

1 A bill to be entitled
2 An act relating to education; amending ss.
3 239.117, 240.235, and 240.35, F.S.; allowing
4 children adopted from the Department of
5 Children and Family Services to be exempt from
6 certain student fees; amending s. 240.334,
7 F.S.; conforming provisions; amending s.
8 240.36, F.S.; renaming the Florida Academic
9 Improvement Trust Fund for Community Colleges;
10 providing the community college system with the
11 opportunity to receive and match challenge
12 grants; specifying the State Board of Community
13 Colleges as an eligible community college
14 entity; providing for matching funds by any
15 community college entity; requiring transfer of
16 state matching funds to foundations; requiring
17 each community college entity to establish its
18 own academic improvement trust fund for the
19 deposit of funds; specifying the use of funds;
20 deleting certain requirements restricting the
21 use of money for specified scholarship
22 purposes; creating s. 240.4041, F.S.;
23 permitting part-time students with a disability
24 to be eligible for state financial aid;
25 amending s. 240.6045, F.S.; revising provisions
26 relating to a limited access competitive grant
27 program; amending s. 229.551, F.S.; including
28 private postsecondary education institutions;
29 providing an exception to the course leveling
30 requirement; amending s. 240.107, F.S., and
31 reenacting s. 239.213(3), F.S., relating to

1 vocational-preparatory instruction, to
 2 incorporate said amendment in a reference;
 3 deleting an alternative to the College Level
 4 Academic Skills Test; deleting a testing
 5 requirement; amending s. 240.116, F.S.,
 6 relating to dual enrollment; providing an
 7 exception to grade point average requirements
 8 under certain circumstances; amending s.
 9 240.117, F.S.; revising provisions relating to
 10 common placement testing for dual enrollment
 11 students; amending s. 240.1163, F.S.; providing
 12 limitations for calculating dual enrollment
 13 grades; authorizing the approval of dual
 14 enrollment agreements for limited course
 15 offerings with statewide appeal; creating s.
 16 240.65, F.S.; providing a short title;
 17 providing legislative intent; creating the
 18 Institute on Public Postsecondary Distance
 19 Learning; providing for a governing board of
 20 the institute; assigning the institute to the
 21 Florida Gulf Coast University for purposes of
 22 administration; specifying duties of the
 23 institute; providing review and approval by
 24 Florida Distance Learning Network; repealing s.
 25 240.65, F.S., after a date certain; creating s.
 26 240.66, F.S.; directing the State Board of
 27 Community Colleges to establish the Florida
 28 Community College Distance Learning Consortium;
 29 providing for consortium membership; providing
 30 duties of the consortium; providing review and
 31 approval by Florida Distance Learning Network;

1 amending s. 120.542, F.S.; providing that
 2 public employees are not persons subject to
 3 regulation for the purposes of waiver and
 4 variance; amending s. 120.81, F.S.; providing
 5 for exceptions to notice requirements and
 6 filing requirements; providing for retroactive
 7 effect; amending s. 231.17, F.S.; providing
 8 specific authority to adopt rules related to
 9 the educational certification of speech
 10 pathologists; amending ss. 228.041, 231.1725,
 11 232.246, 233.067 and 236.081, F.S.; renaming
 12 home economics courses as family and consumer
 13 sciences courses; amending s. 239.105, F.S.;
 14 revising definitions of the terms "adult
 15 secondary education," "basic literacy," and
 16 "functional literacy"; defining the terms
 17 "beginning literacy" and "family literacy";
 18 amending s. 239.205, F.S.; deleting a
 19 rulemaking requirement regarding career
 20 education programs; amending s. 239.213, F.S.;
 21 revising provisions relating to standards of
 22 basic skills mastery; providing for the use of
 23 adult basic education to meet certain needs;
 24 amending s. 239.229, F.S.; requiring the
 25 identification of vocational standards related
 26 to work experience; requiring the development
 27 of additional program standards and benchmarks;
 28 amending s. 239.301, F.S., relating to adult
 29 general education; conforming language to
 30 revised definitions; amending s. 239.305, F.S.,
 31 relating to adult literacy; conforming language

1 to revised definitions; removing a State Board
 2 of Education rule requirement; removing
 3 specific annual reporting requirements;
 4 providing for status reports in lieu of annual
 5 reports; deleting a requirement for the
 6 submission of a plan to the Commissioner of
 7 Education; amending s. 240.313, F.S.; providing
 8 for an odd number of members on the Florida
 9 Community College at Jacksonville Board of
 10 Trustees; amending s. 240.319, F.S., relating
 11 to duties and powers of community college
 12 district boards of trustees; providing for
 13 specific authority; repealing ss. 240.3575(5),
 14 240.3815(1), and 240.382(5), F.S., relating to
 15 annual reports of economic development centers,
 16 annual reports of community college campus
 17 crime statistics, and rules for the operation
 18 of child development training centers; amending
 19 s. 229.595, F.S.; requiring the inclusion of
 20 student postsecondary preparedness information
 21 in manuals and handbooks; amending s. 229.601,
 22 F.S.; providing for recommended high school
 23 coursework information; creating s. 232.2466,
 24 F.S.; providing requirements for a
 25 college-ready diploma program; requiring a task
 26 force to recommend incentives for pursuit of a
 27 college-ready diploma; amending s. 239.117,
 28 F.S.; requiring the payment of fees for the
 29 continuous enrollment of students in
 30 college-preparatory instruction; providing an
 31 exception; amending s. 239.301, F.S.; deleting

1 conflicting language; requiring the payment of
 2 fees for the continuous enrollment of students
 3 in college-preparatory instruction; providing
 4 an exception; amending s. 240.1161, F.S.;
 5 requiring implementation strategies for
 6 reducing the incidence of postsecondary
 7 remediation; requiring an assessment of
 8 activities and the presentation of outcomes;
 9 providing for the promotion of "tech prep"
 10 activities; amending s. 240.117, F.S.;
 11 requiring the administration of the common
 12 placement test or an equivalent test during the
 13 tenth grade; requiring the administration of an
 14 institutionally developed test in lieu of the
 15 common placement test as an exit exam from
 16 remedial instruction; clarifying language
 17 regarding the offering of college-preparatory
 18 instruction; requiring payment of fees for the
 19 continuous enrollment of students in
 20 college-preparatory instruction; providing an
 21 exception; creating s. 240.124, F.S.; providing
 22 for an increase in fees for undergraduate
 23 students who continually enroll in the same
 24 college credit courses; providing for
 25 exceptions; amending s. 240.321, F.S.; applying
 26 entrance requirements to all degree programs;
 27 permitting a demonstration of competency as an
 28 alternative degree program admission
 29 requirement; providing an exemption from the
 30 testing requirement under certain
 31 circumstances; requiring the establishment of

1 institutional policies regarding alternatives
2 to traditional college-preparatory
3 instructional methods; amending s. 239.117,
4 F.S., relating to postsecondary student fees;
5 allowing payment for the cost of fee exemptions
6 to be made through a contract with the local
7 WAGES coalition; amending s. 239.249, F.S.;
8 providing an appeal process for school
9 districts and community colleges to allow
10 exemption from participation in
11 performance-based incentive funding; amending
12 s. 239.301, F.S.; providing for services for
13 WAGES clients negotiated through the jobs and
14 education regional board by school districts
15 and community colleges to be funded by the
16 local WAGES coalition; amending s. 240.35,
17 F.S., relating to student fees; allowing
18 payment for the cost of fee exemptions to be
19 made through a contract with the local WAGES
20 Coalition; amending s. 414.065, F.S., relating
21 to work requirements for participation in the
22 WAGES Program; including paid apprenticeship
23 activities, the work component of cooperative
24 education activities, and work-study activities
25 in work activities; permitting educational
26 institutions to provide training and receive
27 subsidies to offset the cost of the training;
28 providing reasons for placement in community
29 service; defining work experience; clarifying
30 the role of remedial or basic skills training;
31 revising requirements for payment to a provider

1 of vocational education or training; requiring
2 the development of programs to address the
3 needs of "hard-to-place" recipients; expanding
4 the definition of job skills training;
5 providing additional literacy or basic skills
6 requirements related to work activity
7 requirements; requiring the establishment of a
8 task force to investigate issues associated
9 with job training and workforce development;
10 providing effective dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) of subsection (2) of section
15 239.117, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 239.117 Postsecondary student fees.--

18 (2) The following students are exempt from any
19 requirement for the payment of registration, matriculation,
20 and laboratory fees for instruction:

21 (e) A student for whom the state is paying a foster
22 care board payment pursuant to s. 409.145(3) or pursuant to
23 parts III and V of chapter 39, for whom the permanency
24 planning goal pursuant to part V of chapter 39 is long-term
25 foster care or independent living, or who is adopted from the
26 Department of Children and Family Services after December 31,
27 1997. Such exemption includes fees associated with enrollment
28 in college-preparatory instruction and completion of the
29 college-level communication and computation skills testing
30 program. Such exemption shall be available to any student
31 adopted from the Department of Children and Family Services

1 after December 31, 1997; however, the exemption shall be valid
2 for no more than 4 years after the date of graduation from
3 high school.

4 Section 2. Paragraph (a) of subsection (5) of section
5 240.235, Florida Statutes, is amended to read:

6 240.235 Fees.--

7 (5)(a) Any student for whom the state is paying a
8 foster care board payment pursuant to s. 409.145(3) or parts
9 III and V of chapter 39, for whom the permanency planning goal
10 pursuant to part V of chapter 39 is long-term foster care or
11 independent living, or who is adopted from the Department of
12 Children and Family Services after December 31, 1997, shall be
13 exempt from the payment of all undergraduate fees, including
14 fees associated with enrollment in college-preparatory
15 instruction or completion of college-level communication and
16 computation skills testing programs. Before a fee exemption
17 can be given, the student shall have applied for and been
18 denied financial aid, pursuant to s. 240.404, which would have
19 provided, at a minimum, payment of all undergraduate fees.
20 Such exemption shall be available to any student adopted from
21 the Department of Children and Family Services after December
22 31, 1997; however, the exemption shall be valid for no more
23 than 4 years after the date of graduation from high school.

24 Section 3. Paragraph (a) of subsection (2) of section
25 240.35, Florida Statutes, 1996 Supplement, is amended to read:

26 240.35 Student fees.--Unless otherwise provided, the
27 provisions of this section apply only to fees charged for
28 college credit instruction.

29 (2)(a) Any student for whom the state is paying a
30 foster care board payment pursuant to s. 409.145(3) or parts
31 III and V of chapter 39, for whom the permanency planning goal

1 pursuant to part V of chapter 39 is long-term foster care or
2 independent living, or who is adopted from the Department of
3 Children and Family Services after December 31, 1997, shall be
4 ~~is~~ exempt from the payment of all undergraduate fees,
5 including fees associated with enrollment in
6 college-preparatory instruction or completion of the
7 college-level communication and computation skills testing
8 program. Before a fee exemption can be given, the student
9 shall have applied for and been denied financial aid, pursuant
10 to s. 240.404, which would have provided, at a minimum,
11 payment of all student fees. Such exemption shall be available
12 to any student adopted from the Department of Children and
13 Family Services after December 31, 1997; however, the
14 exemption shall be valid for no more than 4 years after the
15 date of graduation from high school.

