrections may, subject to the approval of the Department of Management Services, purchase automobiles, trucks, tractors, and other automotive equipment for the use of institutions under the management of the Division of Universities, the Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, and the Department of Corrections, and for the use of residential facilities managed or contracted by the Department of Juvenile Justice.~~

Section 37. Paragraph (d) of subsection (5) of section 288.15, Florida Statutes, is amended to read:

288.15 Powers of Division of Bond Finance.—There is hereby granted to and vested in the Division of Bond Finance of the State Board of Administration the power, right, franchise, and authority:

(5) In order to carry out the objectives and purposes of this chapter, the division is authorized to acquire, own, construct, operate, maintain, improve, and extend public buildings, facilities, or works within the state which are of the character hereinafter specifically mentioned. All public

buildings, facilities, and works which the division is authorized to own, construct, operate, and maintain must be such as can ultimately be owned and operated by an agency, department, board, bureau, or commission of the state. All or any such buildings, facilities, or works may be of a revenue-producing character in order that the cost of the same or some part of improvements or extensions thereto may be paid from receipts therefrom, including in Tallahassee only rentals, leases, and sales to both public and nonpublic agencies through the issue and sales or disposition of revenue bonds, notes, or certificates of the division. The buildings, facilities, and works which the division is hereby authorized to acquire, construct, operate, maintain, improve, and extend are:

(d) Public buildings, facilities, and additions or improvements to existing buildings and facilities for ultimate use in connection with any of the several state institutions, departments, bureaus, boards, or commissions; and, in furtherance of this paragraph, the Department of Management Services, the Board of Governors of the State University System, and the State Board of Education are authorized to cooperate with the Division of Bond Finance and to do and perform all acts and things necessary thereto. Any property acquired by the Division of Bond Finance under the provisions of this chapter may ultimately be conveyed to the state free and clear of all debt or other encumbrance.

Section 38. Section 288.17, Florida Statutes, is amended to read:

288.17 Revenue certificates.—The Division of Bond Finance of the State Board of Administration is authorized to issue interest-bearing revenue certificates for construction of all state buildings approved by the Legislature in its appropriation acts and requested by the Department of Management Services or by the Board of Governors of the State University System Board of Regents.

Section 39. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System, ~~a Type I center of the State University System funded as provided in Pub. L. No. 96-302, as amended,~~ with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute such information to Florida small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to the Department of Labor and Employment Security on utilization of the statewide contracts register. Such report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to those businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

Section 40. Subsection (7) of section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board, Inc.—
The Florida Black Business Investment Board, Inc., shall:

(7) Develop memoranda of understanding with the Departments of Education, Transportation, Community Affairs, and Management Services, as well as with Workforce Florida, Inc., the Board of Governors of the State University System, and the State Board of Education, detailing efforts of common interest and collaborations to expand black business development;

Section 41. Subsection (3) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.—

(3) Each institute must be governed by an agreement, ~~approved by the department,~~ between the Board of Governors of the State University System for a state university and the State Board of Education for a community college ~~Florida Community College System~~ with the counterpart organization in a foreign country. Each institute must report to the department regarding its program activities, expenditures, and policies.

Section 42. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, community colleges, or the School for the Deaf and the Blind, are included.

Section 43. Paragraph (b) of subsection (3) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(3) COLLEGIATE LICENSE PLATES.—

(b) A collegiate plate annual use fee is to be distributed to the state or independent university foundation designated by the purchaser for deposit in an unrestricted account. The Board of Governors of the State University System ~~Board of Regents~~ shall require each state university to submit a plan for approval of the expenditure of all funds so designated. These funds may be used only for academic enhancement, including scholarships and private fundraising activities.

Section 44. Subsections (1), (3), and (4) of section 334.065, Florida Statutes, are amended to read:

334.065 Center for Urban Transportation Research.—

(1) There is established at the University of South Florida the Florida Center for Urban Transportation Research, to be administered by the Board of Governors ~~Regents~~ of and the State University System. The responsibilities of the center include, but are not limited to, conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, including the secretaries of the Florida Departments of Transportation, Community Affairs, and Environmental Protection, or their designees, and a member of the Florida Transportation Commission. The nomination of the remaining members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors ~~Regents~~.

(4) The center shall develop a budget pursuant to chapter 216. This budget shall be submitted to the Governor along with the budget of the Board of Governors ~~Regents~~.

Section 45. Subsection (3) of section 377.705, Florida Statutes, is amended to read:

377.705 Solar Energy Center; development of solar energy standards.—

(3) DEFINITIONS.—

(a) “Center” is defined as the Florida Solar Energy Center of the Board of Governors ~~Regents~~.

(b) “Solar energy systems” is defined as equipment which provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications which normally require or would require a conventional source of energy such as petroleum products, natural gas, or

electricity and which performs primarily with solar energy. In such other systems in which solar energy is used in a supplemental way, only those components which collect and transfer solar energy shall be included in this definition.

Section 46. Subsection (4) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.—

(4) The Board of Governors of the State University System ~~Board of Regents~~ shall establish a program administration process which shall include: an annual prospective program plan with goals, research design, proposed outcomes, a proposed budget, an annual report of research activities and findings, and an annual end-of-year financial statement. Prospective program plans shall be submitted to the Board of Governors ~~Board of Regents~~, and funds shall be released upon acceptance of the proposed program plans. The annual report of research activities and findings shall be submitted to the Board of Governors ~~Board of Regents~~, with the executive summaries submitted to the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Health.

Section 47. Subsection (1) of section 388.43, Florida Statutes, is amended to read:

388.43 Florida Medical Entomology Laboratory.—

(1) The Florida Medical Entomology Laboratory, located in Vero Beach, shall be a research and training center for the state under the supervision of the Board of Governors ~~Regents~~. The laboratory shall be an operational unit of the University of Florida and an integral part of the Institute of Food and Agricultural Sciences.

Section 48. Subsection (1) of section 403.073, Florida Statutes, is amended to read:

403.073 Pollution prevention; state goal; agency programs; public education.—

(1) It is a goal of the state that all its agencies, the State University System, community colleges ~~the State Board of Community Colleges~~, and all municipalities, counties, regional agencies, and special districts develop and implement strategies to prevent pollution, including public information programs and education programs.

Section 49. Subsection (2) of section 403.074, Florida Statutes, is amended to read:

403.074 Technical assistance by the department.—

(2) The program shall include onsite, nonregulatory technical assistance and shall promote and sponsor conferences on pollution prevention techniques. The program may be conducted in cooperation with trade associa-

tions, trade schools, the State University System, community colleges ~~the State Board of Community Colleges~~, or other appropriate entities.

Section 50. Paragraph (b) of subsection (1) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(b) Reimbursement for hospital outpatient care is limited to \$1,500 per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity.
2. Renal dialysis services.
3. Other exceptions made by the agency.

The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, the Board of Governors of the State University System ~~Board of Regents~~, local governments, and other local political subdivisions, for the purpose of making payments, including federal matching funds, through the Medicaid outpatient reimbursement methodologies. Funds received from state entities and local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner.

Section 51. Paragraph (d) of subsection (2) of section 413.051, Florida Statutes, is amended to read:

413.051 Eligible blind persons; operation of vending stands.—

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

(d) “State property” means any building or land owned, leased, or otherwise controlled by the state, but does not include any building or land under the control of a state university board of trustees ~~the Board of Regents~~, a community college district board of trustees, or any state correctional institution as defined in s. 944.02.

Section 52. Subsection (2) and (10) of section 447.203, Florida Statutes, are amended to read:

447.203 Definitions.—As used in this part:

(2) “Public employer” or “employer” means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Governors of the State University System, or the board’s designee, university board of trustees ~~shall be deemed to be the public employer with respect to all public employees of each constituent the respective state university.~~ The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

(10) “Legislative body” means the State Legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403, the Board of Governors of the State University System, or the board’s designee, state university board of trustees ~~shall be deemed to be the legislative body with respect to all employees of each constituent the state university.~~ For purposes of s. 447.403 the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

Section 53. Section 455.2125, Florida Statutes, is amended to read:

455.2125 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education, the Board of Governors of the State University System Board of Regents, and the State Board of Education prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 54. Section 456.028, Florida Statutes, is amended to read:

456.028 Consultation with postsecondary education boards prior to adoption of changes to training requirements.—Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education, the Board of Governors of the State University System Board of Regents, and the State Board of Education prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 55. Subsection (1) of section 464.0196, Florida Statutes, is amended to read:

464.0196 Florida Center for Nursing; board of directors.—

(1) The Florida Center for Nursing shall be governed by a policy-setting board of directors. The board shall consist of 16 members, with a simple majority of the board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The members of the board shall be appointed by the Governor as follows:

(a) Four members recommended by the President of the Senate, at least one of whom shall be a registered nurse recommended by the Florida Organization of Nurse Executives and at least one other representative of the hospital industry recommended by the Florida Hospital Association;

(b) Four members recommended by the Speaker of the House of Representatives, at least one of whom shall be a registered nurse recommended by the Florida Nurses Association and at least one other representative of the long-term care industry;

(c) Four members recommended by the Governor, two of whom shall be registered nurses; ~~and~~

(d) ~~One~~ Four nurse educator ~~educators~~ recommended by the Board of Governors who is State Board of Education, one of whom shall be a dean of a College of Nursing at a state university; ~~and, one other shall be a director of a nursing program in a state community college.~~

(e) Three nurse educators recommended by the State Board of Education, one of whom must be a director of a nursing program at a state community college.

Section 56. Subsection (3) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(3) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees ~~the Board of Regents, and community colleges~~, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees ~~the Board of Regents, and community colleges~~, shall not divide the project into separate components for the purpose of evading this section.

Section 57. Subsection (2) of section 489.503, Florida Statutes, is amended to read:

489.503 Exemptions.—This part does not apply to:

(2) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision of this state, except school boards, state university boards of trustees, and community college boards of trustees ~~the Board of Regents, and community colleges~~, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, as long as the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees ~~the Board of Regents, and community colleges~~, shall not divide the project into separate components for the purpose of evading this section.

Section 58. Subsection (5) of section 553.71, Florida Statutes, is amended to read:

553.71 Definitions.—As used in this part, the term:

(5) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university

board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

Section 59. Subsection (1) of section 627.06281, Florida Statutes, is amended to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—

(1) Within 30 days after a written request for loss data and associated exposure data by the office or the Florida International University a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or the Florida International University to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

Section 60. Subsection (1) of section 627.06292, Florida Statutes, is amended to read:

627.06292 Reports of hurricane loss data and associated exposure data; public records exemption.—

(1) Reports of hurricane loss data and associated exposure data that are specific to a particular insurance company, as reported by an insurer or a licensed rating organization to the office or to a type I center at a state university pursuant to s. 627.06281, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 61. Subsection (7) of section 633.01, Florida Statutes, is amended to read:

633.01 State Fire Marshal; powers and duties; rules.—

(7) The State Fire Marshal shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary facilities pursuant to ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in any county that does not employ or appoint a local fire official, the State Fire Marshal shall assume the duties of the local fire official with respect to firesafety inspections of educational property required under s. 1013.12(3)(2)(b), and the State Fire Marshal may take necessary corrective action as authorized under s. 1013.12(6)(5).

Section 62. Subsection (5) of section 650.03, Florida Statutes, is amended to read:

650.03 Federal-state agreement; interstate instrumentalities.—

(5) For purposes of this chapter, employees of the institutions of higher learning under the Board of Governors of the State University System ~~Board of Regents~~ who are covered by the Teachers' Retirement System shall be deemed to be covered by a separate retirement system for each institution.

Section 63. Subsection (2) of section 943.1755, Florida Statutes, is amended to read:

943.1755 Florida Criminal Justice Executive Institute.—

(2) The institute is established within the Department of Law Enforcement and affiliated with the State University System. The Board of Governors of the State University System ~~Board of Regents~~ shall, in cooperation with the Department of Law Enforcement, determine the specific placement of the institute within the system.

Section 64. Subsection (5) of section 1000.01, Florida Statutes, is amended to read:

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

(5) EDUCATION GOVERNANCE TRANSFERS.—

(a) Effective July 1, 2001:

1. The Board of Regents is abolished.

2. All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the State Board of Education.

3. The State Board of Community Colleges is abolished.

4. All of the powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the State Board of Community Colleges are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the State Board of Education.

5. The Postsecondary Education Planning Commission is abolished.

6. The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services.

7. All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.

8. The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the State Board of Education.

(b) All rules of the State Board of Education, the Commissioner of Education, and the Department of Education, and all rules of the district school boards, the community college boards of trustees, and the state university boards of trustees, in effect on January 2, 2003, remain in effect until specifically amended or repealed in the manner provided by law.

(c) Effective January 7, 2003:

1. The administrative rules of the Department of Education and the Commissioner of Education shall become the rules of the State Board of Education.

2. The administrative rules of the State Board of Education shall become the rules of the appointed State Board of Education.

(d) All administrative rules of the State Board of Education, the Commissioner of Education, and the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), to the appointed State Board of Education.

(e) This act creating the Florida K-20 Education Code shall not affect the validity of any judicial or administrative action involving the Department of Education, pending on January 7, 2003. This act shall not affect the validity of any judicial or administrative action involving the Commissioner of Education or the State Board of Education, pending on January 7, 2003, and the appointed State Board of Education shall be substituted as a party of interest in any such action.

(f) Effective January 7, 2003, any powers, duties, functions, records, property, unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents that were previously transferred to the State Board of Education after the Board of Regents was abolished pursuant to paragraph (a) are transferred to the Board of Governors in accordance with s. 7(d), Art. IX of the State Constitution.

Section 65. Subsection (1) and paragraphs (b) and (c) of subsection (2) of section 1000.03, Florida Statutes, are amended to read:

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

(1) Florida's K-20 education system shall be a decentralized system without excess layers of bureaucracy. ~~The State Board of Education may appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system.~~ Florida's K-20 education system shall maintain a systemwide technology plan based on a common set of data definitions.

(2)

(b) With the exception of matters relating to the State University System, the State Board of Education shall oversee the enforcement of all laws

and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

~~(c) The Board of Governors shall oversee the enforcement of all state university laws and rules and regulations and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results. The Commissioner of Education shall serve as chief executive officer of the K-20 education system. The commissioner shall be responsible for enforcing compliance with the mission and goals of the K-20 education system. The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system.~~

Section 66. Paragraphs (d) and (e) of subsection (3) and subsections (4), (5), and (6) of section 1000.05, Florida Statutes, are amended to read:

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

(3)

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

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

2. The Commissioner of Education shall determine whether equal opportunities are available in school districts and community colleges. In determining whether equal opportunities are available in school districts and community colleges, the Commissioner of Education shall consider, among other factors:

a.1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.

b.2. The provision of equipment and supplies.

c.3. Scheduling of games and practice times.

d.4. Travel and per diem allowances.

e.5. Opportunities to receive coaching and academic tutoring.

f.6. Assignment and compensation of coaches and tutors.

g.7. Provision of locker room, practice, and competitive facilities.

h.8. Provision of medical and training facilities and services.

i.9. Provision of housing and dining facilities and services.

j.10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public school or community college ~~K-20 educational institution~~ operates or sponsors separate teams do not constitute nonimplementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public school or community college ~~K-20 educational institution~~ may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Public schools and community colleges ~~Educational institutions within the state public K-20 education system~~ shall develop and implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career education.

(5)(a) The State Board of Education shall adopt rules to implement this section as it relates to school districts and community colleges.

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

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

(a) Requiring all district school boards and, ~~community college boards of trustees, and state university boards of trustees~~ community college boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of school districts and community colleges ~~public K-20 educational agencies~~ to determine compliance with this section and, after a finding that a school district or a community college ~~an educational agency~~ is not in compliance with this section, notifying the entity ~~agency~~ of the steps that it must take to attain compliance and performing followup monitoring.

(c) Providing technical assistance, including assisting school districts or community colleges ~~public K-20 educational agencies~~ in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing followup monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender,

disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing followup monitoring.

