

CHAPTER 2011-5

Senate Bill No. 946

An act relating to the Florida Statutes; amending ss. 1000.01, 1000.02, 1000.04, 1000.05, 1000.06, 1000.07, 1000.21, 1001.02, 1001.03, 1001.10, 1001.11, 1001.20, 1001.27, 1001.271, 1001.28, 1001.43, 1001.60, 1001.61, 1001.62, 1001.63, 1001.64, 1001.65, 1001.705, 1001.706, 1002.20, 1002.21, 1002.33, 1002.34, 1002.41, 1002.45, 1003.03, 1003.41, 1003.4156, 1003.433, 1003.435, 1003.49, 1003.51, 1003.52, 1004.02, 1004.03, 1004.04, 1004.05, 1004.06, 1004.07, 1004.085, 1004.095, 1004.226, 1004.645, 1004.648, 1004.65, 1004.66, 1004.67, 1004.68, 1004.70, 1004.71, 1004.725, 1004.726, 1004.74, 1004.75, 1004.77, 1004.78, 1004.79, 1004.80, 1004.81, 1004.86, 1004.91, 1004.92, 1004.93, 1004.94, 1004.95, 1004.97, 1004.98, 1004.99, 1005.21, 1006.15, 1006.17, 1006.50, 1006.51, 1006.55, 1006.60, 1006.62, 1006.63, 1006.65, 1006.68, 1006.70, 1006.71, 1006.72, 1007.21, 1007.22, 1007.23, 1007.235, 1007.24, 1007.25, 1007.2615, 1007.262, 1007.263, 1007.264, 1007.265, 1007.27, 1007.271, 1007.272, 1007.28, 1007.33, 1007.34, 1007.35, 1008.30, 1008.31, 1008.32, 1008.345, 1008.385, 1008.405, 1008.41, 1008.42, 1008.43, 1008.45, 1009.21, 1009.22, 1009.23, 1009.25, 1009.26, 1009.265, 1009.27, 1009.28, 1009.285, 1009.286, 1009.29, 1009.40, 1009.42, 1009.44, 1009.50, 1009.505, 1009.533, 1009.535, 1009.55, 1009.56, 1009.60, 1009.605, 1009.65, 1009.67, 1009.70, 1009.72, 1009.77, 1009.89, 1009.891, 1009.97, 1009.971, 1009.98, 1009.981, 1010.01, 1010.02, 1010.03, 1010.04, 1010.06, 1010.07, 1010.08, 1010.09, 1010.11, 1010.22, 1010.23, 1010.30, 1010.33, 1010.34, 1010.58, 1011.01, 1011.011, 1011.012, 1011.30, 1011.31, 1011.32, 1011.51, 1011.62, 1011.68, 1011.75, 1011.80, 1011.801, 1011.81, 1011.82, 1011.83, 1011.84, 1011.85, 1011.86, 1012.01, 1012.35, 1012.56, 1012.80, 1012.81, 1012.82, 1012.83, 1012.84, 1012.85, 1012.855, 1012.86, 1012.865, 1012.87, 1012.875, 1012.88, 1012.885, 1012.98, 1013.01, 1013.02, 1013.03, 1013.12, 1013.13, 1013.19, 1013.23, 1013.231, 1013.25, 1013.27, 1013.28, 1013.31, 1013.36, 1013.37, 1013.371, 1013.40, 1013.44, 1013.51, 1013.52, 1013.60, 1013.64, 1013.65, and 1013.81, F.S., to conform to the directive in section 21 of chapter 2010-70, Laws of Florida, to prepare a reviser's bill for consideration by the 2011 Regular Session of the Legislature to substitute the term "Florida College System Institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in the Florida K-20 Education Code; providing an effective date.

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

Section 1. Paragraph (b) of 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.—

(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 Florida College System institution ~~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.

Section 2. Paragraph (e) of subsection (1) of section 1000.02, Florida Statutes, is amended to read:

1000.02 Policy and guiding principles for the Florida K-20 education system.—

(1) It is the policy of the Legislature:

(e) To provide for the decentralization of authority to the schools, Florida College System institutions ~~community colleges~~, universities, and other education institutions that deliver educational services to the public.

Section 3. Section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.—Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, Florida College System institutions ~~community colleges~~, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; school district virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—Public postsecondary educational institutions include workforce education; Florida College System institutions ~~community colleges; colleges~~; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.

(3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The Florida School for the Deaf and the Blind is a component of the delivery of public education within Florida's K-20 education system.

(4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual School is a component of the delivery of public education within Florida's K-20 education system.

Section 4. Paragraphs (d) and (e) of subsection (3), subsection (4), paragraph (a) of subsection (5), and paragraphs (a), (b), (c), (e), (f), and (g) of subsection (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 Florida College System institutions ~~community colleges~~. In determining whether equal opportunities are available in school districts and Florida College System institutions ~~community colleges~~, the Commissioner of Education shall consider, among other factors:

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

b. The provision of equipment and supplies.

c. Scheduling of games and practice times.

d. Travel and per diem allowances.

e. Opportunities to receive coaching and academic tutoring.

f. Assignment and compensation of coaches and tutors.

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

h. Provision of medical and training facilities and services.

i. Provision of housing and dining facilities and services.

j. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public school or Florida College System institution ~~community college~~ 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 Florida College System institution ~~community college~~ 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 Florida College System institutions ~~community colleges~~ 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 Florida College System institutions ~~community colleges~~.

(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 Florida College System institution ~~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 Florida College System institutions ~~community colleges~~ to determine compliance with this section and, after a finding that a school district or a Florida College System institution ~~community college~~ is not in compliance with this section, notifying the entity of the steps that it must take to attain compliance and performing followup monitoring.

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

(e) Requiring all district school boards and Florida College System institution ~~community college~~ 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 Florida College System institutions ~~community colleges~~ comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force a public school or Florida College System institution ~~community college~~ to conduct, nor penalize such entity for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board or Florida College System institution ~~community college~~ 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 Florida College System institution ~~community college~~ ineligible for competitive state grants.
2. Notwithstanding the provisions of s. 216.192, direct the Chief Financial Officer to withhold general revenue funds sufficient to obtain compliance from the school district or Florida College System institution ~~community college~~.

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

Section 5. Subsection (2) of section 1000.06, Florida Statutes, is amended to read:

1000.06 Display of flags.—

(2) Each public K-20 educational institution that is provided or authorized by the Constitution and laws of Florida shall display daily in each classroom the flag of the United States. The flag must be made in the United States, must be at least 2 feet by 3 feet, and must be properly displayed in accordance with Title 4 U.S.C. Each educational institution shall acquire the necessary number of flags to implement the provisions of this subsection. The principal, director, or president of each educational institution shall attempt to acquire the flags through donations or fundraising for 1 year prior to securing other funding sources or allocating funds for the purchase of flags. The president of each state university or Florida College System institution ~~community college~~ must present to the governing board of the institution the results of donations and fundraising activities relating to the acquisition of flags prior to requesting the governing board to approve a funding source for the purchase of flags. A flag must be displayed in each classroom pursuant to this subsection no later than August 1, 2005.

Section 6. Paragraph (a) of subsection (2) of section 1000.07, Florida Statutes, is amended to read:

1000.07 Florida Business and Education Collaborative.—

(2) The Florida Business and Education Collaborative is established as a state-level advisory group to the Governor; the Legislature; the State Board of Education; the Board of Governors of the State University System; boards of independent colleges, universities, and career schools; and other interested parties.

(a) Members of the collaborative shall be appointed by the Governor and shall include state business leaders; state legislative members; representative leaders of state and nonpublic ~~community~~ colleges, colleges, universities, career schools, and workforce education institutions and entities; and national education and economic development policy leaders.

Section 7. Subsection (3) of section 1000.21, Florida Statutes, is amended to read:

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

(3) ~~“Florida College System institution Florida college” or “community college,”~~ except as otherwise specifically provided, includes all of the following public postsecondary educational institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution:

- (a) Brevard Community College, which serves Brevard County.
- (b) Broward College, which serves Broward County.
- (c) College of Central Florida, which serves Citrus, Levy, and Marion Counties.
- (d) Chipola College, which serves Calhoun, Holmes, Jackson, Liberty, and Washington Counties.
- (e) Daytona State College, which serves Flagler and Volusia Counties.
- (f) Edison State College, which serves Charlotte, Collier, Glades, Hendry, and Lee Counties.
- (g) Florida State College at Jacksonville, which serves Duval and Nassau Counties.
- (h) Florida Keys Community College, which serves Monroe County.
- (i) Gulf Coast Community College, which serves Bay, Franklin, and Gulf Counties.

- (j) Hillsborough Community College, which serves Hillsborough County.
- (k) Indian River State College, which serves Indian River, Martin, Okeechobee, and St. Lucie Counties.
- (l) Florida Gateway College, which serves Baker, Columbia, Dixie, Gilchrist, and Union Counties.
- (m) Lake-Sumter Community College, which serves Lake and Sumter Counties.
- (n) State College of Florida, Manatee-Sarasota, which serves Manatee and Sarasota Counties.
- (o) Miami Dade College, which serves Miami-Dade County.
- (p) North Florida Community College, which serves Hamilton, Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.
- (q) Northwest Florida State College, which serves Okaloosa and Walton Counties.
- (r) Palm Beach State College, which serves Palm Beach County.
- (s) Pasco-Hernando Community College, which serves Hernando and Pasco Counties.
- (t) Pensacola Junior College, which serves Escambia and Santa Rosa Counties.
- (u) Polk State College, which serves Polk County.
- (v) St. Johns River Community College, which serves Clay, Putnam, and St. Johns Counties.
- (w) St. Petersburg College, which serves Pinellas County.
- (x) Santa Fe College, which serves Alachua and Bradford Counties.
- (y) Seminole State College of Florida, which serves Seminole County.
- (z) South Florida Community College, which serves DeSoto, Hardee, and Highlands Counties.
- (aa) Tallahassee Community College, which serves Gadsden, Leon, and Wakulla Counties.
- (bb) Valencia Community College, which serves Orange and Osceola Counties.

Section 8. Paragraph (u) of subsection (2), paragraph (a) of subsection (3), paragraphs (a), (b), (c), (d), (e), (f), and (g) of subsection (4), and subsections (5) and (6) of section 1001.02, Florida Statutes, are amended to read:

1001.02 General powers of State Board of Education.—

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

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

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions ~~community colleges~~. 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 Florida College System institutions ~~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 Florida College System institution ~~community college~~ in accordance with the objectives provided in this subsection. The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the plan.

(4) The State Board of Education shall:

(a) Provide for each Florida College System institution ~~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 Florida College System institution ~~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 Florida College System institutions ~~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 Florida College System institutions ~~community colleges~~.

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

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

(g) Specify, by rule, the college credit courses that may be taken by Florida College System institution ~~community college~~ students concurrently enrolled in college-preparatory instruction.

(5) The State Board of Education is responsible for reviewing and administering the state program of support for the Florida College System institutions ~~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) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for Florida College System institutions ~~community colleges~~ that will ensure the quality of education, coordination among the Florida College System institutions ~~community colleges~~ and state universities, and efficient progress toward accomplishing the Florida College System institution ~~community college~~ mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

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

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

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the Florida College System institution ~~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 Florida College System institution ~~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 Florida College System institutions ~~community colleges~~ to enter into agreements with state universities that allow Florida College System institution ~~community college~~ students to complete upper-division-level courses at a Florida College System institution ~~community college~~. An agreement may provide for concurrent enrollment at the Florida College System institution ~~community college~~ and the state university and may authorize the Florida College System institution ~~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 9. Subsections (10), (13), and (15) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

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

(15) FLORIDA COLLEGE SYSTEM INSTITUTION COMMUNITY COLLEGE BACCALAUREATE DEGREE PROGRAMS.—The State Board of Education shall provide for the review and approval of proposals by Florida College System institutions ~~community colleges~~ to offer baccalaureate degree programs pursuant to s. 1007.33. A Florida College System institution ~~community college~~, as defined in s. 1000.21, that is approved to offer baccalaureate degrees pursuant to s. 1007.33 remains under the authority of the State Board of Education and the Florida College System institution's ~~community college's~~ board of trustees.

Section 10. Paragraph (k) of subsection (6) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

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

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

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

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

3. The Florida College System institution ~~community college~~ board of trustees is responsible for Florida College System institution ~~community college~~ performance and student performance.

Section 11. Paragraphs (d) and (e) of subsection (1) 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:

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

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

Section 12. 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 Florida College System institutions

~~community colleges 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 Florida College System institution ~~community college~~ 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 Florida College System institution ~~community college~~, the office shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 13. Subsection (2) and paragraphs (b) and (c) of subsection (3) of section 1001.27, Florida Statutes, are amended to read:

1001.27 State satellite network.—

(2) The network shall consist of compatible satellite receiving equipment at public educational institutions in each of the 28 Florida College System institution ~~community college~~ regions.

(3) The department, in consultation with the Department of Management Services, shall implement the provisions of this section and coordinate the network. Specifically, the department shall:

(b) Acquire by competitive sealed bid and place appropriate receiving equipment in those Florida College System institution ~~community college~~ regions of the state in which such equipment is presently not available at a public postsecondary educational institution.

(c) Develop an implementation plan that provides for designation of a site in each Florida College System institution ~~community college~~ region for inclusion in the initial network. Criteria for selection shall include:

1. Accessibility to a substantial portion of the population of the region.
2. Demonstrated institutional commitment to support and encourage use of the network both within the region and statewide.
3. Willingness to complement state support with matching institutional resources.
4. Evidence of cooperation and coordinated planning with other postsecondary educational institutions in the region.
5. Availability of existing telecommunications equipment which is compatible or adaptable for use in the network.

Section 14. Section 1001.271, Florida Statutes, is amended to read:

1001.271 Florida Information Resource Network.—Upon requisition by school districts, Florida College System institutions ~~community colleges,~~ universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the regional educational consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.

Section 15. Section 1001.28, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

(8) 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 Florida College System institutions ~~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, Florida College System institution ~~community college~~ board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

Section 16. Subsection (13) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(13) COOPERATION WITH FLORIDA COLLEGE SYSTEM INSTITUTIONS ~~COMMUNITY COLLEGES~~.—The district school board shall work with the Florida College System institutions ~~community colleges~~ in the district to ensure that the Florida College System institution ~~community college~~ students have access to remedial education.

Section 17. Subsection (2) of section 1001.60, Florida Statutes, is amended to read:

1001.60 Florida College System.—

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

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

(b)1. With the approval of its district board of trustees, a Florida College System institution ~~college~~ may change the institution's name set forth in s. 1000.21(3) and use the designation "college" or "state college" if it has been authorized to grant baccalaureate degrees pursuant to s. 1007.33 and has

been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.

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

a. Maintain as its primary mission responsibility for responding to community needs for postsecondary academic education and career degree education as prescribed in s. 1004.65(5).

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

c. Continue to provide outreach to underserved populations.

d. Continue to provide remedial education.

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

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

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

Section 18. Section 1001.61, Florida Statutes, is amended to read:

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

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

(2) Trustees shall be appointed by the Governor and confirmed by the Senate in regular session.

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

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

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

Section 19. Section 1001.62, Florida Statutes, is amended to read:

1001.62 Transfer of benefits arising under local or special acts.—All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution ~~community college~~ through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the Florida College System institution ~~community college~~ board of trustees.

Section 20. Section 1001.63, Florida Statutes, is amended to read:

1001.63 Florida College System institution ~~Community college~~ board of trustees; board of trustees to constitute a corporation.—Each Florida College System institution ~~community college~~ board of trustees is constituted a body corporate by the name of “The District Board of Trustees of...(name of Florida College System institution ~~community college~~)..., Florida” with all the powers and duties of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue or 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, the corporate secretary or designee of the chair.

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

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

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

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

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

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

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

(5) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of Florida College System institution ~~community college~~ owned or Florida College System institution ~~community college~~ controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the Florida College System institution ~~community college~~. 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.

(6) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings in accordance with law and rule; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services. New programs must be approved pursuant to s. 1004.03.

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

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

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the Florida College System institution ~~community college~~.

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

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

(d) Boards of trustees shall identify their core curricula, which shall include courses required by the State Board of Education, pursuant to the provisions of s. 1007.25(6).

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

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

(g) Each board of trustees pursuant to s. 1006.53 shall adopt a policy in accordance with rules of the State Board of Education that reasonably accommodates the religious observance, practice, and belief of individual

students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(9) A board of trustees may contract with the board of trustees of a state university for the Florida College System institution ~~community college~~ to provide college-preparatory instruction on the state university campus.

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

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

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

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

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

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

(16) Each board of trustees must expend performance funds provided for workforce education pursuant to the provisions of s. 1011.80.

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

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

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution ~~community college~~. The board of trustees may appoint a search committee. The board of trustees

shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives established in the Florida College System institution's ~~community college's~~ employment accountability program implemented pursuant to s. 1012.86.

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

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

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

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

(24) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries. Except for sworn law enforcement personnel, persons employed to enforce campus parking rules have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds at each Florida College System institution ~~community college~~ for student financial aid purposes.

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

(26) Each board of trustees is authorized to contract for the purchase, sale, lease, license, or acquisition in any manner, including purchase by installment or lease-purchase contract which may provide for the payment of

interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased, subject to the provisions of subsection (38) and ss. 1009.22 and 1009.23, of goods, materials, equipment, and services required by the Florida College System institution ~~community college~~. The board of trustees may choose to consolidate equipment contracts under master equipment financing agreements made pursuant to s. 287.064.

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

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

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

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

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

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

(33) Each board of trustees is authorized to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004.

(34) Each board of trustees shall administer the facilities program pursuant to chapter 1013, including but not limited to: the construction of public educational and ancillary plants; the acquisition and disposal of property; compliance with building and life safety codes; submission of data and information relating to facilities and construction; use of buildings and grounds; establishment of safety and sanitation programs for the protection of building occupants; and site planning and selection.

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

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

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

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

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

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

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

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

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

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

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

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

(47) A board of trustees may not enter into an employment contract that requires the Florida College System institution ~~community college~~ to pay a Florida College System institution ~~community college~~ president an amount from state funds in excess of 1 year of the president's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the president in accordance with the Florida College System institution's ~~community college's~~ leave and benefits policies before the contract terminates.

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

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

(1) Recommend the adoption of rules, as appropriate, to the Florida College System institution ~~community college~~ board of trustees to implement provisions of law governing the operation and administration of the Florida

College System institution ~~community college~~, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with law, the mission of the Florida College System institution ~~community college~~ and the rules and policies of the State Board of Education.

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

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

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

(5) Approve, execute, and administer contracts for and on behalf of the Florida College System institution ~~community college~~ board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the Florida College System institution ~~community college~~, provided such contracts are within law and guidelines of the State Board of Education and in conformance with policies of the Florida College System institution ~~community college~~ board of trustees, and are for the implementation of approved programs of the Florida College System institution ~~community college~~.

(6) Act for the Florida College System institution ~~community college~~ board of trustees as custodian of all Florida College System institution ~~community college~~ property and financial resources. The authority vested in the Florida College System institution ~~community college~~ president under this subsection includes the authority to prioritize the use of Florida College System institution ~~community college~~ space, property, equipment, and resources and the authority to impose charges for the use of those items.

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

(8) Administer the Florida College System institution's ~~community college's~~ program of intercollegiate athletics.

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

(10) Award degrees.

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

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

(13) Review periodically the operations of the Florida College System institution ~~community college~~ in order to determine how effectively and efficiently the Florida College System institution ~~community college~~ is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.

(14) Enter into agreements for student exchange programs that involve students at the Florida College System institution ~~community college~~ and students in other institutions of higher learning.

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

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

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

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

(19) Provide to the law enforcement agency and fire department that has jurisdiction over the Florida College System institution ~~community college~~ a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01(6). After the initial submission of the floor plans and other relevant documents, the Florida College System institution ~~community college~~ president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.

(20) Establish a committee to consider requests for waivers from the provisions of s. 1008.29 and approve or disapprove the committee's recommendations.

(21) Develop and implement jointly with school superintendents a comprehensive articulated acceleration program, including a comprehensive interinstitutional articulation agreement, for the students enrolled in their

respective school districts and service areas pursuant to the provisions of s. 1007.235.

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

(23) Submit an annual employment accountability plan to the Department of Education pursuant to the provisions of s. 1012.86.

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

(25) Have vested with the president or the president's designee the authority that is vested with the Florida College System institution ~~community college~~.

Section 23. Paragraph (b) of subsection (2) of section 1001.705, Florida Statutes, is amended to read:

1001.705 Responsibility for the State University System under s. 7, Art. IX of the State Constitution.—

(2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the State Constitution, the Board of Governors of the State University System has the duty to operate, regulate, control, and be fully responsible for the management of the whole publicly funded State University System and the board, or the board's designee, has responsibility for:

(b) Defining the articulation of each constituent university in conjunction with the Legislature's authority over the public schools and Florida College System institutions ~~community colleges~~.

Section 24. Subsection (9) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(9) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, the university boards of trustees, representatives of the Florida College System institution ~~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.

Section 25. Paragraph (d) of subsection (19) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(19) INSTRUCTIONAL MATERIALS.—

(d) *Dual enrollment students.*—Instructional materials purchased by a district school board or Florida College System institution ~~community college~~ board of trustees on behalf of public school dual enrollment students shall be made available to the dual enrollment students free of charge, in accordance with the provisions of s. 1007.271(14) and (15).

Section 26. Subsections (4) and (5) of section 1002.21, Florida Statutes, are amended to read:

1002.21 Postsecondary student and parent rights.—

(4) STUDENT HANDBOOKS.—Each state university and Florida College System institution ~~community college~~ shall provide its students with an up-to-date student handbook that includes student rights and responsibilities, appeals processes available to students, contact persons available to help students, student conduct code, and information regarding HIV and AIDS, in accordance with the provisions of s. 1006.50.

(5) STUDENT OMBUDSMAN OFFICE.—Each state university and Florida College System institution ~~community college~~ shall maintain a student ombudsman office and established procedures for students to appeal to the office regarding decisions about the student's access to courses and credit granted toward the student's degree, in accordance with the provisions of s. 1006.51.

Section 27. Paragraph (b) of subsection (5) and paragraph (c) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a district school board's sovereign immunity.

4. A Florida College System institution ~~community college~~ may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the Florida College System institution ~~community college~~ on the charter application. Florida College System institution ~~Community college~~ applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions ~~Community colleges~~ may not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(18) FACILITIES.—

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution ~~community college~~, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

Section 28. Subsections (1), (3), (4), (5), (6), (8), and (9), paragraphs (b) and (c) of subsection (11), paragraphs (e), (g), and (h) of subsection (12), and subsections (14) and (16) of section 1002.34, Florida Statutes, are amended to read:

1002.34 Charter technical career centers.—

(1) AUTHORIZATION.—The Legislature finds that the establishment of charter technical career centers can assist in promoting advances and innovations in workforce preparation and economic development. A charter technical career center may provide a learning environment that better serves the needs of a specific population group or a group of occupations, thus promoting diversity and choices within the public education and public postsecondary technical education community in this state. Therefore, the creation of such centers is authorized as part of the state's program of public education. A charter technical career center may be formed by creating a new school or converting an existing school district or Florida College System institution ~~community college~~ program to charter technical status.

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

(a) “Charter technical career center” or “center” means a public school or a public technical center operated under a charter granted by a district school board or Florida College System institution ~~community college~~ board of trustees or a consortium, including one or more district school boards and Florida College System institution ~~community college~~ boards of trustees, that includes the district in which the facility is located, that is nonsectarian in its programs, admission policies, employment practices, and operations, and is managed by a board of directors.

(b) “Sponsor” means a district school board, a Florida College System institution ~~community college~~ board of trustees, or a consortium of one or more of each.

(4) CHARTER.—A sponsor may designate centers as provided in this section. An application to establish a center may be submitted by a sponsor or another organization that is determined, by rule of the State Board of Education, to be appropriate. However, an independent school is not eligible for status as a center. The charter must be signed by the governing body of the center and the sponsor and must be approved by the district school board and Florida College System institution ~~community college~~ board of trustees in whose geographic region the facility is located. If a charter technical career

center is established by the conversion to charter status of a public technical center formerly governed by a district school board, the charter status of that center takes precedence in any question of governance. The governance of the center or of any program within the center remains with its board of directors unless the board agrees to a change in governance or its charter is revoked as provided in subsection (15). Such a conversion charter technical career center is not affected by a change in the governance of public technical centers or of programs within other centers that are or have been governed by district school boards. A charter technical career center, or any program within such a center, that was governed by a district school board and transferred to a Florida College System institution ~~community college~~ prior to the effective date of this act is not affected by this provision. An applicant who wishes to establish a center must submit to the district school board or Florida College System institution ~~community college~~ board of trustees, or a consortium of one or more of each, an application on a form developed by the Department of Education which includes:

- (a) The name of the proposed center.
- (b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.
- (c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.
- (d) The admissions policy and criteria for evaluating the admission of students.
- (e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.
- (f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.
- (g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1003.43 and for completion of a postsecondary certificate or degree.
- (h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.
- (i) A description of and address for the physical facility in which the center will be located.
- (j) A method for resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.
- (k) A method for reporting student data as required by law and rule.

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

(m) The identity of all relatives employed by the charter technical career center who are related to the center owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the center who has equivalent decisionmaking authority. As used in this paragraph, the term “relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(n) Other information required by the district school board or Florida College System institution ~~community college~~ board of trustees.