16 Section 4. Subsection (5) of section 240.334, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 240.334 Technology transfer centers at community
19 colleges.--

20 (5) A technology transfer center shall be financed
21 from the Dr. Philip Benjamin Academic Improvement Trust Fund
22 for Community Colleges or from moneys of a community college
23 which are on deposit or received for use in the activities
24 conducted in the center. Such moneys shall be deposited by the
25 community college in a permanent technology transfer fund in a
26 depository or depositories approved for the deposit of state
27 funds and shall be accounted for and disbursed subject to
28 regular audit by the Auditor General.

29 Section 5. Section 240.36, Florida Statutes, is
30 amended to read:

31

1 240.36 Dr. Philip Benjamin ~~Florida~~ Academic
2 Improvement Trust Fund for Community Colleges.--

3 (1) There is created the Dr. Philip Benjamin ~~Florida~~
4 Academic Improvement Trust Fund for Community Colleges to be
5 administered according to rules of the State Board of
6 Community Colleges. This trust fund shall be used to
7 encourage private support in enhancing public community
8 colleges by providing the community college system ~~colleges~~
9 with the opportunity to receive and match challenge grants.

10 (2) Funds appropriated shall be deposited in the trust
11 fund and shall be invested pursuant to s. 18.125.

12 Notwithstanding the provisions of s. 216.301 and pursuant to
13 s. 216.351, any undisbursed balance remaining in the trust
14 fund and interest income accruing to that portion of the trust
15 fund not matched shall remain in the trust fund and shall
16 increase the total funds available for challenge grants. At
17 the end of a fiscal year, any unexpended balance of an
18 appropriation in the trust fund will not revert to the fund
19 from which appropriated, but will remain in the trust fund
20 until used for the purposes specified in this section.

21 (3) For every year in which there is a legislative
22 appropriation to the trust fund, no less than \$25,000 must be
23 reserved to permit each community college and the State Board
24 of Community Colleges, which shall be an eligible community
25 college entity for the purposes of this section,an
26 opportunity to match challenge grants. The balance of the
27 funds shall be available for matching by any eligible
28 community college entity. Trust funds which remain unmatched
29 by contribution on March 1 of any year shall also be available
30 for matching by any community college entity. The State Board
31 of Community Colleges shall adopt rules providing all

1 community college entities ~~colleges~~ with an opportunity to
2 apply for excess trust funds prior to the awarding of such
3 funds. However, no community college may receive more than
4 its percentage of the total full-time equivalent enrollment or
5 15 percent, whichever is greater, of the funds appropriated to
6 the trust fund for that fiscal year and, likewise, the State
7 Board of Community Colleges may not receive more than 15
8 percent of the funds appropriated to the trust fund for that
9 fiscal year. A community college entity shall place all funds
10 it receives in excess of the first challenge grant and its
11 matching funds in its endowment fund and only the earnings on
12 that amount may be spent for approved projects. A community
13 college entity may spend the first challenge grant and its
14 matching funds as cash for any approved project, except
15 scholarships. If a community college entity proposes to use
16 any amount of the grant or the matching funds for
17 scholarships, it must deposit that amount in its endowment in
18 its academic improvement trust fund and use the earnings of
19 the endowment to provide scholarships.

20 (4) Challenge grants shall be proportionately
21 allocated from the trust fund on the basis of matching each \$4
22 of state funds with \$6 of local or private funds. The matching
23 funds shall come from contributions made after July 1, 1983,
24 for the purposes of matching this grant. To be eligible, a
25 minimum of \$4,500 must be raised from private sources, and
26 such contributions must be in excess of the total average
27 annual cash contributions made to the foundation at each
28 community college in the 3 fiscal years before July 1, 1983.

29 (5) Funds sufficient to provide the match shall be
30 transferred from the state trust fund to the local community
31 college foundation or the statewide community college

1 ~~foundation in increments of \$3,000~~ upon notification that a
2 proportionate amount has been received and deposited by the
3 community college entity in its own trust fund.

4 (6) Each community college entity shall establish its
5 own academic improvement trust fund as a depository for the
6 private contributions and matching state fund established
7 herein. The foundations of the ~~foundation at each~~ community
8 college entities are ~~is~~ responsible for the maintenance,
9 investment, and administration of their ~~its~~ academic
10 improvement trust funds ~~fund~~.

11 (7)(a) The board of trustees of the community college
12 and the State Board of Community Colleges are ~~is~~ responsible
13 for determining the uses for the proceeds of their respective
14 trust funds ~~the trust fund~~. Such uses of the proceeds shall
15 be limited to expenditure of the funds for ~~may include~~:

16 1. Scientific and technical equipment.

17 2. Other activities that will benefit future students
18 as well as students currently enrolled at the community
19 college and that will improve the quality of education at the
20 community college or in the community college system.

21 3. Scholarships, ~~which are the lowest priority for use~~
22 ~~of these funds~~.

23 ~~(b) If a community college includes scholarships in~~
24 ~~its proposal, it shall create an endowment in its academic~~
25 ~~improvement trust fund and use the earnings of the endowment~~
26 ~~to provide scholarships. Such scholarships must be program~~
27 ~~specific and require high academic achievement for students to~~
28 ~~qualify for or retain the scholarship. A scholarship program~~
29 ~~may be used for minority recruitment but may not be used for~~
30 ~~athletic participants. The board of trustees must have~~
31 ~~designated the program as a program of emphasis for quality~~

1 ~~improvement, a designation that should be restricted to a~~
 2 ~~limited number of programs at the community college. In~~
 3 ~~addition, the board of trustees must have adopted a specific~~
 4 ~~plan that details how the community college will improve the~~
 5 ~~quality of the program designated for emphasis and that~~
 6 ~~includes quality measures and outcome measures. Over a period~~
 7 ~~of time, the community college operating budget should show~~
 8 ~~additional financial commitment to the program of emphasis~~
 9 ~~above and beyond the average increases to other programs~~
 10 ~~offered by the community college. Fundraising activities must~~
 11 ~~be specifically identified as being for the program of~~
 12 ~~emphasis or scholarship money. The community college must~~
 13 ~~fully levy the amount for financial aid purposes provided by~~
 14 ~~s. 240.35(10) in addition to the tuition and matriculation fee~~
 15 ~~before any scholarship funds are awarded to the community~~
 16 ~~college as part of its approved request.~~

17 ~~(b)(c)~~ Proposals for use of the trust fund shall be
 18 submitted to the State Board of Community Colleges for
 19 approval. Any proposal not acted upon in 60 days shall be
 20 considered not approved.

21 (8) The State Board of Community Colleges shall
 22 establish rules to provide for the administration of this
 23 fund. Such rules shall establish the minimum challenge grant
 24 reserved for each community college entity and the maximum
 25 amount which a community college entity may receive from a
 26 legislative appropriation in any fiscal year in accordance
 27 with the provisions of the General Appropriations Act.

28 Section 6. Section 240.4041, Florida Statutes, is
 29 created to read:

30 240.4041 State financial aid; students with a
 31 disability.--Notwithstanding the provisions of s.

1 240.404(1)(b)1.b. regarding the number of credits earned per
 2 term, or other financial aid eligibility requirements related
 3 to the number of required credits earned per term, a student
 4 with a documented disability, as defined by the Americans with
 5 Disabilities Act, shall be eligible to be considered for state
 6 financial aid while attending an eligible postsecondary
 7 institution on a part-time basis. The State Board of
 8 Education shall establish the necessary criteria for
 9 documentation of the student's disability and the
 10 postsecondary institution shall make the determination as to
 11 whether or not the disability is such that part-time status is
 12 a necessary accommodation. For the purposes of this section,
 13 financial aid funds may be pro-rated based on the number of
 14 credit hours taken.

15 Section 7. Subsections (1), (2), (3), and (4) of
 16 section 240.6045, Florida Statutes, are amended to read:

17 240.6045 Limited access competitive grant program.--

18 (1) There is established a limited access competitive
 19 grant program which shall be administered by the Department of
 20 Education. The purpose of the program shall be to provide
 21 enrollment opportunities for qualified applicants in ~~unable to~~
 22 ~~obtain admission to selected state university~~ limited access
 23 programs or equivalent academic tracks.

24 (2) The Postsecondary Education Planning Commission
 25 shall annually identify for the State Board of Education
 26 selected high priority employment fields that are designated,
 27 ~~commonly referred to as limited access~~ programs, which require
 28 a baccalaureate degree and for which one or more state
 29 universities have insufficient capacity to serve all qualified
 30 applicants.

31

1 (3) Program applicants shall be Florida residents,
2 either community college graduates or state university
3 students, who are qualified for admission to a selected
4 independent college or university ~~because of lack of space are~~
5 ~~denied admission to a state university~~ program directly
6 related to a high priority employment field identified by the
7 State Board of Education.

8 (4) A limited access competitive grant may be awarded
9 ~~in a competitive grant~~ which equals 50 percent of the cost to
10 the state per academic year of funding an undergraduate
11 student in public postsecondary education if the recipient
12 chooses to enroll in a comparable program provided by an
13 eligible independent college or university in Florida.
14 Eligible independent institutions shall be designated by the
15 Department of Education and shall be selected from among
16 institutions accredited by the Commission on Colleges of the
17 Southern Association of Colleges and Schools. Priority shall
18 be given to state residents who graduate from a Florida high
19 school or community college.

20 Section 8. Paragraph (f) of subsection (1) of section
21 229.551, Florida Statutes, 1996 Supplement, is amended to
22 read:

23 229.551 Educational management.--

24 (1) The department is directed to identify all
25 functions which under the provisions of this act contribute
26 to, or comprise a part of, the state system of educational
27 accountability and to establish within the department the
28 necessary organizational structure, policies, and procedures
29 for effectively coordinating such functions. Such policies
30 and procedures shall clearly fix and delineate
31 responsibilities for various aspects of the system and for

1 overall coordination of the total system. The commissioner
2 shall perform the following duties and functions:
3 (f) Development and coordination of a common course
4 designation and numbering system for community colleges,
5 private postsecondary education institutions, and the State
6 University System which will improve program planning,
7 increase communication among public and private postsecondary
8 education institutions ~~community colleges and universities~~,
9 and facilitate the transfer of students. The system shall not
10 encourage or require course content prescription or
11 standardization or uniform course testing, and the continuing
12 maintenance of the system shall be accomplished by appropriate
13 faculty committees. Also, the system shall be applied to all
14 postsecondary and certificate career education programs and
15 courses offered in school districts, private postsecondary
16 education institutions, and community colleges. The
17 Articulation Coordinating Committee shall:
18 1. Identify the highest demand degree programs within
19 the State University System.
20 2. Conduct a study of courses offered by universities
21 and accepted for credit toward a degree. The study shall
22 identify courses designated as either general education or
23 required as a prerequisite for a degree. The study shall also
24 identify these courses as upper-division level or
25 lower-division level.
26 3. Appoint faculty committees representing both
27 community college and university faculties to recommend a
28 single level for each course included in the common course
29 numbering and designation system. Any course designated as an
30 upper-division level course must be characterized by a need
31 for advanced academic preparation and skills that a student

1 would be unlikely to achieve without significant prior
2 coursework. A course that is offered as part of an associate
3 in science degree program and as an upper-division course for
4 a baccalaureate degree shall be designated for both the lower
5 and upper division. Of the courses required for each
6 baccalaureate degree, at least half of the credit hours
7 required for the degree shall be achievable through courses
8 designated as lower-division courses, except in degree
9 programs approved by the Board of Regents pursuant to s.
10 240.209(5)(e). A course designated as lower-division may be
11 offered by any community college. ~~By January 1, 1996,~~The
12 Articulation Coordinating Committee shall recommend to the
13 State Board of Education the levels for the courses. ~~By~~
14 ~~January 1, 1996,~~The common course numbering and designation
15 system shall include the courses at the recommended levels,
16 and ~~by fall semester of 1996,~~the registration process at each
17 state university and community college shall include the
18 courses at their designated levels and common course numbers.