(e) Requiring all district school boards ~~and~~, community college boards of trustees, ~~and state university boards of trustees~~ to submit data and information necessary to determine compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools ~~and~~, community colleges, ~~and state universities~~ comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force ~~a public school or community college an educational agency~~ to conduct, nor penalize ~~such entity an educational agency~~ for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board ~~or~~, community college board of trustees, ~~or state university board of trustees~~ found to be out of compliance with rules of the State Board of Education adopted as required by paragraph (f) or paragraph (3)(d). To penalize the board, the State Board of Education shall:

1. Declare the ~~school district or community college educational agency~~ ineligible for competitive state grants.

2. Notwithstanding the provisions of s. 216.192, direct the Chief Financial Officer to withhold general revenue funds sufficient to obtain compliance from the ~~school district or community college educational agency~~.

The ~~school district or community college educational agency~~ shall remain ineligible and the funds shall not be paid until the institution ~~agency~~ comes into compliance or the State Board of Education approves a plan for compliance.

Section 67. Subsection (8) is added to section 1000.21, Florida Statutes, to read:

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

(8) “Board of Governors” is the Board of Governors of the State University System.

Section 68. Section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

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

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

(a) To adopt comprehensive educational objectives for public education except for the State University System.

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

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

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

(e) To adopt and submit to the Governor and Legislature, as provided in s. 216.023 on or before September 1 of each year, a coordinated K-20 education budget that estimates the expenditure requirements for the Board of Governors, as provided in s. 1001.706, the State Board of Education, including the Department of Education and, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors, as provided in s. 1001.706, or the State Board of Education for the ensuing fiscal year. The State Board of Education may not amend the budget request submitted by the Board of Governors. Any program recommended by the Board of Governors or the

State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

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

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

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

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

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

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

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

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority, ~~for education systemwide issues~~.

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

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

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

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

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

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

(u) To adopt criteria and implementation plans for future growth issues, such as new community colleges and community college universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(v) To develop, in conjunction with the Board of Governors, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

~~(w) To approve a new program at the professional level or doctoral level, if:~~

~~1. The university has taken into account the need and demand for the program, the university's mission, and similar program offerings by public and nonpublic counterparts.~~

~~2. The addition of the program will not alter the university's emphasis on undergraduate education.~~

~~(x) To review, and approve or disapprove, degree programs identified as unique pursuant to s. 1007.25.~~

~~(y) To recommend to the Legislature a plan for implementing block tuition programs and providing other incentives to encourage students to graduate within 4 years.~~

~~(3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The State Board of Education shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to paragraph (2)(p). The report must specify, for each limited-access program within each institution, the following categories, by race and gender:~~

~~(a) The number of applicants.~~

~~(b) The number of applicants granted admission.~~

~~(c) The number of applicants who are granted admission and enroll.~~

~~(d) The number of applicants denied admission.~~

~~(e) The number of applicants neither granted admission nor denied admission.~~

~~Each category must be reported for each term. Each category must be reported by type of student, including the following subcategories: native~~

~~students, community college associate in arts degree transfer students, and other students. Each category and subcategory must further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.~~

~~(4) The State Board of Education shall review, and approve or disapprove, baccalaureate degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education must report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the State Board of Education must determine whether the programs still require more than the standard length of 120 hours.~~

~~(3)(5)(a) The State Board of Education shall adopt a systemwide strategic plan that specifies goals and objectives for the state's public schools state universities and community colleges. In developing this plan, the State Board of Education shall consider the role of individual public and independent institutions within the state. The plan shall be formulated in conjunction with plans of the Board of Governors in order to provide for the roles of the universities and community colleges to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify mission statements and identify degree programs to be offered at each university and community college in accordance with the objectives provided in this subsection. The systemwide strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The systemwide and university and community college strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the system plan.~~

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

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

~~(6) The State Board of Education shall coordinate the programs with the Council for Education Policy Research and Improvement, including doctoral programs. The programs shall be reviewed every 5 years or whenever the state board determines that the effectiveness or efficiency of a program is jeopardized. The State Board of Education shall define the indicators of quality and the criteria for program review for every program. Such indicators include need, student demand, industry-driven competencies for advanced technology and related programs, and resources available to support continuation. The results of the program reviews must be tied to the university and community college budget requests.~~

~~(4)(7)~~ The State Board of Education shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Specify, by rule, procedures to be used by the community college boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.

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

(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges ~~and state universities~~.

(f) Examine the annual administrative review of each community college ~~and state university~~.

(g) Specify, by rule, the college-credit degree program courses that may be taken by community college students concurrently enrolled in college-preparatory instruction.

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

~~(5)(8)~~ The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(6)(9) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges ~~and state universities~~ that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college ~~and state university~~ mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

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

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

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.

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

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

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

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

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

Section 69. Subsections (7), (8), (9), (10), and (13) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

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

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

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

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

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

Section 70. Section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

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

(2) The commissioner's office shall operate all statewide functions necessary to support the State Board of Education, including strategic planning and budget development, general administration, assessment, and accountability.

(3) To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year.

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

(a)(1) To appoint staff necessary to carry out his or her powers and duties.

(b)(2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.

(c)(3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.

(d)(4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(e)(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(f)(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(g)(7) To submit to the State Board of Education, on or before October 1 ~~August 1~~ of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the Board of Governors, the State Board of Education, including the Department of Education and, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors or the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(h)(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes. The Commissioner of Education shall submit to the Legislature the proposed state plan for the reauthorization of the No Child Left Behind Act before the proposed plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives shall appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed plan.

(i)(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(j)(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(k)(11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

~~(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.~~

1.(b) The district school board is responsible for school and student performance.

2.(c) The individual school is the unit for education accountability.

3.(d) The community college board of trustees is responsible for community college performance and student performance.

~~(e) The university board of trustees is responsible for university performance and student performance.~~

(l)(12) To maintain establish a Citizen Information Center responsible for the preparation, publication, and dissemination distribution of user-friendly materials relating to the state's state system of seamless K-20 public education system, including the state's K-12 scholarship programs and the Voluntary Prekindergarten Education Program.

(m)(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the state's K-12 scholarship programs and the Voluntary Prekindergarten Education Program Opportunity Scholarship Program.

(n)(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(o)(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(p)(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

(q)(17) To enter into agreement with Space Florida to develop innovative aerospace-related education programs that promote mathematics and science education for grades K-20.

~~The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.~~

Section 71. Paragraphs (c) and (d) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 1001.11, Florida Statutes, are amended to read:

1001.11 Commissioner of Education; other duties.—

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

(c) In cooperation with the Board of Governors, develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.

(d) ~~Integrally work with the boards of trustees of the state universities and community colleges.~~

(2)(a) The Commissioner of Education shall annually report the state's educational performance on state and national measures and shall recommend to the State Board of Education performance goals addressing the educational needs of the state for the K-20 education system. ~~The Council for Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By January 1 of each year, the Council~~

for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.

(b) ~~Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.~~

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

- (a) Growth at the institutions.
- (b) Need for specific skills statewide.
- (c) Need for maintaining and repairing existing facilities.

Section 72. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

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

(e) Office of Inspector General.—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and community colleges, and state universities in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a community college ~~public postsecondary educational institution~~ board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the community college, the office shall conduct, coordinate, or request investigations into such substantiated allegations ~~made by any person relating to waste, fraud, or financial mismanagement within school districts, the Florida School for the Deaf and the Blind, community colleges, and state universities in Florida~~. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 73. Section 1001.28, Florida Statutes, is amended to read:

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

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

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.

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

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

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

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

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

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

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

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

Section 74. Subsection (17) of section 1001.64, Florida Statutes, is amended to read:

1001.64 Community college boards of trustees; powers and duties.—

(17) Each board of trustees is accountable for performance in certificate career education and diploma programs pursuant to s. ~~1008.43~~ 1008.44.

Section 75. Section 1001.70, Florida Statutes, is amended to read:

1001.70 Board of Governors of the State University System.—

(1) Pursuant to s. 7(d), Art. IX of the State Constitution, the Board of Governors is established as a body corporate comprised of 17 members as follows: 14 citizen members appointed by the Governor subject to confirmation by the Senate; the Commissioner of Education; the chair of the advisory council of faculty senates or the equivalent; and the president of the Florida student association or the equivalent. The appointed members shall serve staggered 7-year terms. In order to achieve staggered terms, beginning July 1, 2003, of the initial appointments, 4 members shall serve 2-year terms, 5 members shall serve 3-year terms, and 5 members shall serve 7-year terms.

(2) Members of the Board of Governors shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(3) The Board of Governors, in exercising its authority under the State Constitution and statutes, shall exercise its authority in a manner that supports, promotes, and enhances a K-20 education system that provides affordable access to postsecondary educational opportunities for residents of the state to the extent authorized by the State Constitution and state law.

Section 76. Section 1001.706, Florida Statutes, is created to read:

1001.706 Powers and duties of the Board of Governors.—

(1) GENERAL PROVISIONS.—

(a) For each constituent university, the Board of Governors, or the board's designee, shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(b) The Board of Governors shall adopt rules pursuant to chapter 120 when acting pursuant to statutory authority derived from the Legislature. The Board of Governors may adopt rules pursuant to chapter 120 when exercising the powers, duties, and authority granted by s. 7, Art. IX of the State Constitution.

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(a) The Board of Governors, or the board's designee, shall develop guidelines and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(b) The Board of Governors shall develop guidelines relating to divisions of sponsored research, pursuant to the provisions of s. 1004.22, to serve the function of administration and promotion of the programs of research.

(c) The Board of Governors shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the Board of Governors.

(d) The Board of Governors shall develop guidelines for supervising faculty practice plans for the academic health science centers.

(e) The Board of Governors shall ensure that students at state universities have access to general education courses as provided in the statewide articulation agreement, pursuant to s. 1007.23.

(f) The Board of Governors shall approve baccalaureate degree programs that require more than 120 semester credit hours of coursework prior to such programs being offered by a state university. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.

(g) The Board of Governors, or the board's designee, shall adopt a written anti-hazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(h) The Board of Governors, or the board's designee, may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(3) POWERS AND DUTIES RELATING TO FINANCE.—

(a) The Board of Governors, or the board's designee, shall account for expenditures of all state, local, federal, and other funds. Such accounting systems shall have appropriate audit and internal controls in place that will enable the constituent universities to satisfactorily and timely perform all accounting and reporting functions required by state and federal law and rules.

(b) The Board of Governors shall prepare the legislative budget requests for the State University System, including a request for fixed capital outlay, and submit them to the State Board of Education for inclusion in the K-20 legislative budget request. The Board of Governors shall provide the state universities with fiscal policy guidelines, formats, and instruction for the development of individual university budget requests.

(c) The Board of Governors, or the board's designee, shall establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

(d) The Board of Governors, or the board's designee, is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.

(4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(a) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university.

(b) The Board of Governors shall develop an accountability plan for the State University System and each constituent university.

(c) The Board of Governors shall maintain an effective information system to provide accurate, timely, and cost-effective information about each university. The board shall continue to collect and maintain, at a minimum, the management information databases as such databases existed on June 30, 2002.

(d) If the Board of Governors of the State University System determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the state university, the Office of the Inspector General shall investigate the allegations.

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

(a) The Board of Governors, or the board's designee, shall establish the personnel program for all employees of a state university, including the president.

(b) The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238. Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110.

(c) Except as otherwise provided by law, university employees are public employees for purposes of chapter 112 and any payment for travel and per diem expenses shall not exceed the level specified in s. 112.061.

(6) POWERS AND DUTIES RELATING TO PROPERTY.—

(a) The Board of Governors shall develop guidelines for university boards of trustees relating to the acquisition of real and personal property and the sale and disposal thereof and the approval and execution of contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated

by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this paragraph is subject to the provisions of s. 1010.62.

(b) The Board of Governors shall develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority provided the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

(c) The Board of Governors, or the board's designee, shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(d) The Board of Governors, or the board's designee, shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(e) Notwithstanding the provisions of s. 253.025 but subject to the provisions of s. 1010.62, the Board of Governors, or the board's designee, may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

1. The Board of Governors, or the board's designee, may secure appraisals and surveys. The Board of Governors, or the board's designee, shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the Board of Governors, or the board's designee, finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. The Board of Governors, or the board's designee, may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the Board of Governors, or the board's designee, or 10 percent of the value of the parcel, which-

ever is greater, unless otherwise authorized by the Board of Governors or the board's designee.

3. This paragraph is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(f) The Board of Governors, or the board's designee, shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(g) The Board of Governors, or the board's designee, shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(h) Notwithstanding the provisions of s. 216.351, the Board of Governors, or the board's designee, may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The Board of Governors, or the board's designee, may authorize a university board of trustees to charge fees for parking at such rented or leased parking facilities.

(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.—The Board of Governors has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(8) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, the university boards of trustees, representatives of the community college boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards to achieve a seamless education system.

(9) The Board of Governors is prohibited from assessing any fee on state universities, unless specifically authorized by law.

Section 77. Subsections (3) and (4) of section 1001.71, Florida Statutes, are amended to read:

1001.71 University boards of trustees; membership.—

(3) University boards of trustees are a part of the executive branch of state government. Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, and attesting to actions of the board of trustees. The duty of the vice chair is to act as chair during the absence or disability of the chair.

~~(4) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.~~

Section 78. Section 1001.72, Florida Statutes, is amended to read:

1001.72 University boards of trustees; boards to constitute a corporation.—

(1) Each board of trustees shall be a public body corporate by the name of “The (name of university) Board of Trustees,” with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on the corporate secretary or designee.

~~(2) It is the intent of the Legislature that the university boards of trustees are not departments of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution.~~

~~(2)(3)~~ The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this section is considered to be the performance of an essential public function. ~~The corporation shall constitute an agency for the purposes of s. 120.52.~~ The corporation is subject to chapter 119 and s. 24, Art. I of the State Constitution, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail or facsimile rather than by means of publication. The corporation is not governed by chapter 607, but by the provisions of this part. The corporation shall maintain coverage under the State Risk Management Trust Fund as provided in chapter 284.

~~(4) No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education. This section shall not prohibit any department, bureau, division, agency, or subdivision of the state from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.~~

~~(5) University boards of trustees shall be corporations primarily acting as instrumentalities or agencies of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity.~~

Section 79. Subsections (2) and (4) of section 1001.73, Florida Statutes, are amended to read:

1001.73 University board empowered to act as trustee.—

(2) Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a resolution of the ~~Board of Governors State Board of Education~~; and such approving resolution may be evidenced by the signature of either the chair or the secretary of the ~~Board of Governors State Board of Education~~ to an endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the ~~Board of Governors State Board of Education~~. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.

(4) Nothing herein shall be construed to authorize a university board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the provisions of ~~ss. 1010.61-1010.619~~ or s. 1013.78; and any mortgage, lease, or other agreement entered into pursuant to this section is subject to the provisions of s. 1010.62.

Section 80. Section 1001.74, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1001.74, F.S., for present text.)

1001.74 Powers and duties of university boards of trustees.—

(1) GENERAL PROVISIONS.—

(a) Pursuant to s. 7(c), Art. IX of the State Constitution and except as otherwise provided by law, the Board of Governors shall establish the powers and duties of the university boards of trustees.

(b) To the extent delegated by the Board of Governors pursuant to s. 1001.706, the boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and guidelines of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(c) Each board of trustees is vested with the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.

(d) Each board of trustees shall perform all duties assigned by law or by the Board of Governors.

(e) Each board of trustees shall adopt rules pursuant to chapter 120 when acting pursuant to statutory authority derived from the Legislature. Each board of trustees may adopt rules pursuant to chapter 120 when exercising the powers, duties, and authority granted by s. 7, Art. IX of the State Constitution.

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(a) Each board of trustees constitutes the contracting agent of the university. Each university shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment. For the purpose of a university's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000. Contracts executed pursuant to this paragraph are subject to the requirements of s. 1010.62.

(b) Each board of trustees shall submit to the Board of Governors, for approval, all new campuses and instructional centers.

(c) Each board of trustees has responsibility for requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.

(d) Each board of trustees has responsibility for ensuring that students have access to general education courses as provided in the statewide articulation agreement, pursuant to s. 1007.23.