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

(5) APPLICATION.—An application to establish a center must be submitted by February 1 of the year preceding the school year in which the center will begin operation. The sponsor must review the application using an evaluation instrument developed by the Department of Education and make a final decision on whether to approve the application and grant the charter by March 1, and may condition the granting of a charter on the center’s taking certain actions or maintaining certain conditions. Such actions and conditions must be provided to the applicant in writing. The district school board or Florida College System institution ~~community college~~ board of trustees is not required to issue a charter to any person.

(6) SPONSOR.—A district school board or Florida College System institution ~~community college~~ board of trustees or a consortium of one or more of each may sponsor a center in the county in which the board has jurisdiction.

(a) A sponsor must review all applications for centers received through at least February 1 of each calendar year for centers to be opened at the beginning of the sponsor’s next school year. A sponsor may receive applications later than this date if it so chooses. To facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of applications after the FTE projection deadline. A sponsor must, by a majority vote, approve or deny an application no later than 60 days after the application is received. If an application is denied, the sponsor must, within 10 days, notify the applicant in writing of the specific reasons for denial, which must be

based upon good cause. Upon approval of a charter application, the initial startup must be consistent with the beginning of the public school or Florida College System institution ~~community college~~ calendar for the district in which the charter is granted, unless the sponsor allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of its application to the State Board of Education within 30 days after the sponsor's denial and shall notify the sponsor of its appeal. Any response of the sponsor must be submitted to the state board within 30 days after notification of the appeal. The State Board of Education must, by majority vote, accept or reject the decision of the sponsor no later than 60 days after an appeal is filed, pursuant to State Board of Education rule. The State Board of Education may reject an appeal for failure to comply with procedural rules governing the appeals process, and the rejection must describe the submission errors. The appellant may have up to 15 days after notice of rejection to resubmit an appeal. An application for appeal submitted after a rejection is timely if the original appeal was filed within 30 days after the sponsor's denial. The State Board of Education shall remand the application to the sponsor with a written recommendation that the sponsor approve or deny the application, consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of chapter 120.

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

(d)1. The Department of Education shall offer or arrange for training and technical assistance to applicants in developing business plans and estimating costs and income. This assistance shall address estimating startup costs, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training shall include instruction in accurate financial planning and good business practices.

2. An applicant must participate in the training provided by the Department of Education before filing an application. The Department of Education may provide technical assistance to an applicant upon written request.

(e) The terms and conditions for the operation of a center must be agreed to by the sponsor and the applicant in a written contract. The sponsor may not impose unreasonable requirements that violate the intent of giving centers greater flexibility to meet educational goals. The applicant and

sponsor must reach an agreement on the provisions of the contract or the application is deemed denied.

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

(8) **ELIGIBLE STUDENTS.**—A center must be open to all students as space is available and may not discriminate in admissions policies or practices on the basis of an individual's physical disability or proficiency in English or on any other basis that would be unlawful if practiced by a public school or a Florida College System institution ~~community college~~. A center may establish reasonable criteria by which to evaluate prospective students, which criteria must be outlined in the charter.

(9) **FACILITIES.**—A center may be located in any suitable location, including part of an existing public school or Florida College System institution ~~community college~~ building, space provided on a public worksite, or a public building. A center's facilities must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37, or with applicable state minimum building codes pursuant to chapter 553, and state minimum fire protection codes pursuant to s. 633.025, adopted by the authority in whose jurisdiction the facility is located. If K-12 public school funds are used for construction, the facility must remain on the local school district's Florida Inventory of School Houses (FISH) school building inventory of the district school board and must revert to the district school board if the consortium dissolves and the program is discontinued. If Florida College System institution ~~community college~~ public school funds are used for construction, the facility must remain on the local Florida College System institution's ~~community college's~~ facilities inventory and must revert to the local Florida College System institution ~~community college~~ board of trustees if the consortium dissolves and the program is discontinued. The additional student capacity created by the addition of the center to the local school district's FISH may not be calculated in the permanent student capacity for the purpose of determining need or eligibility for state capital outlay funds while the facility is used as a center. If the construction of the center is funded jointly by K-12 public school funds and Florida College System institution ~~community college~~ funds, the sponsoring entities must agree, before granting the charter, on the appropriate owner and terms of transfer of the facility if the charter is dissolved.

(11) **FUNDING.**—

(b) Each district school board and Florida College System institution ~~community college~~ that sponsors a charter technical career center shall pay directly to the center an amount stated in the charter. State funding shall be generated for the center for its student enrollment and program outcomes as provided in law. A center is eligible for funding from workforce education funds, the Florida Education Finance Program, and the Florida College

System Community College Program Fund, depending upon the programs conducted by the center.

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

(12) EMPLOYEES OF A CENTER.—

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

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

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

(g) A public school or Florida College System institution community-college teacher or administrator may take a leave of absence to accept employment in a charter technical career center upon the approval of the school district or Florida College System institution community-college.

(h) An employee who is on a leave of absence under this section may retain seniority accrued in that school district or Florida College System institution community-college and may continue to be covered by the benefit programs of that district or Florida College System institution community-college if the center and the district school board or Florida College System institution community-college board of trustees agree to this arrangement and its financing.

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

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

(b) A financial statement setting forth by appropriate categories the revenue and expenditures for the previous school year.

(16) TRANSPORTATION.—The center may provide transportation, pursuant to chapter 1006, through a contract with the district school board or the Florida College System institution community-college board of trustees, a private provider, or parents of students. The center must ensure that transportation is not a barrier to equal access for all students in grades K-12 residing within a reasonable distance of the facility.

Section 29. Subsection (7) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(7) Home education students are eligible for admission to Florida College System institutions ~~community colleges~~ in accordance with the provisions of s. 1007.263.

Section 30. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (7) of section 1002.45, Florida Statutes, are amended to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(a) For purposes of this section, the term:

1. “Approved provider” means a provider that is approved by the Department of Education under subsection (2), the Florida Virtual School, a franchise of the Florida Virtual School, or a Florida College System institution ~~community college~~.

2. “Virtual instruction program” means a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both, and in which a Florida-certified teacher under chapter 1012 is responsible for at least:

a. Fifty percent of the direct instruction to students in kindergarten through grade 5; or

b. Eighty percent of the direct instruction to students in grades 6 through 12.

(b) Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall be:

1. Full-time for students enrolled in kindergarten through grade 12.

2. Full-time or part-time for students in grades 9 through 12 who are enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions ~~community colleges~~ under this section.

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually provide school districts with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Possesses prior, successful experience offering online courses to elementary, middle, or high school students;

5. Is accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation; and

6. If the provider is a Florida College System institution ~~community college~~, employs instructors who meet the certification requirements for instructional staff under chapter 1012.

(7) FUNDING.—

(c) A Florida College System institution ~~community college~~ provider may not report students who are served in a school district virtual instruction program for funding under the Florida College System Community College Program Fund.

Section 31. Paragraph (f) of subsection (3) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(3) IMPLEMENTATION OPTIONS.—District school boards must consider, but are not limited to, implementing the following items in order to meet the constitutional class size maximums described in subsection (1):

(f) Use joint-use facilities through partnerships with Florida College System institutions ~~community colleges~~, state universities, and private colleges and universities. Joint-use facilities available for use as K-12 classrooms that do not meet the K-12 State Regulations for Educational

Facilities in the Florida Building Code may be used at the discretion of the district school board provided that such facilities meet all other health, life, safety, and fire codes.

Section 32. Paragraph (b) of subsection (3) of section 1003.41, Florida Statutes, is amended to read:

1003.41 Sunshine State Standards.—

(3)

(b) The commissioner shall submit the proposed standards for review and comment by Florida educators, school administrators, representatives of Florida College System institutions ~~community colleges~~ and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education, and leaders in business and industry. The commissioner, after considering any comments and making any revisions to the proposed standards, shall submit the standards for written evaluation by renowned experts on K-12 curricular standards and content.

Section 33. Paragraph (a) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c) 2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s.

1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida College System institution admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 34. Paragraph (b) of subsection (2) of section 1003.433, Florida Statutes, is amended to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(2) Students who have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:

(b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to remedial or credit courses at a Florida College System institution ~~state community college~~, as appropriate.

Section 35. Subsection (5) and paragraph (a) of subsection (6) of section 1003.435, Florida Statutes, are amended to read:

1003.435 High school equivalency diploma program.—

(5) Each district school board shall develop, in cooperation with the area Florida College System institution ~~community college~~ board of trustees, a plan for the provision of advanced instruction for those students who attain satisfactory performance on the high school equivalency examination or the subject area examinations or who demonstrate through other means a readiness to engage in postsecondary-level academic work. The plan shall include provisions for the equitable distribution of generated funds to cover personnel, maintenance, and other costs of offering the advanced instruction. Priority shall be given to programs of advanced instruction offered in high school facilities.

(6)(a) All high school equivalency diplomas issued under the provisions of this section shall have equal status with other high school diplomas for all state purposes, including admission to any state university or Florida College System institution ~~community college~~.

Section 36. Subsection (1) of section 1003.49, Florida Statutes, is amended to read:

1003.49 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Children and Family Services, the Department of Corrections, the boards of trustees of universities and Florida College System institutions ~~community colleges~~, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 1003.43, 1008.23, and 1008.25. Within the content of these cited statutes each such state or local public agency or entity shall be considered a “district school board.”

Section 37. Subsection (4) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(4) The Department of Education shall ensure that district school boards notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of law regarding compulsory school attendance and make available the option of enrolling in a program to attain a Florida high school diploma by taking the general educational development test prior to release from the facility. District school boards or Florida College System institutions ~~community colleges~~, or both, shall waive GED testing fees for youth in Department of Juvenile Justice residential programs and shall, upon request, designate schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs as GED testing centers, subject to GED testing center requirements. The administrative fees for the general education development test required by the Department of Education are the responsibility of district school boards and may be required of providers by contractual agreement.

Section 38. Subsections (6) and (22) of section 1003.52, Florida Statutes, are amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(6) Participation in the program by students of compulsory school-attendance age as provided for in s. 1003.21 shall be mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent shall participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 1003.21 and is afforded the opportunity to take the general educational development test and attain a Florida high school diploma prior to release from a facility. A youth who has received a high school diploma or its equivalent and is not employed shall participate in workforce development or other career or technical education or Florida College System institution ~~community college~~ or university courses while in the program, subject to available funding.

(22) The Department of Juvenile Justice and the Department of Education, in consultation with Workforce Florida, Inc., the statewide Workforce Development Youth Council, district school boards, Florida College System institutions ~~community colleges~~, providers, and others, shall jointly develop a multiagency plan for career education which describes the funding, curriculum, transfer of credits, goals, and outcome measures for career education programming in juvenile commitment facilities, pursuant to s. 985.622. The plan must be reviewed annually.

Section 39. Subsections (8), (18), (19), (20), and (23) of section 1004.02, Florida Statutes, are amended to read:

1004.02 Definitions.—As used in this chapter:

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

(18) “Lifelong learning” means a noncredit course or activity offered by a school district or Florida College System institution ~~community college~~ that seeks to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens.

(19) “Local educational agency” means a Florida College System institution ~~community college~~ or school district.

(20) “Local sponsor” means a district school board, Florida College System institution ~~community college~~ board of trustees, public library, other public entity, or private nonprofit entity, or any combination of these entities, that provides adult literacy instruction.

(23) “Career education planning region” means the geographic area in which career or adult education is provided. Each career region is contiguous with one of the 28 Florida College System institution ~~community college~~ service areas.

Section 40. Subsection (2) of section 1004.03, Florida Statutes, is amended to read:

1004.03 Program approval.—

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

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

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

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

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

Section 41. Subsections (9), (10), and (11) of section 1004.04, Florida Statutes, are amended to read:

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

(9) FLORIDA COLLEGE SYSTEM INSTITUTIONS COMMUNITY COLLEGES.—To the extent practical, postsecondary educational institutions offering teacher preparation programs shall establish articulation agreements on a core of liberal arts courses and introductory professional courses with field experience components which shall be offered at Florida College System institutions community colleges.

(10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.—Postsecondary institutions offering teacher preparation programs and Florida College System institutions community colleges, in collaboration with school districts, may develop and implement a program to provide short-term experiences as teacher assistants prior to beginning a teacher preparation program or alternative certification program. The program shall serve individuals with baccalaureate degrees who are interested in the teaching profession. This experience may be accepted for use in teacher preparation programs and competency-based alternative certification programs, where applicable.

(11) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.—State universities and Florida College System institutions community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs that are jointly submitted by Florida College System institutions community colleges and state universities.

(a) These pilot programs shall be approved by the State Board of Education and shall be designed to provide help and support for program participants during the preteacher education period of general academic preparation at a Florida College System institution community college or state university and during professional preparation in a state-approved teacher education program. Emphasis shall be placed on development of the basic skills needed by successful teachers.

(b) State universities and Florida College System institutions community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(c) In order to be certified, a graduate from a pilot program shall meet all requirements for teacher certification specified by s. 1012.56. Should a graduate of a pilot program not meet the requirements of s. 1012.56, that person shall not be included in the calculations required by paragraph (5)(a) and State Board of Education rules for continued program approval, or in the statutes used by the State Board of Education in deciding which teacher education programs to approve.

(d) Institutions participating in the pilot program shall submit an annual report evaluating the success of the program to the Commissioner of Education by March 1 of each year. The report shall include, at a minimum, the number of pilot program participants, including the number participating in general education and the number admitted to approved teacher education programs, the number of pilot program graduates, and the number of pilot program graduates who met the requirements of s. 1012.56. The commissioner shall consider the number of participants recruited, the number of graduates, and the number of graduates successfully meeting the requirements of s. 1012.56 reported by each institution, and shall make an annual recommendation to the State Board of Education regarding the institution's continued participation in the pilot program.

Section 42. Subsection (1) of section 1004.05, Florida Statutes, is amended to read:

1004.05 Substance abuse training programs.—

(1) Each state university and Florida College System institution ~~community college~~ may develop courses designed for public school teachers, counselors, physicians, law enforcement personnel, and other professionals to assist them in recognizing symptoms of substance abuse impairment and identifying appropriate service providers for referral and treatment.

Section 43. Section 1004.06, Florida Statutes, is amended to read:

1004.06 Prohibited expenditures.—No Florida College System institution ~~community college~~, state university, Florida College System institution ~~community college~~ direct-support organization, or state university direct-

support organization shall expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, national origin, gender, or religion.

Section 44. Subsections (1), (2), and (3) of section 1004.07, Florida Statutes, are amended to read:

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

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

(2) Such policies shall provide that any student enrolled in a post-secondary course or courses at a career center, a Florida College System institution ~~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 Florida College System institution ~~community college~~ boards of trustees shall be established by rule and pursuant to guidelines of the State Board of Education.

Section 45. Subsections (1), (3), and (4) of section 1004.085, Florida Statutes, are amended to read:

1004.085 Textbook affordability.—

(1) No employee of a Florida College System institution ~~community college~~ or state university may demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, in exchange for requiring students to purchase a specific textbook for coursework or instruction.

(3) Florida College System institutions ~~Community colleges~~ and state universities shall post on their websites, as early as is feasible, but not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course offered at the institution during the upcoming term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum, all of the following: the title, all authors listed, publishers, edition number, copyright date, published date, and other relevant information necessary to identify the specific textbook or textbooks required for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted

under subsection (4) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(4) The State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by Florida College System institutions ~~community colleges~~ and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:

(a) That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(b) That, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is confirmed by the course instructor or the academic department offering the course before the adoption is finalized.

(c) That a course instructor or the academic department offering the course determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition or the extent to which an open-access textbook may exist and be used.

(d) That the establishment of policies shall address the availability of required textbooks to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.

(e) That course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks and, in particular, open-access textbooks for high-demand general education courses.

Section 46. Section 1004.095, Florida Statutes, is amended to read:

1004.095 Senior Reserve Officers' Training Corps; military recruiters; access to Florida College System institution ~~community college~~ and state university campuses.—

(1) A Florida College System institution ~~community college~~ or state university may not ban any branch of the United States Armed Forces from establishing, maintaining, or operating a unit of the Senior Reserve Officers' Training Corps at the college or university.

(2)(a) A Florida College System institution ~~community college~~ or state university shall grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to the college's or university's students, and to campus facilities and grounds, which the college or university grants to other employers.

(b) A Florida College System institution ~~community-college~~ or state university shall, to the extent required in 10 U.S.C. s. 983(b)(2), grant military recruiters access to the names, addresses, telephone listings, dates and places of birth, levels of education, academic majors, degrees received, and most recent educational institutions enrolled in by the college's or university's students.

Section 47. Paragraphs (b) and (e) of subsection (3) and paragraph (b) of subsection (6) of section 1004.226, Florida Statutes, are amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

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

(b) “Applicant” means any state university, private university located in this state, or any private or public research center, Florida College System institution ~~community-college~~, or training center in this state which coordinates with a state university for purposes of this act.

(e) “Florida College System institution ~~Community-college~~” means a Florida College System institution ~~public community-college~~ in this state as defined in s. 1000.21.

(6) CENTERS OF EXCELLENCE.—

(b) The following entities are eligible to submit proposals for a center of excellence:

1. Any state university.
2. Any private university.
3. The H. Lee Moffitt Cancer Center and Research Institute.
4. The Florida Institute for Human and Machine Cognition, Inc.
5. Any Florida College System institution ~~community-college~~, training center, or other public or private research center in the state which coordinates with a state university for purposes of this act.

Section 48. Section 1004.645, Florida Statutes, is amended to read:

1004.645 Florida Center for Reading Research.—There is created at the Florida State University, the Florida Center for Reading Research (FCRR). The center shall include two outreach centers, one at a Florida College System institution in central Florida ~~community-college~~ and one at a south Florida state university. The center and the outreach centers, under the center's leadership, shall:

(1) Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, programs, and professional development.

(2) Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state with an emphasis on struggling readers and reading in the content area strategies and methods for secondary teachers.

(3) Conduct basic research on reading, reading growth, reading assessment, and reading instruction which will contribute to scientific knowledge about reading.

(4) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.

(5) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for professional development activities, using multiple delivery methods for teaching reading in the content area.

(6) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(7) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.

Section 49. Paragraph (d) of subsection (9) of section 1004.648, Florida Statutes, is amended to read:

1004.648 Florida Energy Systems Consortium.—

(9) Through collaborative research and development across the State University System and the industry, the goal of the consortium is to become a world leader in energy research, education, technology, and energy systems analysis. In so doing, the consortium shall:

(d) Develop education and outreach programs to prepare a qualified energy workforce and informed public. Specifically, the faculty associated with the consortium shall coordinate a statewide workforce development initiative focusing on college-level degrees, technician training, and public and commercial sectors awareness. The consortium shall develop specific programs targeted at preparing graduates who have a background in energy, continuing education courses for technical and nontechnical professionals, and modules, laboratories, and courses to be shared among the universities.

Additionally, the consortium shall work with the Florida Community College System using the Florida Advanced Technological Education Center for the coordination and design of industry-specific training programs for technicians.

Section 50. Section 1004.65, Florida Statutes, is amended to read:

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

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

(2) Each Florida College System institution district shall:

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

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

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

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

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

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

(b) Preparing students directly for careers requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology.

Career education in a Florida College System institution shall consist of career certificates, credit courses leading to associate in science degrees and associate in applied science degrees, and other programs in fields requiring substantial academic work, background, or qualifications. A Florida College System institution may offer career education programs in fields having lesser academic or technical requirements.

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

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

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

(e) Providing dual enrollment instruction.

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

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

(a) Community services that are not directly related to academic or occupational advancement.

(b) Adult education services, including adult basic education, adult general education, adult secondary education, and General Educational Development test instruction.

(c) Recreational and leisure services.

(7) Funding for Florida College System institutions colleges shall reflect their mission as follows:

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

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

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

(8) Florida College System institutions ~~colleges~~ are authorized to:

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

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

(c) Make provisions for the General Educational Development test.

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

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

Section 51. Section 1004.66, Florida Statutes, is amended to read:

1004.66 “Florida College System institution,” “community college,” and “junior college” used interchangeably.—Whenever the terms “Florida College System institution,” “community college,” and “junior college” appear in the Florida Statutes in reference to a tax-supported institution, they shall be construed identically.

Section 52. Section 1004.67, Florida Statutes, is amended to read:

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

Section 53. Section 1004.68, Florida Statutes, is amended to read:

1004.68 Florida College System institution ~~Community college~~; degrees and certificates; tests for certain skills.—

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

(2) Each Florida College System institution ~~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 54. Section 1004.70, Florida Statutes, is amended to read:

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

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

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

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

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

3. An organization that the Florida College System institution ~~community college~~ board of trustees, after review, has certified to be operating in a manner consistent with the goals of the Florida College System institution ~~community college~~ and in the best interest of the state. Any organization that is denied certification by the board of trustees may not use the name of the Florida College System institution ~~community college~~ that it serves.

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

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

(3) USE OF PROPERTY.—

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

(b) The board of trustees is authorized to prescribe by rule any condition with which a Florida College System institution ~~community college~~ direct-

support organization must comply in order to use property, facilities, or personal services at any Florida College System institution ~~community college~~.

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

(4) ACTIVITIES; RESTRICTIONS.—

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

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

(c) Any transaction or agreement between one direct-support organization and another direct-support organization or between a direct-support organization and a center of technology innovation designated under s. 1004.77 must be approved by the board of trustees.

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

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

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

federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

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

Section 55. Section 1004.71, Florida Statutes, is amended to read:

1004.71 Statewide Florida College System institution ~~community college~~ direct-support organizations.—

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

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

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

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

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

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

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

committee of any direct-support organization established to benefit Florida College System institutions ~~the community colleges of Florida.~~

(3) USE OF PROPERTY.—

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

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

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

(4) RESTRICTIONS.—

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

(b) Any transaction or agreement between a statewide, direct-support organization and any other direct-support organization or between a statewide, direct-support organization and a center of technology innovation designated under s. 1004.77 must be approved by the State Board of Education.

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

(5) ANNUAL BUDGETS AND REPORTS.—Each direct-support organization shall submit to the 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).

(6) ANNUAL AUDIT.—A statewide Florida College System institution ~~community college~~ direct-support organization shall provide for an annual financial audit in accordance with s. 1004.70. The identity of a donor or prospective donor who desires to remain anonymous and all information

identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 56. Subsection (1) of section 1004.725, Florida Statutes, is amended to read:

1004.725 Expenditures for self-insurance services; special account.—

(1) The Florida College System institution ~~community college~~ boards of trustees, singly or collectively, are authorized to contract with an administrator or service company approved pursuant to chapter 626 to provide self-insurance services, including, but not limited to, the evaluation, settlement, and payment of self-insurance claims on behalf of the board of trustees or a consortium of boards of trustees.

Section 57. Section 1004.726, Florida Statutes, is amended to read:

1004.726 Trademarks, copyrights, or patents.—Each Florida College System institution ~~community college~~ board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes. To this end, the board of trustees shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations, or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board of trustees may in its own name:

(1) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and enforce its rights therein.

(2) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use of its work products on a royalty basis or for such other consideration as the board of trustees deems proper.

(3) Take any action necessary, including legal action, to protect its work products against improper or unlawful use of infringement.

(4) Enforce the collection of any sums due the board of trustees for the manufacture or use of its work products by any other party.

(5) Sell any of its work products and execute all instruments necessary to consummate any such sale.

(6) Do all other acts necessary and proper for the execution of powers and duties provided by this section.

Section 58. Subsection (4) of section 1004.74, Florida Statutes, is amended to read:

1004.74 Florida School of the Arts.—

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

Section 59. Subsections (2), (3), (4), (5), and (6) of section 1004.75, Florida Statutes, are amended to read:

1004.75 Training school consolidation pilot projects.—

(2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING PROGRAMS. Notwithstanding ss. 1001.31, 1001.33, and 1007.25, or any other provision of law to the contrary, criminal justice training programs in the pilot counties will transfer to Florida College System institutions ~~community colleges~~, effective July 1, 1999, at which time responsibility for the provision of basic recruit, advanced, career development, and continuing training courses and programs offered in public criminal justice training programs and for the operation of existing public criminal justice training programs will be shifted from the school district to the Florida College System institution ~~community college~~ in whose service area the public criminal justice training program is located. Certification of the program granted by the Criminal Justice Standards and Training Commission will be transferred to the respective Florida College System institution ~~community college~~ and the college must continue to meet the requirements of the commission.

(3) FACILITIES.—

(a) Criminal justice training program educational facilities, educational plants, and related equipment as defined in s. 1013.01(6) and (7) which are owned by the state and paid for with only state funds shall be transferred to the Florida College System institution ~~community college~~, except that, if such an educational facility or educational plant or part of such facility or plant is used for other purposes in addition to public criminal justice training, the Criminal Justice Standards and Training Commission shall mediate the transfer or a suitable multiuse arrangement.

(b) Criminal justice training program educational facilities, educational plants, and related equipment as defined in s. 1013.01(6) and (7) which are owned by the school district and paid for in whole or in part with local tax funds shall be leased to the Florida College System institution ~~community college~~. However, if such an educational facility or educational plant, or part of such facility or plant, is used for other purposes in addition to public criminal justice training, the Criminal Justice Standards and Training Commission shall mediate a suitable lease agreement. If a school district and a Florida College System institution ~~community college~~ cannot agree on the terms and conditions of the lease agreement, the Criminal Justice Standards

and Training Commission shall finalize the agreement and report its decision to the Legislature. The Department of Education, Office of Educational Facilities, shall conduct an analysis, by December 31, 1999, to determine the amount of local tax contribution used in the construction of a school-district-owned criminal justice training program, educational facility, or educational plant affected by the transfer. This analysis shall be used to establish a purchase price for the facility or plant. The Florida College System institution ~~community college~~ board of trustees may make a legislative budget request through the State Board of Education to purchase the facility or plant, or it may continue to lease the facility or plant.