19 4. Appoint faculty committees representing both
20 community college and university faculties to recommend those
21 courses identified to meet general education requirements
22 within the subject areas of communication, mathematics, social
23 sciences, humanities, and natural sciences. ~~By January 1,~~
24 ~~1996,~~The Articulation Coordinating Committee shall recommend
25 to the State Board of Education those courses identified to
26 meet these general education requirements by their common
27 course code number. ~~By fall semester, 1996,~~All community
28 colleges and state universities shall accept these general
29 education courses.

30 5. Appoint faculty committees representing both
31 community colleges and universities to recommend common

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

16 Section 9. Subsection (9) of section 240.107, Florida
 17 Statutes, is amended to read:

18 240.107 College-level communication and computation
 19 skills examination.--

20 (9) ~~Beginning January 1, 1996,~~ Any student fulfilling
 21 one or both ~~more~~ of the following requirements before
 22 completion of associate in arts degree requirements or
 23 baccalaureate degree requirements is exempt from the testing
 24 requirements of this section:

25 (a) Achieves a score that meets or exceeds a minimum
 26 score on a nationally standardized examination ~~listed in the~~
 27 ~~articulation agreement~~, as established by the Articulation
 28 Coordinating Committee; or

29 ~~(b) Achieves a passing score on the college placement~~
 30 ~~test, required pursuant to s. 240.117, and, as certified on~~
 31 ~~the high school transcript, a cumulative grade point average~~

1 ~~of 3.0 or above, on a 4.0 scale, in college-preparatory high~~
2 ~~school coursework identified by the Articulation Coordinating~~
3 ~~Committee; or~~

4 (b)(c) Demonstrates successful remediation of any
5 academic deficiencies identified by the college placement test
6 and Achieves a passing score on the college placement test,
7 required pursuant to s. 240.117, and a cumulative grade point
8 average of 2.5 or above, on a 4.0 scale, in
9 postsecondary-level coursework identified by the Postsecondary
10 Education Planning Commission. The Department of Education
11 shall specify the means by which a student may demonstrate
12 successfull remediation.

13
14 Any student denied a degree prior to January 1, 1996, based on
15 the failure of at least one subtest of the CLAST may use
16 either ~~any~~ of the alternatives specified in this subsection
17 for receipt of a degree if such student meets all degree
18 program requirements at the time of application for the degree
19 under the exemption provisions of this subsection. This
20 section does not require a student to take the CLAST before
21 being given the opportunity to use either ~~any~~ of the
22 alternatives specified in this subsection. The exemptions
23 provided herein do not apply to requirements for certification
24 as provided in s. 231.17.

25 Section 10. Paragraph (a) of subsection (2) of section
26 240.116, Florida Statutes, 1996 Supplement, as amended by
27 Committee Substitute for Senate Bill 458, 1997 Regular
28 Session, is amended to read:

29 240.116 Articulated acceleration.--

30 (2)(a)1. The dual enrollment program is the enrollment
31 of an eligible secondary student in a postsecondary course

1 creditable toward a vocational certificate or an associate or
2 baccalaureate degree. For the purpose of this subparagraph,
3 an eligible secondary student is a student who is enrolled in
4 a Florida public secondary school or in a Florida nonpublic
5 secondary school which is in compliance with s. 229.808 and
6 conducts a secondary curriculum pursuant to s. 232.246.
7 Students enrolled in postsecondary instruction that is not
8 creditable toward the high school diploma shall ~~may~~ not be
9 classified as dual enrollments. Students who are permitted to
10 enroll in dual enrollment courses may take courses conducted
11 during school hours, after school hours, and during the summer
12 term. Any student so enrolled is exempt from the payment of
13 registration, matriculation, and laboratory fees. With the
14 exception of vocational-preparatory instruction,
15 college-preparatory instruction and other forms of
16 precollegiate instruction, as well as physical education
17 courses that focus on the physical execution of a skill rather
18 than the intellectual attributes of the activity, are
19 ineligible for inclusion in the dual enrollment program.
20 Recreation and leisure studies courses shall be evaluated
21 individually in the same manner as physical education courses
22 for potential inclusion in the program.

23 2. The Department of Education shall adopt guidelines
24 designed to achieve comparability across school districts of
25 both student qualifications and teacher qualifications for
26 dual enrollment courses. Student qualifications must
27 demonstrate readiness for college-level coursework if the
28 student is to be enrolled in college courses. Student
29 qualifications must demonstrate readiness for vocational-level
30 coursework if the student is to be enrolled in vocational
31 courses. In addition to the common placement examination,

1 student qualifications for college credit dual enrollment
2 courses must include a 3.0 unweighted grade point average, and
3 student qualifications for vocational certificate dual
4 enrollment courses must include a 2.0 unweighted grade point
5 average. Exceptions to the required grade point averages may
6 be granted if the educational entities agree and the terms of
7 the agreement are contained within the dual enrollment
8 interinstitutional articulation agreement.

9 Section 11. Subsection (5) of section 240.117, Florida
10 Statutes, as amended by Committee Substitute for Senate Bill
11 458, 1997 Regular Session, is amended to read:

12 240.117 Common placement testing for public
13 postsecondary education.--

14 (5) A student may not be enrolled in a college credit
15 mathematics or English course on a dual enrollment basis
16 unless the student has demonstrated adequate precollegiate
17 preparation on the section of the basic computation and
18 communication skills assessment required pursuant to
19 subsection ~~subsections~~ (1) that is appropriate for successful
20 student participation in the course and ~~(2)~~.

21 Section 12. Subsections (4) and (5) are added to
22 section 240.1163, Florida Statutes, to read:

23 240.1163 Joint dual enrollment and advanced placement
24 instruction.--

25 (4) School districts and community colleges must weigh
26 dual enrollment courses the same as honors courses and
27 advanced placement courses when grade point averages are
28 calculated. Alternative grade calculation or weighting
29 systems that discriminate against dual enrollment courses are
30 prohibited.

31

1 (5) The Commissioner of Education may approve dual
2 enrollment agreements for limited course offerings that have
3 statewide appeal. Such programs shall be limited to a single
4 site with multiple county participation.

5 Section 13. For the purpose of incorporating the
6 amendment to section 240.107, Florida Statutes, in a reference
7 thereto, subsection (3) of section 239.213, Florida Statutes,
8 is reenacted to read:

9 239.213 Vocational-preparatory instruction.--

10 (3) Exceptional students, as defined in s. 228.041,
11 may be exempted from the provisions of this section. A
12 student who possesses an associate in arts, baccalaureate, or
13 graduate-level degree, who has completed the college-level
14 communication and computation skills examination pursuant to
15 s. 240.107, or who is exempt from the college entry-level
16 examination pursuant to s. 240.107 may be exempted from the
17 provisions of this section.

18 Section 14. Section 240.65, Florida Statutes, is
19 created to read:

20 240.65 Institute on Public Postsecondary Distance
21 Learning.--

22 (1) SHORT TITLE.--This section may be cited as the
23 "Institute on Public Postsecondary Distance Learning Act."

24 (2) LEGISLATIVE INTENT.--It is the finding of the
25 Legislature that:

26 (a) The integration of the use of distance learning
27 and other technologies as methods of delivering postsecondary
28 instruction has been increasing in Florida.

29 (b) The coordination of separate and independent
30 distance learning providers will help reduce unwarranted
31 duplication and facilitate student transfer credit.

1 (c) Distance learning can provide postsecondary
2 institutions with a mechanism by which they can:

3 1. Increase student access to education.

4 2. Reduce time needed to obtain a degree by allowing
5 students to take required classes by distance learning which
6 normally would not be available.

7 3. Reduce unwarranted duplication in course
8 development.

9 4. Increase productivity.

10 5. Increase coordination in the development and
11 delivery of distance learning instruction by the State
12 University System and the State Community College System.

13 (3) INSTITUTE ON PUBLIC POSTSECONDARY DISTANCE
14 LEARNING; CREATION AND COMPOSITION.--

15 (a) There is established the Institute on Public
16 Postsecondary Distance Learning with a governing board
17 comprised of the Chancellor of the State University System,
18 the Executive Director of the State Community College System,
19 the Secretary of Management Services or the designee of the
20 secretary, the Commissioner of Education or the designee of
21 the commissioner, the Secretary of State or the designee of
22 the secretary, one member of the Board of Regents, four state
23 university presidents, one member of the State Board of
24 Community Colleges, and four community college presidents.
25 The Chancellor of the State University System shall appoint
26 the member of the Board of Regents and the four state
27 university presidents. The Executive Director of the State
28 Board of Community Colleges shall appoint the member of the
29 State Board of Community Colleges and the four community
30 college presidents. Such appointments must be for staggered,
31 rotating terms.

1 (b) Pursuant to bylaws, the governing board of the
2 institute shall elect a chair to serve a 1-year term. The
3 position of chair shall rotate between the State University
4 System and the State Community College System.

5 (c) The governing board of the institute shall take
6 official action by consensus only. For purposes of this
7 section, consensus is defined as agreement by the Chancellor
8 of the State University System and the Executive Director of
9 the State Community College System.

10 (d) The institute shall be administratively assigned
11 to Florida Gulf Coast University and may hire an executive
12 director who will be responsible to the governing board and
13 who will act on behalf of Florida's public postsecondary
14 education systems to support distance learning activities.
15 The institute may hire additional support staff as needed.
16 The governing board of the institute shall review and approve
17 all staff position descriptions. The institute shall also
18 draw upon the expertise of the staff within their respective
19 delivery systems to assist in the completion of duties and
20 activities.

21 (4) DUTIES OF THE INSTITUTE ON PUBLIC POSTSECONDARY
22 DISTANCE LEARNING.--

23 (a) The institute is responsible for developing and
24 recommending, for review and adoption by the Board of Regents
25 and the State Board of Community Colleges, policies and
26 procedures that:

27 1. Promote cooperation and coordination within and
28 between the State University System and the State Community
29 College System in the development and delivery of distance
30 learning instruction.

31

1 2. Promote the cooperative development and
2 distribution of postsecondary distance learning programs and
3 courses.

4 3. Maximize the most efficient access to courses and
5 programs.

6 4. Promote the transfer of distance learning course
7 credits and the articulation of distance learning degree
8 programs.

9 5. Address the funding and cost of distance learning
10 credit and noncredit courses and programs. The institute
11 shall also identify and describe to the respective boards
12 specific issues to be included in each system's legislative
13 budget request. Funds appropriated by the Legislature to the
14 State University System and State Community College System
15 specifically to support collaborative postsecondary distance
16 learning must be expended by mutual agreement by the Board of
17 Regents, the State Board of Community Colleges, and the
18 institute.