(e) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(f) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(g) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 and guidelines of the Board of Governors to serve the function of administration and promotion of the programs of research.

(h) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(i) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall develop guidelines and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(j) Each board of trustees shall govern traffic on its campus pursuant to s. 1006.66.

(k) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers pursuant to guidelines of the Board of Governors.

(l) Each board of trustees may certify direct-support organizations and university health services support organizations to use university property and services in accordance with guidelines of the Board of Governors.

(m) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.

(3) POWERS AND DUTIES RELATING TO FINANCE.—

(a) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall account for expenditures of all state, local, federal, and other funds. Such accounting systems shall have appropriate audit and internal controls in place that will enable the university to satisfactorily and timely perform all accounting and reporting functions required by state and federal law and rules.

(b) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with guidelines established by the Board of Governors.

(c) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

(d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.

(e) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.

(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(a) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to and approval by the Board of Governors.

(b) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the Board of Governors.

(c) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university pursuant to guidelines of the Board of Governors.

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

(a) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish the personnel program for all employees of the university, including the president.

(b) The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238. Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110.

(c) Except as otherwise provided by law, university employees are public employees for purposes of chapter 112 and the payment for travel and per diem shall not exceed the level specified in s. 112.061.

(6) POWERS AND DUTIES RELATING TO PROPERTY.—

(a) Each board of trustees shall have the authority to acquire real and personal property and contract for its sale and disposal and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction in accordance with law and guidelines of the Board of Governors. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this paragraph is subject to the provisions of s. 1010.62.

(b) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university pursuant to guidelines of the Board of Governors. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space,

property, equipment, and resources and the imposition of charges for those items.

(c) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(e) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.

(f) Notwithstanding the provisions of s. 253.025 but subject to the provisions of s. 1010.62, each board of trustees may, to the extent delegated by the Board of Governors pursuant to s. 1001.706 and with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

1. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. This paragraph is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a

university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(g) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(h) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(i) Notwithstanding the provisions of s. 216.351 and to the extent delegated by the Board of Governors pursuant to s. 1001.706, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. With authorization from the Board of Governors, a board of trustees may charge fees for parking at such rented or leased parking facilities.

(j) Each board of trustees shall adjust property records and dispose of state-owned tangible property in the university's custody in accordance with procedures established by the board of trustees in accordance with the provisions of chapter 273. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.—Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(8) OTHER POWERS AND DUTIES.—A board of trustees shall perform such other duties as are provided by law or at the direction of the Board of Governors.

(9) DELEGATION OF POWERS AND DUTIES.—If the Board of Governors has the power to, and does, delegate a power or duty to a university board of trustees as the designee, the rulemaking authority of the Board of Governors for that power or duty is included in the delegation.

Section 81. Paragraph (a) of subsection (2) and subsection (4) of section 1002.35, Florida Statutes, are amended to read:

1002.35 New World School of the Arts.—

(2)(a) For purposes of governance, the New World School of the Arts is assigned to Miami-Dade Community College, the Dade County School District, and one or more universities designated by the State Board of Education. The State Board of Education, in conjunction with the Board of Governors, shall assign to the New World School of the Arts a university partner

or partners. In this selection, the State Board of Education and the Board of Governors shall consider the accreditation status of the core programs. Florida International University, in its capacity as the provider of university services to Dade County, shall be a partner to serve the New World School of the Arts, upon meeting the accreditation criteria. The respective boards shall appoint members to an executive board for administration of the school. The executive board may include community members and shall reflect proportionately the participating institutions. Miami-Dade Community College shall serve as fiscal agent for the school.

(4) The State Board of Education and the Board of Governors shall utilize resources, programs, and faculty from the various state universities in planning and providing the curriculum and courses at the New World School of the Arts, drawing on program strengths at each state university.

Section 82. Subsection (8) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(8) Home education students are eligible for admission to state universities in accordance with the policies and guidelines of the Board of Governors provisions of s. 1007.261.

Section 83. Subsections (1) and (3) of section 1004.03, Florida Statutes, are amended to read:

1004.03 Program approval.—

(1) The Board of Governors ~~State Board of Education~~ shall establish criteria for the approval of new programs at state universities that will receive any support from tuition and fees assessed pursuant to s. 1009.24 or from funds appropriated by the Legislature through the General Appropriations Act or other law. These, which criteria include, but are not limited to, the following:

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

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

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

(d) New programs shall be approved only if they are consistent with the strategic plan ~~state master plans~~ adopted by the Board of Governors ~~State Board of Education~~.

(e) A new graduate-level program or professional-level program may be approved if:

1. The university has taken into account the offerings of its counterparts, including institutions in other sectors, particularly at the regional level.

2. The addition of the program will not alter the emphasis on undergraduate education.

3. The regional need and demand for the graduate program was addressed and the community needs are obvious.

(3) New colleges, schools, or functional equivalents of any program that leads leading to a degree that is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution and that will receive any support from tuition and fees or from funds appropriated by the Legislature through the General Appropriations Act or other law shall not be established without the specific approval of the Legislature.

Section 84. Paragraph (b) of subsection (5) of section 1004.04, Florida Statutes, is amended to read:

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

(5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (4), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(b) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates' performance in this area. The criteria shall also require instruction in working with underachieving students. Program evaluation procedures must include, but are not limited to, program graduates' satisfaction with instruction and the program's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the State Board of Education, the Board of Governors, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

Section 85. Section 1004.07, Florida Statutes, is amended to read:

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

(1) Each district school board, community college ~~district~~ board of trustees, and ~~state~~ university board of trustees shall establish, ~~by rule and pursuant to guidelines of the State Board of Education,~~ policies regarding currently enrolled students who are called to, or enlist in, active military service.

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

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

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

Section 86. Section 1004.21, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1004.21, F.S., for present text.)

1004.21 State universities; general provisions.—State universities are part of the executive branch of state government and are administered by a board of trustees as provided in s. 1001.74.

Section 87. Subsections (1), (2), (6), and (7) of section 1004.22, Florida Statutes, are amended to read:

1004.22 Divisions of sponsored research at state universities.—

(1) Each university is authorized to create, in accordance with guidelines of the Board of Governors ~~as it deems advisable,~~ divisions of sponsored research which will serve the function of administration and promotion of the programs of research, including sponsored training programs, of the university at which they are located. ~~A division of sponsored research created under the provisions of this section shall be under the supervision of the president of that university.~~

(2) The university shall set such policies to regulate the activities of the divisions of sponsored research as it may consider necessary ~~to effectuate the purposes of this act and~~ to administer the research programs in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state. To

this end, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted within the state universities shall be confidential and exempt from the provisions of s. 119.07(1), except that a division of sponsored research shall make available upon request the title and description of a research project, the name of the researcher, and the amount and source of funding provided for such project.

(6)(a) Each university shall submit to the Board of Governors State Board of Education a report of the activities of each division of sponsored research together with an estimated budget for the next fiscal year.

(b) Not less than 90 days prior to the convening of each regular session of the Legislature in which an appropriation shall be made, the Board of Governors State Board of Education shall submit to the chair of the appropriations committee of each house of the Legislature a compiled report, together with a compiled estimated budget for the next fiscal year. A copy of such report and estimated budget shall be furnished to the Governor, as the chief budget officer of the state.

(7) All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the university pursuant to guidelines of the Board of Governors; however, upon certification addressed to the university president that it is necessary for the efficient or expeditious prosecution of a research project, the president may exempt the purchase of material, supplies, equipment, or services for research purposes from the general purchasing requirement of the Florida Statutes.

Section 88. Section 1004.24, Florida Statutes, is amended to read:

1004.24 Board of Governors, or the board's designee, State Board of Education authorized to secure liability insurance.—

(1) The Board of Governors, or the board's designee, State Board of Education is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The Board of Governors State Board of Education and its officers and members.

(b) A university board of trustees and its officers and members.

(c) The faculty and other employees and agents of a university board of trustees.

(d) The students of a state university.

(e) A state university or any college, school, institute, center, or program thereof.

(f) Any not-for-profit corporation organized pursuant to chapter 617, and the directors, officers, employees, and agents thereof, which is affiliated with

a state university, if the corporation is operated for the benefit of the state university in a manner consistent with the best interests of the state, and if such participation is approved by a self-insurance program council, the university president, and the board of trustees.

(2) In the event the Board of Governors, or the board's designee, State Board of Education adopts a self-insurance program, a governing council chaired by the vice president for health affairs or his or her academic equivalent shall be established to administer the program and its duties and responsibilities, including the administration of self-insurance program assets and expenditure policies, which shall be defined in rules as authorized by this section. The council shall have an annual actuary review performed to establish funding requirements to maintain the fiscal integrity of the self-insurance program. The assets of a self-insurance program shall be deposited outside the State Treasury and shall be administered in accordance with rules as authorized by this section.

(3) Any self-insurance program created under this section shall be funded by the entities and individuals protected by such program. There shall be no funds appropriated to any self-insurance program. The assets of the self-insurance program shall be the property of the board that adopts the self-insurance program ~~State Board of Education~~ and shall be used only to pay the administrative expenses of the self-insurance program and to pay any claim, judgment, or claims bill arising out of activities for which the self-insurance program was created. Investment income that is in excess of that income necessary to ensure the solvency of a self-insurance program as established by a casualty actuary may be used to defray the annual contribution paid into the program by the entities and individuals protected by the program.

(4) No self-insurance program adopted by the Board of Governors, or the board's designee, State Board of Education may sue or be sued. The claims files of any such program are privileged and confidential, exempt from the provisions of s. 119.07(1), and are only for the use of the program in fulfilling its duties. Any self-insurance trust fund and revenues generated by that fund shall only be used to pay claims and administration expenses.

(5) Each self-insurance program council shall make provision for an annual financial audit pursuant to s. 11.45 of its accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the Board of Governors and the university board of trustees ~~State Board of Education~~ for review. The Board of Governors ~~State Board of Education~~ shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

~~(6) The State Board of Education may make such rules as are necessary to carry out the provisions of this section.~~

Section 89. Paragraph (c) is added to subsection (1) of section 1004.28, Florida Statutes, and paragraph (b) of subsection (2) and subsections (5), (6), and (7) of that section are amended, to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

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

(c) “Property” does not include student fee revenues collected pursuant to s. 1009.24.

(2) USE OF PROPERTY.—

(b) The board of trustees, in accordance with rules and guidelines of the Board of Governors, shall prescribe by rule conditions with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university. Such rules shall provide for budget and audit review and oversight by the board of trustees.

(5) ANNUAL AUDIT.—Each direct-support organization shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and by the university board of trustees. The annual audit report shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the Board of Governors State Board of Education for review. ~~The Board of Governors State Board of Education,~~ the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor’s report. All records of the organization other than the auditor’s report, management letter, and any supplemental data requested by the Board of Governors State Board of Education, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

(6) FACILITIES.—~~In addition to issuance of indebtedness pursuant to s. 1010.60(2),~~ Each direct-support organization is authorized to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Governors State Board of Education. Such agreements are subject to the provisions of ~~ss. s.~~ 1013.171 and 1010.62.

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

Section 90. Subsections (3) and (5) of section 1004.29, Florida Statutes, are amended to read:

1004.29 University health services support organizations.—

(3) A state university board of trustees, in accordance with rules and guidelines of the Board of Governors, may prescribe, by rule, conditions with which a university health services support organization must comply in order to be certified and to use property, facilities, or personal services at any state university. The rules must provide for budget, audit review, and oversight by the board of trustees. Such rules shall provide that the university health services support organization may provide salary supplements and other compensation or benefits for university faculty and staff employees only as set forth in the organization's budget, which shall be subject to approval by the university president.

(5) Each university health services support organization shall provide for an annual financial audit in accordance with s. 1004.28(5). The auditor's report, management letter, and any supplemental data requested by the Board of Governors ~~State Board of Education~~, the university board of trustees, and the Auditor General shall be considered public records, pursuant to s. 119.07.

Section 91. Section 1004.35, Florida Statutes, is amended to read:

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

Section 92. Subsection (4) of section 1004.36, Florida Statutes, is amended to read:

1004.36 Florida Atlantic University campuses.—

(4) The Board of Governors ~~State Board of Education~~, as a function of its comprehensive master planning process, pursuant to s. 1001.706, shall continue to evaluate the need for undergraduate programs in Broward County and shall assess the extent to which existing postsecondary programs are addressing those needs.

Section 93. Subsection (5) of section 1004.39, Florida Statutes, is amended to read:

1004.39 College of law at Florida International University.—

(5) ~~The Florida International University Board of Trustees shall commence the planning of a college of law at Florida International University. In planning the college of law,~~ The Florida International University Board of Trustees and the Board of Governors ~~State Board of Education~~ may accept

grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida International University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. ~~Classes must commence by the fall semester 2003.~~ If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida International University, the Board of Governors ~~State Board of Education~~ shall make recommendations to the Governor and the Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida International University and the authority of the Florida International University Board of Trustees and the Board of Governors ~~State Board of Education~~ provided in this section shall terminate upon the cessation of operations of the college of law at Florida International University. The college of law at Florida International University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida International University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida International University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida International University Board of Trustees upon the cessation of the college of law.

Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida International University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.

Section 94. Subsection (5) of section 1004.40, Florida Statutes, is amended to read:

1004.40 College of law at Florida Agricultural and Mechanical University.—

(5) ~~The Florida Agricultural and Mechanical University Board of Trustees shall commence the planning of a college of law under the auspices of~~

~~Florida Agricultural and Mechanical University to be located in the I-4 corridor area. In planning the college of law, The Florida Agricultural and Mechanical University Board of Trustees and the Board of Governors State Board of Education may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida Agricultural and Mechanical University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. ~~Classes must commence by the fall semester 2003.~~ If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida Agricultural and Mechanical University, the Board of Governors State Board of Education shall make recommendations to the Governor and Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations of the college of law pursuant to this section, the following conditions apply:~~

(a) ~~The authority for the college of law at Florida Agricultural and Mechanical University and the authority of the Florida Agricultural and Mechanical University Board of Trustees and the Board of Governors State Board of Education provided in this section shall terminate upon the cessation of operations of the college of law at Florida Agricultural and Mechanical University. The college of law at Florida Agricultural and Mechanical University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida Agricultural and Mechanical University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.~~

(b) ~~Any buildings of the college of law at Florida Agricultural and Mechanical University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida Agricultural and Mechanical University Board of Trustees upon the cessation of the college of law.~~

Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida Agricultural and Mechanical University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.

Section 95. Paragraph (e) of subsection (4) of section 1004.41, Florida Statutes, is amended to read:

1004.41 University of Florida; J. Hillis Miller Health Center.—

(4)

(e) In the event that the lease of the hospital facilities to the not-for-profit corporation is terminated for any reason, the University of Florida Board of Trustees shall resume management and operation of the hospital facilities. In such event, the University of Florida Board of Trustees Administration Commission is authorized to utilize appropriate revenues generated from the operation of the hospital facilities to the ~~University of Florida Board of Trustees~~ to pay the costs and expenses of operating the hospital facility for the remainder of the fiscal year in which such termination occurs.

Section 96. Subsections (1) through (4), paragraphs (a), (f), and (g) of subsection (5), and paragraph (b) of subsection (8) of section 1004.43, Florida Statutes, are amended to read:

1004.43 H. Lee Moffitt Cancer Center and Research Institute.—There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(1) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the Board of Governors State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Governors State Board of Education, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. For-profit subsidiaries of the not-for-profit corporation may not compete with for-profit health care providers in the delivery of radiation therapy services to patients. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the Board of Governors State Board of Education, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the state universities and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the Board of Governors

~~State Board of Education~~, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

(2) The ~~Board of Governors State Board of Education~~ shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval of the articles of incorporation of the not-for-profit corporation by the Board of Governors ~~State Board of Education~~.

(b) Approval of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of lands, facilities, and personnel by the not-for-profit corporation and its subsidiaries for research, education, treatment, prevention, and the early detection of cancer and for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual financial audit of the not-for-profit corporation's accounts and records and the accounts and records of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include a management letter, as defined in s. 11.45, and shall be submitted to the Auditor General and the Board of Governors ~~State Board of Education~~. The Board of Governors ~~State Board of Education~~, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) The Board of Governors ~~State Board of Education~~ is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries pursuant to s. 1004.24. The not-for-profit corporation and its subsidiaries shall be exempt from any participation in any property insurance trust fund established by law, including any property insurance trust fund established pursuant to chapter 284, so long as the not-for-profit corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits.