(4) PROGRAM REQUIREMENTS.—Each pilot training center will be regional in nature, as defined by the Criminal Justice Standards and Training Commission. Each Florida College System institution ~~community college~~ with responsibility for a public criminal justice training program must:

(a) Establish a pilot training center advisory committee made up of professionals from the field of each training program included in the pilot project.

(b) Provide certificate and noncredit options for students and training components of the pilot training center that so require.

(c) Develop an articulation agreement with state universities to facilitate the transfer of graduates of a Florida College System institution ~~community college~~ degree training program to the upper division of a state university with a corresponding program.

(5) STAFFING.—The Florida College System institution ~~community college~~ board of trustees may provide for school district public criminal justice training staff employed in full-time budgeted positions to be transferred into the Florida College System institution ~~community college~~ personnel system at the same rate of salary. Retirement and leave provisions will be transferred according to law.

(6) FUNDING.—The Department of Education shall shift funds generated by students in the pilot training centers established by this section, including workforce development recurring and nonrecurring funds, from the appropriate school district to the respective Florida College System institution ~~community college~~. The Florida College System institution ~~community college~~ shall qualify for future facilities funding upon transfer of the facility.

(a) Consistent with s. 1011.62(8), school districts that transfer programs will receive an amount equal to 15 percent of the funding generated for the program under the FEFP in 1996-1997.

(b) Reflecting the lower program costs in Florida College System institutions ~~community colleges~~, notwithstanding the funding generated in paragraph (a), Florida College System institutions ~~community colleges~~ will

receive 90 percent of the funding generated for the program under the FEFP in 1996-1997. The school district will retain the remaining 10 percent.

(c) Notwithstanding ss. 1009.22(3)(a) and 1011.80(5)(a), or any other provision of law to the contrary, fees for continuing workforce education for public law enforcement officers at these pilot centers shall not exceed 25 percent of the cost of the course, and state funding shall not under any circumstances exceed 50 percent of the cost of the course.

Section 60. Subsections (1) and (2), paragraphs (a) and (b) of subsection (4), subsection (5), and paragraphs (b), (c), and (d) of subsection (7) of section 1004.77, Florida Statutes, are amended to read:

1004.77 Centers of technology innovation.—

(1) The State Board of Education may designate centers of technology innovation at single Florida College System institutions ~~community colleges~~, consortia of Florida College System institutions ~~community colleges~~, or consortia of Florida College System institutions ~~community colleges~~ with other educational institutions. The state board shall adopt rules necessary to implement the provisions of this section. The state board shall cooperate with the Workforce Florida, Inc., in the designation of the centers as it relates to the centers of applied technology.

(2) Centers shall be designated when a Florida College System institution ~~community college~~ or consortia provides evidence that it has developed expertise in one or more specialized technologies. To be designated, the Florida College System institution ~~community college~~ or consortia must provide benefits to the state, which may include, but are not limited to:

- (a) Curriculum development.
- (b) Faculty development.
- (c) Research, testing, and technology transfer.
- (d) Instructional equipment and materials identification and development.
- (e) Partnerships with industries dependent upon staying current in the related technologies and in the development of workforce capabilities.
- (f) Partnerships with industries needing to convert their existing technology base to other technologies in order to continue conducting business in Florida, including converting defense-related technologies to other technologies.

(4) Centers may provide instruction, as follows:

(a) To students enrolled in the Florida College System institution ~~community college~~, especially for purposes of providing training for

technicians in areas that support the employers involved in the technology specialization.

(b) To students enrolled at the undergraduate and graduate level in a university, college, or Florida College System institution ~~community college~~ which is a member of the designated consortia. Such enrollment shall be funded by the enrolling institution.

(5) The State Board of Education shall give priority in the designation of centers to those Florida College System institutions ~~community colleges~~ that specialize in technology in environmental areas and in areas related to target industries of Enterprise Florida, Inc. Priority in designation shall also be given to Florida College System institutions ~~community colleges~~ that develop new and improved manufacturing techniques and related business practices.

(7) Each center shall have a board of directors with at least five members who shall be appointed by the district board of trustees. The board of directors is responsible for overseeing the operation of the center, approval of the annual budget, and setting policy to guide the director in the operation of the center. The board of directors shall consist of at least the following:

(b) The vice president of academic affairs, or the equivalent, of the Florida College System institution ~~community college~~.

(c) The vice president of business affairs, or the equivalent, of the Florida College System institution ~~community college~~.

(d) Two members designated by the president of the Florida College System institution ~~community college~~.

Section 61. Section 1004.78, Florida Statutes, is amended to read:

1004.78 Technology transfer centers at Florida College System institutions ~~community colleges~~.—

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

(2) The Florida College System institution ~~community college~~ board of trustees shall set such policies to regulate the activities of the technology transfer center as it may consider necessary to effectuate the purposes of this section and to administer the programs of the center in a manner which

assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state. To this end, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of activities conducted within the Florida College System institutions ~~community colleges~~ shall be confidential and exempt from the provisions of s. 119.07(1), except that a Florida College System institution ~~community college~~ shall make available upon request the title and description of a project, the name of the investigator, and the amount and source of funding provided for such project.

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

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

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

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

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

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

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

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

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

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

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

(11) Each technology transfer center established under the provisions of this section shall establish a technology transfer center advisory committee. Each committee shall include representatives of a university or universities conducting research in the area of specialty of the center. Other members

shall be determined by the Florida College System institution ~~community college~~ board of trustees.

Section 62. Section 1004.79, Florida Statutes, is amended to read:

1004.79 Incubator facilities for small business concerns.—

(1) Each Florida College System institution ~~community college~~ established pursuant to s. 1004.02(2) may provide incubator facilities to eligible small business concerns. As used in this section, “small business concern” shall be defined as an independently owned and operated business concern incorporated in Florida which is not an affiliate or a subsidiary of a business dominant in its field of operation, and which employs 25 or fewer full-time employees. “Incubator facility” shall be defined as a facility in which small business concerns share common space, equipment, and support personnel and through which such concerns have access to professional consultants for advice related to the technical and business aspects of conducting a commercial enterprise. The Florida College System institution ~~community college~~ board of trustees shall authorize concerns for inclusion in the incubator facility.

(2) Each Florida College System institution ~~community college~~ that provides an incubator facility shall provide the following:

(a) Management and maintenance of the incubator facility.

(b) Secretarial and other support personnel, equipment, and utilities.

(c) Mechanisms to assist with the acquisition of technical, management, and entrepreneurial expertise to resident and other local small business concerns.

(3) The incubator facility and any improvements to the facility shall be owned or leased by the Florida College System institution ~~community college~~. The Florida College System institution ~~community college~~ may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

(4) Florida College System institutions ~~Community colleges~~ are encouraged to establish incubator facilities through which emerging small businesses supportive of spaceport endeavors and other high-technology enterprises may be served.

(5) Florida College System institutions ~~Community colleges~~ are encouraged to establish incubator facilities through which emerging small businesses supportive of development of content and technology for digital broadband media and digital broadcasting may be served.

Section 63. Subsections (1), (2), and (3) of section 1004.80, Florida Statutes, are amended to read:

1004.80 Economic development centers.—

(1) Florida College System institutions ~~Community colleges~~ may establish economic development centers for the purpose of serving as liaisons between Florida College System institutions ~~community colleges~~ and the business sector. The responsibilities of each center shall include:

(a) Promoting the economic well-being of businesses and industries.

(b) Coordinating, with chambers of commerce, government agencies, district school boards, and other organizations, efforts to provide educational programs which promote economic development, including, but not limited to, business incubators, industrial development and research parks, industry recruitment efforts, publication of business research and resource guides, and sponsorship of workshops, conferences, seminars, and consultation services.

(2) The board of trustees of a Florida College System institution ~~community college~~ in which an economic development center is created, or its designee, may negotiate, enter into, and execute contracts; solicit and accept grants and donations; and fix and collect fees, other payments, and donations that may accrue by reason of activities of the center and its staff.

(3) Economic development centers shall operate under policies and procedures established by the Florida College System institution ~~community college~~ board of trustees.

Section 64. Section 1004.81, Florida Statutes, is amended to read:

1004.81 Establishment of child development training centers at Florida College System institutions ~~community colleges~~.—

(1) The Legislature recognizes the importance of preschool developmental education and the need for adult students with limited economic resources to have access to high-quality, affordable child care at variable hours for their children. It is therefore the intent of the Legislature that Florida College System institutions ~~community colleges~~ provide high-quality, affordable child care to the children of adult students enrolled in Florida College System institutions ~~community colleges~~. The primary purpose of these child development training centers is to provide affordable child care for children of adult students, particularly those who demonstrate financial need, as well as for employees and staff of the institution. Further, the child development training centers are intended to provide both preschool instruction to the children and clinical experiences for prospective child care and early childhood instructional and administrative personnel. A secondary mission of the centers shall be to provide instruction in parenting skills for the clients of the center as well as for the community.

(2) In consultation with the student government association or a recognized student group representing the student body, a Florida College System institution ~~community-college~~ board of trustees may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the Florida College System institution ~~community college~~. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

(3) There shall be a board of directors of each child development training center, consisting of the president or his or her designee, the student government president or his or her designee, the chair of the department participating in the center or his or her designee, and one parent for each 25 children enrolled in the center, elected by the parents of the children enrolled in the center. There shall be a director of each center, selected by the board of directors of the center. The director shall be an ex officio, nonvoting member of the board. The board of trustees shall establish local policies and perform local oversight and operational guidance for the center.

(4) Each center may charge fees for the care and services it provides. Each board of trustees shall establish mechanisms to facilitate access to center services for students with financial need, which shall include a sliding fee scale and other methods adopted by the board of trustees to reduce or defray payment of fees for students. The board of trustees is authorized to seek and receive grants and other resources to support the operation of the child development center.

(5) In addition to revenues derived from child care fees charged to parents and other external resources, each child development training center may be funded by a portion of funds from the student activity and service fee authorized by s. 1009.23(7) and the capital improvement fee authorized by s. 1009.23(11). Florida College System institutions ~~Community colleges~~ are authorized to transfer funds as necessary from the Florida College System institution's ~~community-college's~~ general fund to support the operation of the child development training center.

(6) This section does not preclude the continuation of or in any way affect child care centers operated by Florida College System institutions ~~community colleges~~ that were established by the district board of trustees prior to July 1, 1994.

Section 65. Paragraph (g) of subsection (1) of section 1004.86, Florida Statutes, is amended to read:

1004.86 Florida Center for Mathematics and Science Education Research.—

(1) The Department of Education shall contract with a competitively selected public or private university to create and operate the Florida Center for Mathematics and Science Education Research. The purpose of the center is increasing student achievement in mathematics and science, with an emphasis on K-12 education. The center shall:

(g) Establish partnerships with public and private universities, Florida College System institutions ~~community colleges~~, school districts, and other appropriate entities to further increase student achievement in mathematics and science.

Section 66. Subsection (1) of section 1004.91, Florida Statutes, is amended to read:

1004.91 Career-preparatory instruction.—

(1) The State Board of Education shall adopt, by rule, standards of basic skill mastery for certificate career education programs. Each school district and Florida College System institution ~~community college~~ that conducts programs that confer career credit shall provide career-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

Section 67. Subsections (1) and (2) of section 1004.92, Florida Statutes, are amended to read:

1004.92 Purpose and responsibilities for career education.—

(1) The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and Florida College System institution ~~community college~~ boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 1000.03, 1001.42(18), and 1008.345 and for Florida College System institutions ~~community colleges~~ pursuant to s. 1008.45.

(2)(a) School board, superintendent, and career center, and Florida College System institution ~~community college~~ board of trustees and president, accountability for career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Career program articulation with other corresponding postsecondary programs and job training experiences.

4. Employer satisfaction with the performance of students who complete career education or reach occupational completion points.

5. Student completion, placement, and retention rates pursuant to s. 1008.43.

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

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

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

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

4. The development of program standards and industry-driven benchmarks for career, adult, and community education programs, which must be updated every 3 years. The standards must include career, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.

5. Overseeing school district and Florida College System institution ~~community-college~~ compliance with the provisions of this chapter.

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

Section 68. Paragraphs (a) and (b) of subsection (3), paragraphs (d) and (e) of subsection (4), and subsections (6) and (7) of section 1004.93, Florida Statutes, are amended to read:

1004.93 Adult general education.—

(3)(a) Each district school board or Florida College System institution ~~community-college~~ board of trustees shall negotiate with the regional workforce board for basic and functional literacy skills assessments for participants in the welfare transition employment and training programs. Such assessments shall be conducted at a site mutually acceptable to the

district school board or Florida College System institution ~~community college~~ board of trustees and the regional workforce board.

(b) State employees who are employed in local or regional offices of state agencies shall inform clients of the availability of adult basic and secondary programs in the region. The identities of clients who do not possess high school diplomas or who demonstrate skills below the level of functional literacy shall be conveyed, with their consent, to the local school district or Florida College System institution ~~community college~~, or both.

(4)

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

(e) A district school board or a Florida College System institution ~~community college~~ board of trustees may negotiate a contract with the regional workforce board for specialized services for participants in the welfare transition program, beyond what is routinely provided for the general public, to be funded by the regional workforce board.

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

(7) Buildings, land, equipment, and other property owned by a district school board or Florida College System institution ~~community college~~ board of trustees may be used for the conduct of the adult education program. Buildings, land, equipment, and other property owned or leased by cooperating public or private agencies, organizations, or institutions may also be used for the purposes of this section.

Section 69. Paragraph (a) of subsection (1) and subsection (4) of section 1004.94, Florida Statutes, are amended to read:

1004.94 Adult literacy.—

(1)(a) An adult, individualized literacy instruction program is created for adults who possess literacy skills below the ninth grade level. The purpose of the program is to provide self-paced, competency-based, individualized tutorial instruction. The commissioner shall administer this section in coordination with Florida College System institution ~~community college~~ boards of trustees, local school boards, and the Division of Library and Information Services of the Department of State.

(4)(a) The commissioner shall submit a state adult literacy plan to the State Board of Education to serve as a reference for district school boards and Florida College System institutions ~~community colleges~~ boards of trustees to increase adult literacy in their service areas as prescribed in the agency functional plan of the Department of Education. The plan must include, at a minimum:

1. Policies and objectives for adult literacy programs, including evaluative criteria.

2. Strategies for coordinating adult literacy activities with programs and services provided by other state and local nonprofit agencies, as well as strategies for maximizing other funding, resources, and expertise.

3. Procedures for identifying, recruiting, and retaining adults who possess literacy skills below the ninth grade level.

4. Sources of relevant demographic information and methods of projecting the number of adults who possess literacy skills below the ninth grade level.

5. Acceptable methods of demonstrating compliance with the provisions of this section.

6. Guidelines for the development and implementation of local adult literacy plans. At a minimum, such guidelines must address:

- a. The recruitment and preparation of volunteer tutors.
- b. Interagency and intraagency cooperation and coordination, especially with public libraries and other sponsors of literacy programs.
- c. Desirable learning environments, including class size.
- d. Program evaluation standards.
- e. Methods for identifying, recruiting, and retaining adults in literacy programs.

f. Adult literacy through family literacy and workforce literacy programs.

(b) Every 3 years, the district school board or Florida College System institution ~~community college~~ board of trustees shall develop and maintain a local adult literacy plan.

Section 70. Subsection (1) of section 1004.95, Florida Statutes, is amended to read:

1004.95 Adult literacy centers.—

(1) The Commissioner of Education shall select Florida College System institutions ~~community colleges~~ and public school districts to establish and operate adult literacy centers to complement existing public and private instructional adult literacy programs. The centers shall identify, contact, counsel, and refer persons considered to be lacking basic or functional literacy skills or competencies related to prose, document, and quantitative literacy skills to the appropriate private and public agencies, including human service agencies. The centers may not duplicate or supplant the existing services provided by public and private agencies operating within the district.

Section 71. Subsection (2), paragraph (a) of subsection (3), and subsections (4) and (6) of section 1004.97, Florida Statutes, are amended to read:

1004.97 Florida Literacy Corps.—

(2) There is created a Florida Literacy Corps to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. Participating students earn college credit for tutoring adults who do not possess basic or functional literacy skills pursuant to an agreement between the institution in which the student is enrolled and the district school board, Florida College System institution ~~community college~~ board of trustees, public library, or nonprofit organization offering literacy instruction to adults pursuant to s. 1004.94. The district school board, Florida College System institution ~~community college~~ board of trustees, public library, or nonprofit organization is solely responsible for providing literacy programs and instructing participating postsecondary students.

(3) In order to be eligible to participate in the Florida Literacy Corps, a student must:

(a) Be enrolled in an eligible state university or Florida College System institution ~~community college~~ at least half time and be in good standing, as defined by the institution.

(4) In order to be eligible to participate in the Florida Literacy Corps, a state university or Florida College System institution ~~community college~~ must:

(a) Establish one or more undergraduate or graduate courses, or both, in which participating students may earn a maximum of 3 credit hours per semester, and a maximum of 6 credit hours over two or more semesters, by tutoring adults who do not possess basic or functional literacy skills. The institution shall establish such courses in the common course designation and numbering system. The courses must require students to complete instruction for prospective tutors, tutor adults for at least 25 hours per semester for each hour of credit awarded, and satisfy any other requirements imposed by the institution.

(b) Submit a proposal to the Department of Education for review and approval. The proposal must include, but is not limited to:

1. Identification of the school district, Florida College System institution ~~community college~~, public library, or nonprofit organization with which participating students will be working.

2. Demonstration of the need for literacy tutors by the school district, Florida College System institution ~~community college~~, public library, or nonprofit organization.

3. Demonstration of commitment by the public school, Florida College System institution ~~community college~~, public library, or nonprofit organization to provide instruction for tutors.

4. Description of the literacy program.

5. Demonstration of student interest in program participation.

6. Designation of one or more faculty to conduct the Florida Literacy Corps course and identification of the qualifications of such faculty.

(6) Each participating state university and Florida College System institution ~~community college~~ shall submit an annual report to the Commissioner of Education which includes, but is not limited to:

(a) The number of hours of tutoring conducted by participating students.

(b) The number of students enrolled in the courses.

(c) The number of students who successfully complete the courses.

(d) An evaluation of the tutors' effectiveness as judged by the participating school district, Florida College System institution ~~community college~~, public library, or nonprofit organization. The department shall develop a common evaluation form for this purpose.

(e) The number of full-time equivalent enrollments generated by the participating students.

Section 72. Section 1004.98, Florida Statutes, is amended to read:

1004.98 Workforce literacy programs.—

(1) The workforce literacy program is established within the Florida College System institutions ~~community colleges~~ and school districts to ensure the existence of sufficient numbers of employees who possess the skills necessary to perform in entry-level occupations and to adapt to technological advances in the workplace. Workforce literacy programs are intended to support economic development by increasing adult literacy and producing an educated workforce.

(2) Each Florida College System institution ~~community college~~ and school district may conduct courses and programs through which adults gain the communication and computation skills necessary to complete a career program, to gain or maintain entry-level employment, or to upgrade employment. Courses may not be conducted until the Florida College System institution ~~community college~~ or school district identifies current and prospective employees who do not possess the skills necessary to enter career programs or to obtain or maintain employment.

(3) A Florida College System institution ~~community college~~ or school district may be eligible to fund a workforce literacy program pursuant to the provisions of s. 1004.94.

Section 73. Subsection (2) of section 1004.99, Florida Statutes, is amended to read:

1004.99 Florida Ready to Work Certification Program.—

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, Florida College System institutions ~~community colleges~~, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. The Department of Education shall establish institutional readiness criteria for program implementation.

Section 74. Paragraph (c) of subsection (2) of section 1005.21, Florida Statutes, is amended to read:

1005.21 Commission for Independent Education.—

(2) The Commission for Independent Education shall consist of seven members who are residents of this state. The commission shall function in matters concerning independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview. The Governor shall appoint the members of the commission who are subject to confirmation by the Senate. The membership of the commission shall consist of:

(c) One member from a public school district or Florida College System institution ~~community college~~ who is an administrator of career education.

Section 75. Paragraph (c) of subsection (3) of section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(3)

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a Florida College System institution ~~community college~~, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic

extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

Section 76. Subsections (1), (2), and (5) of section 1006.17, Florida Statutes, are amended to read:

1006.17 Sponsorship of athletic activities similar to those for which scholarships offered; rulemaking.—

(1) If a district school board sponsors an athletic activity or sport that is similar to a sport for which a state university or Florida College System institution ~~public community college~~ offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered. This section does not affect academic requirements for participation or prevent the school districts or Florida College System institutions ~~community colleges~~ from sponsoring activities in addition to those for which scholarships are provided.

(2) If a Florida College System institution ~~public community college~~ sponsors an athletic activity or sport that is similar to a sport for which a state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered.

(5) The State Board of Education shall adopt rules to administer this section, including rules that determine which athletic activities are similar to sports for which state universities and Florida College System institutions ~~community colleges~~ offer scholarships.

Section 77. Subsection (1) of section 1006.50, Florida Statutes, is amended to read:

1006.50 Student handbooks.—

(1) Each Florida College System institution ~~community college~~ and state university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries.

Section 78. Subsections (1) and (3) of section 1006.51, Florida Statutes, are amended to read:

1006.51 Student ombudsman office.—

(1) There is created at each Florida College System institution ~~community college~~ and state university a student ombudsman office, which is accountable to the president.

(3) Each Florida College System institution ~~community college~~ and state university shall develop minimum standards for the role of ombudsman or student advocate. The standards shall address the issue of notification of students of opportunities for assistance or appeal.

Section 79. Subsection (4) of section 1006.55, Florida Statutes, is amended to read:

1006.55 Law libraries of certain institutions of higher learning designated as state legal depositories.—

(4) The libraries of all Florida College System institutions ~~community colleges~~ are designated as state depositories for the Florida Statutes and supplements published by or under the authority of the state; these depositories each may receive upon request one copy of each volume without charge, except for payment of shipping costs.

Section 80. Subsections (1), (2), (4), and (5) of section 1006.60, Florida Statutes, are amended to read:

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

(1) Each Florida College System institution ~~community college~~ may adopt, by rule, and each state university may adopt, by regulation, codes of conduct and appropriate penalties for violations of rules or regulations by students, to be administered by the institution. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; fines; withholding of diplomas or transcripts pending compliance with rules or regulations, completion of any student judicial process or sanction, or payment of fines; restrictions on the use of or removal from campus facilities; community service; educational requirements; and the imposition of probation, suspension, dismissal, or expulsion.

(2) Each Florida College System institution ~~community college~~ may adopt, by rule, and each state university may adopt, by regulation, a code of conduct and appropriate penalties for violations of rules or regulations by student organizations, to be administered by the institution. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; suspension, cancellation, or revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, campus facilities.

(4) Each Florida College System institution ~~community college~~ may establish and adopt, by rule, and each state university may establish and adopt, by regulation, codes of appropriate penalties for violations of rules or regulations governing student academic honesty. Such penalties, unless otherwise provided by law, may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In

addition to any other penalties that may be imposed, an individual may be denied admission or further registration, and the institution may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the institution.

(5) Each Florida College System institution ~~community college~~ shall adopt rules and each state university shall adopt regulations for the lawful discipline of any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the institution. Said rules or regulations may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 81. Section 1006.62, Florida Statutes, is amended to read:

1006.62 Expulsion and discipline of students of Florida College System institutions ~~community colleges~~ and state universities.—

(1) Each student in a Florida College System institution ~~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.

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

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

(a) If the student provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals or of any other person engaged in violations of chapter 893 within a state university or Florida College System institution ~~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 82. Paragraphs (a) and (b) of subsection (8) and subsection (10) of section 1006.63, Florida Statutes, are amended to read:

1006.63 Hazing prohibited.—

(8) Public and nonpublic postsecondary educational institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such organizations.

(a) Such penalties at Florida College System institutions ~~community colleges~~ and state universities may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

(b) In the case of an organization at a Florida College System institution ~~community college~~ or state university that authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

(10) Upon approval of the antihazing policy of a Florida College System institution ~~community college~~ or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

Section 83. Subsection (1) of 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 Florida College System institution ~~community college~~.

Section 84. Section 1006.68, Florida Statutes, is amended to read:

1006.68 HIV and AIDS policy.—Each Florida College System institution ~~community college~~ and state university shall develop a comprehensive policy that addresses the provision of instruction, information, and activities regarding human immunodeficiency virus infection and acquired immune deficiency syndrome. Such instruction, information, or activities shall emphasize the known modes of transmission of human immunodeficiency virus infection and acquired immune deficiency syndrome, signs and symptoms, associated risk factors, appropriate behavior and attitude change,

and means used to control the spread of human immunodeficiency virus infection and acquired immune deficiency syndrome.

Section 85. Subsections (1) and (2) of section 1006.70, Florida Statutes, are amended to read:

1006.70 Sponsorship of athletic activities similar to those for which scholarships offered; rulemaking.—

(1) If a district school board sponsors an athletic activity or sport that is similar to a sport for which a Florida College System institution ~~community college~~ or state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered. This section does not affect academic requirements for participation or prevent the districts or Florida College System institutions ~~community colleges~~ from sponsoring activities in addition to those for which scholarships are provided.

(2) If a Florida College System institution ~~community college~~ sponsors an athletic activity or sport that is similar to a sport for which a state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered.

