

CHAPTER 2011-177

Committee Substitute for House Bill No. 7151

An act relating to postsecondary education; amending s. 467.009, F.S.; deleting a reference to the College-Level Academic Skills Test (CLAST); amending s. 705.18, F.S.; revising provisions relating to the disposal of personal property lost or abandoned on a university or Florida College System institution campus and the disposition of proceeds from the sale of such property; requiring that the university or Florida College System institution president, or his or her designee, dispose of or make use of unclaimed property in accordance with university or Florida College System institution policies and procedures; repealing s. 1007.07, F.S., relating to the Florida Business and Education Collaborative; amending s. 1001.64, F.S.; requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of the college president by the Department of Education's inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority; amending s. 1004.015, F.S.; requiring the Higher Education Coordinating Council to make recommendations and submit a report relating to core missions of postsecondary education institutions, performance outputs and outcomes, articulation policies, and workforce development education; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions that require an examination or demonstration of remediation of academic deficiencies to obtain a postsecondary degree; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary education institution; amending s. 1007.27, F.S.; requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credit; amending ss. 1001.64 and 1011.30, F.S.; removing provisions requiring that a budget of a community college be transmitted to the Department of Education for approval; amending s. 1008.30, F.S., relating to common placement testing for public postsecondary education; deleting a reference to the CLAST; requiring rules for remediation opportunities, retesting policies, and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs; amending s. 1008.345, F.S.; deleting Department of Education duties relating to tests

and assessment procedures that measure student achievement of college-level communication and computation skills; amending s. 1008.38, F.S.; revising and conforming provisions relating to the articulation accountability process; amending s. 1009.534, F.S.; revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award; amending ss. 267.062, 1004.23, 1010.03, 1010.04, 1010.07, and 1013.171, F.S.; replacing references to university rules with university regulations; conforming provisions; amending s. 1013.33, F.S.; conforming provisions; repealing s. 1013.63, F.S., relating to the University Concurrency Trust Fund; providing an effective date.

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

Section 1. Subsection (3) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.—

(3) To be accepted into an approved midwifery program, an applicant shall have:

(a) A high school diploma or its equivalent.

(b) ~~Passed the college level academic scholastic test (CLAST) or~~ Taken three college-level credits each of math and English or demonstrated competencies in communication and computation.

Section 2. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or ~~Florida College System institution~~ community college campuses; disposition of proceeds from sale.—

(1) Whenever any lost or abandoned personal property ~~is shall be~~ found on a campus of an institution in the State University System or a campus of a ~~Florida College System institution~~ state-supported community college, the president of the institution or the president's designee shall take charge of the property and make a record of the date such property was found. If the property is not claimed by the owner, within 30 days after ~~it~~ such property is found, or a longer period of time as may be deemed appropriate by the president ~~under the circumstances, the property is not claimed by the owner,~~ the president or his or her designee shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the university or the Florida College System institution and its students shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus of such institution and written notice to the owner if known. The rightful owner of ~~the~~ such property may reclaim the property the same at any time prior to the disposition, sale, or use of the property in accordance with this section

and the established policies and procedures of the university or the Florida College System institution.

~~(2) All moneys realized from such institution’s sale shall be placed in an appropriate fund and used solely for student scholarship and loan purposes.~~

Section 3. Section 1000.07, Florida Statutes, is repealed.

Section 4. Subsection (3) of section 1001.64, Florida Statutes, is amended to read:

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

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

Section 5. Subsection (4) of section 1004.015, Florida Statutes, is renumbered as subsection (6) and amended, and new subsections (4) and (5) are added to that section, to read:

1004.015 Higher Education Coordinating Council.—

(4) The council shall make detailed recommendations relating to:

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

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

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

(d) A plan for workforce development education that addresses:

1. The alignment of school district and Florida College System workforce development education programs to ensure cost efficiency and mission delineation, including an examination of the need for both college credit and noncollege credit certificate programs, an evaluation of the merit of retaining the associate in applied science degree, and the consolidation of adult general education programs within school districts.

2. The consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.

(5) The council shall submit a report outlining its detailed recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education by December 31, 2011, which specifically includes recommendations for consideration by the Legislature for implementation in the 2012-2013 fiscal year.

(6)(4) The Board of Governors and the Department of Education shall provide administrative support for the council.

Section 6. Section 1004.68, Florida Statutes, is amended to read:

1004.68 Community college; degrees and certificates; tests ~~for certain skills.~~—

(1) Each community college board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates.