(4) In the event that the agreement between the not-for-profit corporation and the Board of Governors ~~State Board of Education~~ is terminated for any reason, the Board of Governors ~~State Board of Education~~ shall resume governance and operation of such ~~said~~ facilities.

(5) The institute shall be administered by a chief executive officer who shall serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs which fulfill the mission of the institute in research, education, treatment, prevention, and the early detection of cancer; however, the chief executive officer shall not establish academic programs for which academic credit is awarded and which terminate in the conference of a degree without prior approval of the Board of Governors State Board of Education.

(f) The chief executive officer shall have a reporting relationship to the Board of Governors or its designee Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Board of Governors State Board of Education.

(8)

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Board of Governors State Board of Education, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;
2. Matters reasonably encompassed in privileged attorney-client communications;
3. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;
4. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;

6. Corporate officer and employee personnel information;

7. Information relating to the proceedings and records of credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialing;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;

10. Trade secrets as defined in s. 688.002, including:

a. Information relating to methods of manufacture or production, potential trade secrets, potentially patentable materials, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by the not-for-profit corporation or its subsidiaries; and

b. Reimbursement methodologies or rates;

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report; or

12. Any information received by the not-for-profit corporation or its subsidiaries from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law.

As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(c) Subparagraphs 10. and 12. of paragraph (b) are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 97. Paragraph (b) of subsection (3) and subsections (4) and (5) of section 1004.435, Florida Statutes, are amended to read:

1004.435 Cancer control and research.—

(3) DEFINITIONS.—The following words and phrases when used in this section have, unless the context clearly indicates otherwise, the meanings given to them in this subsection:

(b) “Council” means the Florida Cancer Control and Research Advisory Council, which is an advisory body appointed to function on a continuing basis for the study of cancer and which recommends solutions and policy alternatives to the Board of Governors State Board of Education and the secretary and which is established by this section.

(4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL; CREATION; COMPOSITION.—

(a) There is created within the H. Lee Moffitt Cancer Center and Research Institute, Inc., the Florida Cancer Control and Research Advisory Council. The council shall consist of 34 ~~35~~ members, which includes the chairperson, all of whom must be residents of this state. All members, except those appointed by the Speaker of the House of Representatives and the President of the Senate, must be appointed by the Governor. At least one of the members appointed by the Governor must be 60 years of age or older. One member must be a representative of the American Cancer Society; one member must be a representative of the Florida Tumor Registrars Association; one member must be a representative of the Sylvester Comprehensive Cancer Center of the University of Miami; one member must be a representative of the Department of Health; one member must be a representative of the University of Florida Shands Cancer Center; one member must be a representative of the Agency for Health Care Administration; one member must be a representative of the Florida Nurses Association; one member must be a representative of the Florida Osteopathic Medical Association; one member must be a representative of the American College of Surgeons; one member must be a representative of the School of Medicine of the University of Miami; one member must be a representative of the College of Medicine of the University of Florida; one member must be a representative of NOVA Southeastern College of Osteopathic Medicine; one member must be a representative of the College of Medicine of the University of South Florida; one member must be a representative of the College of Public Health of the University of South Florida; one member must be a representative of the Florida Society of Clinical Oncology; one member must be a representative of the Florida Obstetric and Gynecologic Society who has had training in the specialty of gynecologic oncology; one member must be a representative of the Florida Medical Association; one member must be a member of the Florida Pediatric Society; one member must be a representative of the Florida Radiological Society; one member must be a representative of the Florida Society of Pathologists; one member must be a representative of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; three members must be representatives of the general public acting as consumer advocates; one member must be a member of the House of Representatives appointed by the Speaker of the House of Representatives; one member must be a member of the Senate appointed by the President of the Senate; ~~one member must be a representative of the Department of Education; one~~

member must be a representative of the Florida Dental Association; one member must be a representative of the Florida Hospital Association; one member must be a representative of the Association of Community Cancer Centers; one member shall be a representative from a statutory teaching hospital affiliated with a community-based cancer center; one member must be a representative of the Florida Association of Pediatric Tumor Programs, Inc.; one member must be a representative of the Cancer Information Service; one member must be a representative of the Florida Agricultural and Mechanical University Institute of Public Health; and one member must be a representative of the Florida Society of Oncology Social Workers. Of the members of the council appointed by the Governor, at least 10 must be individuals who are minority persons as defined by s. 288.703(3).

(b) The terms of the members shall be 4 years from their respective dates of appointment.

(c) A chairperson shall be appointed by the Governor for a term of 2 years. The chairperson shall appoint an executive committee of no fewer than three persons to serve at the pleasure of the chairperson. This committee will prepare material for the council but make no final decisions.

(d) The council shall meet no less than semiannually at the call of the chairperson or, in his or her absence or incapacity, at the call of the secretary. Sixteen members constitute a quorum for the purpose of exercising all of the powers of the council. A vote of the majority of the members present is sufficient for all actions of the council.

(e) The council members shall serve without pay. Pursuant to the provisions of s. 112.061, the council members may be entitled to be reimbursed for per diem and travel expenses.

(f) No member of the council shall participate in any discussion or decision to recommend grants or contracts to any qualified nonprofit association or to any agency of this state or its political subdivisions with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.

(g) The council may prescribe, amend, and repeal bylaws governing the manner in which the business of the council is conducted.

(h) The council shall advise the Board of Governors ~~State Board of Education~~, the secretary, and the Legislature with respect to cancer control and research in this state.

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan and integrated and coordinated with existing programs in this state.

(j) The council shall formulate and recommend to the secretary a plan for the care and treatment of persons suffering from cancer and recommend the establishment of standard requirements for the organization, equipment, and conduct of cancer units or departments in hospitals and clinics in this

state. The council may recommend to the secretary the designation of cancer units following a survey of the needs and facilities for treatment of cancer in the various localities throughout the state. The secretary shall consider the plan in developing departmental priorities and funding priorities and standards under chapter 395.

(k) The council is responsible for including in the Florida Cancer Plan recommendations for the coordination and integration of medical, nursing, paramedical, lay, and other plans concerned with cancer control and research. Committees shall be formed by the council so that the following areas will be established as entities for actions:

1. Cancer plan evaluation: tumor registry, data retrieval systems, and epidemiology of cancer in the state and its relation to other areas.
2. Cancer prevention.
3. Cancer detection.
4. Cancer patient management: treatment, rehabilitation, terminal care, and other patient-oriented activities.
5. Cancer education: lay and professional.
6. Unproven methods of cancer therapy: quackery and unorthodox therapies.
7. Investigator-initiated project research.

(l) In order to implement in whole or in part the Florida Cancer Plan, the council shall recommend to the Board of Governors ~~State Board of Education~~ or the secretary the awarding of grants and contracts to qualified profit or nonprofit associations or governmental agencies in order to plan, establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research.

(m) If funds are specifically appropriated by the Legislature, the council shall develop or purchase standardized written summaries, written in layperson's terms and in language easily understood by the average adult patient, informing actual and high-risk breast cancer patients, prostate cancer patients, and men who are considering prostate cancer screening of the medically viable treatment alternatives available to them in the effective management of breast cancer and prostate cancer; describing such treatment alternatives; and explaining the relative advantages, disadvantages, and risks associated therewith. The breast cancer summary, upon its completion, shall be printed in the form of a pamphlet or booklet and made continuously available to physicians and surgeons in this state for their use in accordance with s. 458.324 and to osteopathic physicians in this state for their use in accordance with s. 459.0125. The council shall periodically update both summaries to reflect current standards of medical practice in the treatment of breast cancer and prostate cancer. The council shall develop and implement educational programs, including distribution of the summaries developed or purchased under this paragraph, to inform citizen

groups, associations, and voluntary organizations about early detection and treatment of breast cancer and prostate cancer.

(n) The council shall have the responsibility to advise the Board of Governors ~~State Board of Education~~ and the secretary on methods of enforcing and implementing laws already enacted and concerned with cancer control, research, and education.

(o) The council may recommend to the Board of Governors ~~State Board of Education~~ or the secretary rules not inconsistent with law as it may deem necessary for the performance of its duties and the proper administration of this section.

(p) The council shall formulate and put into effect a continuing educational program for the prevention of cancer and its early diagnosis and disseminate to hospitals, cancer patients, and the public information concerning the proper treatment of cancer.

(q) The council shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., at the University of South Florida.

(r) On February 15 of each year, the council shall report to the Governor and to the Legislature.

(5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS STATE BOARD OF EDUCATION, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE SECRETARY.—

(a) The Board of Governors ~~State Board of Education~~ or the secretary, after consultation with the council, shall award grants and contracts to qualified nonprofit associations and governmental agencies in order to plan, establish, or conduct programs in cancer control and prevention, cancer education and training, and cancer research.

(b) The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall provide such staff, information, and other assistance as reasonably necessary for the completion of the responsibilities of the council.

(c) The Board of Governors ~~State Board of Education~~ or the secretary, after consultation with the council, may adopt rules necessary for the implementation of this section.

(d) The secretary, after consultation with the council, shall make rules specifying to what extent and on what terms and conditions cancer patients of the state may receive financial aid for the diagnosis and treatment of cancer in any hospital or clinic selected. The department may furnish to citizens of this state who are afflicted with cancer financial aid to the extent of the appropriation provided for that purpose in a manner which in its opinion will afford the greatest benefit to those afflicted and may make arrangements with hospitals, laboratories, or clinics to afford proper care and treatment for cancer patients in this state.

Section 98. Subsections (2) through (5), paragraphs (a), (f), (g), and (h) of subsection (6), and subsection (10) of section 1004.445, Florida Statutes, are amended to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.—

(2)(a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Governors ~~State Board of Education~~, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. Effective July 1, 2007, the agreement authority provided to the State Board of Education is transferred to the Board of Governors.

(b) The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the Board of Governors ~~State Board of Education~~, or their designees, five representatives of the state universities, and nine representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote. Of the five university representatives, one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and of the nine public representatives, three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. Any vacancy in office shall be filled in the same manner as the original appointment. Any director may be reappointed.

(3) The Board of Governors ~~State Board of Education~~ shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval by the Board of Governors ~~State Board of Education~~ of the articles of incorporation of the not-for-profit corporation.

(b) Approval by the Board of Governors ~~State Board of Education~~ of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(c) Utilization of lands, facilities, and personnel by the not-for-profit corporation and its subsidiaries for research, education, treatment, prevention,

and the early detection of Alzheimer's disease and for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual financial audit pursuant to s. 11.45 of the not-for-profit corporation's accounts and the accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the Board of Governors State Board of Education for review. The Board of Governors State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities for all persons regardless of race, color, religion, gender, age, or national origin.

(4) The Board of Governors State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to s. 1004.24. The not-for-profit corporation and its subsidiaries shall be exempt from any participation in any property insurance trust fund established by law, including any property insurance trust fund established pursuant to chapter 284, so long as the not-for-profit corporation and its subsidiaries maintain property insurance protection with comparable or greater coverage limits.

(5) In the event that the agreement between the not-for-profit corporation and the Board of Governors State Board of Education is terminated for any reason, the Board of Governors State Board of Education shall assume governance and operation of the facilities.

(6) The institute shall be administered by a chief executive officer, who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation, and who shall exercise the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which culminate in the conferring of a degree, without prior approval of the Board of Governors State Board of Education.

(f) The chief executive officer shall have a reporting relationship to the Board of Governors or its designee Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Board of

Governors State Board of Education. The annual report shall describe the expenditure of all funds and shall provide information regarding research that has been conducted or funded by the center, as well as the expected and actual results of such research.

(h) By August 1 of each year, the chief executive officer shall develop and submit to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Board of Governors State Board of Education an annual operating budget detailing the planned use of state, federal, and private funds for the fiscal year.

(10) The following information is confidential and exempt from s. 119.07(1) and s. 24, Art. I of the State Constitution:

(a) Personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute that is held by the institute, the University of South Florida, the Board of Governors, or the State Board of Education;

(b) Medical or health records relating to patients held by the institute;

(c) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.002, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research;

(d) The personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous; and

(e) Any information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.

Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information.

Section 99. Paragraph (f) of subsection (7) of section 1004.447, Florida Statutes, is amended to read:

1004.447 Florida Institute for Human and Machine Cognition, Inc.—

(7) The corporation shall employ a chief executive officer to administer the affairs of the Florida Institute for Human and Machine Cognition, Inc. The chief executive officer shall be appointed by and serve at the pleasure of the board of directors. The chief executive officer shall exercise the following powers and duties, subject to the approval of the board of directors:

(f) Annually report in writing to the Board of Governors ~~Commissioner of Education~~ on the activities of the institute and state budget allocation expenditures.

Section 100. Section 1004.47, Florida Statutes, is amended to read:

1004.47 Research activities relating to solid and hazardous waste management.—Research, training, and service activities related to solid and hazardous waste management conducted by state universities shall be coordinated by the Board of Governors State Board of Education. Proposals for research contracts and grants; public service assignments; and responses to requests for information and technical assistance by state and local government, business, and industry shall be addressed by a formal Type I Center process involving an advisory board of university personnel appointed by the Chancellor of the State University System Commissioner of Education and chaired and directed by an individual appointed by the Chancellor of the State University System Commissioner of Education. The Board of Governors State Board of Education shall consult with the Department of Environmental Protection in developing the research programs and provide the department with a copy of the proposed research program for review and comment before the research is undertaken. Research contracts shall be awarded to independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools on the same basis as those research contracts awarded to the state universities. Research activities shall include, but are not limited to, the following areas:

- (1) Methods and processes for recycling solid and hazardous waste.
- (2) Methods of treatment for detoxifying hazardous waste.
- (3) Technologies for disposing of solid and hazardous waste.

Section 101. Paragraph (b) of subsection (1), paragraphs (a) and (i) of subsection (2), and subsection (3) of section 1004.58, Florida Statutes, are amended to read:

1004.58 Leadership Board for Applied Research and Public Service.—

(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the state universities. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers at each state university, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:

(b) Addressing state university policy matters and making recommendations to the Board of Governors ~~State Board of Education~~ as they relate to applied public service and research.

(2) Membership of the board shall be:

(a) The Chancellor of the State University System ~~Commissioner of Education~~, or the chancellor's ~~commissioner's~~ designee, who shall serve as chair.

(i) Five additional university president members, designated by the chancellor ~~commissioner~~, to rotate annually.

(3) The board shall prepare a report for the Board of Governors ~~State Board of Education~~ to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

Section 102. Paragraph (d) of subsection (1) of section 1005.03, Florida Statutes, is amended to read:

1005.03 Designation “college” or “university”.—

(1) The use of the designation “college” or “university” in combination with any series of letters, numbers, or words is restricted in this state to colleges or universities as defined in s. 1005.02 that offer degrees as defined in s. 1005.02 and fall into at least one of the following categories:

(d) A college that is under the jurisdiction of ~~the Division of Colleges and Universities~~ of the Department of Education, ~~whose students are eligible to participate in~~ for the William L. Boyd, IV, Florida Resident Access Grant Program, and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

Section 103. Paragraph (c) of subsection (1) of section 1005.06, Florida Statutes, is amended to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.—

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(c) Any institution that is under the jurisdiction of ~~the Division of Colleges and Universities~~ of the Department of Education, ~~whose students are eligible to participate in~~ for the William L. Boyd, IV, Florida Resident Access Grant Program, and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

Section 104. Paragraph (e) of subsection (2) of section 1005.22, Florida Statutes, is amended to read:

1005.22 Powers and duties of commission.—

(2) The commission may:

(e) Advise the Governor, the Legislature, the State Board of Education, ~~the Council for Education Policy Research and Improvement~~, and the Commissioner of Education on issues relating to private postsecondary education.