Section 86. Paragraphs (a), (c), (e), and (g) of subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 1006.71, Florida Statutes, are amended to read:

1006.71 Gender equity in intercollegiate athletics.—

(1) GENDER EQUITY PLAN.—

(a) Each Florida College System institution ~~community college~~ and state university shall develop a gender equity plan pursuant to s. 1000.05.

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

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

(g)1. If a Florida College System institution ~~community college~~ 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. Declare the Florida College System institution ~~community college~~ ineligible for competitive state grants.

b. Withhold funds sufficient to obtain compliance.

The Florida College System institution ~~community-college~~ shall remain ineligible and the funds shall not be paid until the Florida College System institution ~~community-college~~ 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.—

(b) The level of funding and percentage share of support for women's intercollegiate athletics for Florida College System institutions ~~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.

(3) STATE BOARD OF EDUCATION.—The State Board of Education shall assure equal opportunity for female athletes at Florida College System institutions ~~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.

Section 87. Section 1006.72, Florida Statutes, is amended to read:

1006.72 Licensing electronic library resources.—

(1) FINDINGS.—The Legislature finds that the most cost-efficient and cost-effective means of licensing electronic library resources requires that Florida College System institutions colleges and state universities collaborate with school districts and public libraries in the identification and acquisition of such resources needed by more than one sector.

(2) PROCESS TO IDENTIFY RESOURCES.—Library staff from Florida College System institutions colleges, state universities, school districts, and public libraries shall implement a process that annually identifies the electronic library resources for each of the core categories established in this section. To the extent possible, the Florida Center for Library Automation, the College Center for Library Automation, and the Division of Library and Information Services within the Department of State shall jointly coordinate this annual process.

(3) STATEWIDE CORE RESOURCES.—For purposes of licensing electronic library resources of the Florida Electronic Library, library representatives from public libraries, school districts, Florida College System institutions colleges, and state universities shall identify the statewide core resources that will be available to all students, teachers, and citizens of the state.

(4) POSTSECONDARY EDUCATION CORE RESOURCES.—For purposes of licensing electronic library resources required by both the Florida Center for Library Automation and the College Center for Library Automation from funds appropriated to the centers, Florida College System institution and state university library staff shall identify the postsecondary education core resources that will be available to all public postsecondary education students.

(5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of licensing electronic library resources beyond the postsecondary education core resources by the Florida Center for Library Automation from funds appropriated to the center, state university library staff, in consultation with Florida College System institution library staff, shall identify the 4-year degree core resources that will be available to all 4-year degree-seeking students in the State University System and the Florida College System. The Florida Center for Library Automation shall include in the negotiated pricing model any Florida College System institution interested in licensing a resource.

(6) TWO-YEAR DEGREE CORE RESOURCES.—For purposes of licensing electronic library resources beyond the postsecondary education core resources by the College Center for Library Automation from funds appropriated to the center, Florida College System institution library staff shall identify the 2-year degree core resources that will be available to all Florida College System institution students. The College Center for Library Automation shall include in the negotiated pricing model any state university interested in licensing a resource.

Section 88. Paragraph (a) of subsection (2) of section 1007.21, Florida Statutes, is amended to read:

1007.21 Readiness for postsecondary education and the workplace.—

(2)(a) Students entering the 9th grade and their parents shall have developed during the middle grades a 4- to 5-year academic and career plan based on postsecondary and career goals. Alternate career and academic destinations should be considered with bridges between destinations to enable students to shift academic and career priorities if they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. Students and their parents shall choose among destinations, which must include:

1. Four-year college or university, Florida College System institution ~~community-college~~ plus university, or military academy degree.
2. Two-year postsecondary degree.
3. Postsecondary career certificate.
4. Immediate employment or entry-level military.
5. A combination of the above.

Section 89. 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, Florida College System institution ~~community-college~~ boards of trustees, and district school boards are encouraged to establish intrainstitutional and interinstitutional programs to maximize articulation. Programs may include upper-division-level courses offered at the Florida College System institution ~~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 Florida College System institution ~~community-college~~ and a state university to enable students to take any level of baccalaureate degree coursework.

Section 90. Paragraphs (b), (c), and (d) of subsection (1) and subsections (2) and (3) 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 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:

(b) Admission of associate in arts degree graduates from Florida College System institutions ~~community colleges~~ and state universities;

(c) Admission of applied technology diploma program graduates from Florida College System institutions ~~community colleges~~ or career centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from Florida College System institutions ~~community colleges~~;

(2)(a) The articulation agreement must specifically provide that every associate in arts graduate of a Florida College System institution shall have met all general education requirements and must be granted admission to the upper division of a:

1. State university, except for a limited access or teacher certification program or a major program requiring an audition.

2. Florida College System institution if it offers baccalaureate degree programs, except for a limited access or teacher certification program or a major program requiring an audition.

(b) Florida College System institution associate in arts graduates shall receive priority for admission to the upper division of a Florida College System institution or to a state university over out-of-state students. Orientation programs, catalogs, and student handbooks provided to freshman enrollees and transfer students at Florida College System institutions ~~colleges~~ and state universities must include an explanation of this provision of the articulation agreement.

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

Section 91. Subsection (1), paragraphs (b) and (c) of subsection (2), and subsections (3), (6), and (7) of section 1007.235, Florida Statutes, are amended to read:

1007.235 District interinstitutional articulation agreements.—

(1) District school superintendents and Florida College System institution ~~community college~~ presidents shall jointly develop and implement a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, each superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and Florida College System institution ~~community college~~ that serves the school district. The district school superintendent and president shall establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for each school year must be completed before high school registration for the fall term of the following school year. The agreement must include, but is not limited to, the following components:

(b)1. A delineation of courses and programs available to students eligible to participate in dual enrollment. This delineation must include a plan for the Florida College System institution ~~community college~~ to provide guidance services to participating students on the selection of courses in the dual enrollment program. The process of Florida College System institution ~~community college~~ guidance should make maximum use of the automated advisement system for Florida College System institutions ~~community colleges~~. The plan must assure that each dual enrollment student is encouraged to identify a postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate degree program.

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 1003.43.

6. An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7. A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8. An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

9. A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10. An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11. A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes as determined by the Department of Education in accordance with s. 1007.271(6).

12. An identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.

(c) Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates, based upon the findings in the postsecondary readiness-for-college report produced pursuant to s. 1008.37. Each articulation committee shall annually analyze and assess the effectiveness of the mechanisms toward meeting the goal of reducing postsecondary remediation needs. Results of the assessment shall be annually presented to participating district school boards and Florida College System institution ~~community college~~ boards of trustees and shall include, but not be limited to:

1. Mechanisms currently being initiated.
2. An analysis of problems and corrective actions.
3. Anticipated outcomes.
4. Strategies for the better preparation of students upon graduation from high school.
5. An analysis of costs associated with the implementation of postsecondary remedial education and secondary-level corrective actions.

6. The identification of strategies for reducing costs of the delivery of postsecondary remediation for recent high school graduates, including the consideration and assessment of alternative instructional methods and services such as those produced by private providers.

Wherever possible, public schools and Florida College System institutions ~~community colleges~~ are encouraged to share resources, form partnerships with private industries, and implement innovative strategies and mechanisms such as distance learning, summer student and faculty workshops, parental involvement activities, and the distribution of information over the Internet.

(3) The district interinstitutional articulation agreement shall include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers. Effective collaboration among school districts, postsecondary institutions, and practicing educators is essential to improving teaching in Florida's elementary and secondary schools and consequently, the retention and success of students through high school graduation and into postsecondary education. Professional development programs shall be developed cooperatively and include curricular content which focuses upon local and state needs and responds to state, national, and district policy and program priorities. School districts and Florida College System institutions ~~community colleges~~ are encouraged to develop plans which utilize new technologies, address critical needs in their implementation, and include both preservice and inservice initiatives.

(6) District school boards and Florida College System institutions ~~community colleges~~ may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into interinstitutional articulation agreements with eligible independent colleges and universities pursuant to s. 1011.62(1)(i).

(7) State universities and Florida College System institutions ~~community colleges~~ may enter into interinstitutional articulation agreements with nonpublic secondary schools pursuant to s. 1007.271(2).

Section 92. Paragraph (c) of subsection (2) and subsection (5) of section 1007.24, Florida Statutes, are amended to read:

1007.24 Statewide course numbering system.—

(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.

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

(5) The registration process at each state university and Florida College System institution ~~community college~~ shall include the courses at their designated levels and statewide course number.

Section 93. Subsections (2), (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.—

(2) The department shall identify postsecondary career education programs offered by Florida College System institutions ~~community colleges~~ and district school boards. The department shall also identify career courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.

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

(6) The boards of trustees of the Florida College System institutions ~~community colleges~~ 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 Florida College System institutions ~~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 Florida College System institutions ~~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 Florida College System institution ~~community college~~. The university

must provide credit toward the student's baccalaureate degree for an additional Florida College System institution ~~community college~~ course if, according to the statewide course numbering, the Florida College System institution ~~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 Florida College System institutions ~~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 Florida College System institution ~~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 Florida College System institution ~~community college~~.

Section 94. Paragraph (a) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

(a) The Commissioner of Education shall appoint a seven-member task force that includes representatives from two state universities and one private college or university located within this state which currently offer a 4-year deaf education or sign language interpretation program as a part of their respective curricula, two representatives from the Florida American Sign Language Teachers' Association (FASLTA), and two representatives from Florida College System institutions ~~community colleges~~ located within this state which have established Interpreter Training Programs (ITPs). This task force shall develop and submit to the Commissioner of Education a report that contains the most up-to-date information about American Sign Language (ASL) and guidelines for developing and maintaining ASL courses as a part of the curriculum. This information must be made available to any administrator of a public or an independent school upon request of the administrator.

Section 95. 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 post-secondary equivalence, the department shall develop rules through which Florida College System institutions ~~community colleges~~ correlate such competencies to the competencies required of students in the colleges' respective courses. Based on this correlation, each Florida College System institution ~~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 requirement of completing foreign language courses at the secondary or Florida College System ~~community college~~ level.

Section 96. Section 1007.263, Florida Statutes, is amended to read:

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

(1) Admissions counseling shall be provided to all students entering college or career credit programs. Counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs or tests to measure achievement of basic skills for career programs as prescribed in s. 1004.91.

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

(a) A standard high school diploma, a high school equivalency diploma as prescribed in s. 1003.435, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to ss. 1007.27 and 1007.271 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

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

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

(3) Admission to other programs within the Florida College System institutions ~~community college~~ shall include education requirements as established by the board of trustees.

(4) A student who has been awarded a special diploma as defined in s. 1003.438 or a certificate of completion as defined in s. 1003.43(10) is eligible to enroll in certificate career education programs.

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

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 97. Subsection (2) of section 1007.264, Florida Statutes, is amended to read:

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

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

Section 98. Subsection (2) 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.—

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

Section 99. Subsections (1), (2), (3), (7), (8), and (9) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student

to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources that are licensed for Florida College System institutions ~~colleges~~ and state universities by the Florida Center for Library Automation and the College Center for Library Automation. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida College System institutions ~~colleges~~ and state universities.

(2) The Department of Education shall identify 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, and International Baccalaureate examination. In addition, the department shall identify such courses in the general education core curriculum of each state university and Florida College System institution ~~community college~~.

(3) Each Florida College System institution ~~community college~~ and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations in subsection (2) unless the award of credit duplicates credit already awarded. Florida College System institutions ~~Community colleges~~ and state universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

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

(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 specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at Florida College System institutions ~~community colleges~~ and universities. Any changes to the cutoff scores, which changes have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education examinations after such changes are adopted by the State Board of Education and the Board of Governors. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student may receive such credit shall be determined by the Florida College System institution ~~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.

Section 100. Subsections (3), (4), (6), and (8), paragraph (b) of subsection (10), and subsections (14), (15), and (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(3) The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for career-level coursework if the student is to be enrolled in career courses. In addition to the common placement examination, student qualifications for enrollment in college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for enrollment in career certificate dual enrollment courses must include a 2.0 unweighted grade point average. Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment inter-institutional articulation agreement. Florida College System institution ~~Community college~~ boards of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement shall not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses. District school boards may not refuse to enter into an agreement with a local Florida College System institution ~~community college~~ if that Florida College System institution ~~community college~~ has the capacity to offer dual enrollment courses.

(4) Career dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. Career dual enrollment shall be available for secondary students seeking a degree or certificate from a complete career-preparatory program, and shall not be used to enroll students in isolated career courses. It is the intent of the Legislature that career dual enrollment provide a comprehensive academic and career dual enrollment program within the career center or Florida College System institution ~~community college~~.

(6) The Commissioner of Education shall appoint faculty committees representing public school, Florida College System institution ~~community college~~, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 1003.43, and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to this section that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The

Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their course numbers, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.43.

(8) Career early admission is a form of career dual enrollment through which eligible secondary students enroll full time in a career center or a Florida College System institution ~~community college~~ in courses that are creditable toward the high school diploma and the certificate or associate degree. Participation in the career early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

(10)

(b) Each career center, Florida College System institution ~~community college~~, and state university shall:

1. Delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time.

2. Identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students.

(14) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students from Florida public high schools free of charge. This subsection shall not be construed to prohibit a Florida College System institution ~~community college~~ from providing instructional materials at no cost to a home education student or student from a private school. Students enrolled in postsecondary instruction not creditable toward a high school diploma shall not be considered dual enrollments and shall be required to assume the cost of instructional materials necessary for such instruction.

(15) Instructional materials purchased by a district school board or Florida College System institution ~~community college~~ board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(16) Beginning with students entering grade 9 in the 2006-2007 school year, school districts and Florida College System institutions ~~community colleges~~ must weigh dual enrollment courses the same as advanced placement, International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

Section 101. Subsection (1) of section 1007.272, Florida Statutes, is amended to read:

1007.272 Joint dual enrollment and advanced placement instruction.—

(1) Each school district, Florida College System institution ~~community college~~, and state university may conduct advanced placement instruction within dual enrollment courses. Each joint dual enrollment and advanced placement course shall be incorporated within and subject to the provisions of the district interinstitutional articulation agreement pursuant to s. 1007.235. Such agreement shall certify that each joint dual enrollment and advanced placement course integrates, at a minimum, the course structure recommended by the College Board and the structure that corresponds to the common course number.

Section 102. Section 1007.28, Florida Statutes, is amended to read:

1007.28 Computer-assisted student advising system.—The Department of Education, in conjunction with the Board of Governors, shall establish and maintain a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation and must be accessible to all Florida students. The state universities and Florida College System institutions ~~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) the roles and responsibilities of the department, the state universities, and the Florida College System institutions ~~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 103. Subsections (1), (2), (3), (4), and (5) and paragraphs (a), (b), (c), and (d) of subsection (6) of section 1007.33, Florida Statutes, are amended to read:

1007.33 Site-determined baccalaureate degree access.—

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

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

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

(a) Maintain as its primary mission:

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

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

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

(c) Continue to provide outreach to underserved populations.

(d) Continue to provide remedial education.

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

(f) Not award graduate credit.

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

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

(4) A Florida College System institution may:

(a) Offer specified baccalaureate degree programs through formal agreements between the Florida College System institution and other regionally accredited postsecondary educational institutions pursuant to s. 1007.22.

(b) Offer baccalaureate degree programs that were authorized by law prior to July 1, 2009.

(c) Beginning July 1, 2009, establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the State Board of Education under this section.

Beginning July 1, 2009, the Board of Trustees of the St. Petersburg College is authorized to establish one or more bachelor of applied science degree programs based on an analysis of workforce needs in Pinellas, Pasco, and Hernando Counties and other counties approved by the Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs. The Board of Trustees of the St. Petersburg College is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on each of the factors in paragraph (5)(d). Prior to developing or proposing a new baccalaureate degree program, St. Petersburg College shall engage in need, demand, and impact discussions with the state university in its service district and other local and regional, accredited postsecondary providers in its region. Documentation, data, and other information from inter-institutional discussions regarding program need, demand, and impact shall be provided to the college's board of trustees to inform the program approval process. Employment at St. Petersburg College

is governed by the same laws that govern Florida College System institutions ~~community colleges~~, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching. Employee records for all personnel shall be maintained as required by s. 1012.81.

(5) The approval process for baccalaureate degree programs shall require:

(a) Each Florida College System institution to submit a notice of its intent to propose a baccalaureate degree program to the Division of Florida Colleges at least 100 days before the submission of its proposal under paragraph (d). The notice must include a brief description of the program, the workforce demand and unmet need for graduates of the program, the geographic region to be served, and an estimated timeframe for implementation. Notices of intent may be submitted by a Florida College System institution at any time throughout the year.

(b) The Division of Florida Colleges to forward the notice of intent within 10 business days after receiving such notice to the Chancellor of the State University System, the President of the Independent Colleges and Universities of Florida, and the Executive Director of the Council for Independent Education. State universities shall have 60 days following receipt of the notice by the Chancellor of the State University System to submit an alternative proposal to offer the baccalaureate degree program. If a proposal from a state university is not received within the 60-day period, the State Board of Education shall provide regionally accredited private colleges and universities 30 days to submit an alternative proposal. Alternative proposals shall be submitted to the Division of Florida Colleges and must be considered by the State Board of Education in making its decision to approve or deny a Florida College System institution's ~~college's~~ proposal.

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

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

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

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

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

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

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

(d) Each proposal submitted by a Florida College System institution to, at a minimum, include:

1. A description of the planning process and timeline for implementation.
2. An analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate.
3. Identification of the facilities, equipment, and library and academic resources that will be used to deliver the program.
4. The program cost analysis of creating a new baccalaureate degree when compared to alternative proposals and other program delivery options.
5. The program's admission requirements, academic content, curriculum, faculty credentials, student-to-teacher ratios, and accreditation plan.
6. The program's enrollment projections and funding requirements.
7. A plan of action if the program is terminated.

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

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

(g) The Florida College System institution to notify the Commission on Colleges of the Southern Association of Colleges and Schools of subsequent degree programs that are approved by the State Board of Education and to

comply with the association's required substantive change protocols for accreditation purposes.

(6)(a) Beginning July 1, 2010, and each subsequent July 1, the Division of Florida Colleges may accept and review applications from a Florida College System institution to obtain an exemption from the State Board of Education's approval for subsequent degrees as required in subsection (5), if the Florida College System institution is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools as a baccalaureate-degree-granting institution and has been offering baccalaureate degree programs for 3 or more years. The division shall develop criteria for determining eligibility for an exemption based upon demonstrated compliance with the requirements for baccalaureate degrees, primary mission, and fiscal, including, but not limited to:

1. Obtaining and maintaining appropriate SACS accreditation;
2. The maintenance of qualified faculty and institutional resources;
3. The maintenance of enrollment projections in previously approved programs;
4. The appropriate management of fiscal resources;
5. Compliance with the primary mission and responsibility requirements in subsections (2) and (3);
6. The timely submission of the institution's annual performance accountability report; and
7. Other indicators of success such as program completers, placements, and surveys of students and employers.

(b) If the Florida College System institution has demonstrated satisfactory progress in fulfilling the eligibility criteria in this subsection, the Division of Florida Colleges may recommend to the State Board of Education that the institution be exempt from the requirement in subsection (5) for approval of future baccalaureate degree programs. The State Board of Education shall review the division's recommendation and determine if an exemption is warranted. If the State Board of Education approves the application, the Florida College System institution is exempt from subsequent program approval under subsection (5) and such authority is delegated to the Florida College System institution board of trustees. If the State Board of Education disapproves of the Florida College System institution's college's request for an exemption, the college shall continue to be subject to the State Board of Education's approval of subsequent baccalaureate degree programs.

(c) Prior to developing or proposing a new baccalaureate degree program, all Florida College System institutions colleges, regardless of an exemption from subsection (5), shall:

1. Engage in need, demand, and impact discussions with the state university in their service district and other local and regional, accredited postsecondary providers in their region.

2. Send documentation, data, and other information from the inter-institutional discussions regarding program need, demand, and impact required in subparagraph 1. to the college's board of trustees, the Division of Florida Colleges, and the Chancellor of the State University System.

3. Base board of trustees approval of the new program upon the documentation, data, and other information required in this paragraph and the factors in subsection (5)(d).

The Division of Florida Colleges shall use the documentation, data, and other information required in this subsection, including information from the Chancellor of the State University System, in its compliance review.

(d) The board of trustees of a Florida College System institution that is exempt from subsection (5) must submit newly approved programs to the Division of Florida Colleges and SACS within 30 days after approval.

Section 104. Subsection (1) of section 1007.34, Florida Statutes, is amended to read:

1007.34 College reach-out program.—

(1) There is established a college reach-out program to increase the number of low-income educationally disadvantaged students in grades 6-12 who, upon high school graduation, are admitted to and successfully complete postsecondary education. Participants should be students who otherwise would be unlikely to seek admission to a Florida College System institution ~~community college~~, state university, or independent postsecondary institution without special support and recruitment efforts. The State Board of Education shall adopt rules that provide for the following:

(a) Definition of “low-income educationally disadvantaged student.”

(b) Specific criteria and guidelines for selection of college reach-out participants.

Section 105. Paragraphs (f) and (j) of subsection (6) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(6) The partnership shall:

(f) Consider ways to incorporate Florida College System institutions ~~community colleges~~ in the mission of preparing all students for postsecondary success.

(j) Provide information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions ~~community colleges~~, and state universities regarding PSAT/NMSQT or PLAN administration, including, but not limited to:

1. Test administration dates and times.
2. That participation in the PSAT/NMSQT or PLAN is open to all grade 10 students.
3. The value of such tests in providing diagnostic feedback on student skills.
4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

Section 106. Subsections (3) and (4) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Common placement testing for public postsecondary education.

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who indicates an interest in postsecondary education and scores at Level 2 or Level 3 on the reading portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on the mathematics assessments under s. 1008.22(3)(c). High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. The Department of Education shall purchase or develop the assessments necessary to perform the evaluations required by this subsection and shall work with the school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a Florida College System institution ~~community college~~ within 2 years of achieving such scores shall not be required to enroll in remediation courses as a condition of acceptance to any Florida College System institution ~~community college~~. The high school shall use the results of the test to advise the students of any identified deficiencies and to the maximum extent practicable provide 12th grade students access to appropriate remedial instruction prior to high school graduation. The remedial instruction provided under this subsection shall be a collaborative effort between secondary and postsecondary educational institutions. To the extent courses are available, the Florida Virtual School may be used to provide the remedial instruction required by this subsection.

(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 Florida College System institutions ~~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. 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 university board of trustees may contract with a Florida College System institution ~~community college~~ board of trustees for the Florida College System institution ~~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 Florida ~~community~~ College System may offer college-preparatory instruction without contracting with a Florida College System institution ~~community college~~; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.

Section 107. Paragraph (e) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

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

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

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

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

Section 108. Section 1008.32, Florida Statutes, is amended to read:

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

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

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

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

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

(a) Report to the Legislature that the school district or Florida College System institution ~~community-college~~ 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 Florida College System institution ~~community-college~~ 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 Florida College System institution ~~community college~~ complies with the law or state board rule.

(d) Declare the school district or Florida College System institution ~~community college~~ 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 109. Paragraphs (g) and (h) of subsection (7) of section 1008.345, Florida Statutes, are amended to read:

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

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

(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 Florida College System institutions ~~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 Florida College System institution ~~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.

Section 110. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 1008.385, Florida Statutes, are amended to read:

1008.385 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(b) Each district school board shall maintain a continuing system of planning and budgeting designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and Florida College System

~~institution~~ community college boards of trustees concerning the planning for career education and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the Sunshine State Standards developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must include consideration of student achievement data obtained pursuant to ss. 1008.22 and 1008.34. The system shall be structured to meet the specific management needs of the district and to align the budget adopted by the district school board with the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS. The Commissioner of Education shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so that all data required as input to the state system is made available via electronic transfer and in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;
2. Providing operational definitions for the proposed system;
3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

4. Developing standardized terminology and procedures to be followed at all levels of the system;
5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;
6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;
7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;
8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;
9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in the state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing the plan, the feasibility of shared use of computing hardware and software by school districts, Florida College System institutions ~~community colleges~~, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;
10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;
11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;
12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and
13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:
 - a. The purpose of the reporting requirement;

- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

Section 111. Section 1008.405, Florida Statutes, is amended to read:

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

Section 112. Subsections (1) and (2) of section 1008.41, Florida Statutes, are amended to read:

1008.41 Workforce education; management information system.—

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the coming fiscal or school year. School districts and Florida College System institutions ~~community colleges~~ shall be notified of data element changes at least 90 days prior to the start of the subsequent fiscal or school year. Such systems must provide for:

(a) Individual student reporting.

(b) Compliance with state and federal confidentiality requirements, except that the department shall have access to the unemployment insurance wage reports to collect and report placement information about former students. Such placement reports must not disclose the individual identities of former students.

(c) Maximum use of automated technology and records in existing databases and data systems. To the extent feasible, the Florida Information Resource Network may be employed for this purpose.

(d) Annual reports of student enrollment, completion, and placement by program.

(2) The State Board of Education shall identify, by rule, the components to be included in the workforce education management information system. All such components shall be comparable between school districts and Florida College System institutions ~~community colleges~~.