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

Section 7. 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; Articulation Coordinating Committee.—

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building, ~~and~~ sustaining, ~~and~~ strengthening relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building, ~~and~~ sustaining, ~~and~~ strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. ~~The Legislature further intends that articulation policies and budget actions be implemented~~

consistently in the practices of the Department of Education and post-secondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors.

(2) To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall collaboratively establish and adopt ~~recommend~~ policies and guidelines to the Legislature with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System and shall recommend the policies to the Legislature. ~~The policies shall relate~~ relating to:

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

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

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

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee which shall make recommendations related to statewide articulation policies to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist of two members each representing the State University System, the Florida College System, public career and technical education, public K-12 education, and nonpublic education and one member representing students. The chair shall be elected from the membership. The committee shall:

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

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

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

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

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

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

(g) Examine statewide data regarding articulation to identify issues and make recommendations to improve articulation throughout the K-20 education system.

(h) Recommend roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system established pursuant to s. 1007.28.

Section 8. Subsection (12) of section 1007.25, Florida Statutes, is amended to read:

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

~~(12)(a) A public postsecondary educational institution may not confer an associate in arts or baccalaureate degree upon any student who fails to successfully complete one of the following requirements:~~

~~1. Achieve 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~~

~~2. Demonstrate successful remediation of any academic deficiencies and achieve 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.~~

~~(b) Any student who, in the best professional opinion of the postsecondary educational institution, has a specific learning disability such that the student cannot demonstrate successful mastery of one or more of the authorized examinations but is achieving at the college level in every area despite his or her disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the president or the chief academic officer for special consideration. The committee shall examine the evidence of the student's academic and medical records and may~~

hear testimony relevant to the case. The committee may grant a waiver for one or more of the authorized examinations based on the results of its review.

~~(c) Each public postsecondary educational institution president shall establish a committee to consider requests for waivers from the requirements in paragraph (a). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president as follows:~~

- ~~1. One faculty member from the mathematics department;~~
- ~~2. One faculty member from the English department;~~
- ~~3. The institutional test administrator; and~~
- ~~4. One faculty member from a department other than English or mathematics.~~

~~(d) Any student who has taken the authorized examinations and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from the examination requirement. Waivers shall be considered only after students have been provided test accommodations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the authorized examinations. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the authorized examinations. A waiver may be recommended to the president upon a majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request that the committee has disapproved. If a waiver is approved, the student's transcript shall include a statement that the student did not meet the requirements of this subsection and that a waiver was granted.~~

Section 9. Subsection (1) of section 1007.264, Florida Statutes, is amended to read:

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

(1) Any student with a disability, as defined in s. 1007.02(2), who is otherwise eligible ~~except those students who have been documented as having intellectual disabilities~~, 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.

Section 10. Subsection (1) of section 1007.265, Florida Statutes, is amended to read:

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

(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 intellectual disabilities,~~ 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.

Section 11. Subsections (2) and (10) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(2) The Department of Education shall annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) ~~general examination, CLEP subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination,~~ and International Baccalaureate examination. The department shall use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit is to be granted. Minimum scores may vary by subject area based on available performance data. In addition, the department shall identify such courses in the general education core curriculum of each state university and community college.

~~(10) Any student who earns 9 or more credits from one or more of the acceleration mechanisms provided for in this section is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term.~~

Section 12. Subsection (11) of section 1001.64, Florida Statutes, is amended to read

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

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

Section 13. Section 1011.30, Florida Statutes, is amended to read:

1011.30 Budgets for community colleges.—Each community college president shall recommend to the community college board of trustees a

budget of income and expenditures at such time and in such form as the State Board of Education may prescribe. Upon approval of a budget by the community college board of trustees, such budget shall be transmitted to the Department of Education for review and approval. Rules of the State Board of Education shall prescribe procedures for effecting budget amendments subsequent to the final approval of a budget for a given year.

Section 14. Subsection (2) and paragraph (a) of subsection (4) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.

(2) The common placement testing program shall include at a minimum the following: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work; prerequisite skills that relate to progressively advanced instruction in mathematics, such as algebra and geometry; prerequisite skills that relate to progressively advanced instruction in language arts, such as English composition and literature; ~~prerequisite skills which relate to the College-Level Academic Skills Test (CLAST);~~ and provision of test information to students on the specific deficiencies.