Section 105. Section 1006.53, Florida Statutes, is amended to read:

1006.53 Religious observances.—Each public postsecondary educational institution shall adopt a policy ~~in accordance with rules of the State Board of Education~~ which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments. Each policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress. Such policy shall be made known to faculty and students annually in inclusion in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

Section 106. Subsection (3) of section 1006.60, Florida Statutes, is amended to read:

1006.60 Codes of conduct; disciplinary measures; rulemaking authority.—

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

Section 107. Subsection (1) of section 1006.61, Florida Statutes, is amended to read:

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

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

Section 108. Subsections (1) and (3) of section 1006.62, Florida Statutes, are amended to read:

1006.62 Expulsion and discipline of students of community colleges and state universities.—

(1) Each student in a community college or state university is subject to federal and state law, respective county and municipal ordinances, and all rules and regulations of the State Board of Education, the Board of Governors regarding the State University System, or the board of trustees of the institution.

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

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

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

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

Section 109. Section 1006.65, Florida Statutes, is amended to read:

1006.65 Safety issues in courses offered by public postsecondary educational institutions.—

(1) The State Board of Education shall adopt rules to ensure that policies and procedures are in place to protect the health and safety of students, instructional personnel, and visitors who participate in courses offered by a community college public postsecondary educational institution.

(2) The Board of Governors shall adopt rules to ensure that policies and procedures are in place to protect the health and safety of students, instructional personnel, and visitors who participate in courses offered by a state university.

~~(3)~~(2) Such policies and procedures shall ~~(3)~~(2) be guided by industry standards for practices in the course content area and shall conform with all related and relevant state and federal health and safety requirements.

Section 110. Section 1006.71, Florida Statutes, is amended to read:

1006.71 Gender equity in intercollegiate athletics.—

(1) GENDER EQUITY PLAN.—

(a) Each community college and state university shall develop a gender equity plan pursuant to s. 1000.05.

(b) The plan shall include consideration of equity in sports offerings, participation, availability of facilities, scholarship offerings, and funds allocated for administration, recruitment, comparable coaching, publicity and promotion, and other support costs.

(c) The Commissioner of Education shall annually assess the progress of each community college's institution's plan and advise the State Board of Education and the Legislature regarding compliance.

(d) The Chancellor of the State University System shall annually assess the progress of each state university's plan and advise the Board of Governors and the Legislature regarding compliance.

~~(e)(d)~~ Each board of trustees of a public community college or state university shall annually evaluate the presidents on the extent to which the gender equity goals have been achieved.

~~(f)(e)~~ To determine the proper level of support for women's athletic scholarships, an equity plan may determine, where appropriate, that support for women's scholarships may be disproportionate to the support of scholarships for men.

~~(g)1.(f)~~ If a community college or state university is not in compliance with Title IX of the Education Amendments of 1972 and the Florida Educational Equity Act, the State Board of Education shall:

~~a.1.~~ Declare the community college institution ineligible for competitive state grants.

~~b.2.~~ Withhold funds sufficient to obtain compliance.

The community college institution shall remain ineligible and the funds shall not be paid until the community college institution comes into compliance or the Commissioner of Education approves a plan for compliance.

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

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

b. Withhold funds sufficient to obtain compliance.

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

(2) FUNDING.—

(a) An equitable portion of all separate athletic fees shall be designated for women's intercollegiate athletics.

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

(c) In addition to the above amount, an amount equal to the sales taxes collected from admission to athletic events sponsored by a state university shall be retained and utilized by each university to support women's athletics.

(3) STATE BOARD OF EDUCATION.—The State Board of Education shall assure equal opportunity for female athletes at community colleges and establish:

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

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

(c) Criteria for determining and assuring equity.

(4) BOARD OF GOVERNORS.—The Board of Governors shall ensure equal opportunity for female athletes at state universities and establish:

(a) Guidelines for reporting of intercollegiate athletics data concerning financial, program, and facilities information for review by the Board of Governors annually.

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

(c) Criteria for determining and ensuring equity.

Section 111. Section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors.—

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building and sustaining

relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building and sustaining these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit.

(2) To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall recommend ~~develop~~ policies and guidelines to the Legislature with input from statewide K-20 advisory groups established by the Commissioner of Education relating to:

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

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

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

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

Section 112. Subsection (1) of section 1007.22, Florida Statutes, is amended to read:

1007.22 Articulation; postsecondary institution coordination and collaboration.—

(1) The university boards of trustees, community college boards of trustees, and district school boards are encouraged to ~~may~~ establish intrainstitutional and interinstitutional programs to maximize 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.

Section 113. Subsections (1), (2), and (5) of section 1007.23, Florida Statutes, are amended to read:

1007.23 Statewide articulation agreement.—

(1) The State Board of Education and the Board of Governors shall enter into ~~establish in rule~~ a statewide articulation agreement which the State Board of Education shall adopt by rule. The agreement must preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's educational entities, and reinforce the provisions of this chapter by governing that governs:

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

(2) The articulation agreement must specifically provide that every associate in arts graduate of a 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. 1008.29, admission shall be granted to state university and 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.

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

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

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

Section 114. Subsections (1), (2), (3), and (4) of section 1007.24, Florida Statutes, are amended to read:

1007.24 Statewide course numbering system.—

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

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

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

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

(c) A course designated as lower-division may be offered by any community college.

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

(4) The statewide course numbering system shall include the courses at the recommended levels.

Section 115. Subsections (5), (6), (8), (9), and (11) of section 1007.25, Florida Statutes, are amended to read:

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

(5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the State Board of Education for community colleges and the Board of Governors for state universities pursuant to s. 1001.02(2)(x). The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(6) The boards of trustees of the community colleges and state universities shall identify their core curricula, which shall include courses required by the State Board of Education. The boards of trustees of the state universities shall identify their core curricula, which shall include courses required by the Board of Governors. The universities and community colleges shall work with their school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work. Core curricula for associate in arts programs shall be adopted in rule by the State Board of Education and shall include 36 semester hours of general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

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

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

(11) The Commissioner of Education shall appoint faculty committees representing both community college and public school faculties to recommend to the commissioner for approval by the State Board of Education a standard program length and appropriate occupational completion points for each postsecondary career certificate program, diploma, and degree offered by a school district or a community college.

Section 116. Paragraph (b) of subsection (2) and paragraph (d) of subsection (3) of section 1007.2615, Florida Statutes, are amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.—

(b) Any public or independent school may offer American Sign Language for foreign-language credit. Students taking American Sign Language for foreign-language credit must be advised by the school board prior to enrollment in such course that state universities and postsecondary institutions

outside of Florida may not accept such credits as satisfying foreign-language requirements.

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

(d) The Commissioner of Education shall work with providers of postsecondary education, except for state universities, to develop and implement a plan to ensure that these postsecondary institutions in this state will accept secondary school credits in ASL as credits in a foreign language and to encourage postsecondary institutions to offer ASL courses to students as a fulfillment of the requirement for studying a foreign language.

Section 117. Section 1007.262, Florida Statutes, is amended to read:

1007.262 Foreign language competence; equivalence determinations.— The Department of Education shall identify the competencies demonstrated by students upon the successful completion of 2 credits of sequential high school foreign language instruction. For the purpose of determining postsecondary equivalence pursuant to s. 1007.261(1)(b), the department shall develop rules through which community colleges correlate such competencies to the competencies required of students in the colleges' respective courses. Based on this correlation, each community college shall identify the minimum number of postsecondary credits that students must earn in order to demonstrate a level of competence in a foreign language at least equivalent to that of students who have completed 2 credits of such instruction in high school. The department may also specify alternative means by which students can demonstrate equivalent foreign language competence, including means by which a student whose native language is not English may demonstrate proficiency in the native language. A student who demonstrates proficiency in a native language other than English is exempt from a the requirement of completing foreign language courses at the secondary or community college postsecondary level.

Section 118. Section 1007.264, Florida Statutes, is amended to read:

1007.264 Impaired and learning disabled persons; admission to postsecondary educational institutions; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), except those students who have been documented as having mental retardation, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person's failure to meet the admission requirement is related to the disability.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute admission requirements where appropriate.

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

Section 119. Section 1007.265, Florida Statutes, is amended to read:

1007.265 Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, except those students who have been documented as having mental retardation, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute requirements where appropriate.

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

Section 120. Subsections (6), (7), (8), (9), and (11) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(6) Advanced placement shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be identified in the statewide articulation agreement required by s. 1007.23(1) ~~determined by the department~~. Students of Florida public secondary schools enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination.

(7) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education and the Board of Governors in the statewide articulation agreement required by s. 1007.23(1). The maximum credit generated by a student pursuant to this

subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

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

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

~~(11)(a) The State Board of Education shall conduct a review of the extent to which the acceleration mechanisms authorized by this section are currently utilized by school districts and public postsecondary educational institutions and shall submit a report to the Governor and the Legislature by December 31, 2003.~~

~~(b) The report must include a summary of ongoing activities and a plan to increase and enhance the use of acceleration mechanisms as a way to shorten the length of time as well as the funding required for a student, including a student with a documented disability, to obtain a postsecondary degree.~~

~~(c) The review and plan shall address, but are not limited to, the following issues:~~

~~1. The manner in which students, including students with documented disabilities, are advised regarding the availability of acceleration mechanism options.~~

~~2. The availability of acceleration mechanism options to eligible students, including students with documented disabilities, who wish to participate.~~

~~3. The grading practices, including weighting of courses, of school districts and public postsecondary educational institutions with regard to credit earned through acceleration mechanisms.~~

~~4. The extent to which credit earned through an acceleration mechanism is used to meet the general education requirements of a public postsecondary educational institution.~~

~~5. The extent to which the secondary instruction associated with acceleration mechanism options could be offered at sites other than public K through 12 school sites to assist in meeting class size reduction needs.~~

~~6. The manner in which funding for instruction associated with acceleration mechanism options is provided.~~

~~7. The feasibility of providing students, including students with documented disabilities, the option of choosing Advanced Placement credit or College Level Examination Program (CLEP) credit as an alternative to dual enrollment credit upon completion of a dual enrollment course.~~

Section 121. Section 1007.28, Florida Statutes, is amended to read:

1007.28 Computer-assisted student advising system.—~~The Department State Board of Education, in conjunction with the Board of Governors,~~ shall establish and maintain within the Department of Education a single, state-wide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation. ~~It is intended that an advising system be the primary advising and tracking tool for students enrolled in public postsecondary educational institutions and~~ must be accessible to all Florida students. The state universities

and community colleges shall interface institutional systems with the computer-assisted advising system required by this section. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) prescribe by rule the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

(1) The system shall constitute an integral part of the process of advising students and assisting them in course selection. The system shall be accessible to students in the following ways:

(a) A student must be able to access the system, at any time, to identify course options that will meet the requirements of a selected path toward a degree.

(b) A status report from the system shall be generated and sent with each grade report to each student enrolled in public postsecondary educational institutions with a declared major.

(2) The system shall be an integral part of the registration process at public postsecondary educational institutions. As part of the process, the system shall:

(a) Provide reports that document each student's status toward completion of a degree.

(b) Verify that a student has completed requirements for graduation.

(3) The system must provide students information related to career descriptions and corresponding educational requirements, admissions requirements, and available sources of student financial assistance. Such advising must enable students to examine their interests and aptitudes for the purpose of curricular and career planning.

(4) The system must provide management information to decision-makers, including information relating student enrollment patterns and course demands to plans for corresponding course offerings and information useful in planning the student registration process.

Section 122. Subsection (3) of section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—

(3) A community college may develop a proposal to deliver specified baccalaureate degree programs in its district to meet local workforce needs. The proposal must be submitted to the State Board of Education for approval. The community college's proposal must include the following information:

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

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

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

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

Section 123. Subsections (4), (8), and (9) of section 1008.29, Florida Statutes, are amended to read:

1008.29 College-level communication and mathematics skills examination (CLAST).—

(4) The State Board of Education, in conjunction with the Board of Governors by rule, shall set the minimum scores that constitute successful completion of the examination. In establishing the minimum scores that constitute successful completion of the examination, the ~~boards~~ State Board of Education shall consider any possible negative impact of the tests on minority students. Determinations regarding a student's successful completion of the examination shall be based on the minimum standards ~~prescribed by rule~~ for the date the student initially takes the examination.

(8)(a) The State Board of Education, by rule, shall establish fees for the administration of the examination by community colleges at times other than regularly scheduled dates to accommodate examinees who are unable to be tested on those dates. The ~~state~~ board shall establish the conditions under which examinees may be admitted to the special administrations.

(b) The Board of Governors may establish fees for the administration of the examination by state universities at times other than regularly scheduled dates to accommodate examinees who are unable to be tested on those dates. The Board of Governors may establish the conditions under which examinees may be admitted to the special administrations.

(9) Any student fulfilling one or both of the following requirements before completion of associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this section:

(a) Achieves a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education in conjunction with the Board of Governors; or

(b) Demonstrates successful remediation of any academic deficiencies identified by the college placement test and achieves a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the State Board of Education in conjunction with the

Board of Governors. The Department of Education shall specify the means by which a student may demonstrate successful remediation.

Any student denied a degree prior to January 1, 1996, based on the failure of at least one subtest of the CLAST may use either of the alternatives specified in this subsection for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this subsection. This section does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this subsection. The exemptions provided herein do not apply to requirements for certification as provided in s. 1012.56.

Section 124. Subsections (1) and (4) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.—

(1) The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. ~~The State Board of Education shall adopt rules which enable Public postsecondary educational institutions shall provide to implement~~ appropriate modifications of the test instruments or test procedures for students with disabilities.

(4)(a) Public postsecondary educational institution students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory or other adult education pursuant to s. 1004.93 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Education, in conjunction with the Board of Governors, shall specify the college credit courses that are acceptable for students enrolled in each college-preparatory skill area, ~~pursuant to s. 1001.02(7)(g).~~ A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college-preparatory course, must successfully complete the required college-preparatory studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed, and the student demonstrates satisfactory performance in degree-earning coursework. A passing score on a standardized, institutionally developed test must be achieved before a student is considered to have met basic computation and communication skills requirements; however, no student shall be required to retake

any test or subtest that was previously passed by said student. Credit awarded for college-preparatory instruction may not be counted toward fulfilling the number of credits required for a degree.

(b) A ~~The~~ university board of trustees may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.

Section 125. Section 1008.32, Florida Statutes, is amended to read:

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

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

(2) The Commissioner of Education may investigate allegations of non-compliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or community college board of trustees ~~public postsecondary educational institution board~~ to document compliance with law or state board rule.

(3) If the district school board or community college board of trustees ~~public postsecondary educational institution board~~ cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

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

(a) Report to the Legislature that the school district or community college ~~public postsecondary educational institution~~ has been unwilling or unable

to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Reduce the discretionary lottery appropriation until the school district or community college public postsecondary education institution complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or community college public postsecondary educational institution complies with the law or state board rule.

(d) Declare the school district or community college public postsecondary educational institution ineligible for competitive grants.

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

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

Section 126. Paragraphs (e) through (i) of subsection (8) of section 1008.345, Florida Statutes, are amended to read:

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

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

(e) Maintain a listing of college-level communication and mathematics skills defined pursuant to s. 1008.29 ~~by the State Board of Education~~ as being associated with successful student performance through the baccalaureate level and submit it the same to the State Board of Education and the Board of Governors for approval.

(f) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit it the same to the State Board of Education and the Board of Governors for approval.

(g) Maintain for the information of the State Board of Education, the Board of Governors, and the Legislature a file of data to reflect achievement of college-level communication and mathematics competencies by students in state universities and community colleges.

(h) Develop or contract for, and submit to the State Board of Education and the Board of Governors for approval, tests which measure and diagnose student achievement of college-level communication and mathematics skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any state university or community col-

lege. The state board, upon recommendation of the commissioner, may enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(i) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, the Board of Governors, or law.

Section 127. Subsections (1) and (2) of section 1008.37, Florida Statutes, are amended to read:

1008.37 Postsecondary feedback of information to high schools.—

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

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legislature, no later than November 30 of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory or vocational-preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

Section 128. Section 1008.38, Florida Statutes, is amended to read:

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

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

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

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

(4) The smooth transfer of community college associate in arts degree graduates to a state university.