Section 113. Paragraph (b) of subsection (2) of section 1008.42, Florida Statutes, is amended to read:

1008.42 Public information on career education programs.—

(2) The dissemination shall be conducted in accordance with the following procedures:

(b)1. Each district school board shall publish, at a minimum, the most recently available placement rate for each career certificate program conducted by that school district at the secondary school level and at the career degree level. The placement rates for the preceding 3 years shall be published if available, shall be included in each publication that informs the public of the availability of the program, and shall be made available to each school guidance counselor. If a program does not have a placement rate, a publication that lists or describes that program must state that the rate is unavailable.

2. Each Florida College System institution ~~community college~~ shall publish, at a minimum, the most recent placement rate for each career certificate program and for each career degree program in its annual catalog. The placement rates for the preceding 3 years shall be published, if available, and shall be included in any publication that informs the public of the availability of the program. If a program does not have a placement rate, the publication that lists or describes that program must state that the rate is unavailable.

3. If a school district or a Florida College System institution ~~community college~~ has calculated for a program a placement rate that differs from the rate reported by the department, and if each record of a placement was obtained through a process that was capable of being audited, procedurally sound, and consistent statewide, the district or the Florida College System institution ~~community college~~ may use the locally calculated placement rate in the report required by this section. However, that rate may not be combined with the rate maintained in the computer files of the Department of Education's Florida Education and Training Placement Information Program.

4. An independent career, trade, or business school may not publish a placement rate unless the placement rate was determined as provided by this section.

Section 114. Paragraphs (b) and (c) of subsection (1) and subsections (2) and (3) of section 1008.43, Florida Statutes, are amended to read:

1008.43 Career program reporting requirements.—

(1)

(b) To measure and report program enrollment and completion rates, the Department of Education shall use data in the automated student databases

generated by the public schools and Florida College System institutions ~~community colleges~~. To measure and report placement rates and amount of earnings at the time of placement, the department shall use data in the reports produced by the Florida Education and Training Placement Information Program as required in s. 1008.39. If any placement information is not available from the Florida Education and Training Placement Information Program, the school district or the Florida College System institution ~~community college~~ may provide placement information collected by the school district or the Florida College System institution ~~community college~~. However, this supplemental information must be verifiable by the department and must not be commingled with the database maintained by the Florida Education and Training Placement Information Program. The State Board of Education shall specify by rule the statistically valid, verifiable, uniform procedures by which school districts and Florida College System institutions ~~community colleges~~ may collect and report placement information to supplement the reports from the Florida Education and Training Placement Information Program.

(c) The State Board of Education shall adopt standards for the department, district school boards, and Florida College System institution ~~community college~~ district boards of trustees to use in program planning, program review, and program evaluation. The standards must include, at a minimum, the completion rates, placement rates, and earnings from employment of former students of career education programs.

(2) The State Board of Education shall adopt procedures for reviewing the career education programs administered by the district school boards and the Florida College System institution ~~community college~~ district boards of trustees when program performance falls below the standards required by this section.

(3) Annually, the department shall compile the reports submitted in compliance with the rules adopted under this section and shall produce a statewide report that addresses the extent to which school districts and Florida College System institutions ~~community colleges~~ are meeting the standards established under paragraph (1)(c).

Section 115. Section 1008.45, Florida Statutes, is amended to read:

1008.45 Florida College System institution ~~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 College System institutions ~~community colleges~~. Accordingly, the State Board of Education and the Florida College System institution ~~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 ~~Community College~~.

System. This plan shall be designed in consultation with staff of the Governor and the Legislature and must address the following issues:

- (a) Graduation rates of A.A. and A.S. degree-seeking students compared to first-time-enrolled students seeking the associate degree.
- (b) Minority student enrollment and retention rates.
- (c) Student performance, including student performance in college-level academic skills, mean grade point averages for Florida College System institution ~~community college~~ A.A. transfer students, and Florida College System institution ~~community college~~ student performance on state licensure examinations.
- (d) Job placement rates of Florida College System institution ~~community college~~ career students.
- (e) Student progression by admission status and program.
- (f) Career accountability standards identified in s. 1008.42.
- (g) Institutional assessment efforts related to the requirements of s. III in the Criteria for Accreditation of the Commission on Colleges of the Southern Association of Colleges and Schools.
- (h) Other measures approved by the State Board of Education.

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

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

Section 116. Section 1009.21, Florida Statutes, is amended to read:

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

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

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

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

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

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

(e) “Nonresident for tuition purposes” means a person who does not qualify for the in-state tuition rate.

(f) “Parent” means the natural or adoptive parent or legal guardian of a dependent child.

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

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

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

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

(b) However, with respect to a dependent child living with an adult relative other than the child’s parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately prior to the child’s initial enrollment in an institution of higher education, provided the child has resided continuously with such relative for the 5 years immediately prior to the child’s initial enrollment in an institution of higher

education, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

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

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

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

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

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

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

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

(5) In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For the purposes of this section:

(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her legal residence in this state.

(b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.

(c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall

be deemed relevant evidence to be considered in ascertaining domiciliary intent.

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

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

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

(d) A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse's legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification.

(7) A person shall not lose his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent's or parents' serving, in the Armed Forces outside this state.

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

resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

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

(10) The following persons shall be classified as residents for tuition purposes:

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

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

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

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

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

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

(g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.

(h) McKnight Doctoral Fellows and Finalists who are United States citizens.

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

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

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

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

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

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

Section 117. Subsection (1), paragraphs (a), (b), (e), (f), and (g) of subsection (3), subsections (4) and (5), paragraph (a) of subsection (6), and subsections (7), (8), (9), (10), (11), and (12) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(1) This section applies to students enrolled in workforce education programs who are reported for funding, except that college credit fees for the Florida College System institutions ~~community colleges~~ are governed by s. 1009.23.

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each Florida College System institution ~~community college~~ that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(b) Fees for continuing workforce education shall be locally determined by the district school board or Florida College System institution ~~community college~~ board. Expenditures for the continuing workforce education program provided by the Florida College System institution ~~community college~~ or school district must be fully supported by fees. Enrollments in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment.

(c) Each district school board and each Florida College System institution ~~community college~~ board of trustees may adopt tuition and out-of-state fees that may vary no more than 5 percent below and 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).

(d) The maximum increase in resident tuition for any school district or Florida College System institution ~~community college~~ during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.

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

(4) A district school board or Florida College System institution ~~community college~~ board that has a service area that borders another state may implement a plan for a differential out-of-state fee.

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

(6)(a) Each district school board and Florida College System institution ~~community college~~ board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of tuition for resident students or 5 percent of tuition and out-of-state fees for nonresident students. Funds collected by Florida College System institutions ~~community colleges~~ through the fee may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district or Florida College System institution ~~community college~~. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each district school board and Florida College System institution ~~community college~~ board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Bonds authorized pursuant to this paragraph shall be requested by the Florida College System institution ~~community college~~ board of trustees and shall be issued by the Division of Bond Finance in compliance with s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more Florida College System institutions ~~community colleges~~ to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(f), Art. VII of the State Constitution. Bonds issued pursuant to the State Bond Act may be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the district school board or Florida College System institution ~~community college~~ board of trustees. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(7) Each district school board and Florida College System institution ~~community college~~ board of trustees is authorized to establish a separate fee for technology, not to exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and not to exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident

students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty and shall not be included in any award under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a Florida College System institution ~~community college~~ board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(8) Each district school board and Florida College System institution ~~community college~~ board of trustees is authorized to establish specific fees for workforce development instruction not reported for state funding purposes or for workforce development instruction not reported as state funded full-time equivalent students. District school boards and Florida College System institution ~~community college~~ boards of trustees are not required to charge any other fee specified in this section for this type of instruction.

(9) Florida College System institution ~~Community college~~ boards of trustees and district school boards are not authorized to charge students enrolled in workforce development programs any fee that is not specifically authorized by statute. In addition to tuition, out-of-state, financial aid, capital improvement, and technology fees, as authorized in this section, Florida College System institution ~~community college~~ boards of trustees and district school boards are authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. Parking fee revenues may be pledged by a Florida College System institution ~~community college~~ board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed. Florida College System institutions ~~Community colleges~~ shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act may be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(10) Each school district and Florida College System institution ~~community-college~~ may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the district school board or Florida College System institution ~~community-college~~ board of trustees.

(11) Any school district or Florida College System institution ~~community-college~~ that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds or the Florida Community College System Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(12) Each school district and Florida College System institution ~~community-college~~ shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or Florida College System institution ~~community-college~~ in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or technical credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and Florida College System institutions ~~community-colleges~~ that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds and shall revert to the General Revenue Fund.

Section 118. Section 1009.23, Florida Statutes, is amended to read:

1009.23 Florida College System institution ~~Community-college~~ student fees.—

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

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

(b) Tuition and out-of-state fees for upper-division courses must reflect the fact that the Florida College System institution ~~community college~~ has a less expensive cost structure than that of a state university. Therefore, the board of trustees shall establish tuition and out-of-state fees for upper-division courses in baccalaureate degree programs approved pursuant to s. 1007.33 consistent with law and proviso language in the General Appropriations Act. However, the board of trustees may not vary tuition and out-of-state fees as provided in subsection (4).

(3)(a) Effective January 1, 2008, for advanced and professional, post-secondary vocational, college preparatory, and educator preparation institute programs, the following tuition and fee rates shall apply:

1. The standard tuition shall be \$51.35 per credit hour for students who are residents for tuition purposes.

2. The standard tuition shall be \$51.35 per credit hour and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.

(b) Effective January 1, 2008, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be \$65.47 per credit hour for students who are residents for tuition purposes.

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

(c) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and the out-of-state fee shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the tuition and the out-of-state fee per credit hour shall remain at the same levels as the prior fiscal year.

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

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

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

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

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

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

(c) Up to 25 percent or \$600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic

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

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

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

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

(11)(a) Each Florida College System institution ~~community college~~ board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. Funds collected by Florida College System institutions ~~community colleges~~ through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the Florida College System institution ~~community college~~. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each Florida College System institution ~~community college~~ shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

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

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

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

(e) The state does hereby covenant with the holders of the bonds issued under this subsection that it will not take any action that will materially and adversely affect the rights of such holders so long as the bonds authorized by this subsection are outstanding.

(12)(a) In addition to tuition, out-of-state, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each Florida College System institution ~~community-college~~ board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees, which do not apply to a distance learning course; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. A Florida College System institution ~~community-college~~ may not charge any fee except as authorized by law. Parking fee revenues may be pledged by a Florida College System institution ~~community-college~~ board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed. Florida College System institutions ~~Community colleges~~ shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act may be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(b) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

(13) The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14) Each Florida College System institution ~~community-college~~ board of trustees shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the Florida College System institution ~~community-college~~ in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been

granted academic or career credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Florida College System institutions ~~Community colleges~~ that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida Community College System Program Fund and shall revert to the General Revenue Fund.

(15) Each Florida College System institution ~~community college~~ may assess a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee may not exceed the total cost charged by the credit card company to the Florida College System institution ~~community college~~. Such service charge or convenience fee must be approved by the Florida College System institution ~~community college~~ board of trustees.

(16)(a) Each Florida College System institution ~~community college~~ may assess a student who enrolls in a course listed in the Florida Higher Education Distance Learning Catalog, established pursuant to s. 1004.09, a per-credit-hour distance learning course user fee. For purposes of assessing this fee, a distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both.

(b) The amount of the distance learning course user fee may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course. If a Florida College System institution ~~community college~~ assesses the distance learning course user fee, the institution may not assess any other fees to cover the additional costs. By September 1 of each year, each board of trustees shall report to the Division of Florida Colleges the total amount of revenue generated by the distance learning course user fee for the prior fiscal year and how the revenue was expended.

(c) The link for the catalog must be prominently displayed within the advising and distance learning sections of the institution's website, using a graphic and description provided by the Florida Distance Learning Consortium, to inform students of the catalog.

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

Section 119. Subsections (2) and (3) of section 1009.25, Florida Statutes, are amended to read:

1009.25 Fee exemptions.—

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, Florida College System institution ~~community college~~, or state university:

(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 1007.27 or s. 1007.271.

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(e) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, Florida College System institution ~~community college~~, or school district for costs incurred for welfare transition program participants.

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. Such student may receive a fee exemption only if the student has not received compensation because of the buyout, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including

supporting documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years after the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

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

Section 120. Subsections (1), (7), (8), and (10) of section 1009.26, Florida Statutes, are amended to read:

1009.26 Fee waivers.—

(1) School districts and Florida College System institutions ~~community colleges~~ may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or Florida College System institution ~~community college~~ may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may not be reported for state funding purposes. Any school district or Florida College System institution ~~community college~~ that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported.

(7) The spouse of a deceased state employee is entitled, when eligible for the payment of student fees by the state as employer pursuant to s. 440.16, in lieu of such payment, to a full waiver of student fees for up to 80 semester hours in any Florida College System institution ~~community college~~.

(8) A state university or Florida College System institution ~~community college~~ shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university or the Florida College System institution ~~community college~~ the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence.

Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the

number of required credit hours of the degree or certificate program for which the student is enrolled.

(10) A state university or Florida College System institution ~~community college~~ may waive tuition and fees for a classroom teacher, as defined in s. 1012.01(2)(a), who is employed full-time by a school district and who meets the academic requirements established by the Florida College System institution ~~community college~~ or state university for up to 6 credit hours per term on a space-available basis in undergraduate courses approved by the Department of Education. Such courses shall be limited to undergraduate courses related to special education, mathematics, or science. The waiver may not be used for courses scheduled during the school district's regular school day. The State Board of Education shall adopt a rule that prescribes the process for the approval of courses by the department.

Section 121. Subsections (1), (2), (3), and (4) of section 1009.265, Florida Statutes, are amended to read:

1009.265 State employee fee waivers.—

(1) As a benefit to the employer and employees of the state, subject to approval by an employee's agency head or the equivalent, each state university and Florida College System institution ~~community college~~ shall waive tuition and fees for state employees to enroll for up to 6 credit hours of courses per term on a space-available basis.

(2) The Chief Financial Officer, in cooperation with the Florida College System institutions ~~community colleges~~ and state universities, shall identify and implement ways to ease the administrative burden to Florida College System institutions ~~community colleges~~ and state universities, including, but not limited to, providing easier access to verify state employment.

(3) From funds appropriated by the Legislature for administrative costs to implement this section, Florida College System institutions ~~community colleges~~ and state universities shall be reimbursed on a pro rata basis according to the cost assessment data developed by the Department of Education.

(4) The Auditor General shall include a review of the cost assessment data in conjunction with his or her audit responsibilities for Florida College System institutions ~~community colleges~~, state universities, and the Department of Education.

Section 122. Subsections (1) and (3) of section 1009.27, Florida Statutes, are amended to read:

1009.27 Deferral of fees.—

(1) School districts, Florida College System institutions ~~community colleges~~, and state universities may defer tuition and 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.

(3) Each school district, Florida College System institution ~~community college~~, and state university is responsible for collecting all deferred fees. If a school district, Florida College System institution ~~community college~~, or state university has not collected a deferred fee, the student may not earn state funding for any course for which the student subsequently registers until the fee has been paid.

Section 123. Section 1009.28, Florida Statutes, is amended to read:

1009.28 Fees for repeated enrollment in college-preparatory classes.—A student enrolled in the same college-preparatory class more than twice shall pay 100 percent of the full cost of instruction to support continuous enrollment of that student in the same class, and the student shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each Florida College System institution ~~community college~~ may review and reduce fees paid by students due to continued enrollment in a college-preparatory 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.

Section 124. 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 Florida College System institution ~~community college~~ board of trustees or the university board of trustees. Each Florida College System institution ~~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. 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 Florida College System institutions ~~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 125. Subsections (5), (6), and (7) of section 1009.286, Florida Statutes, are amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(5) Each state university and Florida College System institution ~~community college~~ shall implement a process for notifying students regarding the provisions of this section. Notice must be provided by a state university or a Florida College System institution ~~community college~~ upon a student's initial enrollment in the institution. Such notice must be provided a second time by a state university when a student has earned the credit hours required to complete the baccalaureate degree program in which the student is enrolled. The notice must include a recommendation that each student who intends to earn credit hours at the institution in excess of the credit hours required for the baccalaureate degree program in which the student is enrolled meet with his or her academic advisor.

(6) For purposes of this section, the term "state university" includes the institutions identified in s. 1000.21(6) and the term "Florida College System institution ~~community college~~" includes the institutions identified in s. 1000.21(3).

(7) The provisions of this section become effective for students who enter a Florida College System institution ~~community college~~ or a state university for the first time in the 2009-2010 academic year and thereafter.

Section 126. 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 Florida College System institution ~~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 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 127. Paragraph (a) of subsection (1) of 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 Florida College System institution ~~community college~~; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, or 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. 1009.505, 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. 1009.68, s. 1009.72, s. 1009.73, s. 1009.77, 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.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility 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 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.

Section 128. Subsection (2) of section 1009.42, Florida Statutes, is amended to read:

1009.42 Financial aid appeal process.—

(2) The president of each state university and each Florida College System institution ~~community college~~ shall establish a procedure for appeal, by students, of grievances related to the award or administration of financial aid at the institution.

Section 129. Section 1009.44, Florida Statutes, is amended to read:

1009.44 Need-based financial aid; no preference to students receiving other aid.—From the funds collected by state universities and Florida College System institutions ~~community colleges~~ as a financial aid fee and from other funds appropriated by the Legislature for financial aid from the Educational Enhancement Trust Fund, institutions shall expend those moneys designated as need-based financial aid with no preference given to students who also qualify for merit-based or other financial aid awards.

Section 130. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 1009.50, Florida Statutes, are amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(2)(a) State student assistance grants through the program may be made only to degree-seeking students who enroll in at least 6 semester hours, or the equivalent per term, and who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of tuition fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of the grants must have been accepted at a state university or Florida College System institution ~~community college~~ authorized by Florida law. A student is eligible for the award for 110 percent of the number of credit hours required to complete the program in which enrolled, except as otherwise provided in s. 1009.40(3).

(4)

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or Florida College System institution ~~community college~~, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

Section 131. Paragraphs (b) and (c) of subsection (2), paragraph (a) of subsection (3), and paragraphs (a) and (b) of subsection (4) of section 1009.505, Florida Statutes, are amended to read:

1009.505 Florida Public Postsecondary Career Education Student Assistance Grant Program.—

(2) For purposes of this section, the term:

(b) “Half-time” means the equivalent in clock hours at a public postsecondary career certificate program of 6 semester credit hours at a Florida College System institution ~~community college~~.

(c) “Public postsecondary career certificate program” means a postsecondary program that consists of 450 or more clock hours, is offered by a Florida College System institution ~~community college~~ authorized by Florida law or by a career center operated by a district school board under s. 1001.44, and terminates in a career certificate.

(3)(a) Student assistance grants through the program may be made only to certificate-seeking students enrolled at least half-time in a public postsecondary career certificate program who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually to any recipient for the amount of demonstrated unmet need for the cost of education and may not exceed the average annual cost of tuition and registration fees or such other amount as specified in the General Appropriations Act. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a grant under this section. Recipients of the grants must have been accepted at a Florida College System institution ~~community college~~ authorized by Florida law or a career center operated by a district school board under s. 1001.44. A student is eligible for the award for 110 percent of the number of clock hours required to complete the program in which enrolled.

(4)(a) The funds appropriated for the Florida Public Postsecondary Career Education Student Assistance Grant Program shall be distributed to eligible Florida College System institutions ~~community colleges~~ and district school boards in accordance with a formula approved by the department.

(b) Payment of Florida public postsecondary career education student assistance grants shall be transmitted to the president of the Florida College System institution ~~community college~~ or to the district school superintendent, or to the designee thereof, in advance of the registration period. Institutions shall notify students of the amount of their awards.

Section 132. Subsection (1) of section 1009.533, Florida Statutes, is amended to read:

1009.533 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, Florida College System institution ~~community college~~, or career center.

Section 133. Subsection (2) of section 1009.535, Florida Statutes, is amended to read:

1009.535 Florida Medallion Scholars award.—

(2) A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 75 percent of tuition and fees if the student is enrolled in a state university or a baccalaureate degree program authorized pursuant to s. 1007.33. A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 100 percent of tuition and fees for college credit courses leading to an associate degree if the student is enrolled in a Florida College System institution ~~community college~~. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and fees of a public postsecondary education institution at the comparable level.

Section 134. Paragraph (d) of subsection (2) and paragraph (c) of subsection (3) of section 1009.55, Florida Statutes, are amended to read:

1009.55 Rosewood Family Scholarship Program.—

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(d) Payment of an award shall be transmitted in advance of the registration period each semester on behalf of the student to the president of the university or Florida College System institution ~~community college~~, or his or her representative, or to the director of the career center which the recipient is attending.

(3) Beginning with the 1994-1995 academic year, the department is authorized to make awards for undergraduate study to students who:

(c) Enroll as certificate-seeking or degree-seeking students at a state university, Florida College System institution ~~community college~~, or career center authorized by law.

Section 135. Paragraph (b) of subsection (2) of section 1009.56, Florida Statutes, is amended to read:

1009.56 Seminole and Miccosukee Indian Scholarships.—

(2) The department shall award scholarships to students who:

(b) Are enrolled at a state university or Florida College System institution ~~community college~~ authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college; ~~or~~ university, ~~or community college~~ which is accredited by an accrediting association whose

standards are comparable to the minimum standards required to operate an institution at that level in Florida, as determined by rules of the Commission for Independent Education; or any Florida institution the credits of which are acceptable for transfer to state universities;

Section 136. Section 1009.60, Florida Statutes, is amended to read:

1009.60 Minority teacher education scholars program.—There is created the minority teacher education scholars program, which is a collaborative performance-based scholarship program for African-American, Hispanic-American, Asian-American, and Native American students. The participants in the program include Florida's Florida College System institutions ~~community colleges~~ and its public and private universities that have teacher education programs.

(1) The minority teacher education scholars program shall provide an annual scholarship in an amount that shall be prorated based on available appropriations and may not exceed \$4,000 for each approved minority teacher education scholar who is enrolled in one of Florida's public or private universities in the junior year and is admitted into a teacher education program.

(2) To assist each participating education institution in the recruitment and retention of minority teacher scholars, the administrators of the Florida Fund for Minority Teachers, Inc., shall implement a systemwide training program. The training program must include an annual conference or series of conferences for students who are in the program or who are identified by a high school or a Florida College System institution ~~community college~~ as likely candidates for the program. The training program must also include research about and dissemination concerning successful activities or programs that recruit minority students for teacher education and retain them through graduation, certification, and employment. Staff employed by the corporation may work with each participating education institution to assure that local faculty and administrators receive the benefit of all available research and resources to increase retention of their minority teacher education scholars.

(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. If the total amount appropriated for new scholarships is insufficient to award \$4,000 to each eligible student, the amount of the scholarship shall be prorated based on available appropriations.

(4) A student may receive a scholarship from the program for 3 consecutive years if the student remains enrolled full-time in the program and makes satisfactory progress toward a baccalaureate degree with a major in education.

(5) If a minority teacher education scholar graduates and is employed as a teacher by a Florida district school board, the scholar is not required to repay the scholarship amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(6) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is \$50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 137. Subsection (3) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by Florida College System institutions ~~public community colleges~~ and at least 11 members must be employed by public or private post-secondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

- (a) Hold meetings to implement this section.
- (b) Select a chairperson annually.
- (c) Make rules for its own government.
- (d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.
- (e) Maintain a record of its proceedings.
- (f) Delegate to the chairperson the responsibility for signing final orders.
- (g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated for the minority teacher education scholars program may be expended for administration, including administration of the required training program.

Section 138. Subsection (3) of section 1009.65, Florida Statutes, is amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(3) The Department of Health may adopt any rules necessary for the administration of the Medical Education Reimbursement and Loan Repayment Program. The department may also solicit technical advice regarding conduct of the program from the Department of Education and Florida universities and Florida College System institutions ~~community colleges~~. The Department of Health shall submit a budget request for an amount sufficient to fund medical education reimbursement, loan repayments, and program administration.

Section 139. Paragraphs (a) and (b) of subsection (4) of section 1009.67, Florida Statutes, are amended to read:

1009.67 Nursing scholarship program.—

(4) Credit for repayment of a scholarship shall be as follows:

(a) For each full year of scholarship assistance, the recipient agrees to work for 12 months in a faculty position in a college of nursing or Florida College System institution ~~community college~~ nursing program in this state or at a health care facility in a medically underserved area as approved by the Department of Health. Scholarship recipients who attend school on a part-time basis shall have their employment service obligation prorated in proportion to the amount of scholarship payments received.

(b) Eligible health care facilities include nursing homes and hospitals in this state, state-operated medical or health care facilities, public schools, county health departments, federally sponsored community health centers, colleges of nursing in universities in this state, and Florida College System institution ~~community college~~ nursing programs in this state, family practice teaching hospitals as defined in s. 395.805, or specialty children's hospitals as described in s. 409.9119. The recipient shall be encouraged to complete the service obligation at a single employment site. If continuous employment at the same site is not feasible, the recipient may apply to the department for a transfer to another approved health care facility.

Section 140. Paragraph (a) of subsection (4) of section 1009.70, Florida Statutes, is amended to read:

1009.70 Florida Education Fund.—

(4) The Florida Education Fund shall be administered by a board of directors, which is hereby established.

(a) The board of directors shall consist of 12 members, to be appointed as follows:

1. Two laypersons appointed by the Governor;
2. Two laypersons appointed by the President of the Senate;
3. Two laypersons appointed by the Speaker of the House of Representatives; and
4. Two representatives of state universities, two representatives of Florida College System institutions ~~public community colleges~~, and two representatives of independent colleges or universities appointed by the State Board of Education.