19 (b) The institute shall be responsible for reviewing
20 the implementation and effectiveness of those policies and
21 procedures that are adopted, for identifying emerging needs
22 and issues in public postsecondary education distance
23 learning, and for evaluating public postsecondary educational
24 institutions' success in meeting the systemwide and
25 institutional goals and objectives established by the Florida
26 Distance Learning Network, the Board of Regents, and the State
27 Board of Community Colleges. By November 1 of each year, the
28 institute shall submit a report of its findings and
29 recommendations to the State Board of Education, the Florida
30 Distance Learning Network, the Board of Regents, and the State
31 Board of Community Colleges.

1 (5) The Florida Distance Learning Network shall review
2 and approve all recommendations relating to the expenditure of
3 funds by the Institute on Public Postsecondary Distance
4 Learning.

5 (6) Unless otherwise reenacted, this section shall be
6 repealed July 1, 1998.

7 Section 15. Section 240.66, Florida Statutes, is
8 created to read:

9 240.66 Florida Community College Distance Learning
10 Consortium.--

11 (1) The State Board of Community Colleges is directed
12 to establish the Florida Community College Distance Learning
13 Consortium to be administered by the State Board of Community
14 Colleges.

15 (a) The State Board of Community Colleges shall
16 appoint the membership of the consortium, with the majority of
17 members to be community college representatives. From the
18 membership of the consortium, the Chairman of the State Board
19 of Community Colleges shall appoint a chair to serve a 1-year
20 term. The chair of the consortium shall appoint any
21 appropriate subcommittees to complete the duties of the
22 consortium.

23 (b) The powers and duties of the consortium shall be
24 determined by the State Board of Community Colleges by rule.

25 (c) The Executive Director of the State Board of
26 Community Colleges may hire appropriate support staff for the
27 consortium.

28 (2) The consortium, in coordination with the Institute
29 on Public Postsecondary Distance Learning, shall:

30 (a) Develop, for consideration and approval by the
31 State Board of Community Colleges, plans for the State

1 Community College System related to distance learning. Such
2 plans shall address the following goals:
3 1. To increase student access.
4 2. To reduce time needed for students to meet their
5 educational goals through the provision of distance learning
6 credit and noncredit programs and courses.
7 3. To reduce unwarranted duplication in the
8 acquisition, development, and distribution of credit and
9 noncredit programs and courses and improve coordination among
10 the community colleges and other educational institutions.
11 4. To provide for coordination with the State
12 University System for the development of articulated associate
13 to baccalaureate degree programs to be offered exclusively
14 through distance learning.
15 (b) Develop, for consideration and approval by the
16 State Board of Community Colleges, procedures for the
17 coordination and delivery of distance learning programs and
18 courses statewide, including guidelines for colleges to
19 deliver distance learning programs and courses across
20 community college district service areas.
21 (c) Develop, for consideration and review by the State
22 Board of Community Colleges, mechanisms to market for
23 distribution distance learning credit and noncredit programs
24 and courses offered by community colleges.
25 (d) Ensure that programs and courses coordinated by
26 the consortium are in compliance with all accreditation
27 requirements.
28 (e) Develop, for consideration and approval by the
29 State Board of Community Colleges, mechanisms to provide for
30 consolidated and coordinated telecommunications infrastructure
31 or program development acquisitions. These mechanisms must

1 ensure maximum cost effectiveness while not interfering with
2 the ability of community colleges to purchase items for which
3 coordinated purchases are not available, effective, or
4 beneficial to the college. These mechanisms must also provide
5 for cooperative purchasing and leasing.

6 (f) Recommend, for consideration by the State Board of
7 Community Colleges, agreements with community colleges or
8 other state governmental providers for the development of
9 credit and noncredit programs and courses to be coordinated
10 through the consortium.

11 (g) Support the training efforts for faculty and staff
12 members of the community colleges, including training required
13 for all related academic and support services related to
14 distance learning initiatives.

15 (h) Maintain an inventory of distance learning credit
16 and noncredit programs and courses, staff development
17 materials, and academic and student support services software
18 available to support distance learning instruction.

19 (i) Serve as the point of coordination with the
20 Institute on Public Postsecondary Distance Learning.

21 (3) The Florida Distance Learning Network shall review
22 and approve all recommendations relating to the expenditure of
23 funds by the Florida Community College Distance Learning
24 Consortium.

25 Section 16. Subsection (1) of section 120.542, Florida
26 Statutes, 1996 Supplement, is amended to read:

27 120.542 Variances and waivers.--

28 (1) Strict application of uniformly applicable rule
29 requirements can lead to unreasonable, unfair, and unintended
30 results in particular instances. The Legislature finds that it
31 is appropriate in such cases to adopt a procedure for agencies

1 to provide relief to persons subject to regulation. A public
2 employee is not a person subject to regulation under this
3 section for the purpose of petitioning for a variance or
4 waiver to a rule that affects that public employee in his or
5 her capacity as a public employee. Agencies are authorized to
6 grant variances and waivers to requirements of their rules
7 consistent with this section and with rules adopted under the
8 authority of this section. This section does not authorize
9 agencies to grant variances or waivers to statutes. This
10 section is supplemental to, and does not abrogate, the
11 variance and waiver provisions in any other statute.

12 Section 17. Effective upon this act becoming a law and
13 operating retroactively to July 1, 1996, subsection (1) of
14 section 120.81, Florida Statutes, 1996 Supplement, is amended
15 to read:

16 120.81 Exceptions and special requirements; general
17 areas.--

18 (1) EDUCATIONAL UNITS.--

19 (a) The preparation or modification of curricula by an
20 educational unit is not a rule as defined by this chapter.

21 (b) Notwithstanding s. 120.52(15), any tests, test
22 scoring criteria, or testing procedures relating to student
23 assessment which are developed or administered by the
24 Department of Education pursuant to s. 229.57, s. 232.245, s.
25 232.246, or s. 232.247, or any other statewide educational
26 tests required by law, are not rules.

27 (c) Notwithstanding any other provision of this
28 chapter, educational units shall not be required to include
29 the full text of the rule or rule amendment in notices
30 relating to rules and need not publish these or other notices
31 in the Florida Administrative Weekly, but notice shall be made

1 ~~s. 120.54(3)(a), notice of intent by an educational unit to~~
2 ~~adopt, amend, or repeal a rule or notice by an educational~~
3 ~~unit of a petition for a declaratory statement need not be~~
4 ~~published in the Florida Administrative Weekly or transmitted~~
5 ~~to the committee; however, the notice, for other than an~~
6 ~~emergency rule, shall be made at least 21 days prior to the~~
7 ~~intended action:~~

8 1. By publication in a newspaper of general
9 circulation in the affected area;

10 2. By mail to all persons who have made requests of
11 the educational unit for advance notice of its proceedings and
12 to organizations representing persons affected by the proposed
13 rule; and

14 3. By posting in appropriate places so that those
15 particular classes of persons to whom the intended action is
16 directed may be duly notified.

17 (d) ~~Notwithstanding s. 120.54(3)(a)4.~~ Educational
18 units, other than units of the State University System and the
19 Florida School for the Deaf and the Blind, shall not be
20 required to make filings with the committee of the documents
21 required to be filed by s. 120.54 or s. 120.55(1)(a)4. ~~that~~
22 ~~subparagraph.~~

23 (e) Notwithstanding s. 120.57(1)(a), hearings which
24 involve student disciplinary suspensions or expulsions may be
25 conducted by educational units.

26 (f) Sections 120.569 and 120.57 do not apply to any
27 proceeding in which the substantial interests of a student are
28 determined by the State University System or a community
29 college district. The Board of Regents shall establish a
30 committee, at least half of whom shall be appointed by the
31 Council of Student Body Presidents, which shall establish

1 rules and guidelines ensuring fairness and due process in
2 judicial proceedings involving students in the State
3 University System.

4 (g) Notwithstanding ss. 120.569 and 120.57, in a
5 hearing involving a student disciplinary suspension or
6 expulsion conducted by an educational unit, the 14-day notice
7 of hearing requirement may be waived by the agency head or the
8 hearing officer without the consent of parties.

9 (h) For purposes of s. 120.68, a district school board
10 whose decision is reviewed under the provisions of s. 231.36
11 and whose final action is modified by a superior
12 administrative decision shall be a party entitled to judicial
13 review of the final action.

14 (i) Notwithstanding s. 120.525(2), the agenda for a
15 special meeting of a district school board under authority of
16 s. 230.16 shall be prepared upon the calling of the meeting,
17 but not less than 48 hours prior to the meeting.

18 (j) Students are not persons subject to regulation for
19 the purposes of petitioning for a variance or waiver to rules
20 of educational units under s. 120.542.

21 Section 18. Paragraph (a) of subsection (22) of
22 section 228.041, Florida Statutes, 1996 supplement, is amended
23 to read:

24 228.041 Definitions.--Specific definitions shall be as
25 follows, and wherever such defined words or terms are used in
26 the Florida School Code, they shall be used as follows:

27 (22) CAREER EDUCATION.--

28 (a) "Career education" is defined as meaning that
29 instruction not necessarily leading to a baccalaureate degree,
30 either graded or ungraded, listed below:

31

1 1. Job-preparatory instruction in the minimum
2 competencies necessary for effective entry into an occupation,
3 including diversified cooperative education, work experience,
4 and job entry programs which coordinate directed study and
5 on-the-job training;

6 2. Exploratory courses designed to give students
7 initial exposure to the skills and aptitudes associated with a
8 broad range of occupations in order to assist them in making
9 informed decisions regarding their future academic and
10 occupational goals;

11 3. Supplemental programs designed to enable persons
12 who are or have been employed in an occupation to upgrade
13 their competencies in order to reenter or maintain employment
14 or advance within their current occupation;

15 4. Practical arts courses designed to teach students
16 practical generic skills which, though applicable to some
17 occupations, are not designed to prepare students for entry
18 into a specific occupation. Such courses may include, but may
19 not be limited to, typing, industrial arts, and family and
20 consumer sciences ~~home economics~~; or

21 5. Instruction which integrates the basic academic
22 skills and vocational skills.

23 Section 19. Subsection (6) of section 231.17, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 (6) STATE BOARD RULES.--~~By January 1, 1991,~~

26 (a) The State Board of Education shall adopt
27 promulgate rules as necessary to implement this section for
28 initial certification specifically covering ages birth through
29 4 years and grade spans prekindergarten or age 3 through grade
30 3, grades 5 through 9, and others as designated by the State
31 Board of Education.

1 (b) By August 1, 1997, the State Board of Education
2 shall adopt rules for certification in the area of speech and
3 language impairments at the bachelor's level. Candidates for
4 certification in this area shall provide services under the
5 direction of a speech-language pathologist.

6 Section 20. Paragraph (c) of subsection (1) of section
7 231.1725, Florida Statutes, is amended to read:

8 231.1725 Employment of substitute teachers, teachers
9 of adult education, nondegreed teachers of career education,
10 and noncertificated teachers in critical teacher shortage
11 areas.--

12 (1) Notwithstanding the provisions of ss. 231.02,
13 231.15, 231.17, and 231.172 or any other provision of law or
14 rule to the contrary, each school board shall establish the
15 minimal qualifications for:

16 (c) Part-time and full-time nondegreed teachers of
17 vocational programs. Qualifications shall be established for
18 agriculture, business, health occupations, family and consumer
19 sciences ~~home economics~~, industrial, marketing, and public
20 service education teachers, based primarily on successful
21 occupational experience rather than academic training. The
22 qualifications for such teachers shall require:

23 1. The filing of a complete set of fingerprints in the
24 same manner as required by s. 231.02. Faculty employed solely
25 to conduct postsecondary instruction may be exempted from this
26 requirement.