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

(6) The relationship between the College Level Academic Skills Test Program and articulation to the upper division in public postsecondary institutions.

Section 129. Paragraph (h) of subsection (1) of section 1008.45, Florida Statutes, is amended to read:

1008.45 Community college accountability process.—

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

(h) ~~Other measures as identified by the Council for Education Policy Research and Improvement and approved by the State Board of Education.~~

Section 130. Section 1008.46, Florida Statutes, is amended to read:

1008.46 State university accountability process.—It is the intent of the Legislature that an accountability process be implemented that provides for the systematic, ongoing evaluation of quality and effectiveness of state universities. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving state universities, the Board of Governors, the Legislature, and the Governor's Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the state universities.

(1) By December 31 of each year, the Board of Governors ~~State Board of Education~~ shall submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken dur-

ing the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of Program Policy Analysis and Government Accountability, and the Legislature.

(2) The ~~Board of Governors State Board of Education~~ shall recommend in the annual accountability report any appropriate modifications to this section.

Section 131. Subsection (2) of section 1009.01, Florida Statutes, is amended to read:

1009.01 Definitions.—The term:

(2) "Out-of-state fee" means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate pursuant to s. 1009.21 non-Florida student as defined in rules of the State Board of Education. A charge for any other purpose shall not be included within this fee.

Section 132. Subsection (11) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(11) The State Board of Education and the Board of Governors shall adopt rules to implement this section ~~by rule designate classifications of students as residents or nonresidents for tuition purposes at community colleges and state universities.~~

Section 133. Present subsections (3) through (14) of section 1009.24, Florida Statutes, are renumbered subsections (4) through (15), respectively, new subsections (3) and (16) are added to that section, and present subsections (6), (9), (10), and (11) of that section are amended to read:

1009.24 State university student fees.—

(3) All moneys from tuition and fees shall be deposited pursuant to s. 1011.42.

~~(7)(6)~~ A university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the tuition and out-of-state fee. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that were used at the time of his or her original award. The Board of Governors State Board of Education shall develop criteria for making financial aid awards. Each university shall report annually to the Board of Governors and the Department of Education on the revenue collected pursuant to

this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the Board of Governors ~~State Board of Education~~. 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.

(10)(9)(a) Each university board of trustees shall establish a student activity and service fee on the main campus of the university. The university board may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors ~~State Board of Education~~ is responsible for adopting ~~promulgating~~ the rules and timetables necessary to implement this fee.

(b) The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(11)(10) Each university board of trustees shall establish a student health fee on the main campus of the university. The university board of trustees may also establish a student health fee on any branch campus or center. Any subsequent increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors State Board of Education is responsible for adopting ~~promulgating~~ the rules and timetables necessary to implement this fee.

(12)(11) Each university board of trustees shall establish a separate athletic fee on the main campus of the university. The university board may also establish a separate athletic fee on any branch campus or center. Any subsequent increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors State Board of Education is responsible for adopting ~~promulgating~~ the rules and timetables necessary to implement this fee.

(16) A state university may not charge any fee except as specifically authorized by law.

Section 134. Subsections (4) and (6) of section 1009.26, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

1009.26 Fee waivers.—

(4) A state university may waive any or all application, tuition, and related fees for persons 60 years of age or older who are residents of this state and who attend classes for credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the Board of Governors State Board of Education has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

~~(6) A university board of trustees may waive the State Board of Education may establish rules to allow for the waiver of out-of-state fees for nondegree-seeking students enrolled at a state university if the earned student credit hours generated by such students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.~~

(10) Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by university boards of trustees pursuant to rules adopted by the Board of Governors. Each university shall report the purpose, number, and value of all fee waivers granted annually in a format prescribed by the Board of Governors.

Section 135. Subsection (1) of section 1009.27, Florida Statutes, is amended to read:

1009.27 Deferral of fees.—

~~(1) School districts, community colleges, and state universities may defer The State Board of Education shall adopt rules to allow the deferral of tuition and registration fees for students receiving financial aid from a federal or state assistance program when the aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for the aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.~~

Section 136. Section 1009.285, Florida Statutes, is amended to read:

1009.285 Fees for repeated enrollment in college-credit courses.—A student enrolled in the same undergraduate college-credit course more than twice shall pay tuition 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 that approval is granted according to policy established by the community college board of trustees or the university board of trustees. Each community college and state university may review and reduce fees paid by students due to continued enrollment in a college-credit class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education. For purposes of this section, first-time enrollment in a class shall mean enrollment in a class beginning fall semester 1997, and calculations of the full cost of instruction shall be based on the systemwide average of the prior year's cost of undergraduate programs for the community colleges and the state universities. Boards of trustees may make exceptions to this section for individualized study, elective coursework, courses that are repeated as a requirement of a major, and courses that are intended as continuing over multiple semesters, excluding the repeat of coursework more than two times to increase grade point average or meet minimum course grade requirements.

Section 137. Subsection (1) of section 1009.29, Florida Statutes, is amended to read:

1009.29 Increased fees for funding financial aid program.—

(1) Student tuition and registration fees at each state university and community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 1009.79. If the Division of Bond Finance of the ~~State Board of Administration~~ State Board of Education and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 1009.78-1009.88, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the state universities incorporating the necessary features to meet the needs of all 11 universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational purposes. Upon such determination, such fees shall no longer be assessed and collected.

Section 138. Section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1)(a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any career center; or any private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, ~~or s. 1009.89, or s. 1009.891~~. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 ~~and rules of the State Board of Education~~.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibil-

ity to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of any pending application and revocation of any award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants ~~commit shall be guilty of~~ a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

(2) These requirements do not preclude higher standards specified in other sections of this part, in rules of the state board, or in rules of a participating institution.

(3) Undergraduate students are eligible to receive financial aid for a maximum of 8 semesters or 12 quarters. However, undergraduate students participating in college-preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program are eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.

(4) No student is eligible to receive more than one state scholarship that is based on academic merit. Students who qualify for more than one such scholarship shall be notified of all awards for which they qualify and shall be provided the opportunity to accept one of their choosing.

Section 139. Subsections (9) and (12) of section 1009.90, Florida Statutes, are amended to read:

1009.90 Duties of the Department of Education.—The duties of the department shall include:

(9) Development and submission of a report, annually, to the State Board of Education, the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives, which shall include, but not be limited to, recommendations for the distribution of state financial aid funds.

(12) Calculation of the amount of need-based student financial aid required to offset fee increases recommended by the State Board of Education and the Board of Governors and inclusion of such amount within the legislative budget request for student assistance grant programs.

Section 140. Subsection (4) of section 1009.91, Florida Statutes, is amended to read:

1009.91 Assistance programs and activities of the department.—

(4) The department shall maintain records on the student loan default rate of each Florida postsecondary institution and report that information annually to both the institution and the State Board of Education. Information relating to state universities shall also be reported annually to the Board of Governors.

Section 141. Subsection (2) of section 1009.971, Florida Statutes, is amended to read:

1009.971 Florida Prepaid College Board.—

(2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board shall consist of seven members to be composed of the Attorney General, the Chief Financial Officer, the Chancellor of the State University System ~~Deputy Commissioner of Colleges and Universities~~, the Deputy Commissioner of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name

a designee to serve on the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

Section 142. Section 1010.01, Florida Statutes, is amended to read:

1010.01 Uniform records and accounts.—

(1)(a) The financial records and accounts of each school district, community college, ~~university~~, and other institution or agency under the supervision of the State Board of Education shall be prepared and maintained as prescribed by law and rules of the State Board of Education.

(b) The financial records and accounts of each state university under the supervision of the Board of Governors shall be prepared and maintained as prescribed by law and rules of the Board of Governors.

(2) Rules of the State Board of Education and rules of the Board of Governors shall incorporate the requirements of law and accounting principles generally accepted in the United States ~~the appropriate requirements of the Governmental Accounting Standards Board (GASB) for State and Local Government.~~ Such rules shall include a uniform classification of accounts.

(3) Each state university shall annually file with the Board of Governors financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the Board of Governors. The Board of Governors' rules shall prescribe the filing deadline for the financial statements.

(4)(3) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, community colleges, and state universities, and shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

Section 143. Section 1010.011, Florida Statutes, is amended to read:

1010.011 Definition.—For purposes of this chapter and chapter 1011, the ~~following~~ terms: “university,” “universities,” and “university board of trustees” include all state universities ~~New College~~ under the supervision of the Board of Governors ~~State Board of Education.~~

Section 144. Section 1010.02, Florida Statutes, is amended to read:

1010.02 Financial accounting and expenditures.—

(1) All funds accruing to a school district ~~or~~, a community college, ~~or a university~~ must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

(2) All funds accruing to a state university must be received, accounted for, and expended in accordance with law and rules of the Board of Governors.

Section 145. Subsections (1) and (4) of section 1010.04, Florida Statutes, are amended to read:

1010.04 Purchasing.—

(1)(a) Purchases and leases by school districts ~~and~~, community colleges, ~~and universities~~ shall comply with the requirements of law and rules of the State Board of Education.

(b) Purchases and leases by state universities shall comply with the requirements of law and rules of the Board of Governors.

(4)(a) The State Board of Education may, by rule, provide for alternative procedures for school districts and community colleges for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

(b) The Board of Governors may, by rule, provide for alternative procedures for state universities for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

Section 146. Subsection (2) of section 1010.07, Florida Statutes, is amended to read:

1010.07 Bonds or insurance required.—

(2)(a) Contractors paid from school district ~~or~~, community college, ~~or university~~ funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education relating to the type of contract involved. It shall be the duty of the district school board ~~or~~, community college board of trustees, ~~and university board of trustees~~ to require from construction contractors a bond adequate to protect the board and the board's funds involved.

(b) Contractors paid from university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the Board of Governors relating to the type of contract involved. It shall be the duty of the university board of trustees to require from construction contractors a bond adequate to protect the board and the board's funds involved.

Section 147. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—

(1) ~~School district and, community college, and university~~ direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, ~~1004.28~~, and 1004.70 and rules of the State Board of Education, as applicable.

(2) State university direct-support organizations shall be organized and conducted under the provisions of s. 1004.28 and rules of the Board of Governors, as applicable.

Section 148. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—School districts, community colleges, ~~universities~~, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions under ss. 11.45 and 218.39.

Section 149. Section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(1) The State Board of Education shall prepare and submit a coordinated K-20 education annual legislative budget request to the Governor and the Legislature on or before the date provided by the Governor and the Legislature. The board's legislative budget request must clearly define the needs of school districts, community colleges, universities, other institutions, organizations, programs, and activities under the supervision of the board and that are assigned by law or the General Appropriations Act to the Department of Education.

(2)(a) There shall be established in each school district and, community college, and university a budget system as prescribed by law and rules of the State Board of Education.

(b) There shall be established in each state university a budget system as prescribed by law and rules of the Board of Governors.

(3)(a) Each district school board and, each community college board of trustees, and each state university board of trustees shall prepare, adopt, and submit to the Commissioner of Education for review an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

(b) Each state university board of trustees shall prepare, adopt, and submit to the Chancellor of the State University System for review an annual operating budget in accordance with provisions of law, rules of the Board of Governors, and the General Appropriations Act.

(4) The State Board of Education shall coordinate with the Board of Governors to facilitate the budget system requirements of this section. The

Board of Governors exclusively retains the review and approval powers of this section for state universities.

Section 150. Section 1011.011, Florida Statutes, is amended to read:

1011.011 Legislative capital outlay budget request.—The State Board of Education shall submit an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and, in conjunction with the Board of Governors, universities pursuant to this section and s. 1013.46 and applicable provisions of chapter 216.

Section 151. Section 1011.40, Florida Statutes, is amended to read:

1011.40 Budgets for universities.—

(1) LEGISLATIVE BUDGET REQUEST.—The Board of Governors ~~State Board of Education~~ shall provide instructions, guidelines, and standard formats to be used by each university that will provide to the Board of Governors ~~State Board of Education~~ and the Legislature adequate information to support and justify the legislative budget requests submitted pursuant to ss. 216.023, 1011.90, and 1013.60 for each university.

(2) OPERATING BUDGET.—Each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the Board of Governors ~~State Board of Education~~. Each university president shall prepare and implement the operating budget of the university as prescribed by law, rules of the Board of Governors ~~State Board of Education~~, policies of the university board of trustees, and provisions of the General Appropriations Act. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the university board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the Board of Governors ~~State Board of Education~~.

(3) EXPENDITURES.—Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the Board of Governors ~~State Board of Education~~. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations Act.

(4) DISTRIBUTION OF APPROPRIATION.—Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed ~~by the State Board of Education~~ to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

Section 152. Section 1011.41, Florida Statutes, is amended to read:

1011.41 University appropriations.—Funds for the general operations of universities shall be requested and appropriated as Aid to Local Governments Grants and Aids, subject to provisions of the General Appropriations Act. Funds provided to state universities in the General Appropriations Act are contingent upon each university complying with the tuition and fee policies established in the proviso language and with the tuition and fee policies for state universities included in part II of chapter 1009. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

Section 153. Section 1011.4106, Florida Statutes, is amended to read:

1011.4106 Trust fund dissolution and local account appropriations.—

(1) Notwithstanding the provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to s. 216.351, all unexpended balances as of June 30, 2002, in the following State University System trust funds are hereby appropriated to the appropriate accounts of each university based upon the original source of the trust fund revenue and any accrued interest: the Education/General Student and Other Fees Trust Fund, the Experiment Station Federal Grant Trust Fund, the Experiment Station Incidental Trust Fund, the Extension Service Federal Grant Trust Fund, the Extension Service Incidental Trust Fund, the Incidental Trust Fund, the UF Health Center Operations and Maintenance Trust Fund, the Operations and Maintenance Trust Fund, and all other trust funds in the State Treasury for universities. Expenditure of these funds by each university must be based on the laws, rules, grant agreements, or other legal controlling factors associated with all trust fund balances which are appropriated to local accounts pursuant to this section, and included in each university board of trustees approved operating budget. Each university shall be responsible for the payment of outstanding debts or obligations associated with these funds.

(2) Any appropriations provided in the General Appropriations Act from the Education/General Student and Other Fees Trust Fund are the only budget authority for the fiscal year to the named universities to expend tuition and out-of-state fees that are collected during the fiscal year and carried forward from the prior fiscal year. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided in the General Appropriations Act unless approved pursuant to the provisions of chapter 216. If a court of competent jurisdiction finds that the restriction in this subsection is invalid, the moneys described in this section shall be deposited in the State Treasury.

Section 154. Section 1011.411, Florida Statutes, is amended to read:

1011.411 Budgets for sponsored research at universities.—Funds for sponsored research at each university shall be budgeted and expended pursuant to ss. ~~1004.22~~ ~~1010.30~~ and 1011.42.

Section 155. Subsection (6) of section 1011.42, Florida Statutes, is amended to read:

1011.42 University depositories; deposits into and withdrawals from depositories.—

(6) The university president or his or her designee, after having been specifically authorized by the university board of trustees, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets.

Section 156. Subsections (3), (4), and (5) of section 1011.48, Florida Statutes, are amended to read:

1011.48 Establishment of educational research centers for child development.—

(3) Each center is authorized to charge fees for the care and services it provides. Such fees must be approved by the Board of Governors ~~State Board of Education~~ and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.

(4) The Board of Governors may adopt ~~State Board of Education is authorized and directed to promulgate~~ rules for the establishment, operation, and supervision of educational research centers for child development. Such rules shall include, but need not be limited to: a defined method of establishment of and participation in the operation of centers by the appropriate student government associations; guidelines for the establishment of an intern program in each center; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

(5) Each educational research center for child development shall be funded by a portion of the Capital Improvement Trust Fund fee established by the Board of Governors ~~State Board of Education~~ pursuant to s. 1009.24(7). Each university that establishes a center shall receive a portion of such fees collected from the students enrolled at that university, usable only at that university, equal to 22.5 cents per student per credit hour taken per term, based on the summer term and fall and spring semesters. This allocation shall be used by the university only for the establishment and operation of a center as provided by this section and rules adopted ~~promulgated~~ hereunder. Said allocation may be made only after all bond obligations required to be paid from such fees have been met.