The board of directors may appoint to the board an additional five members from the private sector for the purpose of assisting in the procurement of

private contributions. Such members shall serve as voting members of the board.

Section 141. Paragraph (a) of subsection (5) of section 1009.72, Florida Statutes, is amended to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic-American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

3. Be accepted at a state university, or Florida College System institution, community college or any Florida college or university that is accredited by an association whose standards are comparable to the minimum standards required to operate a postsecondary education institution at that level in Florida.

4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 unweighted grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he or she shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

Section 142. Paragraph (a) of subsection (1) and paragraph (a) of subsection (8) of section 1009.77, Florida Statutes, are amended to read:

1009.77 Florida Work Experience Program.—

(1) There is established the Florida Work Experience Program to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience that will complement and reinforce their educational program and career goals and provide a self-help student aid program that reduces student loan indebtedness. Additionally, the program's opportunities for employment at a student's school will serve as a retention tool because students employed on campus are more likely to complete their postsecondary education. The program shall be available to:

(a) Any student attending a state university or Florida College System institution ~~community college~~ authorized by Florida law;

(8) A student is eligible to participate in the Florida Work Experience Program if the student:

(a) Is enrolled:

1. At an eligible college or university as no less than a half-time undergraduate student in good standing;

2. In an eligible postsecondary career certificate program as no less than a half-time student in good standing. Eligible programs must be approved by the Department of Education and must consist of no less than 450 clock hours of instruction. Such programs must be offered by a career center operated by a district school board under s. 1001.44 or by a Florida College System institution ~~community college~~; or

3. At an educator preparation institute established under s. 1004.85 as no less than a half-time student in good standing.

However, a student may be employed during the break between two consecutive terms or employed, although not enrolled, during a term if the student was enrolled at least half time during the preceding term and preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.

Section 143. Subsection (3) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(3) The department shall issue through the program a William L. Boyd, IV, Florida resident access grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or Florida College System institution ~~state community college~~; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive William L. Boyd, IV, Florida resident access grant payments.

Section 144. Subsection (3) of section 1009.891, Florida Statutes, is amended to read:

1009.891 The Access to Better Learning and Education Grant Program.

(3) The department shall issue an access grant to any full-time student seeking a baccalaureate degree who is registered at a for-profit college or university that is located in and chartered by the state and that is accredited

by the Commission on Colleges of the Southern Association of Colleges and Schools or who is registered at a nonprofit college or university that is chartered out of the state, that has been located in the state for 10 years or more, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; that grants baccalaureate degrees; that is not a state university or Florida College System institution state community college; and that has a secular purpose, if the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Institutions eligible for the Access to Better Learning and Education Grant Program in the initial year of funding shall include only those for-profit colleges or universities identified in this subsection. Nonprofit colleges or universities identified in this subsection shall be eligible for financial support in the second year of funding.

Section 145. Paragraph (h) of subsection (3) of section 1009.97, Florida Statutes, is amended to read:

1009.97 General provisions.—

(3) DEFINITIONS.—As used in ss. 1009.97-1009.984, the term:

(h) “State postsecondary institution” means any Florida College System institution public community college or state university.

Section 146. Paragraph (e) of subsection (4) of section 1009.971, Florida Statutes, is amended to read:

1009.971 Florida Prepaid College Board.—

(4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES. The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.984, including, but not limited to, the power and duty to:

(e) Establish agreements or other transactions with federal, state, and local agencies, including state universities and Florida College System institutions community colleges.

Section 147. Subsection (2), paragraph (e) of subsection (5), and subsection (6) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(2) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the Florida College System institution community college plan and the university plan. The board may also make advance payment contracts

available for a dormitory residence plan. The board may restrict the number of participants in the Florida College System institution ~~community college~~ plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(a)1. Through the Florida College System institution ~~community college~~ plan, the advance payment contract may provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.23, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. Florida College System institution ~~Community college~~ plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2009, the board may offer an advance payment contract for the Florida College System institution ~~community college~~ plan covering prepaid registration fees and the fees authorized in s. 1009.23. Such a contract may be offered in specific increments for use toward an associate degree. The total number of hours purchased for a qualified beneficiary may not exceed the average number of hours required for the conference of an associate degree.

(b)1. Through the university plan, the advance payment contract may provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.24(9)-(12), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2007, the board may provide advance payment contracts for the tuition differential authorized in s. 1009.24(16) for a specified number of undergraduate semester credit hours, which may not exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees.

4. Effective July 1, 2009, the board may offer an advance payment contract for the university plan covering prepaid registration fees, the fees authorized in s. 1009.24(9)-(12), and the tuition differential authorized in s. 1009.24(16). Such a contract may be offered in specific increments for use toward a baccalaureate degree. The total number of hours purchased for a qualified beneficiary may not exceed the average number of hours required for the conference of a baccalaureate degree.

(c) The cost of participation in contracts authorized under paragraph (a) or paragraph (b) shall be based primarily on the current and projected fees included in the plan within the Florida College System or the State University System, respectively, the number of credit hours or semesters included in the plan, and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary.

(d) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a Florida College System institution ~~community college~~ that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the Florida College System institution ~~community college~~ direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the Florida College System institution ~~community college~~, or Florida College System institution ~~community college~~ direct-support

organization, the fees associated with dormitory residence. Dormitory fees transferred to the Florida College System institution ~~community college~~ or Florida College System institution ~~community college~~ direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for Florida College System institution ~~community college~~ or Florida College System institution ~~community college~~ direct-support organization dormitories or residency opportunities, whichever is less.

(5) REFUNDS.—

(e) A refund may not be authorized through an advance payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period but withdraws before the end of such semester. If a beneficiary does not complete a Florida College System institution ~~community college~~ plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a Florida College System institution ~~community college~~, college, or university in which a beneficiary may enroll or is enrolled. Florida College System institutions ~~Community colleges~~, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

Section 148. Subsection (6) of section 1009.981, Florida Statutes, is amended to read:

1009.981 Florida College Savings Program.—

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.—Information that identifies the benefactors or the designated beneficiary of any account initiated under this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the board may authorize the release of such information to a Florida College System institution ~~community college~~, college, or university in which a designated beneficiary may enroll or is enrolled. Florida College System institutions ~~Community colleges~~, colleges, and universities shall maintain the confidentiality of such information.

Section 149. Paragraph (a) of subsection (1) and subsection (4) of section 1010.01, Florida Statutes, are amended to read:

1010.01 Uniform records and accounts.—

(1)(a) The financial records and accounts of each school district, Florida College System institution ~~community college~~, 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.

(4) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, Florida College System institutions ~~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 150. Subsection (1) of 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 Florida College System institution ~~community college~~ must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

Section 151. 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, 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 152. Paragraph (a) of subsection (1), subsections (2) and (3), and paragraph (a) of subsection (4) of section 1010.04, Florida Statutes, are amended to read:

1010.04 Purchasing.—

(1)(a) Purchases and leases by school districts and Florida College System institutions ~~community colleges~~ shall comply with the requirements of law and rules of the State Board of Education.

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

(3) In districts in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board and Florida College System institution ~~community-college~~ board of trustees shall have the option to purchase from the current county contracts at the unit price stated therein if such purchase is to the economic advantage of the district school board or the Florida College System institution ~~community-college~~ board of trustees; subject to confirmation of the items of purchase to the standards and specifications prescribed by the school district or Florida College System institution ~~community-college~~.

(4)(a) The State Board of Education may, by rule, provide for alternative procedures for school districts and Florida College System institutions ~~community-colleges~~ for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

Section 153. Section 1010.06, Florida Statutes, is amended to read:

1010.06 Indirect cost limitation.—State funds appropriated by the Legislature to the Division of Public Schools within the Department of Education may not be used to pay indirect costs to a university, Florida College System institution ~~community-college~~, school district, or any other entity.

Section 154. Subsection (1) and paragraph (a) of subsection (2) of section 1010.07, Florida Statutes, are amended to read:

1010.07 Bonds or insurance required.—

(1) Each district school board, Florida College System institution ~~community-college~~ board of trustees, and university board of trustees shall ensure that each official and employee responsible for handling, expending, or authorizing the expenditure of funds shall be appropriately bonded or insured to protect the board and the funds involved.

(2)(a) Contractors paid from school district or Florida College System institution ~~community-college~~ funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education relating to the type of contract involved. It shall be the duty of the district school board or Florida College System institution ~~community-college~~ board of trustees to require from construction contractors a bond adequate to protect the board and the board's funds involved.

Section 155. Section 1010.08, Florida Statutes, is amended to read:

1010.08 Promotion and public relations; funding.—Each district school board and Florida College System institution ~~community-college~~ board of trustees may budget and use a portion of the funds accruing to it from auxiliary enterprises and undesignated gifts for promotion and public relations as prescribed by rules of the State Board of Education. Such funds may be used to provide hospitality to business guests in the district or elsewhere. However, such hospitality expenses may not exceed the amount authorized for such contingency funds as prescribed by rules of the State Board of Education.

Section 156. Subsection (1) of section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—

(1) School district and Florida College System institution ~~community-college~~ direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453 and 1004.70 and rules of the State Board of Education, as applicable.

Section 157. Section 1010.11, Florida Statutes, is amended to read:

1010.11 Electronic transfer of funds.—Pursuant to the provisions of s. 215.85, each district school board, Florida College System institution ~~community-college~~ board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment. Electronic transactions shall comply with the provisions of chapter 668.

Section 158. Section 1010.22, Florida Statutes, is amended to read:

1010.22 Cost accounting and reporting for workforce education.—

(1) Each school district and each Florida College System institution ~~community-college~~ shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the State Board of Education.

(2) Each school district and each Florida College System institution ~~community-college~~ shall report expenditures for workforce education in accordance with requirements prescribed by the State Board of Education.

(3) The Department of Education, in cooperation with school districts and Florida College System institutions ~~community-colleges~~, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 159. Section 1010.23, Florida Statutes, is amended to read:

1010.23 Cost accounting and reporting for Florida College System institutions ~~community colleges~~.—Florida College System institutions ~~Community colleges~~ shall provide an annual report on the cost of operations as provided in s. 1011.84.

Section 160. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—School districts, Florida College System institutions ~~community colleges~~, 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 161. Section 1010.33, Florida Statutes, is amended to read:

1010.33 Financial and performance audits.—Each district school board and Florida College System institution ~~community college~~ board of trustees, and university board of trustees is authorized to have an audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. These audits are in addition to those required by ss. 11.45 and 218.39.

Section 162. Section 1010.34, Florida Statutes, is amended to read:

1010.34 Audits of direct-support organizations.—Audits of school district, Florida College System institution ~~community college~~, and state university direct-support organizations are subject to the audit provisions of ss. 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

Section 163. Section 1010.58, Florida Statutes, is amended to read:

1010.58 Procedure for determining number of instruction units for Florida College System institutions ~~community colleges~~.—The number of instruction units for Florida College System institutions ~~community colleges~~ shall be determined from the full-time equivalent students in the Florida College System institution ~~community college~~, provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for Florida College System institutions ~~community colleges~~ shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a Florida College System institution ~~community college~~ for the first 420 students and one unit for each 15 full-time equivalent students for all over 420 students, in other than career education programs as defined by rules of the State Board of Education, and one unit for each 10 full-time equivalent students in career education programs and compensatory education programs as defined by rules of the State Board of Education. Full-time equivalent students enrolled in a Florida College System institution ~~community college~~ shall be defined by rules of the State Board of Education.

(2) For each 8 instruction units in a Florida College System institution ~~community college~~, 1 instruction unit or proportionate fraction of a unit shall be allowed for administrative and special instructional services, and for each 20 instruction units, 1 instruction unit or proportionate fraction of a unit shall be allowed for student personnel services.

Section 164. Subsection (1), paragraph (a) of subsection (2), and paragraph (a) of subsection (3) of section 1011.01, Florida Statutes, are amended to read:

1011.01 Budget system established.—

(1) The State Board of Education shall prepare and submit a coordinated K-20 education annual legislative budget request to the Governor and the Legislature on or before the date provided by the Governor and the Legislature. The board's legislative budget request must clearly define the needs of school districts, Florida College System institutions ~~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 Florida College System institution ~~community college~~ a budget system as prescribed by law and rules of the State Board of Education.

(3)(a) Each district school board and each Florida College System institution ~~community college~~ 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.

Section 165. 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, Florida College System institutions ~~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 166. Subsection (1) of section 1011.012, Florida Statutes, is amended to read:

1011.012 Annual capital outlay budget.—

(1) Each district school board, Florida College System institution ~~community college~~ board of trustees, and university board of trustees shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be

well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended.

Section 167. Section 1011.30, Florida Statutes, is amended to read:

1011.30 Budgets for Florida College System institutions ~~community colleges~~.—Each Florida College System institution ~~community college~~ president shall recommend to the Florida College System institution ~~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 Florida College System institution ~~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 168. Section 1011.31, Florida Statutes, is amended to read:

1011.31 Current loans to Florida College System institution ~~community college~~ boards of trustees.—

(1) At any time the current funds on hand are insufficient to pay obligations created by a Florida College System institution ~~community college~~ board of trustees in accordance with the approved budget of the Florida College System institution ~~community college~~, the Florida College System institution ~~community college~~ board of trustees may request approval by the Commissioner of Education of a proposal to negotiate a current loan, with provisions for the repayment of such loan during the fiscal year in which the loan is made, in order to meet these obligations.

(2) The Commissioner of Education shall approve such proposal when, in his or her opinion, the proposal is reasonable and just, the expenditure is necessary, and revenues sufficient to meet the requirements of the loan can reasonably be anticipated.

Section 169. Section 1011.32, Florida Statutes, is amended to read:

1011.32 Florida College System Institution Community College Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the Florida College System institutions ~~community colleges~~ do not have sufficient physical facilities to meet the current demands of their instructional and community programs. It further recognizes that, to strengthen and enhance Florida College System institutions ~~community colleges~~, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support,

can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence at each Florida College System institution ~~community college~~. Therefore, it is the intent of the Legislature to establish a program to provide the opportunity for each Florida College System institution ~~community college~~ through its direct-support organization to receive and match challenge grants for instructional and community-related capital facilities within the Florida College System institution ~~community college~~.

(2) There is established the Florida College System Institution Community College Facility Enhancement Challenge Grant Program for the purpose of assisting the Florida College System institutions ~~community colleges~~ in building high priority instructional and community-related capital facilities consistent with s. 1004.65, including common areas connecting such facilities. The direct-support organizations that serve the Florida College System institutions ~~community colleges~~ shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this section, private sources of funds shall not include any federal or state government funds that a Florida College System institution ~~community college~~ may receive.

(3) The Florida College System Institution Community College Capital Facilities Matching Program shall provide funds to match private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities, within the Florida College System institutions ~~community colleges~~.

(4) Within the direct-support organization of each Florida College System institution ~~community college~~ there must be established a separate capital facilities matching account for the purpose of providing matching funds from the direct-support organization's unrestricted donations or other private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities. The Legislature shall appropriate funds for distribution to a Florida College System institution ~~community college~~ after matching funds are certified by the direct-support organization and Florida College System institution ~~community college~~. The Public Education Capital Outlay and Debt Service Trust Fund shall not be used as the source of the state match for private contributions.

(5) A project may not be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the direct-support organization's matching account for this purpose. However, this requirement does not preclude the Florida College System institution ~~community college~~ or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility and for site preparation, planning, and construction. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible

facility. Each Florida College System institution ~~community college~~ shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

(6) To be eligible to participate in the Florida College System Institution ~~Community College~~ Facility Enhancement Challenge Grant Program, a Florida College System institution ~~community college~~, through its direct-support organization, shall raise a contribution equal to one-half of the total cost of a facilities construction project from private sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project, subject to the General Appropriations Act.

(7) If the state's share of the required match is insufficient to meet the requirements of subsection (6), the Florida College System institution ~~community college~~ shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the direct-support organization for remittance to the donor.

(8) By October 15 of each year, the State Board of Education shall transmit to the Governor and the Legislature a list of projects that meet all eligibility requirements to participate in the Florida College System Institution ~~Community College~~ Facility Enhancement Challenge Grant Program and a budget request that includes the recommended schedule necessary to complete each project.

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the Florida College System institution's ~~community college's~~ 5-year capital improvement plan, and it must receive approval from the State Board of Education or the Legislature.

(10) A Florida College System institution ~~community college~~ project may not be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list.

(11) Any private matching funds for a project which are unexpended after the project is completed shall revert to the Florida College System institution's ~~community college's~~ direct-support organization capital facilities matching account. The balance of any unexpended state matching funds shall be returned to the fund from which those funds were appropriated.

(12) The surveys, architectural plans, facility, and equipment shall be the property of the participating Florida College System institution ~~community college~~. A facility constructed under this section may be named in honor of a donor at the option of the Florida College System institution ~~community college~~.

college district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Education.

Section 170. Paragraph (d) of subsection (3) of section 1011.51, Florida Statutes, is amended to read:

1011.51 Independent postsecondary endowment grants.—

(3) The matching endowment grants made available under this section shall be made available to any independent nonprofit college or university which:

(d) Is not a state university or Florida College System institution ~~community college~~.

Section 171. Paragraphs (i) and (j) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

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

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 full-time equivalent student membership, as provided in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution ~~community college~~ or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the

option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

(j) *Coenrollment.*—If a high school student wishes to earn high school credits from a Florida College System institution ~~community college~~ and enrolls in one or more adult secondary education courses at the Florida College System institution ~~community college~~, the Florida College System institution ~~community college~~ shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

Section 172. Paragraph (d) of subsection (1) of section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(d) By reason of being career, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, Florida College System institution ~~community college~~, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a Florida College System institution ~~community college~~ or a state university program under a written agreement to partially fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under s. 1011.62(1)(i).

Section 173. Subsection (3) of section 1011.75, Florida Statutes, is amended to read:

1011.75 Gifted education exemplary program grants.—

(3) Pursuant to policies and rules to be adopted by the State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a Florida College System institution ~~community college~~ or public or private college or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 1003.435. In order to be approved, a program proposal must include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms.

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program.

(c) The estimated cost of the program and the number of years for which it is to be funded.

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period.

(e) Such other information and provisions as the commissioner requires.

Section 174. Subsection (2), paragraph (a) of subsection (5), and subsections (6), (7), (8), (9), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(2) Any workforce education program may be conducted by a Florida College System institution ~~community college~~ or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a Florida College System institution ~~community college~~. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district career center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education pursuant to s. 1007.25.

(5) State funding and student fees for workforce education instruction shall be established as follows:

(a) Expenditures for the continuing workforce education programs provided by the Florida College System institutions ~~community colleges~~ or school districts must be fully supported by fees. Enrollments in continuing workforce education courses shall not be counted for purposes of funding full-time equivalent enrollment.

(6)(a) A school district or a Florida College System institution ~~community college~~ that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. If the General Appropriations Act does not provide for the distribution of funds, the following methodology shall apply:

1. Base funding shall be allocated based on weighted enrollment and shall not exceed 90 percent of the allocation. The Department of Education shall develop a funding process for school district workforce education programs that is comparable with Florida College System institution ~~community college~~ workforce programs.

2. Performance funding shall be at least 10 percent of the allocation, based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (10). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and Florida College System institutions ~~community colleges~~ shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.

(b) A program is established to assist school districts and Florida College System institutions ~~community colleges~~ in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or Florida College System institution ~~community college~~ may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or Florida College System institution ~~community college~~ shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(7) A school district or Florida College System institution ~~community college~~ that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or Florida College System institution ~~community college~~ board of trustees may not withhold any portion of the performance funding for indirect costs.

(8) The State Board of Education and Workforce Florida, Inc., shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the State Board of Education for Florida College System institutions ~~community colleges~~ and school districts through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

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

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

(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by Workforce Florida, Inc. Workforce Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.

(d) Programs identified by Workforce Florida, Inc., as increasing the effectiveness and cost efficiency of education.

(9) School districts shall report full-time equivalent students by discipline category for the programs specified in subsection (1). There shall be an annual cost analysis for the school district workforce education programs that reports cost by discipline category consistent with the reporting for full-time equivalent students. The annual financial reports submitted by the

school districts must accurately report on the student fee revenues by fee type according to the programs specified in subsection (1). The Department of Education shall develop a plan for comparable reporting of program, student, facility, personnel, and financial data between the Florida College System institutions ~~community colleges~~ and the school district workforce education programs.

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution ~~community college~~ or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a Florida College System institution ~~community college~~ program, including a program conducted at a high school, the Florida College System institution ~~community college~~ earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91.

Section 175. Section 1011.801, Florida Statutes, is amended to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.—The Legislature recognizes that the need for school districts and Florida College System institutions ~~community colleges~~ to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and Florida College System institutions ~~community colleges~~ on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

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

may be used for recurring instructional costs or for institutions' indirect costs.

(2) The State Board of Education shall accept applications from school districts or Florida College System institutions ~~community colleges~~ for workforce development capitalization incentive grants. Applications from school districts or Florida College System institutions ~~community colleges~~ shall contain projected enrollments and projected costs for the new or expanded workforce development program. The State Board of Education, in consultation with the Workforce Florida, Inc., shall review and rank each application for a grant according to subsection (3) and shall submit to the Legislature a list in priority order of applications recommended for a grant award.

(3) The State Board of Education shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Workforce Estimating Conference and other programs approved by Workforce Florida, Inc.; programs that train people to enter occupations under the welfare transition program; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 176. Section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System ~~Community College~~ Program Fund.—

(1) There is established a Florida College System ~~Community College~~ Program Fund. This fund shall comprise all appropriations made by the Legislature for the support of the current operating program and shall be apportioned and distributed to the Florida College System institution ~~community college~~ districts of the state on the basis of procedures established by law and rules of the State Board of Education. The annual apportionment for each Florida College System institution ~~community college~~ district shall be distributed monthly in payments as nearly equal as possible.

(2) None of the funds made available in the Florida College System ~~Community College~~ Program Fund, or funds made available to Florida College System institutions ~~community colleges~~ outside the Florida College System ~~Community College~~ Program Fund, may be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to, or involving, travel to a terrorist state. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

Section 177. Section 1011.82, Florida Statutes, is amended to read:

1011.82 Requirements for participation in Florida College System Community College Program Fund.—Each Florida College System institution ~~community college~~ district which participates in the state appropriations for the Florida College System Community College Program Fund shall provide evidence of its effort to maintain an adequate Florida College System institution ~~community college~~ program which shall:

(1) Meet the minimum standards prescribed by the State Board of Education in accordance with s. 1001.02(6).

(2) Effectively fulfill the mission of the Florida College System institutions ~~community colleges~~ in accordance with s. 1004.65.

Section 178. Section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of Florida College System institutions ~~community colleges~~.—

(1) Each Florida College System institution ~~community college~~ that has been approved by the Department of Education and meets the requirements of law and rules of the State Board of Education shall participate in the Florida College System Community College Program Fund. However, funds to support workforce education programs conducted by Florida College System institutions ~~community colleges~~ shall be provided pursuant to s. 1011.80.

(2) A student in a baccalaureate degree program approved pursuant to s. 1007.33 who is not classified as a resident for tuition purposes pursuant to s. 1009.21 may not be included in calculations of full-time equivalent enrollments for state funding purposes.

Section 179. Section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution ~~community college~~ district.—The procedure for determining state financial support and the annual apportionment to each Florida College System institution ~~community college~~ district authorized to operate a Florida College System institution ~~community college~~ under the provisions of s. 1001.61 shall be as follows:

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

(a) The Department of Education shall determine annually from an analysis of operating costs, prepared in the manner prescribed by rules of the State Board of Education, the costs per full-time equivalent student served in courses and fields of study offered in Florida College System institutions

~~community colleges.~~ This information and current college operating budgets shall be submitted to the Executive Office of the Governor with the legislative budget request prior to each regular session of the Legislature.

(b) The allocation of funds for Florida College System institutions ~~community colleges~~ shall be based on advanced and professional disciplines, college-preparatory programs, and other programs for adults funded pursuant to s. 1011.80.

(c) The category of lifelong learning is for students enrolled pursuant to s. 1004.93. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

(d) If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 1004.93 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of a student enrolled in a special adult general education program provided by a Florida College System institution ~~community college~~.

(e) All state inmate education provided by Florida College System institutions ~~community colleges~~ shall be reported by program, FTE expenditure, and revenue source. These enrollments, expenditures, and revenues shall be reported and projected separately. Instruction of state inmates shall not be included in the full-time equivalent student enrollment for funding through the Florida College System Community College Program Fund.

(f) When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding.

(g) The State Board of Education shall adopt rules to implement s. 9(d)(8) f., Art. XII of the State Constitution. These rules shall provide for the use of the funds available under s. 9(d)(8)f., Art. XII by an individual Florida College System institution ~~community college~~ for operating expense in any fiscal year during which the State Board of Education has determined that all major capital outlay needs have been met. Highest priority for the use of these funds for purposes other than financing approved capital outlay projects shall be for the proper maintenance and repair of existing facilities for projects approved by the State Board of Education. However, in any fiscal year in which funds from this source are authorized for operating expense other than approved maintenance and repair projects, the allocation of Florida College System institution ~~community college~~ program funds shall be reduced by an amount equal to the sum used for such operating expense for that Florida College System institution ~~community college~~ that year, and that amount shall not be released or allocated among the other Florida College System institutions ~~community colleges~~ that year.

(2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL OUTLAY AND DEBT SERVICE.—The amount included for capital outlay and debt service shall be as determined and provided in s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII of the 1968 revised State Constitution and State Board of Education rules.