27 2. Documentation of education and successful
28 occupational experience including documentation of:

29 a. A high school diploma or the equivalent.

30 b. Completion of 6 years of full-time successful
31 occupational experience or the equivalent of part-time

1 experience in the teaching specialization area. Alternate
2 means of determining successful occupational experience may be
3 established by the school board.

4 c. Completion of career education training conducted
5 through the local school district inservice master plan.

6 d. For full-time teachers, completion of professional
7 education training in teaching methods, course construction,
8 lesson planning and evaluation, and teaching special needs
9 students. This training may be completed through coursework
10 from a standard institution or an approved district teacher
11 education program.

12 e. Demonstration of successful teaching performance.

13 Section 21. Paragraph (c) of subsection (7) of section
14 232.246, Florida Statutes, is amended to read:

15 232.246 General requirements for high school
16 graduation.--

17 (7) No student may be granted credit toward high
18 school graduation for enrollment in the following courses or
19 programs:

20 (c) More than three credits in practical arts family
21 and consumer sciences ~~home economics~~ classes as defined in s.
22 228.041(22)(a)4.

23 Section 22. Paragraph (c) of subsection (4) of section
24 233.067, Florida Statutes, 1996 Supplement, is amended to
25 read:

26 233.067 Comprehensive health education and substance
27 abuse prevention.--

28 (4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH
29 EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.--

30
31

1 (c) The comprehensive health education and substance
2 abuse prevention program shall include the following in all
3 public and laboratory schools:

4 1. Implementation of inservice education programs for
5 teachers, counselors, and other persons, which programs deal
6 with comprehensive health education, substance abuse
7 prevention, prevention of sexually transmissible diseases,
8 especially human immunodeficiency virus infection and acquired
9 immune deficiency syndrome, and the benefits of sexual
10 abstinence and consequences of teenage pregnancy. Such
11 inservice education programs shall be consistent with the
12 master plan, as specified in s. 236.0811, and shall include
13 training in substance abuse identification and prevention. The
14 training plan may provide for the option of using teachers as
15 trainers and shall include, but not be limited to: information
16 on current theory, knowledge, and practice regarding substance
17 abuse; identification and referral procedures; legal issues;
18 peer counseling; and methods of teaching decisionmaking skills
19 and building self-concept. Inservice teacher education
20 materials and student materials which are based upon
21 individual performance and designed for use with a minimum of
22 supervision shall be developed and made available to all
23 school districts and laboratory schools.

24 2. Implementation of management training programs
25 consistent with the provisions of s. 231.087 for principals
26 and other school leaders on the identification, prevention,
27 and treatment of substance abuse and the availability of local
28 and regional referral resources.

29 3. Instruction in nutrition education as a specific
30 area of health education instruction. Nutrition education
31 shall include, but not be limited to, sound nutritional

1 practices, wise food selection, analysis of advertising claims
 2 about food, proper food preparation, and food storage
 3 procedures. The purpose of such nutrition education programs
 4 shall be to educate students in the overall area of nutrition
 5 education and significantly reduce health problems associated
 6 with poor or improper nutrition practices.

7 4. Instruction in substance abuse prevention in
 8 kindergarten through grade 12. Such instruction shall be
 9 designed to meet local needs and priorities and shall
 10 articulate clear instructional objectives aimed at the
 11 prevention of alcohol and substance abuse. The instruction
 12 shall be appropriate for the grade and age of the student and
 13 shall reflect current theory, knowledge, and practice
 14 regarding prevention of substance abuse and may contain
 15 instruction in such components as health, personal, and
 16 economic consequences of substance abuse and instruction in
 17 decisionmaking, resisting peer pressure, self-concept building
 18 skills, and identifying and dealing with situations that pose
 19 a risk to one's health and may lead to substance abuse.

20 5. Instruction in the causes, transmission, and
 21 prevention of human immunodeficiency virus infection and
 22 acquired immune deficiency syndrome and other sexually
 23 transmissible diseases for students. Such instruction shall
 24 be included in appropriate middle school or junior high school
 25 health and science courses and in life management skills and
 26 other high school courses. Any student whose parent makes
 27 written request to the school principal shall be exempt from
 28 reproductive health or AIDS instructional activities, as
 29 requested. Curriculum frameworks for comprehensive health
 30 education shall not interfere with the local determination of
 31

1 appropriate curriculum which reflects local values and
2 concerns.

3 6. Upon approval by the district school board, an
4 opportunity for 9th-12th grade students to receive instruction
5 in cardiopulmonary resuscitation in order to become certified
6 in that technique. A school district may enter a cooperative
7 arrangement with a local government or nonprofit association
8 to provide training in cardiopulmonary resuscitation through
9 instructors certified in that technique.

10 7. Design and development of programs for the
11 selection and training of health education instructors from
12 existing teaching staff and the orientation to teaching roles
13 for persons employed in appropriate health fields and
14 community volunteers.

15 8. Development of training programs to allow the use
16 of school food service personnel as resource persons.

17 9. Instruction in reproductive health, interpersonal
18 skills, and parenting to reduce teenage pregnancy and to
19 promote healthy behavior in Florida's children for all
20 students in kindergarten through grade 12, beginning with the
21 1991-1992 school year. In order that children make informed
22 and constructive decisions about their lives, complete and
23 accurate comprehensive health education shall be made
24 available to all young people. Curriculum shall be developed
25 to reduce destructive behavior in children, including early
26 sexual involvement, substance abuse, suicide, and activities
27 which result in sexually transmitted diseases, acquired immune
28 deficiency syndrome, and early teenage pregnancy, with subject
29 materials appropriate to the grade level and values consistent
30 with those of the community. Instruction shall also include an
31 understanding of the body and its systems and identification

1 and prevention of child abuse in the lower grades and
 2 decisionmaking in the middle and higher grades. Instruction
 3 in human sexuality shall take into account the whole person,
 4 shall present ethical and moral dimensions, shall not be an
 5 expression of any one sectarian or secular philosophy, and
 6 shall respect the conscience and rights of students and
 7 parents. School districts and laboratory schools are
 8 encouraged to provide written materials on reproductive health
 9 to parents, as well as opportunities for parents to become
 10 informed about the instruction their children are receiving
 11 and to receive instruction themselves. All course materials
 12 and oral or visual instruction shall conform to the requisites
 13 and intent of all Florida law and the State Constitution. All
 14 instructional materials, including teachers' manuals, films,
 15 tapes, or other supplementary instructional material shall be
 16 available for inspection by parents or guardians of the
 17 children engaged in such classes.

18 10. Instruction in the benefits of sexual abstinence
 19 and consequences of teenage pregnancy, sexually transmitted
 20 diseases, and acquired immune deficiency syndrome in
 21 appropriate middle school or junior high school health,
 22 science, and family and consumer sciences ~~home economics~~
 23 courses and in life management skills and other appropriate
 24 high school courses. Curriculum frameworks shall be created
 25 or modified as necessary to help ensure such instruction.

26 Section 23. Paragraph (1) of subsection (1) of section
 27 236.081, Florida Statutes, 1996 Supplement, is amended to
 28 read:

29 236.081 Funds for operation of schools.--If the annual
 30 allocation from the Florida Education Finance Program to each
 31 district for operation of schools is not determined in the

1 annual appropriations act or the substantive bill implementing
2 the annual appropriations act, it shall be determined as
3 follows:

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

8 (1) Instruction in family and consumer sciences ~~home~~
9 ~~economics~~.--Students in grades K through 12 who are enrolled
10 for more than six semesters in practical arts family and
11 consumer sciences ~~home economics~~ courses as defined in s.
12 228.041(22)(a)4. may not be counted as full-time equivalent
13 students for this instruction.

14 Section 24. Subsections (3) through (10) of section
15 239.105, Florida Statutes, are amended to read:

16 239.105 Definitions.--As used in this chapter, the
17 term:

18 (3) "Adult secondary education" means courses through
19 which a person receives high school credit that leads to the
20 award of a high school diploma or programs of instruction
21 through which a student prepares to take the general
22 educational development test. This includes 9th through 12th
23 grade levels.

24 (4) "Basic literacy" which is also referred to as
25 "beginning adult basic education" means the demonstration of
26 academic competence from 2.0 through 5.9 ~~at a fifth grade~~
27 educational grade levels level as measured by means approved
28 for this purpose by the State Board of Education.

29 (5) "Beginning literacy" means the demonstration of
30 academic competence from 0 through 1.9 educational grade
31

1 levels as measured by means approved for this purpose by the
2 State Board of Education.

3 (6)~~(5)~~ "College-preparatory instruction" means courses
4 through which a high school graduate who applies for a degree
5 program may attain the communication and computation skills
6 necessary to enroll in college credit instruction.

7 (7)~~(6)~~ "Commissioner" means the Commissioner of
8 Education.

9 (8)~~(7)~~ "Community education" means the use of a school
10 or other public facility as a community center operated in
11 conjunction with other public, private, and governmental
12 organizations for the purpose of providing educational,
13 recreational, social, cultural, health, and community services
14 for persons in the community in accordance with the needs,
15 interests, and concerns of that community.

16 (9)~~(8)~~ "Department" means the Department of Education.

17 (10)~~(9)~~ "Document literacy" means the demonstration of
18 competence in identifying and using information located in
19 materials such as charts, forms, tables, and indexes.

20 (11) "Family literacy" means a program for adults that
21 includes a literacy component for parents and children or
22 other intergenerational literacy components.

23 (12)~~(10)~~ "Functional literacy" which is also referred
24 to as "intermediate adult basic education" means the
25 demonstration of academic competence from 6.0 through 8.9 at
26 ~~an eighth grade~~ educational grade levels level as measured by
27 means approved for this purpose by the State Board of
28 Education.

29 Section 25. Section 239.205, Florida Statutes, is
30 amended to read:

31

1 239.205 State Board of Education rules regarding
2 career education programs; common definitions; criteria for
3 determining program level; ~~basic skills standards.~~--

4 (1) The State Board of Education shall adopt, by rule,
5 common definitions for associate in science degrees and for
6 certificates.

7 (2) The State Board of Education shall develop
8 guidelines to determine the criteria by which the level of
9 degree or certificate is assigned to a vocational program.
10 The guidelines must ensure that assignments are made at the
11 lowest level possible commensurate with sound professional
12 practice; however, the guidelines must also ensure that
13 assignments are updated for programs that increase in
14 technical complexity or general education requirements beyond
15 the parameters of a certificate program. Institutions may
16 continue to offer existing programs that are assigned to a
17 lower level; however, such programs shall be funded at the
18 assigned level. The State Board of Education shall adopt
19 rules regarding reporting requirements for vocational
20 programs.