Section 157. Subsection (1) of section 1011.82, Florida Statutes, is amended to read:

1011.82 Requirements for participation in Community College Program Fund.—Each community college district which participates in the state appropriations for the Community College Program Fund shall provide evidence of its effort to maintain an adequate community college program which shall:

(1) Meet the minimum standards prescribed by the State Board of Education in accordance with s.1001.02(6) ~~s. 1001.02(9)~~.

Section 158. Subsection (4) of section 1011.90, Florida Statutes, is amended to read:

1011.90 State university funding.—

(4) The Board of Governors ~~State Board of Education~~ shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. Expenditure analysis, operating budgets, and annual financial statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the Board of Governors ~~State Board of Education~~. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The Board of Governors ~~State Board of Education~~ shall continue to collect and maintain at a minimum the management information databases existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 159. Subsections (1) and (2) of section 1011.91, Florida Statutes, are amended to read:

1011.91 Additional appropriation.—

(1) Except as otherwise provided in the General Appropriations Act, all moneys received by universities, other than from state and federal sources, from student building and capital improvement fees authorized in s. 1009.24, from federal sources, from private sources, and from vending machine collections, are hereby appropriated to the use of the respective universities collecting same, to be expended as the university board of trustees may direct; however, the funds shall not be expended except in pursuance of detailed budgets filed with the Board of Governors ~~State Board of Education~~ and shall not be expended for the construction or reconstruction of buildings except as provided under s. 1013.74.

(2) All moneys received from vending machine collections by a state university ~~universities~~ shall be expended only as set forth in detailed budgets approved by the university's board of trustees ~~State Board of Education~~.

Section 160. Section 1011.94, Florida Statutes, is amended to read:

1011.94 ~~Trust Fund for University Major Gifts~~ Program.—

(1) There is established a ~~Trust Fund for University Major Gifts~~ Program. The purpose of the program ~~trust fund~~ is to enable each university and New College to provide donors with an incentive in the form of matching

~~grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the Board of Governors State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program may be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.~~

(2) ~~The Board of Governors State Board of Education shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.~~

(3)(a) ~~The Board of Governors State Board of Education shall allocate the amount appropriated to the trust fund to each university and New College based on the amount of the donation and the restrictions applied to the donation.~~

(b) Donations for a specific purpose must be matched in the following manner:

1. Each university that raises at least \$100,000 but no more than \$599,999 from a private source must receive a matching grant equal to 50 percent of the private contribution.

2. Each university that raises a contribution of at least \$600,000 but no more than \$1 million from a private source must receive a matching grant equal to 70 percent of the private contribution.

3. Each university that raises a contribution in excess of \$1 million but no more than \$1.5 million from a private source must receive a matching grant equal to 75 percent of the private contribution.

4. Each university that raises a contribution in excess of \$1.5 million but no more than \$2 million from a private source must receive a matching grant equal to 80 percent of the private contribution.

5. Each university that raises a contribution in excess of \$2 million from a private source must receive a matching grant equal to 100 percent of the private contribution.

(c) The ~~Board of Governors State Board of Education~~ shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) Each university foundation ~~and New College Foundation~~ shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the ~~Board of Governors or State Board of Education~~, the university, ~~or New College~~. State matching funds must be transferred to a university foundation ~~or New College Foundation~~ upon notification that the university ~~or New College~~ has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university ~~and New College Foundation~~ ~~each~~ has the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university ~~or New College~~, pursuant to procedures specified by the ~~Board of Governors State Board of Education~~. Each foundation shall include in its annual report to the ~~Board of Governors State Board of Education~~ information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least \$600,000 and associated state matching funds may be used to designate an Eminent Scholar Endowed Chair pursuant to procedures specified by the ~~Board of Governors State Board of Education~~.

(6) The donations, state matching funds, or proceeds from endowments established under this section may not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

Section 161. Section 1012.01, Florida Statutes, is amended to read:

1012.01 Definitions.—~~As used in this chapter, the following terms have the following meanings~~ Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida K-20 Education Code, they shall be used as follows:

(1) SCHOOL OFFICERS.—The officers of the state system of public ~~K-12~~ and community college education shall be the Commissioner of Education and the members of the State Board of Education; ~~and~~, for each district school system, the officers shall be the district school superintendent and

members of the district school board; and for each community college, the officers shall be the community college president and members of the community college board of trustees.

(2) **INSTRUCTIONAL PERSONNEL.**—“Instructional personnel” means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

(a) **Classroom teachers.**—Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.

(b) **Student personnel services.**—Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, career specialists, and school psychologists.

(c) **Librarians/media specialists.**—Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

(d) **Other instructional staff.**—Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.

(e) **Education paraprofessionals.**—Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

(3) **ADMINISTRATIVE PERSONNEL.**—“Administrative personnel” includes K-12 personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide functions, such as

district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others who perform management activities. Broad classifications of K-12 administrative personnel are as follows:

(a) District-based instructional administrators.—Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the instructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas.

(b) District-based noninstructional administrators.—Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the noninstructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.

(c) School administrators.—Included in this classification are:

1. School principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes career center directors.

2. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

(4) YEAR OF SERVICE.—The minimum time which may be recognized in administering K-12 ~~the state program~~ of education, not including retirement, as a year of service by a school employee shall be full-time actual service; and, beginning July 1963, such service shall also include sick leave and holidays for which compensation was received but shall exclude all other types of leave and holidays for a total of more than one-half of the number of days required for the normal contractual period of service for the position held, which shall be 196 days or longer, or the minimum required for the district to participate in the Florida Education Finance Program in the year service was rendered, or the equivalent for service performed on a daily or hourly basis; provided, further, that absence from duty after the date of beginning service shall be covered by leave duly authorized and granted; further, the school board shall have authority to establish a different minimum for local district school purposes.

(5) **SCHOOL VOLUNTEER.**—A K-12 school volunteer is any nonpaid person who may be appointed by a district school board or its designee. School volunteers may include, but may not be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

(6) **EDUCATIONAL SUPPORT EMPLOYEES.**—“Educational support employees” means K-12 employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process.

(a) Other professional staff or nonadministrative/noninstructional employees are staff members who perform professional job functions which are nonadministrative/noninstructional in nature and who are not otherwise classified in this section. Included in this classification are employees such as doctors, nurses, attorneys, certified public accountants, and others appropriate to the classification.

(b) Technicians are individuals whose occupations require a combination of knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many career centers and community colleges, or through equivalent on-the-job training.

(c) Clerical/secretarial workers are individuals whose job requires skills and training in clerical-type work, including activities such as preparing, transcribing, systematizing, or preserving written communications and reports or operating equipment performing those functions. Included in this classification are secretaries, bookkeepers, messengers, and office machine operators.

(d) Skilled crafts workers are individuals who perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Lead workers for the various skilled crafts areas shall be included in this classification.

(e) Service workers are staff members performing a service for which there are no formal qualifications, including those responsible for: cleaning the buildings, school plants, or supporting facilities; maintenance and operation of such equipment as heating and ventilation systems; preserving the security of school property; and keeping the school plant safe for occupancy and use. Lead workers in the various service areas shall be included in this broad classification.

(7) **MANAGERS.**—“Managers” includes those K-12 staff members who perform managerial and supervisory functions while usually also performing general operations functions. Managers may be either instructional or noninstructional in their responsibility. They may direct employees’ work, plan the work schedule, control the flow and distribution of work or materials, train employees, handle complaints, authorize payments, and appraise productivity and efficiency of employees. This classification includes coordinators and supervisors working under the general direction of those staff identified as district-based instructional or noninstructional administrators.

Section 162. Subsection (1) of section 1012.80, Florida Statutes, is amended to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.—

(1)(a) ~~Any person who accepts the privilege extended by the laws of this state of employment at any community college public postsecondary educational institution shall, by so working at such institution, be deemed to have given his or her consent to the policies of that institution, the policies of the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at community colleges public postsecondary educational institutions.~~

(b) Any person who accepts the privilege extended by the laws of this state of employment at any state university shall, by working at such institution, be deemed to have given his or her consent to the policies of that institution, the policies of the Board of Governors, and the laws of this state. Such policies shall include prohibition against disruptive activities at state universities.

Section 163. Section 1012.801, Florida Statutes, is amended to read:

1012.801 ~~Employees of the Board of Governors Division of Colleges and Universities.—Employees of the Board of Governors Division of Colleges and Universities of the Department of Education who were are participating in the State University Optional Retirement Program prior to June 30, 2002, shall be eligible to continue such participation as long as they remain employees of the Board of Governors Department of Education or a state university without a break in continuous service.~~

Section 164. Section 1012.93, Florida Statutes, is amended to read:

1012.93 Faculty members; test of spoken English.—~~The State Board of Education shall adopt rules requiring that~~ All faculty members in each state university ~~and New College~~, other than those persons who teach courses that are conducted primarily in a foreign language, shall be proficient in the oral use of English, as determined by a satisfactory grade on the “Test of Spoken English” of the Educational Testing Service or a similar test approved by the Board of Governors ~~state board~~.

Section 165. Paragraph (c) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

~~(c) The Department of Education shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that~~

~~may be accessed and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.~~

Section 166. Subsection (3) of section 1013.01, Florida Statutes, is amended to read:

1013.01 Definitions.—The following terms shall be defined as follows for the purpose of this chapter:

(3) “Board,” unless otherwise specified, means a district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term “board” does not include the State Board of Education or the Board of Governors.

Section 167. Subsection (2) of section 1013.02, Florida Statutes, is amended to read:

1013.02 Purpose; rules.—

(2)(a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for school districts and community colleges.

(b) The Board of Governors shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for state universities.

Section 168. Section 1013.03, Florida Statutes, is amended to read:

1013.03 Functions of the department and the Board of Governors.—The functions of the Department of Education as it pertains to educational facilities of school districts and community colleges and of the Board of Governors as it pertains to educational facilities of state universities shall include, but not be limited to, the following:

(1) Establish recommended minimum and maximum square footage standards for different functions and areas and procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department and the Board of Governors shall encourage multiple use of facilities and spaces in educational plants.

(2) Establish, for the purpose of determining need, equitably uniform utilization standards for all types of like space, regardless of the level of education. These standards shall also establish, for postsecondary education classrooms, a minimum room utilization rate of 40 hours per week and a minimum station utilization rate of 60 percent. These rates shall be subject to increase based on national norms for utilization of postsecondary education classrooms.

(3) Require boards to submit other educational plant inventories data and statistical data or information relevant to construction, capital improvements, and related costs.

(4) Require each board and other appropriate agencies to submit complete and accurate financial data as to the amounts of funds from all sources that are available and spent for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the Commissioner of Education shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to the provisions of s. 1001.42(11)(b). If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed in this subsection for school districts shall be implemented.

(5) Administer, under the supervision of the Commissioner of Education, the Public Education Capital Outlay and Debt Service Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund.

(6) Develop, review, update, revise, and recommend a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by community college boards and district school boards.

(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory Florida Building Code for the educational facilities construction and capital improvement programs of the community college boards and district school boards and, upon request, approve phase III construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities, except that university boards of trustees shall approve specifications and construction documents for their respective institutions pursuant to guidelines of the Board of Governors. The Department of Management Services may, upon request, provide similar services for the Florida School for the Deaf and the Blind and shall use the Florida Building Code and the Florida Fire Prevention Code.

(8) Provide minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs.

(9) Make available to boards technical assistance, awareness training, and research and technical publications relating to lifesafety, casualty, sanitation, environmental, maintenance, and custodial issues; and, as needed, technical assistance for survey, planning, design, construction, operation, and evaluation of educational and ancillary facilities and plants, facilities administrative procedures review, and training for new administrators.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, or the Chancellor of the

State University System, as appropriate, for approval, surveys that meet the requirements of this chapter.

1. The term “validate” as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department’s projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and adult educational programs comply with needs documented by the Department of Education Office of Workforce and Economic Development; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

- a. Cafeterias.
- b. Multipurpose dining areas.
- c. Media centers.
- d. Auditoriums.
- e. Administration.
- f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.
- g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.
- h. Elementary school art and music rooms.

2. The term “validate” as applied to surveys by community colleges and universities means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by each board to the department, including noncareer, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered

per site submitted by the boards as accurate for analysis of space requirements and needs; confirm that needs projected for career and adult educational programs comply with needs documented by the Department of Education Office of Workforce and Economic Development; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

(b) Recommend priority of projects to be funded for approval by the state board, when required by law.

(11) Prepare the commissioner's comprehensive fixed capital outlay legislative budget request and provide annually an estimate of the funds available for developing required 3-year priority lists. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of public education: public schools, community colleges, and universities.

(12) Perform any other functions that may be involved in educational facilities construction and capital improvement which shall ensure that the intent of the Legislature is implemented.

~~(13) By October 1, 2003, review all rules related to school construction to identify requirements that are outdated, obsolete, unnecessary, or otherwise could be amended in order to provide additional flexibility to school districts to comply with the constitutional class size maximums described in s. 1003.03(1) and make recommendations concerning such rules to the State Board of Education. The State Board of Education shall act on such recommendations by December 31, 2003.~~

Section 169. Section 1013.11, Florida Statutes, is amended to read:

1013.11 Postsecondary institutions assessment of physical plant safety.—The president of each postsecondary institution shall conduct or cause to be conducted an annual assessment of physical plant safety. An annual report shall incorporate the findings obtained through such assessment and recommendations for the improvement of safety on each campus. The annual report shall be submitted to the respective governing or licensing board of jurisdiction no later than January 1 of each year. Each board shall compile the individual institutional reports and convey the aggregate institutional reports to the Commissioner of Education or the Chancellor of the State University System, as appropriate. The Commissioner of Education and the Chancellor of the State University System shall convey these reports and the reports required in s. 1008.48 to the President of the Senate and the Speaker of the House of Representatives no later than March 1 of each year.

Section 170. Section 1013.12, Florida Statutes, is amended to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

(1) FIRESAFETY.—The State Board of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of State Requirements for Educational Facilities or the Florida Building Code for educational facilities construction as provided in s. 1013.37, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform fire-safety standards for educational and ancillary plants and educational facilities, as provided in s. 633.022(1)(b), and a firesafety evaluation system to be used as an alternate firesafety inspection standard for existing educational and ancillary plants and educational facilities. The uniform firesafety standards and the alternate firesafety evaluation system shall be administered and enforced by local fire officials. These standards must be used by all public agencies when inspecting public educational and ancillary plants, and the firesafety standards must be used by local fire officials when performing firesafety inspections of public educational and ancillary plants and educational facilities. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed in this section herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2)(4) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL BOARDS.—

(a) Each board shall provide for periodic inspection, other than firesafety inspection, of each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the State Board of Education.

(b) Firesafety inspections of each educational and ancillary plant must be made annually by persons certified by the Division of State Fire Marshal to be eligible to conduct firesafety inspections in public educational and ancillary plants. The board shall submit a copy of the firesafety inspection report to the State Fire Marshal and, if there is a local fire official who conducts firesafety inspections, to the local fire official.

(c) In each firesafety inspection report, the board shall include a plan of action and a schedule for the correction of each deficiency which have been formulated in consultation with the local fire control authority. If immediate life-threatening deficiencies are noted in any inspection, the board shall either take action to promptly correct the deficiencies or withdraw the educational or ancillary plant from use until such time as the deficiencies are corrected.

(3)(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule. The agency shall submit a copy of the inspection report to the board.

(b) One firesafety inspection of each educational or ancillary plant must be conducted each fiscal year by the county, municipality, or special fire control district in which the plant is located using the standards adopted by the State Fire Marshal. The board shall cooperate with the inspecting authority when a firesafety inspection is made by a governmental authority under this paragraph.

(c) In each firesafety inspection report, the local fire official in conjunction with the board shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the local fire official shall either take action to require the board to promptly correct the deficiencies or withdraw the educational facility from use until the deficiencies are corrected, subject to review by the State Fire Marshal who shall act within 10 days to ensure that the deficiencies are corrected or withdraw the facility from use.