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.

(a) By December 15 of each year, the Department of Education shall estimate the annual enrollment of each Florida College System institution ~~community college~~ for the current fiscal year and for the 3 subsequent fiscal years. These estimates shall be based upon prior years' enrollments, upon the initial fall term enrollments for the current fiscal year for each college, and upon each college's estimated current enrollment and demographic changes in the respective Florida College System institution ~~community college~~ districts. Upper-division enrollment shall be estimated separately from lower-division enrollment.

(b) The apportionment to each Florida College System institution ~~community college~~ from the Florida College System Community College Program Fund shall be determined annually in the General Appropriations Act. In determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System ~~Community College~~ Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model approved by the Legislature which may recognize differing economic factors arising from the individual educational approaches of the various Florida College System institutions ~~community colleges~~, including, but not limited to:

a. Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. District Cost Differential.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.

(c) No Florida College System institution ~~community college~~ shall commit funds for the employment of personnel or resources in excess of those required to continue the same level of support for either the previously approved enrollment or the revised enrollment, whichever is lower.

(d) The apportionment to each Florida College System institution ~~community college~~ district for capital outlay and debt service shall be the amount determined in accordance with subsection (2). This amount, less any amount determined as necessary for administrative expense by the State Board of Education and any amount necessary for debt service on bonds issued by the State Board of Education, shall be transmitted to the Florida College System institution ~~community college~~ board of trustees to be expended in a manner prescribed by rules of the State Board of Education.

(e) If at any time the unencumbered balance in the general fund of the Florida College System institution ~~community college~~ board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the State Board of Education.

(f) Expenditures for apprenticeship programs shall be reported separately.

(g) Expenditures for upper-division enrollment in a Florida College System institution ~~community college~~ that grants baccalaureate degrees shall be reported separately from expenditures for lower-division enrollment, in accordance with law and State Board of Education rule.

(4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated herein to any Florida College System institution ~~community college~~ shall be

expended only for the purpose of supporting that Florida College System institution ~~community college~~.

(5) REPORT OF REMEDIAL EDUCATION.—Each Florida College System institution ~~community college~~ board of trustees shall report the volume and cost of remedial education activities as a separate item in its annual cost accounting system.

Section 180. Section 1011.85, Florida Statutes, is amended to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Florida College System Institutions ~~Community Colleges~~.—

(1) There is created the Dr. Philip Benjamin Matching Grant Program for Florida College System Institutions ~~Community Colleges~~ as a single matching gifts program that encompasses the goals originally set out in the Academic Improvement Program, the Scholarship Matching Program, and the Health Care Education Quality Enhancement Challenge Grant. The program shall be administered according to rules of the State Board of Education and used to encourage private support in enhancing Florida College System institutions ~~community colleges~~ by providing the Florida ~~community~~ College System with the opportunity to receive and match challenge grants. Funds received prior to the effective date of this act for each of the three programs shall be retained in the separate account for which it was designated.

(2) Each Florida College System institution ~~community college~~ board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the Florida College System institution ~~community college~~. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida College System Institution ~~Community College~~ Foundation Board receiving state appropriations under this program shall approve each gift to ensure alignment with its goals and mission statement.

(3) Upon approval by the Florida College System institution ~~community college~~ board of trustees and the State Board of Education, the ordering of donations for priority listing of unmatched gifts should be determined by the submitting Florida College System institution ~~community college~~.

(4) Each year, eligible contributions received by a Florida College System institution's ~~community college's~~ foundation or the State Board of Education by February 1 shall be eligible for state matching funds.

(a) Each Florida College System institution ~~community college~~ board of trustees and, when applicable, the Florida College System Institution ~~Community College~~ Foundation Board, receiving state appropriations under this program shall also certify in an annual report to the State Board of Education the receipt of eligible cash contributions that were previously unmatched by the state. The State Board of Education shall adopt

rules providing all Florida College System institutions ~~community colleges~~ with an opportunity to apply for excess funds before the awarding of such funds.

(b) Florida College System institutions ~~Community colleges~~ must submit to the State Board of Education an annual expenditure report tracking the use of all matching funds.

(c) The audit of each foundation receiving state funds from this program must include a certification of accuracy in the amount reported for matching funds.

(5) The matching ratio for donations that are specifically designated to support scholarships, including scholarships for first-generation-in-college students, student loans, or need-based grants shall be \$1 of state funds to \$1 of local private funds.

(6) Otherwise, funds shall be proportionately allocated to the Florida College System institutions ~~community colleges~~ on the basis of matching each \$6 of local or private funds with \$4 of state funds. To be eligible, a minimum of \$4,500 must be raised from private sources.

(7) The Florida College System institution ~~community college~~ board of trustees, in conjunction with the donor, shall make the determination of whether scholarships established pursuant to this program are endowed.

(8)(a) Funds sufficient to provide the match shall be transferred from the state appropriations to the local Florida College System institution ~~community college~~ foundation or the statewide Florida College System institution ~~community college~~ foundation upon notification that a proportionate amount has been received and deposited by a Florida College System institution ~~community college~~ in its own trust fund.

(b) If state funds appropriated for the program are insufficient to match contributions, the amount allocated shall be reduced in proportion to its share of the total eligible contributions. However, in making proportional reductions, every Florida College System institution ~~community college~~ shall receive a minimum of \$75,000 in state matching funds if its eligible contributions would have generated an amount at least equal to \$75,000. All unmet contributions shall be eligible for state matching funds in subsequent fiscal years.

(9) Each Florida College System institution ~~community college~~ entity shall establish its own matching grant program fund as a depository for the private contributions and matching state funds provided under this section. Florida College System institution ~~Community college~~ foundations are responsible for the maintenance, investment, and administration of their matching grant program funds.

(10) The State Board of Education may receive submissions of requests for matching funds and documentation relating to those requests, may

approve requests for matching funds, and may allocate such funds to the Florida College System institutions ~~community colleges~~.

(11) The board of trustees of the Florida College System institution ~~community college~~ and the State Board of Education are responsible for determining the uses for the proceeds of their respective trust funds. Such use of the proceeds shall include, but not be limited to, expenditure of the funds for:

(a) Scientific and technical equipment.

(b) Scholarships, loans, or need-based grants.

(c) Other activities that will benefit future students as well as students currently enrolled at the Florida College System institution ~~community college~~, will improve the quality of education at the Florida College System institution ~~community college~~, or will enhance economic development in the community.

(12) Each Florida College System institution ~~community college~~ shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program.

Section 181. Subsection (1) of section 1011.86, Florida Statutes, is amended to read:

1011.86 Educational leadership enhancement grants.—

(1) State universities and Florida College System institutions ~~community colleges~~ may submit proposals for educational leadership enhancement grants to the Commissioner of Education. Proposals shall be funded competitively.

Section 182. Subsection (1) and paragraph (b) of subsection (6) of section 1012.01, Florida Statutes, are amended to read:

1012.01 Definitions.—As used in this chapter, the following terms have the following meanings:

(1) SCHOOL OFFICERS.—The officers of the state system of public K-12 and Florida College System institution ~~community college~~ education shall be the Commissioner of Education and the members of the State Board of Education; for each district school system, the officers shall be the district school superintendent and members of the district school board; and for each Florida College System institution ~~community college~~, the officers shall be the Florida College System institution ~~community college~~ president and members of the Florida College System institution ~~community college~~ board of trustees.

(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.

(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 Florida College System institutions ~~community colleges~~, or through equivalent on-the-job training.

Section 183. Paragraph (c) of subsection (1) of section 1012.35, Florida Statutes, is amended to read:

1012.35 Substitute teachers.—

(1) Each district school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers.

(c) The required training programs for substitute teachers may be provided by Florida College System institutions ~~community colleges~~, colleges of education, district school boards, educational consortia, or commercial vendors.

Section 184. Paragraph (e) of subsection (3) and paragraph (e) of subsection (6) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(e) Documentation of two semesters of successful teaching in a Florida College System institution ~~community college~~, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.

(6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.—Acceptable means of demonstrating mastery of professional preparation and education competence are:

(e) Documentation of two semesters of successful teaching in a Florida College System institution ~~community college~~, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program;

Section 185. Paragraph (a) of subsection (1) of section 1012.80, Florida Statutes, is amended to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.—

(1)(a) Any person who accepts the privilege extended by the laws of this state of employment at any Florida College System institution ~~community college~~ shall, by working at such institution, be deemed to have given his or her consent to the policies of that institution, the policies of the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at Florida College System institutions ~~community colleges~~.

Section 186. Section 1012.81, Florida Statutes, is amended to read:

1012.81 Personnel records.—Rules of the State Board of Education shall prescribe the content and custody of limited-access records which a Florida College System institution ~~community college~~ may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the college who are responsible for supervision of the employee. Such limited-access employee records are confidential and exempt from the provisions of s. 119.07(1). Except as required for use by the president in the discharge of his or her official responsibilities, the custodian of limited-access employee records may release information from such records only upon authorization in writing from the employee or the president or upon order of a court of competent jurisdiction.

Section 187. Section 1012.82, Florida Statutes, is amended to read:

1012.82 Teaching faculty; minimum teaching hours per week.—Each full-time member of the teaching faculty at any Florida College System institution ~~community college~~ who is paid wholly from funds appropriated from the Florida College System ~~community college~~ Program Fund or from funds appropriated for Florida College System institution ~~community college~~ baccalaureate degree programs shall teach a minimum of 15 classroom contact hours per week at such institution. However, the required classroom contact hours per week may be reduced upon approval of the president of the institution in direct proportion to specific duties and responsibilities assigned the faculty member by his or her departmental chair or other appropriate college administrator. Such specific duties may include specific research duties, specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices, or assigned responsibility for off-campus student internship or work-study programs. A “classroom contact hour” consists of a regularly scheduled classroom activity of not less than 50 minutes in a course of instruction which has been approved by the Florida College System institution ~~community college~~ board of trustees. Any full-time faculty member who is paid partly from Florida College System institution ~~community college~~ program funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from Florida College

~~System institution~~ ~~community college~~ program funds bears to his or her total salary. Any full-time faculty member who is paid partly from funds appropriated for Florida College System institution ~~community college~~ baccalaureate degree programs and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from funds appropriated for Florida College System institution ~~community college~~ baccalaureate degree programs bears to his or her total salary.

Section 188. Section 1012.83, Florida Statutes, is amended to read:

1012.83 Contracts with administrative and instructional staff.—

(1) Each person employed in an administrative or instructional capacity in a Florida College System institution ~~community college~~ shall be entitled to a contract as provided by rules of the State Board of Education.

(2) A Florida College System institution ~~community college~~ board of trustees may not enter into an employment contract that requires the Florida College System institution ~~community college~~ to pay an employee an amount from appropriated state funds in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the employee in accordance with the Florida College System institution's ~~community college's~~ leave and benefits policies before the contract terminates.

Section 189. Subsection (1) of section 1012.84, Florida Statutes, is amended to read:

1012.84 Exemption from county civil service commissions.—

(1) Any Florida College System institution ~~community college~~ located in a county which has either a budget commission or a civil service commission is exempt from the regulation, supervision, and control of any such commission.

Section 190. Section 1012.85, Florida Statutes, is amended to read:

1012.85 Payment of costs of civil actions against officers, employees, or agents of Florida College System institution ~~community college~~ board of trustees.—

(1) Whenever any civil action has been brought against any officer of the Florida College System institution ~~community college~~ board of trustees, including a board member, or any person employed by or agent of the Florida College System institution ~~community college~~ board of trustees, of any Florida College System institution ~~community college~~ for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, the Florida College System institution ~~community college~~ board of trustees may defray all costs of defending such action, including

reasonable attorney's fees and expenses together with costs of appeal, if any, and may save harmless and protect such person from any financial loss resulting therefrom; and the Florida College System institution ~~community college~~ board of trustees may be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, to cover all such losses and expenses. However, any attorney's fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his or her employment or acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent.

(2) Failure by a Florida College System institution ~~community college~~ board of trustees to perform any act authorized by this section shall not constitute a cause of action against a Florida College System institution ~~community college~~ or its trustees, officers, employees, or agents.

Section 191. Section 1012.855, Florida Statutes, is amended to read:

1012.855 Employment of Florida College System institution ~~community college~~ personnel; discrimination in granting salary prohibited.—

(1)(a) Employment of all personnel in each Florida College System institution ~~community college~~ shall be upon recommendation of the president, subject to rejection for cause by the Florida College System institution ~~community college~~ board of trustees; to the rules of the State Board of Education relative to certification, tenure, leaves of absence of all types, including sabbaticals, remuneration, and such other conditions of employment as the State Board of Education deems necessary and proper; and to policies of the Florida College System institution ~~community college~~ board of trustees not inconsistent with law.

(b) Any internal auditor employed by a Florida College System institution ~~community college~~ shall be hired by the Florida College System institution ~~community college~~ board of trustees and shall report directly to the board.

(2) Each Florida College System institution ~~community college~~ board of trustees shall undertake a program to eradicate any discrimination on the basis of gender, race, or physical handicap in the granting of salaries to employees.

Section 192. Subsections (1), (2), (3), (5), and (6) of section 1012.86, Florida Statutes, are amended to read:

1012.86 Florida College System institution ~~Community college~~ employment equity accountability program.—

(1) Each Florida College System institution ~~community college~~ shall include in its annual equity update a plan for increasing the representation

of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status. Positions shall be defined in the personnel data element directory of the Department of Education. The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Department of Education. The goals and objectives shall be based on meeting or exceeding comparable national standards and shall be reviewed and recommended by the State Board of Education as appropriate. Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.

(2)(a) On or before May 1 of each year, each Florida College System institution ~~community college~~ president shall submit an annual employment accountability plan to the Commissioner of Education and the State Board of Education. The accountability plan must show faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report.

(b) The plan must show the following information for those positions including, but not limited to:

1. Job classification title.
2. Gender.
3. Ethnicity.
4. Appointment status.
5. Salary information. At each Florida College System institution ~~community college~~, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.
6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the Florida College System institution ~~community college~~ by race, gender, and salary range compared to the number of new hires.
7. A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

(c) The annual employment accountability plan shall also include an analysis and an assessment of the Florida College System institution's ~~community college's~~ attainment of annual goals and of long-range goals for increasing the number of women and minorities in faculty and senior-level

administrative positions, and a corrective action plan for addressing underrepresentation.

(d) Each Florida College System institution's ~~community college's~~ employment accountability plan must also include:

1. The requirements for receiving a continuing contract.
2. A brief description of the process used to grant continuing-contract status.
3. A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.

(3) Florida College System institution ~~Community college~~ presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the Florida College System institution's ~~community college's~~ employment accountability plan.

(a) The Florida College System institution ~~community college~~ presidents, or the presidents' designees, shall annually evaluate each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported annually by the Florida College System institution ~~community college~~ president to the Florida College System institution ~~community college~~ board of trustees. Annual budget allocations by the Florida College System institution ~~community college~~ board of trustees for positions and funding must take into consideration these evaluations.

(b) Florida College System institution ~~Community college~~ boards of trustees shall annually evaluate the performance of the Florida College System institution ~~community college~~ presidents in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported to the Commissioner of Education and the State Board of Education as part of the Florida College System institution's ~~community college's~~ annual employment accountability plan, and to the Legislature as part of the annual equity progress report submitted by the State Board of Education.

(5) Each Florida College System institution ~~community college~~ shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the Florida College System institution ~~community college~~ president and the Florida College System institution ~~community college~~ board of trustees, the plan shall be submitted as part of the annual employment accountability plan submitted by each Florida College System institution ~~community college~~ to the State Board of Education.

(6) Subject to available funding, the Legislature shall provide an annual appropriation to the State Board of Education to be allocated to Florida College System institution ~~community college~~ presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments in recognition of the attainment of the equity goals and objectives.

Section 193. Section 1012.865, Florida Statutes, is amended to read:

1012.865 Sick leave.—Each Florida College System institution ~~community college~~ board of trustees shall adopt rules whereby any full-time employee who is unable to perform his or her duties at the Florida College System institution ~~community college~~ on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(1) DEFINITIONS.—As used in this section, unless the context otherwise requires, the term:

(a) "Educational support employee" means any person employed by a Florida College System institution ~~community college~~ as an education or administrative paraprofessional; a member of the operations, maintenance, or comparable department; or a secretary, clerical, or comparable level support employee.

(b) "Instructional staff" shall be used synonymously with the word "teacher" or "faculty" and includes faculty members, librarians, counselors, and other comparable members engaged in an instructional capacity in the Florida College System institution ~~community college~~.

(2) EXTENT OF LEAVE WITH COMPENSATION.—

(a) Each full-time employee shall earn 1 day of sick leave with compensation for each calendar month or major fraction of a calendar month of service, not to exceed 12 days for each fiscal year. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. Accumulated sick leave may be transferred from another Florida College System institution ~~community college~~, the Florida Department of Education, a state university, a Florida district school board, or a state agency, provided that at least one-half of the sick leave accumulated at any time must have been established in the college in which such employee is currently employed.

(b) A Florida College System institution ~~community college~~ board of trustees may establish rules and prescribe procedures whereby a full-time employee may, at the beginning date of employment in any year, be credited

with 12 days of sick leave with compensation in excess of the number of days the employee has earned. Upon termination of employment, the employee's final compensation shall be adjusted in an amount necessary to ensure that sick leave with compensation does not exceed the days of earned sick leave as provided herein.

(c) A Florida College System institution ~~community college~~ board of trustees may establish rules and prescribe standards to permit a full-time employee to be absent no more than 4 days for personal reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

(d) A Florida College System institution ~~community college~~ board of trustees may establish rules to provide terminal pay for accumulated sick leave to full-time instructional staff and educational support employees or to the employee's beneficiary if service is terminated by death. However, such terminal pay may not exceed an amount determined as follows:

1. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.
2. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.
3. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.
4. During the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.
5. During the next 20 years of service, the daily rate of pay multiplied by 50 percent plus up to an additional 2.5 percent per year for each year of service beyond 10 years, times the number of days of accumulated sick leave.

If an employee receives terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if an employee terminates his or her employment without receiving terminal pay benefits and is reemployed, his or her sick leave credit shall be reinstated.

(e) A Florida College System institution ~~community college~~ board of trustees may, by rule, provide for terminal pay for accumulated unused sick leave to be paid to any full-time employee of a Florida College System institution ~~community college~~ other than instructional staff or educational support employees. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled shall be made to the employee's beneficiary.

1. For unused sick leave accumulated before July 1, 2001, terminal pay shall be made pursuant to rules or policies of the board of trustees which were in effect on June 30, 2001.

2. For unused sick leave accumulated on or after July 1, 2001, terminal payment may not exceed an amount equal to one-fourth of the employee's unused sick leave or 60 days of the employee's pay, whichever amount is less.

3. If the employee had an accumulated sick leave balance of 60 days or more on June 30, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance as of June 30, 2001, is less than 60 days.

(3) CLAIM MUST BE FILED.—Any full-time employee who finds it necessary to be absent from his or her duties because of illness as defined in this section shall notify the Florida College System institution ~~community college~~ president or a college official designated by the president, if possible before the opening of college on the day on which the employee must be absent or during the day, except when he or she is absent for emergency reasons recognized by the Florida College System institution ~~community college~~ board of trustees as valid. Any employee shall, before claiming and receiving compensation for the time absent from his or her duties while absent because of sick leave as prescribed in this section, make and file a written certificate which shall set forth the day or days absent, that such absence was necessary, and that he or she is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section. The Florida College System institution ~~community college~~ board of trustees may adopt rules under which the president may require a certificate of illness from a licensed physician or from the county health officer.

(4) COMPENSATION.—Any full-time employee who has unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave; however, no compensation may be allowed beyond that provided in subsection (6).

(5) EXPENDITURE AUTHORIZED.—Florida College System institution ~~Community college~~ boards of trustees may expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules adopted by the Department of Management Services pursuant to chapter 650.

(6) SICK LEAVE POOL.—Notwithstanding any other provision of this section, a Florida College System institution ~~community college~~ board of trustees may, by rule, based upon the maintenance of reliable and accurate records by the Florida College System institution ~~community college~~ showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, establish a plan allowing participating full-time employees of the Florida College System institution ~~community college~~ to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules shall include, but not be limited to, the following provisions:

(a) Participation in the sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the Florida College System institution ~~community college~~, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed to the pool by an employee. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for that employee's personal illness, accident, or injury.

(f) A participating employee will not be eligible to use sick leave from the pool until all of his or her sick leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool will not be required to recontribute such sick leave to the pool, except as otherwise provided herein.

(h) A participating employee who chooses to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 194. Section 1012.87, Florida Statutes, is amended to read:

1012.87 Retirement annuities.—Each Florida College System institution ~~community college~~ board of trustees may purchase annuities for its Florida College System institution ~~community college~~ personnel who have 25 or more years of creditable service and who have reached age 55 and have

applied for retirement under the Florida Retirement System. No such annuity may provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. Florida College System institution ~~Community-college~~ boards of trustees may also purchase annuities for members of the Florida Retirement System who have out-of-state teaching service in another state or country which is documented as valid by the appropriate educational entity. Such annuities may be based on no more than 5 years of out-of-state teaching service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state teaching was authorized under that system. Each Florida College System institution ~~community-college~~ board of trustees may invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing retirement annuities for Florida College System institution ~~community-college~~ personnel. All such retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 195. Section 1012.875, Florida Statutes, is amended to read:

1012.875 State Community College System Optional Retirement Program.—Each Florida College System institution ~~community-college~~ may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity or other contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program, in accordance with s. 403(b) of the Internal Revenue Code. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual Florida College System institution ~~community-college~~ or by a consortium of Florida College System institutions ~~community-colleges~~.

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

(a) "Activation" means the date upon which an optional retirement program is first made available by the program administrator to eligible employees.

(b) "College" means Florida College System institutions ~~community colleges~~ as defined in s. 1000.21.

(c) "Department" means the Department of Management Services.

(d) "Program administrator" means the individual college or consortium of colleges responsible for implementing and administering an optional retirement program.

(e) “Program participant” means an eligible employee who has elected to participate in an available optional retirement program as authorized by this section.

(2) Participation in the optional retirement program provided by this section is limited to employees who satisfy the criteria set forth in s. 121.051(2)(c).

(3)(a) With respect to any employee who is eligible to participate in the optional retirement program by reason of qualifying employment commencing before the program’s activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 90 days after the program’s activation, a written election on a form provided by the Florida Retirement System and a completed application for an individual contract or certificate.

2. An employee’s participation in the optional retirement program commences on the first day of the next full calendar month following the filing of the election and completed application with the program administrator and receipt of such election by the department. An employee’s membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 60 days after its activation has elected to retain membership in the Florida Retirement System.

(b) With respect to any employee who becomes eligible to participate in an optional retirement program by reason of qualifying employment commencing on or after the program’s activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 90 days after commencing qualifying employment as provided in s. 121.051(2)(c)4., a written election on a form provided by the Florida Retirement System and a completed application for an individual contract or certificate.

2. An employee’s participation in the optional retirement program commences retroactive to the first day of qualifying employment following the filing of the election and completed application with the program administrator and receipt of such election by the department. An employee’s membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 90 days after commencing qualifying employment has elected to retain membership in the Florida Retirement System.

(c) Any employee who, on or after an optional retirement program's activation, becomes eligible to participate in the program by reason of a change in status due to the subsequent designation of the employee's position as one of those referenced in subsection (2), or due to the employee's appointment, promotion, transfer, or reclassification to a position referenced in subsection (2), must be notified by the college of the employee's eligibility to participate in the optional retirement program in lieu of participation in the Florida Retirement System. These eligible employees are subject to the provisions of paragraph (b) and may elect to participate in the optional retirement program in the same manner as those employees described in paragraph (b), except that the 90-day election period commences upon the date notice of eligibility is received by the employee and participation in the program begins the first day of the first full calendar month that the change in status becomes effective.

(d) Program participants must be fully and immediately vested in the optional retirement program upon issuance of an optional retirement program contract.

(e) The election by an eligible employee to participate in the optional retirement program is irrevocable for so long as the employee continues to meet the eligibility requirements set forth in this section and in s. 121.051(2)(c), except as provided in paragraph (i) or as provided in s. 121.051(2)(c)3.

(f) If a program participant becomes ineligible to continue participating in the optional retirement program pursuant to the criteria referenced in subsection (2), the employee becomes a member of the Florida Retirement System if eligible. The college must notify the department of an employee's change in eligibility status within 30 days after the event that makes the employee ineligible to continue participation in the optional retirement program.

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program retains all retirement service credit earned under the Florida Retirement System at the rate earned. Additional service credit in the Florida Retirement System may not be earned while the employee participates in the optional retirement program, nor is the employee eligible for disability retirement under the Florida Retirement System. An eligible employee may transfer from the Florida Retirement System to his or her accounts under the State Community College Optional Retirement Program a sum representing the present value of his or her service credit accrued under the defined benefit program of the Florida Retirement System for the period between his or her first eligible transfer date from the defined benefit plan to the optional retirement program and the actual date of such transfer as provided in s. 121.051(2)(c)7. Upon such transfer, all such service credit previously earned under the defined benefit program of the Florida Retirement System during this period shall be nullified for purposes of

entitlement to a future benefit under the defined benefit program of the Florida Retirement System.

(h) A program participant may not simultaneously participate in any other state-administered retirement system, plan, or class.

(i) Except as provided in s. 121.052(6)(d), a program participant who is or who becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for an optional retirement program pursuant to this section and one of which is not, is subject to the dual employment provisions of chapter 121.