21 ~~(3) The State Board of Education shall adopt, by rule,~~
22 ~~basic skills standards to be met by each vocational student~~
23 ~~prior to completion of a certificate career education program.~~

24 Section 26. Subsections (1) and (2) of section
25 239.213, Florida Statutes, are amended to read:

26 239.213 Vocational-preparatory instruction.--

27 (1) The State Board for Career Education shall adopt,
28 by rule, standards of basic skill mastery for certificate
29 career education programs ~~of less than 1,800 hours.~~ Each
30 school district and community college that conducts
31 certificate career education programs shall provide

1 vocational-preparatory instruction through which students
2 receive the basic skills instruction required pursuant to this
3 section.

4 (2) Students who enroll in a certificate career
5 education program of 450 hours or more shall complete an
6 entry-level examination within the first 6 weeks of admission
7 into the program. The state board shall designate
8 examinations that are currently in existence, the results of
9 which are comparable across institutions, to assess student
10 mastery of basic skills. Any student deemed to lack a minimal
11 level of basic skills for such program shall be referred to
12 vocational-preparatory instruction or adult basic education
13 for a structured program of basic skills instruction. Such
14 instruction may include English for speakers of other
15 languages. A student may not receive a certificate of
16 vocational program completion prior to demonstrating the basic
17 skills required in the state curriculum frameworks for the
18 vocational program.

19 Section 27. Paragraphs (b) and (d) of subsection (2)
20 of section 239.229, Florida Statutes, are amended to read:

21 239.229 Vocational standards.--

22 (2)

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

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

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

31

1 3. Vocational program articulation with other
2 corresponding postsecondary programs and job training
3 experiences.

4 4. Employer satisfaction with the performance of
5 vocational program completers.

6 5. Student completion and placement rates as defined
7 in s. 239.233.

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

10 1. The provision of timely, accurate technical
11 assistance to school districts and community colleges.

12 2. The provision of timely, accurate information to
13 the State Board for Career Education, the Legislature, and the
14 public.

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

19 4. The development of program standards and
20 industry-driven benchmarks for vocational, adult, and
21 community education programs.

22 ~~5.4.~~ Overseeing school district and community college
23 compliance with the provisions of this chapter.

24 Section 28. Subsection (2) of section 239.301, Florida
25 Statutes, is amended to read:

26 239.301 Adult General Education.--

27 (2) The adult education program must provide academic
28 services to students in the following priority:

29 (a) Students who demonstrate skills at less than a
30 sixth ~~fifth~~ grade level, as measured by tests approved for
31

1 this purpose by the State Board of Education, and who are
2 studying to achieve basic literacy.

3 (b) Students who demonstrate skills at the sixth ~~fifth~~
4 grade level or higher, but below the ninth grade level, as
5 measured by tests approved for this purpose by the State Board
6 of Education, and who are studying to achieve functional
7 literacy.

8 (c) Students who are earning credit required for a
9 high school diploma or who are preparing for the general
10 educational development test.

11 (d) Students who have high school diplomas and require
12 specific improvement in order to:

13 1. Obtain or maintain employment or benefit from
14 certificate career education programs;

15 2. Pursue a postsecondary degree; or

16 3. Develop competence in the English language to
17 qualify for employment.

18 (e) Students who enroll in lifelong learning courses
19 or activities that seek to address community social and
20 economic issues that consist of health and human relations,
21 government, parenting, consumer economics, and senior
22 citizens.

23 (f) Students who enroll in courses that relate to the
24 recreational or leisure pursuits of the students. The cost of
25 courses conducted pursuant to this paragraph shall be borne by
26 the enrollees.

27 Section 29. Section 239.305, Florida Statutes, is
28 amended to read:

29 239.305 Adult literacy.--

30 (1)(a) An adult, individualized literacy instruction
31 program is created for adults who ~~do not~~ possess ~~basic~~

1 literacy skills below the ninth grade level. The purpose of
 2 the program is to provide self-paced, competency-based,
 3 individualized tutorial instruction. The commissioner shall
 4 administer this section in coordination with the State Board
 5 of Community Colleges, local school boards, and the Division
 6 of Library and Information Services of the Department of State
 7 ~~←O>pursuant to State Board of Education rule.~~

8 (b) Local adult, individualized literacy instruction
 9 programs may be coordinated with local public library systems
 10 and with public or private nonprofit agencies, organizations,
 11 or institutions. A local public library system and a public
 12 or private nonprofit agency, organization, or institution may
 13 use funds appropriated for the purposes of this section to
 14 hire program coordinators. Such coordinators shall offer
 15 training activities to volunteer tutors and oversee the
 16 operation of local literacy programs. A local public library
 17 system and a public or private nonprofit agency, organization,
 18 or institution may also purchase student instructional
 19 materials and modules that instruct tutors in the teaching of
 20 basic and functional literacy and English for speakers of
 21 other languages. To the extent funds are appropriated,
 22 cooperating local library systems shall purchase, and make
 23 available for loan, reading materials of high interest and
 24 with a vocabulary appropriate for use by students who possess
 25 literacy skills below the ninth grade level ~~in basic and~~
 26 ~~functional literacy instruction~~ and students of English for
 27 speakers of other languages.

28 (2)(a) The adult literacy program is intended to
 29 increase ~~reduce~~ adult literacy ~~illiteracy~~ as prescribed in the
 30 agency functional plan of the Department of Education. The
 31

1 commissioner shall establish guidelines for the purpose of
2 determining achievement of this goal.

3 (b) Each participating local sponsor shall submit an
4 annual report to the commissioner which must contain, ~~but need~~
5 ~~not be limited to, the following~~ information to demonstrate
6 the extent to which there has been+

7 1. ~~The number of clients served.~~

8 2. ~~The progress toward increasing the percentage of~~
9 adults within the service area who possess literacy skills.

10 ~~As evidence of such progress, the report must include~~
11 ~~information regarding the number of students enrolled in adult~~
12 ~~basic education programs and the number of students who~~
13 ~~completed, separated from, or continued in the programs.~~

14 (c) Based on the information provided from the local
15 reports, the commissioner shall develop an annual status
16 report on literacy and adult education. ~~The commissioner shall~~
17 ~~review the annual reports of local sponsors and submit to the~~
18 ~~State Board of Education a county-by-county summary of the~~
19 ~~information.~~

20 (3) Funds appropriated for the purposes of this
21 section shall be allocated as grants for implementing adult
22 literacy programs. Such funds may not be used to supplant
23 funds used for activities that would otherwise be conducted in
24 the absence of literacy funding. A grant awarded pursuant to
25 this section may not exceed \$50,000. Priority for the use of
26 such funds shall be given to paying expenses related to the
27 instruction of volunteer tutors, including materials and the
28 salary of the program coordinator. Local sponsors may also
29 accept funds from private sources for the purposes of this
30 section.

31

1 (4)(a) The commissioner shall submit a state adult
2 literacy plan to the State Board of Education to serve as a
3 reference for school boards and community colleges to increase
4 ~~reduce~~ adult literacy ~~illiteracy~~ in their service areas as
5 prescribed in the agency functional plan of the Department of
6 Education. The plan must include, at a minimum:

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

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

13 3. Procedures for identifying, recruiting, and
14 retaining adults who possess ~~lack basic and functional~~
15 literacy skills below the ninth grade level.

16 4. Sources of relevant demographic information and
17 methods of projecting the number of adults who ~~do not~~ possess
18 ~~basic or functional~~ literacy skills below the ninth grade
19 level.

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

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

25 a. The recruitment and preparation of volunteer
26 tutors.

27 b. Interagency and intraagency cooperation and
28 coordination, especially with public libraries and other
29 sponsors of literacy programs.

30 c. Desirable learning environments, including class
31 size.

- 1 d. Program evaluation standards.
2 e. Methods for identifying, recruiting, and retaining
3 adults in literacy programs.
4 f. ~~Prevention of Adult literacy illiteracy~~ through
5 family literacy and workforce literacy ~~parenting education~~
6 programs.

7 (b) Every 3 years, the school board or community
8 college board of trustees shall develop and maintain ~~submit~~ a
9 local adult literacy plan ~~to the commissioner for review and~~
10 ~~subsequent approval or disapproval. The commissioner shall~~
11 ~~notify the superintendent of schools or the president of the~~
12 ~~community college, as applicable, of the approval or~~
13 ~~disapproval of the plan. If the plan is not brought into~~
14 ~~compliance by the school district or community college within~~
15 ~~60 days after receiving notice of disapproval by the~~
16 ~~commissioner, the school district or community college may not~~
17 ~~receive any funds from appropriations for the purposes of this~~
18 ~~section for the subsequent fiscal year.~~

19 Section 30. Subsection (2) of s. 240.313, Florida
20 Statutes, is amended to read:

21 (2) Community college district boards of trustees
22 shall be comprised of five members when a community college
23 district is confined to one school board district; seven
24 members when a community college district is confined to one
25 school board district and the board of trustees so elects; and
26 not more than nine members when the district contains two or
27 more school board districts, as provided by regulations of the
28 state board. However, Florida Community College at
29 Jacksonville shall have an odd number of trustees.

30 Section 31. Subsection (3) of section 240.319, Florida
31 Statutes, is amended to read:

1 240.319 Community college district boards of trustees;
2 duties and powers.--

3 (3) Each community college district board of trustees
4 is specifically authorized to adopt rules, procedures, and
5 policies that are consistent with law and rules of the State
6 Board of Education and the State Board of Community Colleges,
7 related to mission and responsibilities as set forth in s.
8 240.301, governance, personnel, budget and finance,
9 administration, programs, curriculum and instruction,
10 buildings and grounds, travel and purchasing, technology,
11 students, contracts and grants, or college property. Such
12 rules, procedures, and policies for the boards of trustees
13 include, but are not limited to, the following:

14 (a) Each board of trustees shall appoint, suspend, or
15 remove the president of the community college. The board of
16 trustees may appoint a search committee. Periodic evaluations
17 of the president shall be conducted in accordance with rules
18 of the State Board of Community Colleges; and such evaluations
19 shall be submitted to the State Board of Community Colleges
20 for review.

21 (b) Each board of trustees has responsibility for the
22 establishment and discontinuance of program and course
23 offerings; provision for instructional and noninstructional
24 community services, location of classes, and services
25 provided; and dissemination of information concerning such
26 programs and services.

27 (c) Each board of trustees constitutes the contracting
28 agent of the community college. It may when acting as a body
29 make contracts, sue, and be sued in the name of the board of
30 trustees. In any suit, a change in personnel of the board
31

1 shall not abate the suit, which shall proceed as if such
2 change had not taken place.

3 (d) Whenever the Department of Education finds it
4 necessary for the welfare and convenience of any community
5 college to acquire private property for the use of the
6 community college and the property cannot be acquired by
7 agreement satisfactory to the district board of trustees of
8 such community college and the parties interested in, or the
9 owners of, the private property, the district board of
10 trustees may exercise the right of eminent domain after
11 receiving approval therefor from the State Board of Education
12 and may then proceed to condemn the property in the manner
13 provided by chapters 73 and 74.

14 (e) Each board of trustees may enter into
15 lease-purchase arrangements with private individuals or
16 corporations for necessary grounds and buildings for community
17 college purposes, other than dormitories, or for buildings
18 other than dormitories to be erected for community college
19 purposes. Such arrangements shall be paid from capital outlay
20 and debt service funds as provided by s. 240.359(2), with
21 terms not to exceed 30 years at a stipulated rate. The
22 provisions of such contracts, including building plans, are
23 subject to approval by the Department of Education, and no
24 such contract may be entered into without such approval. The
25 State Board of Education is authorized to promulgate such
26 rules as it deems necessary to implement the provisions of
27 this paragraph.