~~(4)(3)~~ **CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRE-SAFETY DEFICIENCIES.**—Upon failure of the board to take corrective action within a reasonable time, the agency making the inspection, other than a local fire official, may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in developing the schedule, consideration must be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order all or a portion of the educational or ancillary plant withdrawn from use until the deficiencies are corrected.

~~(5)(4)~~ **INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.**—

(a) Firesafety inspections of community college ~~and university~~ facilities shall comply with State Board of Education rules.

(b) Firesafety inspections of state universities shall comply with rules of the Board of Governors.

~~(6)(5)~~ **CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.**—Upon failure of the board to take corrective action within the time designated in the plan of action to correct any firesafety deficiency noted under paragraph ~~(2)~~ ~~(1)(c)~~ or paragraph ~~(3)~~ ~~(2)(c)~~, the local fire official shall immediately

report the deficiency to the State Fire Marshal, who shall have enforcement authority with respect to educational and ancillary plants and educational facilities as provided in chapter 633 for any other building or structure.

~~(7)(6)~~ **ADDITIONAL STANDARDS.**—In addition to any other rules adopted under this section or s. 633.022, the State Fire Marshal in consultation with the Department of Education shall adopt and administer rules prescribing the following standards for the safety and health of occupants of educational and ancillary plants:

(a) The designation of serious life-safety hazards, including, but not limited to, nonfunctional fire alarm systems, nonfunctional fire sprinkler systems, doors with padlocks or other locks or devices that preclude egress at any time, inadequate exits, hazardous electrical system conditions, potential structural failure, and storage conditions that create a fire hazard.

(b) The proper placement of functional smoke and heat detectors and accessible, unexpired fire extinguishers.

(c) The maintenance of fire doors without doorstops or wedges improperly holding them open.

~~(8)(7)~~ **ANNUAL REPORT.**—The State Fire Marshal shall publish an annual report to be filed with the substantive committees of the state House of Representatives and Senate having jurisdiction over education, the Commissioner of Education or his or her successor, the State Board of Education, the Board of Governors, and the Governor documenting the status of each board's firesafety program, including the improvement or lack thereof.

Section 171. Subsection (3) of section 1013.15, Florida Statutes, is amended to read:

1013.15 Lease, rental, and lease-purchase of educational facilities and sites.—

(3) Lease or lease-purchase agreements entered into by university boards of trustees shall comply with the provisions of ss. s. 1013.171 and 1010.62.

Section 172. Subsection (3) is added to section 1013.16, Florida Statutes, to read:

1013.16 Construction of facilities on leased property; conditions.—

(3) Leases executed by a university board of trustees pursuant to this section are subject to s. 1010.62.

Section 173. Section 1013.17, Florida Statutes, is amended to read:

1013.17 University leasing in affiliated research and development park.—A university is exempt from the requirements of s. 255.25(3), (4), and (8) when leasing educational facilities in a research and development park with which the university is affiliated and when the Board of Governors ~~State Board of Education~~ certifies in writing that the leasing of such said

educational facilities is in the best interests of the university and that the exemption from competitive bid requirements would not be detrimental to the state. Leases entered into pursuant to this section are subject to the provisions of s. 1010.62.

Section 174. Subsections (1) and (2) of section 1013.171, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1013.171 University lease agreements; land, facilities.—

(1) Each university board of trustees is authorized to negotiate and enter into agreements to lease land under its jurisdiction to for-profit and non-profit corporations, registered by the Secretary of State to do business in this state, for the purpose of erecting thereon facilities and accommodations necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Governors State Board of Education. Such agreement will be for a term not in excess of 99 years or the life expectancy of the permanent facilities constructed thereon, whichever is shorter, and shall include as a part of the consideration provisions for the eventual ownership of the completed facilities by the state. The Board of Trustees of the Internal Improvement Trust Fund upon request of the university board of trustees shall lease any such property to the university for sublease as heretofore provided.

(2) Each university board of trustees is authorized to enter into agreements with for-profit and nonprofit corporations, registered by the Secretary of State to do business in this state, whereby income-producing buildings, improvements, and facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Governors State Board of Education, are acquired by purchase or lease-purchase by the university. When such agreements provide for lease-purchase of facilities erected on land that is not under the jurisdiction of the university, the agreement shall include as a part of the consideration provisions for the eventual ownership of the land and facility by the state. Agreements for lease-purchase shall not exceed 30 years or the life expectancy of the permanent facility constructed, whichever is shorter. ~~Notwithstanding the provisions of any other law,~~ The university board of trustees may enter into an agreement for the lease-purchase of a facility under this section for a term greater than 1 year. Each university board of trustees is authorized to use any auxiliary trust funds, available and not otherwise obligated, to pay rent to the owner should income from the facilities not be sufficient in any debt payment period. The trust funds used for payment of rent shall be reimbursed as soon as possible to the extent that income from the facilities exceeds the amount necessary for such debt payment.

(6) Agreements entered into pursuant to this section are subject to the provisions of s. 1010.62.

Section 175. Section 1013.19, Florida Statutes, is amended to read:

1013.19 Purchase, conveyance, or encumbrance of property interests above surface of land; joint-occupancy structures.—For the purpose of imple-

menting jointly financed construction project agreements, or for the construction of combined occupancy structures, any board may purchase, own, convey, sell, lease, or encumber airspace or any other interests in property above the surface of the land, provided the lease of airspace for nonpublic use is for such reasonable rent, length of term, and conditions as the board in its discretion may determine. All proceeds from such sale or lease shall be used by the board or boards receiving the proceeds solely for fixed capital outlay purposes. These purposes may include the renovation or remodeling of existing facilities owned by the board or the construction of new facilities; however, for a community college board or university board, such new facility must be authorized by the Legislature. It is declared that the use of such rental by the board for public purposes in accordance with its statutory authority is a public use. Airspace or any other interest in property held by the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education may not be divested or conveyed without approval of the respective board. Any building, including any building or facility component that is common to both nonpublic and educational portions thereof, constructed in airspace that is sold or leased for nonpublic use pursuant to this section is subject to all applicable state, county, and municipal regulations pertaining to land use, zoning, construction of buildings, fire protection, health, and safety to the same extent and in the same manner as such regulations would be applicable to the construction of a building for nonpublic use on the appurtenant land beneath the subject airspace. Any educational facility constructed or leased as a part of a joint-occupancy facility is subject to all rules and requirements of the respective boards or departments having jurisdiction over educational facilities. Any contract executed by a university board of trustees pursuant to this section is subject to the provisions of s. 1010.62.

Section 176. Section 1013.25, Florida Statutes, is amended to read:

1013.25 When university or community college board of trustees may exercise power of eminent domain.—Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of such institutions, and this cannot be acquired by agreement satisfactory to a university or community college board of trustees and the parties interested in, or the owners of, the private property, the board of trustees may exercise the power of eminent domain after receiving approval therefor from the Administration Commission ~~State Board of Education~~ and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74.

Section 177. Section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(1) REAL PROPERTY.—

(a) Subject to rules of the State Board of Education, a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a community college board of trustees may dispose of any land or real property to which the board holds title which ~~that~~ is, by resolution of

the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a community college board of trustees shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or the community college board of trustees prior to or simultaneously with the receipt of bids.

(b) Subject to rules of the Board of Governors, a state university board of trustees may dispose of any land or real property to which it holds valid title which is, by resolution of the state university board of trustees, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A state university board of trustees shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the state university board of trustees prior to or simultaneously with the receipt of bids.

(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that which has been properly classified as surplus by a district school board or community college board of trustees shall be disposed of in accordance with the procedure established by chapter 274 ~~and by a university board of trustees by chapter 273~~. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

(b) Tangible personal property that has been properly classified as surplus by a state university board of trustees shall be disposed of in accordance with the procedure established by chapter 273.

Section 178. Section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Department of Education Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Department of Education or the Chancellor of the State University System, as appropriate, Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the Department of Education rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the department ~~board~~ or commissioner.

(b) Required need assessment criteria for district, community college, ~~college~~ and state university, and Florida School for the Deaf and the Blind plant surveys.—Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts and, ~~community colleges, colleges,~~ and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, ~~colleges,~~ and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be

consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each ~~college and~~ state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System Division of Colleges and Universities. Projections of facility space needs must be consistent with standards for determining space needs as ~~specified by rule of~~ approved by the Board of Governors Division of Colleges and Universities. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System ~~approved by the Board of Governors Division of Colleges and Universities~~.

5. The district educational facilities plan of a school district and the educational plant survey of a community college, ~~college or~~ state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department or the Board of Governors, as appropriate, as necessary for the delivery of an approved educational program.

(c) Review and validation.—The Department of Education Office of Educational Facilities and SMART Schools Clearinghouse shall review and validate the surveys of school districts and, community colleges, ~~and colleges~~ and the Chancellor of the State University System shall review and validate ~~the surveys of~~ universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

(d) Periodic update of Florida Inventory of School Houses.—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the time frame in which districts must provide a periodic update.

(2) Only the district school superintendent, community college president, or the university president shall certify to the Department of Education Office of Educational Facilities and SMART Schools Clearinghouse a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the Department of Education Office of Educational Facilities and SMART Schools Clearinghouse that the need for and location

of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the plan is consistent with the local government comprehensive plan.

(b) Upon request for release of construction funds, certification must be made to the ~~Department of Education Office of Educational Facilities and SMART Schools Clearinghouse~~ that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida Building Code for educational facilities construction or other applicable codes as authorized in this chapter.

Section 179. Subsection (2) of section 1013.46, Florida Statutes, is amended to read:

1013.46 Advertising and awarding contracts; prequalification of contractor.—

(2) Boards shall prequalify bidders for construction contracts ~~according to rules prescribed by the State Board of Education which require the prequalification of bidders of educational facilities construction.~~ Boards shall require that all construction or capital improvement bids be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

Section 180. Section 1013.47, Florida Statutes, is amended to read:

1013.47 Substance of contract; contractors to give bond; penalties.— Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. A board or other public entity may not require a contractor to secure a surety bond under s. 255.05 from a specific agent or bonding company. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. A person, firm, or corporation that constructs any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education or

the Board of Governors relating to building standards or specifications is subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs that will need to be incurred in making any changes necessary to assure that all requirements are met and is also guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 181. Paragraphs (a), (c), and (d) of subsection (1) and subsections (2) and (3) of section 1013.52, Florida Statutes, are amended to read:

1013.52 Cooperative development and joint use of facilities by two or more boards.—

(1) Two or more boards, including district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and university boards of trustees, desiring to cooperatively establish a common educational facility to accommodate students shall:

(a) Jointly request a formal assessment by the Commissioner of Education or the Chancellor of the State University System, as appropriate, of the academic program need and the need to build new joint-use facilities to house approved programs. Completion of the assessment and approval of the project by the State Board of Education, the Board of Governors, the Chancellor of the State University System, or the Commissioner of Education, as appropriate, should be done prior to conducting an educational facilities survey.

(c) Adopt and submit to the Commissioner of Education, and the Chancellor of the State University System if the joint request involves a state university, a joint resolution of the participating boards indicating their commitment to the utilization of the requested facility and designating the locale of the proposed facility. The joint resolution shall contain a statement of determination by the participating boards that alternate options, including the use of leased, rented, or borrowed space, were considered and found less appropriate than construction of the proposed facility. The joint resolution shall contain assurance that the development of the proposed facility has been examined in conjunction with the programs offered by neighboring public educational facilities offering instruction at the same level. The joint resolution also shall contain assurance that each participating board shall provide for continuity of educational progression. All joint resolutions shall be submitted to the commissioner by August 1 for consideration of funding by the subsequent Legislature.

(d) Submit requests for funding of joint-use facilities projects involving state universities and community colleges for approval by the Commissioner of Education and the Chancellor of the State University System. The Commissioner of Education and the Chancellor of the State University System shall jointly determine the priority for funding these projects in relation to the priority of all other capital outlay projects under their consideration. To be eligible for funding from the Public Education Capital Outlay and Debt Service Trust Fund under the provisions of this section, projects involving both state universities and community colleges shall appear on the 3-year

capital outlay priority lists of community colleges and of universities required by s. 1013.64. Projects involving a state university, community college, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the community college, shall appear on the 3-year capital outlay priority lists of the community colleges or of the universities, as applicable.

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in s. 1013.31. Upon approval of the project by the commissioner or the Chancellor of the State University System, as appropriate, 25 percent of the total cost of the project, or the pro rata share based on space utilization of 25 percent of the cost, must be included in the department's legislative capital outlay budget request as provided in s. 1013.60 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities must be documentation that the proposed new campus or new joint-use facility has been reviewed by the State Board of Education or the Board of Governors, as appropriate, and has been formally requested for authorization by the Legislature.

Section 182. Subsection (2) of section 1013.60, Florida Statutes, is amended to read:

1013.60 Legislative capital outlay budget request.—

(2) The commissioner shall submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each community college board of trustees and each university board of trustees shall submit to the commissioner a 3-year plan and data required in the development of the annual capital outlay budget. The information that is approved by the Board of Governors must be submitted to the Commissioner of Education for inclusion in the comprehensive budget request for educational facilities. No further disbursements shall be made from the Public Education Capital Outlay and Debt Service Trust Fund to a board of trustees that fails to timely submit the required data until such board of trustees submits the data.

Section 183. Paragraph (a) of subsection (4) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the

Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(4)(a) Community college boards of trustees and university boards of trustees shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 90 days prior to the legislative session. The State Board of Education shall submit a 3-year priority list for community colleges and the Board of Governors shall submit a 3-year priority list for universities. The lists shall reflect decisions by the State Board of Education for community colleges and the Board of Governors for state universities concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 1013.31 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the first year of the 3-year priority list unless the educational specifications have been approved by the commissioner for a community college project or by the Board of Governors for a university project, as applicable. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

Section 184. Subsection (1) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(1) The commissioner, through the department, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall allocate or reallocate funds as authorized by the Legislature. Copies of each allocation or reallocation shall be provided to members of the State Board of Education and the Board of Governors and to the chairs of the House of Representatives and Senate appropriations committees. The commissioner shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of public education capital outlay bonds pursuant to s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and other applicable law. The commissioner shall provide for the timely disbursement of moneys necessary to meet the encumbrance authorizations of the boards. Records shall be maintained by the department to identify legislative appropriations, allocations, encumbrance authorizations, disbursements, transfers, investments, sinking funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund.

Section 185. Paragraph (c) of subsection (2) and subsection (3) of section 1013.74, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

1013.74 University authorization for fixed capital outlay projects.—

(2) The following types of projects may be accomplished pursuant to this section:

(c) Construction of projects financed as provided in s. 1010.62 ss. 1010.60-1010.619 or 1013.71;

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the Board of Governors State Board of Education for approval without prior consultation with the student government association of that university. The Board of Governors may adopt State Board of Education shall promulgate rules which are consistent with this requirement.

(5) Projects accomplished pursuant to this section are subject to the requirements of s. 1010.62.

Section 186. Subsection (2) of section 1013.78, Florida Statutes, is amended to read:

1013.78 Approval required for certain university-related facility acquisitions.—

(2) Legislative approval shall not be required for renovations, remodeling, replacement of existing facilities, or construction of minor projects as defined in s. 1013.64, except to the extent required pursuant to s. 1010.62.

Section 187. To the extent the Board of Governors of the State University System or a university board of trustees chooses to repeal any rules in Title 6C, Florida Administrative Code, including any rules that derive solely from the constitutional authority of the Board of Governors, such rules shall be repealed pursuant to chapter 120, Florida Statutes.

Section 188. Sections 186.805 and 1004.54, Florida Statutes, are repealed. It is the intent of the Legislature that the repeal of ss. 186.805 and 1004.54, Florida Statutes, by this act is to remove existing statutory authorization that is no longer necessary for the establishment, operation, or maintenance of the entities that were established, operated, or regulated under those provisions and does not affect the authority of a state university or the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution and s. 1001.705, Florida Statutes, to continue such entities and their operation and regulation in accordance with that authority.

Section 189. Sections 741.03055, 741.03056, 1001.75, 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92, 1012.94, and 1012.95, Florida Statutes, are repealed.

Section 190. This act shall take effect July 1, 2007.

Approved by the Governor June 26, 2007.

Filed in Office Secretary of State June 26, 2007.