(4)(a) Each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. The college shall deduct an amount approved by the district board of trustees of the college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has been issued an optional retirement program contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the Florida College System institution ~~community college~~ to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

(e) The college may accept for deposit into participant account or accounts contributions in the form of rollovers or direct trustee-to-trustee transfers by or on behalf of participants who are reasonably determined by the college to be eligible for rollover or transfer to the optional retirement program pursuant to the Internal Revenue Code, if such contributions are made in accordance with the applicable requirements of the college. Accounting for such contributions shall be in accordance with any applicable requirements of the Internal Revenue Code and the college.

(5)(a) The benefits to be provided to program participants must be provided through contracts, including individual contracts or individual certificates issued for group annuity or other contracts, which may be fixed, variable, or both, in accordance with s. 403(b) of the Internal Revenue Code. Each individual contract or certificate must state the type of contract on its face page, and must include at least a statement of ownership, the contract benefits, distribution options, limitations, expense charges, and surrender charges, if any.

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and the benefits must be paid only by the designated company in accordance with the terms of the contracts applicable to the program participant. Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer contributions and the earnings thereon. Benefits funded by employer contributions are payable in accordance with the following terms and conditions:

1. Benefits shall be payable only to a participant, to his or her beneficiaries, or to his or her estate, as designated by the participant.

2. Benefits shall be paid by the provider company or companies in accordance with the law, the provisions of the contract, and any applicable employer rule or policy.

3. In the event of a participant's death, moneys accumulated by, or on behalf of, the participant, less withholding taxes remitted to the Internal Revenue Service, if any, shall be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death as provided in paragraph (d). No other death benefits shall be available for survivors of participants under the optional retirement program except for such benefits, or coverage for such benefits, as are separately afforded by the employer at the employer's discretion.

(c) Upon receipt by the provider company of a properly executed application for distribution of benefits, the total accumulated benefits shall be payable to the participant as:

1. A lump-sum distribution to the participant;

2. A lump-sum direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant;

3. Periodic distributions;

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the participant and the remaining amount is transferred to an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant; or

5. Such other distribution options as are provided for in the participant's optional retirement program contract.

(d) Survivor benefits shall be payable as:

1. A lump-sum distribution payable to the beneficiaries or to the deceased participant's estate;

2. An eligible rollover distribution on behalf of the surviving spouse or beneficiary of a deceased participant whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse;

3. Such other distribution options as are provided for in the participant's optional retirement program contract; or

4. A partial lump-sum payment whereby a portion of the accrued benefits are paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, if any, and the remaining amount is transferred directly to an eligible retirement plan, as described in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving beneficiary.

Nothing in this paragraph abrogates other applicable provisions of state or federal law providing payment of death benefits.

(e) The benefits payable to any person under the optional retirement program, and any contribution accumulated under the program, are not subject to assignment, execution, attachment, or to any legal process whatsoever.

(6)(a) The optional retirement program authorized by this section must be implemented and administered by the program administrator under s. 403(b) of the Internal Revenue Code. The program administrator has the express authority to contract with a third party to fulfill any of the program administrator's duties.

(b) The program administrator shall solicit competitive bids or issue a request for proposal and select no more than four companies from which optional retirement program contracts may be purchased under the optional retirement program. In making these selections, the program administrator shall consider the following factors:

1. The financial soundness of the company.

2. The extent of the company's experience in providing annuity or other contracts to fund retirement programs.

3. The nature and extent of the rights and benefits provided to program participants in relation to the premiums paid.

4. The suitability of the rights and benefits provided to the needs of eligible employees and the interests of the college in the recruitment and retention of employees.

In lieu of soliciting competitive bids or issuing a request for proposals, the program administrator may authorize the purchase of annuity contracts under the optional retirement program from those companies currently selected by the department to offer such contracts through the State University System Optional Retirement Program, as set forth in s. 121.35.

(c) Optional retirement program annuity contracts must be approved in form and content by the program administrator in order to qualify. The program administrator may use the same annuity contracts currently used within the State University System Optional Retirement Program, as set forth in s. 121.35.

(d) The provision of each annuity contract applicable to a program participant must be contained in a written program description that includes a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the program participant. The company must furnish the description annually to the program administrator, and to each program participant upon commencement of participation in the program and annually thereafter.

(e) The program administrator must ensure that each program participant is provided annually with an accounting of the total contributions and the annual contributions made by and on the behalf of the program participant.

Section 196. Section 1012.88, Florida Statutes, is amended to read:

1012.88 Florida College System institution ~~Community college~~ police.

(1) Each Florida College System institution ~~community college~~ is permitted and empowered to employ police officers for the Florida College System institution ~~community college~~, who must be designated Florida College System institution ~~community college~~ police.

(2) Each Florida College System institution ~~community college~~ police officer is a law enforcement officer of the state and a conservator of the peace who has the authority to arrest, in accordance with the laws of this state, any person for a violation of state law or applicable county or municipal ordinance if that violation occurs on or in any property or facilities of the Florida College System institution ~~community college~~ by which he or she is employed or any property or facilities of a direct-support organization of such Florida College System institution ~~community college~~. A Florida College System institution ~~community college~~ police officer may also arrest a person off campus for a violation committed on campus after a hot pursuit of that person that began

on any such property or facilities. A Florida College System institution ~~community college~~ police officer may bear arms in the performance of his or her duties and carry out a search pursuant to a search warrant on the campus where he or she is employed. Florida College System institution ~~Community college~~ police, upon request of the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or against whom charges have been made for violations of federal or state laws or county or municipal ordinances.

(3) Florida College System institution ~~Community college~~ police shall promptly deliver all persons arrested and charged with felonies to the sheriff of the county within which the Florida College System institution ~~community college~~ is located and all persons arrested and charged with misdemeanors to the applicable authority as provided by law, but otherwise to the sheriff of the county in which the Florida College System institution ~~community college~~ is located.

(4) Florida College System institution ~~Community college~~ police must meet the minimum standards established by the Police Standards and Training Commission of the Department of Law Enforcement and chapter 943 for law enforcement officers. Each Florida College System institution ~~community college~~ police officer must, before entering into the performance of his or her duties, take the oath of office established by the Florida College System institution ~~community college~~. Each Florida College System institution ~~community college~~ that employs police officers may obtain and approve a bond on each police officer, conditioned upon the officer's faithful performance of his or her duties, which bond must be payable to the Governor. The Florida College System institution ~~community college~~ may determine the amount of the bond. In determining the amount of the bond, the Florida College System institution ~~community college~~ may consider the amount of money or property likely to be in the custody of the officer at any one time. The Florida College System institution ~~community college~~ shall provide a uniform set of identifying credentials to each Florida College System institution ~~community college~~ police officer it employs.

(5) In performance of any of the powers, duties, and functions authorized by law, Florida College System institution ~~community college~~ police have the same rights, protections, and immunities afforded other law enforcement officers.

(6) The Florida College System institution ~~community college~~, with the approval of the Department of Law Enforcement, shall adopt rules, including, without limitation, rules for the appointment, employment, and removal of Florida College System institution ~~community college~~ police in accordance with the state Career Service System and shall establish in writing a policy manual, that includes, without limitation, procedures for managing routine law enforcement situations and emergency law enforcement situations. The Florida College System institution ~~community college~~

shall furnish a copy of the policy manual to each of the police officers it employs.

Section 197. Section 1012.885, Florida Statutes, is amended to read:

1012.885 Remuneration of Florida College System institution ~~community college~~ presidents; limitations.—

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

(a) “Appropriated state funds” means funds appropriated from the General Revenue Fund or funds appropriated from state trust funds.

(b) “Cash-equivalent compensation” means any benefit that may be assigned an equivalent cash value.

(c) “Remuneration” means salary, bonuses, and cash-equivalent compensation paid to a Florida College System institution ~~community college~~ president by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) LIMITATION ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a Florida College System institution ~~community college~~ president may not receive more than \$225,000 in remuneration annually from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution ~~community college~~ president may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a Florida College System institution ~~community college~~ president in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a Florida College System institution ~~community college~~ president as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation.

Section 198. Subsections (4) and (5) of section 1012.98, Florida Statutes, are amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, Florida College System institutions ~~community colleges~~, and state universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of

Education shall use data on student achievement to identify student needs. The methods of dissemination must include a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions ~~community colleges~~ and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to s. 1001.42(18). The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

(5) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to continuously strengthen the system in order to increase student achievement and support instructional staff in enhancing rigor and relevance in the classroom. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a Florida College System institution ~~community college~~ or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

Section 199. Subsections (3) and (16) of section 1013.01, Florida Statutes, are amended to read:

1013.01 Definitions.—The following terms shall be defined as follows for the purpose of this chapter:

(3) “Board,” unless otherwise specified, means a district school board, a Florida College System institution ~~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.

(16) “Public education capital outlay (PECO) funded projects” means site acquisition, renovation, remodeling, construction projects, and site improvements necessary to accommodate buildings, equipment, other structures, and special educational use areas that are built, installed, or established to serve primarily the educational instructional program of the district school board, Florida College System institution ~~community college~~ board of trustees, or university board of trustees.

Section 200. Paragraph (a) of subsection (2) of section 1013.02, Florida Statutes, is amended to read:

1013.02 Purpose; rules and regulations.—

(2)(a) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter for school districts and Florida College System institutions ~~community colleges~~.

Section 201. 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 Florida College System institutions ~~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 s. 1001.42(13)(b). If any Florida College System institution ~~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 Florida College System institution ~~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 Florida College System institution ~~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; 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 Florida College System institutions ~~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; 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.

(11) Prepare the commissioner’s comprehensive fixed capital outlay legislative budget request and provide annually an estimate of the funds available for developing required 3-year priority lists. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of public education: public schools, Florida College System institutions ~~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.

Section 202. Paragraph (a) of subsection (5) of section 1013.12, Florida Statutes, is amended to read:

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

(5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.—

(a) Firesafety inspections of Florida College System institution ~~community college~~ facilities shall comply with State Board of Education rules.

Section 203. Subsection (2) of section 1013.13, Florida Statutes, is amended to read:

1013.13 Coordination of school safety information; construction design documents.—

(2) Each Florida College System institution ~~community college~~ president must provide to the law enforcement agency and fire department that has jurisdiction over the Florida College System institution ~~community college~~ a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01. After the initial submission of the floor plans and other relevant documents, the Florida College System institution ~~community college~~ president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.

Section 204. 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 implementing 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 Florida College System institution ~~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 205. Subsection (1), paragraph (c) of subsection (2), subsection (3), and paragraphs (b), (c), and (d) of subsection (4) of section 1013.23, Florida Statutes, are amended to read:

1013.23 Energy efficiency contracting.—

(1) LEGISLATIVE INTENT.—The Legislature finds that investment in energy conservation measures in educational facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage school districts, Florida College System institutions ~~community colleges~~, and state universities to invest in energy conservation measures that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and, when economically feasible, to build, operate, maintain, or renovate educational facilities in such a manner so as to minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage school districts, Florida College System institutions ~~community colleges~~, and state universities to reinvest any energy savings resulting from energy conservation measures into additional energy conservation efforts.

(2) DEFINITIONS.—For purposes of this section, the term:

(c) “Energy performance-based contract” means a contract for the evaluation, recommendation, and implementation of energy conservation measures which includes, at a minimum:

1. The design and installation of equipment to implement one or more of such measures, and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings. This amount must meet or exceed total annual contract payments made by the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees for such contract.

3. Financing charges to be incurred by the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees over the life of the contract.

(3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.

(a) A district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor to significantly reduce energy or operating costs of an educational facility through one or more energy conservation measures.

(b) The energy performance contractor shall be selected in compliance with s. 287.055; except that in a case where a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees determines that fewer than three firms are

qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), shall not apply and the bid requirements of s. 287.057 shall not apply.

(c) Before entering into a contract pursuant to this section, the district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees shall provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(d) Prior to the design and installation of the energy conservation measure, the district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees must obtain from the energy performance contractor a report that discloses all costs associated with the energy conservation measure and provides an estimate of the amount of the energy cost savings. The report must be reviewed by either the Department of Education or the Department of Management Services or signed and sealed by a registered professional engineer.

(e) A district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor if, after review of the report required by paragraph (d), it finds that the amount it would spend on the energy conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs over 20 years from the date of installation, based on life-cycle costing calculations, if the recommendations in the report were followed and if the energy performance contractor provides a written guarantee that the energy or operating cost savings will meet or exceed the costs of the system. The contract may provide for payments over a period of time not to exceed 20 years.

(f) A district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees may enter into an installment payment contract for the purchase and installation of energy conservation measures. The contract shall provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term based on life-cycle costing calculations.

(g) Energy performance-based contracts may extend beyond the fiscal year in which they become effective; however, the term of any contract shall expire at the end of each fiscal year and may be automatically renewed annually up to 20 years, subject to a district school board, Florida College System institution ~~community-college~~ board of trustees, or state university board of trustees making sufficient annual appropriations based upon

continued realized energy cost savings. Such contracts shall stipulate that the agreement does not constitute a debt, liability, or obligation of the state or a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees, or a pledge of the faith and credit of the state or a district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees.

(4) CONTRACT PROVISIONS.—

(b) The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the contract.

(c) The contract must require that the energy performance contractor to whom the contract is awarded provide a 100-percent public construction bond to the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees for its faithful performance, as required by s. 255.05.

(d) The contract shall require the energy performance contractor to provide to the district school board, Florida College System institution ~~community college~~ board of trustees, or state university board of trustees an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall which may occur. In the event that such reconciliation reveals an excess in annual energy cost savings, such excess savings shall not be used to cover potential energy cost savings shortages in subsequent contract years.

Section 206. Section 1013.231, Florida Statutes, is amended to read:

1013.231 Florida College System institution ~~Florida college~~ and university energy consumption; 10-percent reduction goal.—

(1) Each Florida College System institution ~~Florida college~~ and state university shall strive to reduce its campuswide energy consumption by 10 percent. While savings may be accrued by any means, the goal shall be to implement energy use policies or procedures or both and any equipment retrofits that are necessary to carry out this reduction. The reduction may be obtained by either reducing the cost of the energy consumed or by reducing total energy usage, or a combination of both.

(2) Energy consumption expenditures incurred during the 2007-2008 fiscal year shall be used to establish the benchmark for the 10-percent goal. If a Florida College System institution ~~Florida college~~ or state university can document that it has implemented energy use policies or procedures in the

2008-2009 fiscal year or the 2009-2010 fiscal year that resulted in reduction in energy usage or costs, those reductions may be counted towards the 10-percent goal.

(3) Each Florida College System institution ~~Florida~~-college and state university shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2011, describing how they have met or plan to meet the 10-percent energy consumption reduction goal.

Section 207. Section 1013.25, Florida Statutes, is amended to read:

1013.25 When university or Florida College System institution ~~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 Florida College System institution ~~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 and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74.

Section 208. Section 1013.27, Florida Statutes, is amended to read:

1013.27 Purchase of land by municipality.—Any municipality wherein a Florida College System institution ~~community-college~~ as defined by s. 1004.65 is situated may purchase land with municipal funds and to donate and convey the land or any other land to the Florida College System institution ~~community-college~~ board of trustees.

Section 209. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, are 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 Florida College System institution ~~community-college~~ board of trustees may dispose of any land or real property to which the board holds title which is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution ~~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 Florida College System institution

~~community college~~ board of trustees prior to or simultaneously with the receipt of bids.

(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution ~~community college~~ board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

Section 210. 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 shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution ~~community college~~ that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution ~~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. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida College System institutions ~~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. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(b) *Required need assessment criteria for district, Florida College System institution ~~community college~~, 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 Florida College System institutions ~~community 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, Florida College System institutions ~~community 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 Florida College System institution's ~~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 state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System. Projections of facility space needs must be consistent with standards for determining space needs as specified by regulation of the Board of Governors. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Governors.

5. The district educational facilities plan of a school district and the educational plant survey of a Florida College System institution ~~community~~

college, 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 shall review and validate the surveys of school districts and Florida College System institutions ~~community 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, Florida College System institution ~~community college~~ president, or the university president shall certify to the Department of Education 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 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 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 211. Subsection (1) of section 1013.36, Florida Statutes, is amended to read:

1013.36 Site planning and selection.—

(1) Before acquiring property for sites, each district school board and Florida College System institution ~~community college~~ board of trustees shall determine the location of proposed educational centers or campuses. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the consistency of such plans. Boards are encouraged to locate district educational facilities proximate to urban residential areas to the extent possible, and shall seek to collocate district educational facilities with other public facilities, such as parks, libraries, and community centers, to the extent possible and to encourage using elementary schools as focal points for neighborhoods.

Section 212. Subsections (1) and (2) of section 1013.37, Florida Statutes, are amended to read:

1013.37 State uniform building code for public educational facilities construction.—

(1) UNIFORM BUILDING CODE.—A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and Florida College System institution ~~community college~~ district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 1013.12, except that the firesafety criteria shall be established by the State Fire Marshal in cooperation with the Florida Building Commission and the department and such firesafety requirements must be incorporated into the Florida Fire Prevention Code.

(d) Accessibility for children, notwithstanding the provisions of s. 553.512.

(e) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy-consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Life-cycle cost criteria published by the Department of Education for use in evaluating projects.

4. Standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to comply with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust

Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards, unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

(2) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the district school board, the Florida College System institution ~~community college~~ board, or its authorized review agent must approve the phase III construction documents. A district school board or a Florida College System institution ~~community college~~ board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Florida Building Code and the Florida Fire Prevention Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the district school board, the Florida College System institution ~~community college~~ board, or its review agent as authorized in s. 1013.38, shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Florida Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning

systems preapproved by the department for specific applications may be used in the design of educational facilities.

11. The electrical design of educational plants.
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.
17. Conformity with the Florida Fire Prevention Code.

(c) The district school board or the Florida College System institution ~~community college~~ board may not occupy a facility until the project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record, and verification of compliance for other projects may be made by an inspector certified by the department or certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

Section 213. Paragraph (c) of subsection (1) of section 1013.371, Florida Statutes, is amended to read:

1013.371 Conformity to codes.—

(1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE REQUIRED FOR APPROVAL.—

(c) A board may not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. Each board may adopt policies for delegating to the district school superintendent, Florida College System institution ~~community college~~ president, or university president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

Section 214. Section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida College System institution ~~community-college~~ facilities; property acquisition.—

(1) The need for Florida College System institution ~~community-college~~ facilities shall be established by a survey conducted pursuant to this chapter. The facilities recommended by such survey must be approved by the State Board of Education, and the projects must be constructed according to the provisions of this chapter and State Board of Education rules.

(2) No Florida College System institution ~~community-college~~ may expend public funds for the acquisition of additional property without the specific approval of the Legislature.

(3) No facility may be acquired or constructed by a Florida College System institution ~~community-college~~ or its direct-support organization if such facility requires general revenue funds for operation or maintenance upon project completion or in subsequent years of operation, unless prior approval is received from the Legislature.

(4) The campus of a Florida College System institution ~~community-college~~ within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, may construct dormitories for up to 100 beds for Florida College System institution ~~community-college~~ students. Such dormitories shall be exempt from the building permit allocation system and may be constructed up to 45 feet in height provided that they are otherwise consistent with the comprehensive plan, the Florida College System institution ~~community-college~~ has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds, and that transportation is provided for dormitory occupants during an evacuation.

Section 215. Paragraph (a) of subsection (1) of section 1013.44, Florida Statutes, is amended to read:

1013.44 Low-energy use design; solar energy systems; swimming pool heaters.—

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. For a relocatable classroom, the area of operable glazing and the area of exterior doors, together, shall consist of at least 5 percent of the floor area. Operable glazing is not required in Florida College System institutions ~~community colleges~~, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

Section 216. Paragraph (b) of subsection (1) and subsection (2) of section 1013.51, Florida Statutes, are amended to read:

1013.51 Expenditures authorized for certain infrastructure.—

(1)

(b) A board may pay its proportionate share of the cost of onsite and offsite system improvements necessitated by the educational facility development, but a board is not required to pay for or install any improvements that exceed those required to meet the onsite and offsite needs of a new public educational facility or an expanded site. Development exactions assessed against school boards or Florida College System institution ~~community college~~ districts may not exceed the proportionate share of the cost of system improvements necessitated by the educational facility development and may not address existing facility or service backlogs or deficits.

(2) The provisions of any law, municipal ordinance, or county ordinance to the contrary notwithstanding, the provisions of this section regulate the levying of assessments for special benefits on school or Florida College System institution ~~community college~~ districts and the directing of the payment thereof. Any municipal ordinance or county ordinance making provision to the contrary is void.

Section 217. Subsections (1) and (4) 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, Florida College System institution ~~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.

(b) Demonstrate the need for construction of new joint-use facilities involving postsecondary institutions by those institutions presenting evidence of the presence of sufficient actual full-time equivalent enrollments in the locale in leased, rented, or borrowed spaces to justify the requested facility for the programs identified in the formal assessment rather than using projected or anticipated future full-time equivalent enrollments as

justification. If the decision is made to construct new facilities to meet this demonstrated need, then building plans should consider full-time equivalent enrollment growth facilitated by this new construction and subsequent new program offerings made possible by the existence of the new facilities.

(c) Adopt and submit to the Commissioner of Education, 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 by August 1 for consideration of funding by the subsequent Legislature.

(d) Submit requests for funding of joint-use facilities projects involving state universities and Florida College System institutions ~~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 Florida College System institutions ~~community colleges~~ shall appear on the 3-year capital outlay priority lists of Florida College System institutions ~~community colleges~~ and of universities required by s. 1013.64. Projects involving a state university, Florida College System institution ~~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 Florida College System institution ~~community college~~, shall appear on the 3-year capital outlay priority lists of the Florida College System institutions ~~community colleges~~ or of the universities, as applicable.

(e) Include in their joint resolution for the joint-use facilities, comprehensive plans for the operation and management of the facility upon completion. Institutional responsibilities for specific functions shall be identified, including designation of one participating board as sole owner of the facility. Operational funding arrangements shall be clearly defined.

(4) No district school board, Florida College System institution ~~community college~~, or state university shall receive funding for more than one approved joint-use facility per campus in any 3-year period.

Section 218. Subsections (1) and (2) of section 1013.60, Florida Statutes, are amended to read:

1013.60 Legislative capital outlay budget request.—

(1) The Commissioner of Education shall develop a procedure deemed appropriate in arriving at the amounts required to fund projects as reflected in the integrated, comprehensive budget request required by this section. The official estimates for funds accruing to the Public Education Capital Outlay and Debt Service Trust Fund made by the Revenue Estimating Conference shall be used in determining the budget request pursuant to this section. The commissioner, in consultation with the appropriations committees of the Legislature, shall provide annually an estimate of funds that shall be utilized by Florida College System institutions ~~community colleges~~ and universities in developing their required 3-year priority lists pursuant to s. 1013.64.

(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, Florida College System institutions ~~community colleges~~, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each Florida College System institution ~~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 219. 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) Florida College System institution ~~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 Florida College System institutions ~~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 Florida College System institutions ~~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 Florida College System institution ~~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.

(b) Florida College System institution ~~Community college~~ boards of trustees and university boards of trustees may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds.

(c) Florida College System institution ~~Community college~~ boards of trustees and university boards of trustees shall receive funds for remodeling, renovation, maintenance and repairs, and site improvement for existing satisfactory facilities pursuant to subsection (1).

Section 220. Subsection (7) 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.

(7) Boards and entities authorized to participate in the trust fund are district school boards, the Florida College System institution ~~community college~~ boards of trustees, the Trustees of the Florida School for the Deaf and the Blind, and university boards of trustees and other units of the state system of public education, and other educational entities for which funds are authorized by the Legislature.

Section 221. Subsections (1) and (2) of section 1013.81, Florida Statutes, are amended to read:

1013.81 Florida College System institution ~~Community college~~ indebtedness; bonds and tax anticipation certificates; payment.—

(1) The indebtedness incurred for the benefit of Florida College System institutions ~~community colleges~~ and represented by bonds or motor vehicle tax anticipation certificates issued from time to time by the State Board of Education, hereinafter called "state board," pursuant to s. 18, Art. XII of the State Constitution of 1885 on behalf of the several former county boards of

public instruction shall not be considered by the state board in determining the amount of bonds or motor vehicle tax anticipation certificates which the state board may issue from time to time on behalf of the several school districts under the provisions of s. 9(d), Art. XII of the State Constitution, as amended at the general election held on November 7, 1972, hereinafter called "school capital outlay amendment." Such indebtedness incurred on behalf of Florida College System institutions ~~community colleges~~, as described above, shall be considered by the state board in determining the amount of bonds or motor vehicle tax anticipation certificates which the state board may issue from time to time on behalf of the several Florida College System institution ~~community college~~ districts under the provisions of the school capital outlay amendment.

(2) The debt service requirements on the indebtedness incurred for the benefit of Florida College System institutions ~~community colleges~~ and represented by bonds or motor vehicle tax anticipation certificates issued from time to time by the state board on behalf of the several former county boards of public instruction, as described in subsection (1), shall be paid from funds distributable pursuant to the school capital outlay amendment to the credit of the several Florida College System institution ~~community college~~ districts, and not from funds distributable pursuant to the school capital outlay amendment to the credit of the several school districts.

Reviser's note.—Amended pursuant to the directive in s. 21, ch. 2010-70, Laws of Florida, to substitute the term "Florida College System institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in the Florida K-20 Education Code.

Section 222. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor March 25, 2011.

Filed in Office Secretary of State March 25, 2011.