28 (f) Each board of trustees may purchase, acquire,
29 receive, hold, own, manage, lease, sell, dispose of, and
30 convey title to real property, in the best interests of the

31

1 college, pursuant to rules adopted by the State Board of
2 Education.

3 (g) Each board of trustees is authorized to enter into
4 agreements for, and accept, credit card payments as
5 compensation for goods, services, tuition, and fees. Each
6 community college is further authorized to establish accounts
7 in credit card banks for the deposit of credit card sales
8 invoices.

9 (h) Each board of trustees may adopt, by rule, a
10 uniform code of appropriate penalties for violations of rules
11 by students and employees. Such penalties, unless otherwise
12 provided by law, may include fines, the withholding of
13 diplomas or transcripts pending compliance with rules or
14 payment of fines, and the imposition of probation, suspension,
15 or dismissal.

16 (i) Each board of trustees may consider the past
17 actions of any person applying for admission or employment and
18 may provide, by board rule or procedure, for denying
19 admission, enrollment, or employment to a person if past
20 actions have been found to disrupt or interfere with the
21 orderly conduct, processes, functions, or programs of any
22 other university, college, or community college.

23 (j) Each board of trustees is authorized to develop
24 and produce work products which relate to educational
25 endeavors which are subject to trademark, copyright, or patent
26 statutes. To this end, the board shall consider the relative
27 contribution by the personnel employed in the development of
28 such work products and shall enter into binding agreements
29 with such personnel, organizations, corporations, or
30 government entities, which agreements shall establish the
31 percentage of ownership of such trademarks, copyrights, or

1 patents. Any other law to the contrary notwithstanding, the
2 board is authorized in its own name to:

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

6 2. License, lease, assign, or otherwise give written
7 consent to any person, firm, or corporation for the
8 manufacture or use thereof on a royalty basis or for such
9 other consideration as the board deems proper.

10 3. Take any action necessary, including legal action,
11 to protect the same against improper or unlawful use of
12 infringement.

13 4. Enforce the collection of any sums due the board
14 for the manufacture or use thereof by any other party.

15 5. Sell any of the same and execute all instruments
16 necessary to consummate any such sale.

17 6. Do all other acts necessary and proper for the
18 execution of powers and duties provided by this paragraph.

19 (k) Each board of trustees shall provide rules
20 governing parking and the direction and flow of traffic within
21 campus boundaries and may hire appropriate personnel to
22 enforce campus parking rules. Such persons have no authority
23 to arrest or issue citations for moving traffic violations.
24 The board of trustees may adopt, by rule, a uniform code of
25 appropriate penalties for violations. Such penalties, unless
26 otherwise provided by law, may include the levying of fines,
27 the withholding of diplomas or transcripts pending compliance
28 with rules or payment of fines, and the imposition of
29 probation, suspension, or dismissal. Moneys collected from
30 parking rule infractions shall be deposited in appropriate

31

1 funds at each community college for student financial aid
2 purposes.

3 (1)1. Each board of trustees shall provide for the
4 appointment, employment, and removal of personnel. The board
5 shall determine the compensation, including salaries and
6 fringe benefits, and other conditions of employment for such
7 personnel, including the president.

8 2. The board is authorized to enter into a contract
9 with the president in accordance with the provisions of this
10 chapter. Any such contract may fix the duration of employment
11 and the compensation therefor and may contain any other terms
12 and conditions the board deems appropriate. In addition, the
13 board may furnish the president with the use of a motor
14 vehicle or an allowance in lieu thereof. If any such vehicle
15 is furnished, the board shall determine and fix the maximum
16 noncollege use of the same. Each board of trustees shall, no
17 later than July 1, 1984, adopt, by rule, procedures governing
18 the employment and dismissal of the community college
19 president. Such rule shall be incorporated into the contract
20 for employment.

21 (m) Each board of trustees may provide for recognition
22 of employees who have contributed outstanding and meritorious
23 service in their fields and may adopt and implement a program
24 of meritorious service awards to employees who propose
25 procedures or ideas which are adopted and which will result in
26 eliminating or reducing community college expenditures or
27 improving community college operations. The community college
28 is authorized to expend funds for such recognition and awards.
29 No award granted under the provisions of this paragraph may
30 exceed \$2,000 or 10 percent of the first year's gross savings,
31 whichever is greater.

1 (n) Each board of trustees may adopt rules to provide
2 for loans, scholarships, and other student services.

3 (o) Each board of trustees is authorized to establish
4 a policy for law enforcement operations. Each board of
5 trustees is authorized to employ personnel to carry out the
6 duties imposed by this paragraph.

7 (p) Each board of trustees is authorized to contract
8 for the purchase, lease, or acquisition in any manner
9 (including purchase by installment or lease-purchase contract
10 which may provide for the payment of interest on the unpaid
11 portion of the purchase price and for the granting of a
12 security interest in the items purchased) of equipment
13 required by the college. The board of trustees may choose to
14 have such equipment contracts consolidated under master
15 equipment financing agreements made pursuant to s. 287.064.

16 (q) Each board of trustees is authorized to establish
17 and maintain a personnel exchange program, by which persons
18 employed within the community college as vocational
19 instructors and comparable administrative and professional
20 staff may be exchanged with persons employed in like
21 capacities by institutions of higher learning which are not
22 under the jurisdiction of the community college, by units of
23 government either within or without this state, or by private
24 industry. The salary and benefits of community college and
25 state personnel participating in the exchange program shall be
26 continued during the period of time they participate in the
27 exchange program, and such personnel shall be deemed to have
28 no break in creditable or continuous state service or
29 employment during the period of time in which they participate
30 in the exchange program. The salary and benefits of persons
31 participating in the personnel exchange program who are

1 employed by institutions, units of government, or private
2 industry shall be paid by the originating employers of those
3 participants. The duties and responsibilities of a person
4 participating in the exchange program shall be the same as
5 those of the person he or she replaces.

6 (r) Each board of trustees is authorized to enter into
7 contracts to provide a State Community College System Optional
8 Retirement Program pursuant to s. 240.3195 and to enter into
9 consortia with other boards of trustees for this purpose.

10 (s) Each board of trustees has responsibility for:
11 ensuring that students have access to general education
12 courses as identified in rule; requiring no more than 60
13 semester hours of degree program coursework, including 36
14 semester hours of general education coursework, for an
15 associate in arts degree; notifying students that earned hours
16 in excess of 60 semester hours may not be accepted by state
17 universities; notifying students of unique program
18 prerequisites identified pursuant to s. 240.209(5)(f); and
19 ensuring that degree program coursework beyond general
20 education coursework is consistent with degree program
21 prerequisite requirements adopted pursuant to s.
22 229.551(1)(f)5.

23 Section 32. Subsection (5) of section 240.3575,
24 subsection (1) of section 240.3815, and subsection (5) of
25 section 240.382, Florida Statutes, are repealed.

26 Section 33. Subsection (2) of section 229.595, Florida
27 Statutes, is amended to read:

28 229.595 Implementation of state system of education
29 accountability for school-to-work transition.--

30 (2) School accountability efforts shall include
31 information regarding the provision of accurate, timely career

1 and curricular counseling to students. Such accountability
 2 shall include a delineation of the information available to
 3 students regarding career opportunities, educational
 4 requirements associated with each career, educational
 5 institutions that prepare students to enter each career, and
 6 student financial aid available to enable students to pursue
 7 any postsecondary instruction required to enter that career.
 8 Such accountability shall also delineate school procedures for
 9 identifying individual student interests and aptitudes which
 10 enable students to make informed decisions about the
 11 curriculum that best addresses their individual interests and
 12 aptitudes while preparing them to enroll in postsecondary
 13 education and enter the workforce. Information shall include
 14 recommended high school coursework that prepares students for
 15 success in college-level work. Such information shall be made
 16 known to parents and students annually through inclusion in
 17 the institution's handbook, manual, or other similar documents
 18 regularly provided to parents and students. Schools are
 19 encouraged to implement innovative methods for the
 20 communication of information to parents and students. School
 21 districts are encouraged to work with their local community
 22 colleges to ensure information regarding all state and federal
 23 aid programs is provided on an accurate and timely basis.

24 Section 34. Paragraph (b) of subsection (2) of section
 25 229.601, Florida Statutes, is amended to read:

26 229.601 Career education program.--

27 (2) There is hereby established a career education
 28 program in the state educational system. The Commissioner of
 29 Education and his or her designated staff shall administer
 30 this program. In developing and administering the career
 31 education program, the purpose of which is to promote positive

1 career opportunities for all students regardless of their
2 race, color, creed, national origin, ancestry, socioeconomic
3 status, or gender, the commissioner shall:

4 (b) Assemble, develop, and distribute instructional
5 materials for use in career education. Such materials shall
6 include information regarding recommended high school
7 coursework that prepares students for success in college-level
8 coursework.

9 Section 35. Section 232.2466, Florida Statutes, is
10 created to read:

11 232.2466 College-ready diploma program.--

12 (1) Beginning with the 1997-1998 school year, each
13 school district shall award a differentiated college-ready
14 diploma to each student who:

15 (a) Successfully completes the requirements for a
16 standard high school diploma as prescribed by s. 232.246.
17 Among courses taken to fulfill the 24-academic-credit
18 requirement, a student must take:

19 1. Two credits in algebra and one credit in geometry,
20 or their equivalents, as determined by the state board.

21 2. One credit in biology, one credit in chemistry, and
22 one credit in physics, or their equivalents, or equivalent
23 credits in applied technology, as determined by the state
24 board.

25 3. Two credits in the same foreign language, taken for
26 elective credit. A student whose native language is not
27 English is exempt from this requirement if the student
28 demonstrates proficiency in the native language. American sign
29 language constitutes a foreign language.

30 (b) Takes the postsecondary education common placement
31 test prescribed in s. 240.117, or an equivalent test

1 identified by the State Board of Education, before graduation
2 and scores at or above the established statewide passing score
3 in each test area.

4 (2) A college-ready diploma entitles a student to
5 admission without placement testing to a public postsecondary
6 education program that terminates in a technical certificate,
7 an associate in science degree, or an associate in arts
8 degree, if the student enters postsecondary education within 2
9 years after earning the college-ready diploma.

10 (3) The Department of Education shall convene a task
11 force of educators and employers to recommend additional
12 incentives for students to pursue a college-ready diploma.
13 The incentives may include awards and recognition, preference
14 for positions in firms, and early registration privileges in
15 postsecondary education institutions.