~~(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. The State Board of Education shall specify by rule provisions for alternative remediation opportunities and retesting policies. 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. A degree-seeking 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 provided the student demonstrates satisfactory performance in degree-earning coursework. A student who has accumulated 12 college credit hours and has not yet demonstrated proficiency in the basic competency areas of reading, writing, and mathematics must be advised in writing of the requirements for associate degree completion and state university admission, including information about future financial aid eligibility and the potential costs of accumulating excessive college credit~~

~~as described in s. 1009.286. 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, the student must demonstrate successful mastery of the required developmental education competencies as defined in State Board of Education rule; 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.~~

Section 15. Subsection (7) of section 1008.345, Florida Statutes, is amended to read:

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

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

(a) Develop minimum standards for various grades and subject areas, as required in ss. 1001.03, 1008.22, and 1008.34.

(b) Administer the statewide assessment testing program created by s. 1008.22.

(c) Review the school advisory councils of each district as required by s. 1001.452.

(d) Conduct the program evaluations required by s. 1001.03.

~~(e) Maintain a listing of college-level communication and mathematics skills defined pursuant to s. 1008.29 as being associated with successful student performance through the baccalaureate level and submit it 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 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 college. 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.

(f)(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 16. Subsections (4) and (6) of section 1008.38, Florida Statutes, are 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 establish an articulation accountability process which at a minimum shall address:

(4) The smooth transfer of Florida College System ~~community college~~ associate in arts degree graduates to a Florida College System institution or a state university.

(6) The relationship between student attainment of college-level the College Level academic skills Test Program and articulation to the upper division in public postsecondary institutions.

Section 17. Subsection (1) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) on

the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program;

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office;

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

A student must complete a program of community service work, as approved by the district school board, ~~or~~ the administrators of a nonpublic school, or the Department of Education for home education program students, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 18. Subsection (3) of section 267.062, Florida Statutes, is amended to read:

267.062 Naming of state buildings and other facilities.—

(3) Notwithstanding the provisions of subsection (1) or s. 1013.79(11), any state building, road, bridge, park, recreational complex, or other similar facility of a state university may be named for a living person by the university board of trustees in accordance with regulations ~~rules~~ adopted by the Board of Governors of the State University System.

Section 19. Subsection (6) of section 1004.23, Florida Statutes, is amended to read:

1004.23 Universities; powers; patents, copyrights, and trademarks.— Any other law to the contrary notwithstanding, each state university is authorized, in its own name, to:

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university, including adopting regulations ~~rules~~, as necessary, in order to administer this section. Any proceeds therefrom shall be deposited and expended in accordance with s. 1004.22. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 20. Section 1010.03, Florida Statutes, is amended to read:

1010.03 Delinquent accounts.—District school boards, Florida College System institution ~~community-college~~ boards of trustees, and university boards of trustees:

- (1) Shall exert every effort to collect all delinquent accounts.
- (2) May charge off or settle such accounts as may prove uncollectible.
- (3) May employ the services of a collection agency when deemed advisable in collecting delinquent accounts.
- (4) May adopt rules, except that university boards of trustees may adopt regulations, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other resources and services of the school district, Florida College System institution ~~community college~~, or university.

Section 21. Subsection (2) of section 1010.04, Florida Statutes, is amended to read:

1010.04 Purchasing.—

(2) Each district school board and Florida College System institution; ~~community-college~~ board of trustees, and each university board of trustees shall adopt rules, and each university board of trustees shall adopt regulations, to be followed in making purchases.

Section 22. Paragraph (b) of subsection (2) of section 1010.07, Florida Statutes, is amended to read:

1010.07 Bonds or insurance required.—

(2)

(b) Contractors paid from university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by regulations ~~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 23. Subsection (4) of section 1013.171, Florida Statutes, is amended to read:

1013.171 University lease agreements; land, facilities.—

(4) Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement with an entity enumerated in paragraph (3)(a) for leasing land or with a direct-support organization as provided in s. 1004.28, which shall enter into subsequent

agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. Each university board of trustees shall adopt such regulations ~~rules~~ as are necessary to carry out its duties and responsibilities imposed by this section.

Section 24. Subsection (12) of section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government’s comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board’s request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board’s request for a determination of consistency shall be considered an approval of the district school board’s application. Campus master plans and development agreements must comply with the provisions of s. ss. 1013.30 and 1013.63.

Section 25. Section 1013.63, Florida Statutes, is repealed.

Section 26. This act shall take effect July 1, 2011.

Approved by the Governor June 17, 2011.

Filed in Office Secretary of State June 17, 2011.