16 Section 36. Paragraph (b) of subsection (5) of section
17 239.117, Florida Statutes, 1996 Supplement, is amended to
18 read:

19 239.117 Postsecondary student fees.--

20 (5)

21 (b) Students enrolled in college-preparatory
22 instruction shall pay fees equal to the fees charged for
23 college credit courses. Students enrolled in the same
24 college-preparatory class within a skill area more than one
25 time ~~two times~~ shall pay fees at 100 percent of the full cost
26 of instruction and shall not be included in calculations of
27 full-time equivalent enrollments for state funding purposes
28 direct instructional cost; however, students who withdraw or
29 fail a class due to extenuating circumstances may be granted
30 an exception only once for each class, provided approval is
31 granted according to policy established by the board of

1 trustees. Each community college shall have the authority to
 2 review and reduce ~~such~~ payment for increased fees due to
 3 continued enrollment in a college-preparatory class on an
 4 individual basis, contingent upon a student's financial
 5 hardship, pursuant to definitions and fee levels established
 6 by the State Board of Community Colleges. Fee-nonexempt
 7 students enrolled in vocational preparatory instruction shall
 8 be charged fees equal to the fees charged for certificate
 9 career education instruction. Each community college that
 10 conducts college-preparatory and vocational-preparatory
 11 instruction in the same class section may charge a single fee
 12 for both types of instruction.

13 Section 37. Subsection (4) and paragraph (d) of
 14 subsection (5) of section 239.301, Florida Statutes, 1996
 15 Supplement, are amended to read:

16 239.301 Adult general education.--

17 (4) Both community colleges and school districts may
 18 conduct adult basic and secondary and vocational-preparatory
 19 courses within the same service area. ~~Any state university in~~
 20 ~~which the percentage of incoming students who require~~
 21 ~~college-preparatory instruction equals or exceeds 25 percent~~
 22 ~~may conduct college-preparatory instruction.~~ Area technical
 23 centers and community colleges may contract with each other
 24 for the provision of vocational-preparatory instruction.

25 (5)

26 (d) Expenditures for college-preparatory and lifelong
 27 learning students shall be reported separately. Allocations
 28 for college-preparatory courses shall be based on proportional
 29 full-time equivalent enrollment. Program review results shall
 30 be included in the determination of subsequent allocations. A
 31 student shall be funded to enroll in the same

1 college-preparatory class within a skill area only once ~~twice~~,
 2 after which time the student shall pay 100 percent of the full
 3 cost of instruction ~~no state funds shall be used~~ to support
 4 the continuous enrollment of that student in the same class;
 5 however, students who withdraw or fail a class due to
 6 extenuating circumstances may be granted an exception only
 7 once for each class, provided approval is granted according to
 8 policy established by the board of trustees. Each community
 9 college shall have the authority to review and reduce ~~such~~
 10 payment for increased fees due to continued enrollment in a
 11 college-preparatory class on an individual basis contingent
 12 upon the student's financial hardship, pursuant to definitions
 13 and fee levels established by the State Board of Community
 14 Colleges. College-preparatory and lifelong learning courses do
 15 not generate credit toward an associate or baccalaureate
 16 degree.

17 Section 38. Subsections (1) and (2) of section
 18 240.1161, Florida Statutes, are amended to read:

19 240.1161 District interinstitutional articulation
 20 agreements.--

21 (1) Each superintendent of schools and community
 22 college president shall be responsible for the development and
 23 implementation of a comprehensive articulated acceleration
 24 program for the students enrolled in their respective school
 25 districts and service areas. Within this general
 26 responsibility, the superintendent and president shall develop
 27 a comprehensive interinstitutional articulation agreement for
 28 the school district and community college that serves the
 29 school district. The superintendent and president shall ~~are~~
 30 ~~encouraged to~~ establish an articulation committee for the
 31 purpose of developing this agreement. Each state university

1 president is encouraged to designate a university
2 representative to participate in the development of the
3 interinstitutional articulation agreements for each school
4 district within the university service area.

5 (2) The district interinstitutional articulation
6 agreement for any school year shall be completed prior to high
7 school registration for the fall term of the following school
8 year. ~~The initial agreement drafted pursuant to this section~~
9 ~~shall be completed no later than April 1, 1988.~~ ~~The initial~~
10 ~~agreement and each subsequent~~ agreement shall include, but not
11 be limited to, the following components:

12 (a) A ratification or modification of all existing
13 articulation agreements.

14 (b)1. A delineation of courses and programs composed
15 of dual enrollment students.

16 ~~2.~~(c) An identification of eligibility criteria for
17 student participation in dual enrollment courses and programs.

18 ~~3.~~(d) A delineation of institutional responsibilities
19 regarding student screening prior to enrollment and monitoring
20 student performance subsequent to enrollment in dual
21 enrollment courses and programs.

22 ~~4.~~(e) An identification of the criteria by which the
23 quality of dual enrollment courses and programs are to be
24 judged and a delineation of institutional responsibilities for
25 the maintenance of instructional quality.

26 ~~5.~~(f) A delineation of institutional responsibilities
27 for assuming the cost of dual enrollment courses and programs
28 that includes such responsibilities for student instructional
29 materials.

30 ~~6.~~(g) An identification of responsibility for
31 providing student transportation if the dual enrollment

1 instruction is conducted at a facility other than the high
2 school campus.

3 (c) Mechanisms and strategies for reducing the
4 incidence of postsecondary remediation in math, reading, and
5 writing for first-time-enrolled recent high school graduates,
6 based upon the findings in the postsecondary readiness for
7 college report produced pursuant to s. 240.118. Each
8 articulation committee shall annually analyze and assess the
9 effectiveness of the mechanisms toward meeting the goal of
10 reducing postsecondary remediation needs. Results of the
11 assessment shall be annually presented to participating
12 district school boards and community college boards of
13 trustees and shall include, but not be limited to:

14 1. Mechanisms currently being initiated.

15 2. An analysis of problems and corrective actions.

16 3. Anticipated outcomes.

17 4. Strategies for the better preparation of students
18 upon graduation from high school.

19 5. An analysis of costs associated with the
20 implementation of postsecondary remedial education and
21 secondary-level corrective actions.

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

27
28 Wherever possible, public schools and community colleges are
29 encouraged to share resources, form partnerships with private
30 industries, and implement innovative strategies and mechanisms
31 such as distance learning, summer student and faculty

1 workshops, parental involvement activities, and the
2 distribution of information over the Internet.

3 (d) Mechanisms and strategies for promoting "tech
4 prep" programs of study. Such mechanisms should raise
5 awareness about the programs, promote enrollment in the
6 programs, and articulate students from a secondary portion
7 into a planned, related postsecondary portion of a sequential
8 program of study that leads to a terminal postsecondary
9 vocational or technical education degree or certificate.

10 Section 39. Subsections (3) and (4) of section
11 240.117, Florida Statutes, are amended to read:

12 240.117 Common placement testing for public
13 postsecondary education.--

14 (3) ~~By January 15, 1996,~~The Articulation Coordinating
15 Committee shall recommend and the State Board of Education
16 shall adopt rules which would require high schools to give
17 ~~offer students the opportunity to take~~ the common placement
18 test prescribed in this section, or an equivalent test
19 identified by the State Board of Education,at the beginning
20 of the tenth grade year before enrollment in the eleventh
21 grade year in public high school for the purpose of obtaining
22 remedial instruction prior to entering public postsecondary
23 education.

24 (4)(a) Community college or state university students
25 who have been identified as requiring additional preparation
26 pursuant to subsection (1) shall enroll in college-preparatory
27 adult education pursuant to s. 239.301 in community colleges
28 to develop needed college-entry skills. These students shall
29 be permitted to take courses within their degree program
30 concurrently in other curriculum areas for which they are
31 qualified while enrolled in college-preparatory instruction

1 courses. A student enrolled in a college-preparatory course
2 may concurrently enroll only in college credit courses that do
3 not require the skills addressed in the college-preparatory
4 course. The State Board of Community Colleges shall specify
5 the college credit courses that are acceptable for students
6 enrolled in each college-preparatory skill area, pursuant to
7 s. 240.311(3)(q). A student who wishes to earn an associate
8 in arts or a baccalaureate degree, but who is required to
9 complete a college-preparatory course, must successfully
10 complete the required college-preparatory studies by the time
11 the student has accumulated 12 hours of lower-division college
12 credit degree coursework; however, a student may continue
13 enrollment in degree-earning coursework provided the student
14 maintains enrollment in college-preparatory coursework for
15 each subsequent semester until college-preparatory coursework
16 requirements are completed, and the student demonstrates
17 satisfactory performance in degree-earning coursework. A
18 passing score on a standardized institutionally developed ~~all~~
19 ~~subtests of the common placement~~ test must be achieved before
20 a student is considered to have met basic computation and
21 communication skills requirements; however, no student shall
22 be required to retake any test or subtest which was previously
23 passed by said student. A student shall be funded to enroll
24 in the same college-preparatory class within a skill area only
25 ~~once twice~~, after which time the student shall pay 100 percent
26 of the full cost of instruction ~~no state funds shall be used~~
27 to support continuous enrollment of that student in the same
28 class and such student shall not be included in calculations
29 of full-time equivalent enrollments for state funding
30 purposes; however, students who withdraw or fail a class due
31 to extenuating circumstances may be granted an exception only

1 once for each class, provided approval is granted according to
 2 policy established by the board of trustees. Each community
 3 college shall have the authority to review and reduce fees
 4 paid by students due to continued enrollment in a
 5 college-preparatory class on an individual basis contingent
 6 upon the student's financial hardship, pursuant to definitions
 7 and fee levels established by the State Board of Community
 8 Colleges. Credit awarded for college-preparatory instruction
 9 may not be counted towards fulfilling the number of credits
 10 required for a degree.

11 (b) The administrators of a state university may
 12 contract with a community college board of trustees for the
 13 community college to provide such instruction on the state
 14 university campus. Any state university in which the
 15 percentage of incoming students requiring college-preparatory
 16 instruction equals or exceeds the average percentage of such
 17 students for the community college system may offer
 18 college-preparatory instruction without contracting with a
 19 community college; however, any state university offering
 20 college-preparatory instruction as of January 1, 1996, may
 21 continue to provide such services.

22 Section 40. Section 240.124, Florida Statutes, is
 23 created to read:

24 240.124 Funding for continuous enrollment in college
 25 credit courses.--Beginning fall semester, 1997, a student
 26 enrolled in the same undergraduate college credit course more
 27 than two times shall pay matriculation at 100 percent of the
 28 full cost of instruction and shall not be included in
 29 calculations of full-time equivalent enrollments for state
 30 funding purposes. For purposes of this section, first-time
 31 enrollment in a class shall mean enrollment in a class

1 beginning fall semester 1997, and calculations of the full
 2 cost of instruction shall be based on the systemwide average
 3 of the prior year's cost of undergraduate programs for the
 4 Community College System and the State University System. The
 5 Board of Regents and the State Board of Community Colleges may
 6 make exceptions to this section for individualized study,
 7 elective coursework, courses that are repeated as a
 8 requirement of a major, and courses that are intended as
 9 continuing over multiple semesters, excluding the repeat of
 10 coursework more than two times to increase grade point average
 11 or meet minimum course grade requirements.

12 Section 41. Section 240.321, Florida Statutes, is
 13 amended to read:

14 240.321 Community college district board of trustees;
 15 rules for admissions of students.--

16 ~~(1)~~ The board of trustees shall make rules governing
 17 admissions of students. These rules shall include the
 18 following:

19 (1)~~(a)~~ Admissions counseling shall be provided to all
 20 students entering college credit programs, which counseling
 21 shall utilize tests to measure achievement of college-level
 22 communication and computation competencies by all students
 23 entering college credit programs.

24 (2)~~(b)~~ Admission to ~~the~~ associate ~~in arts~~ degree
 25 programs ~~program~~ is subject to minimum standards adopted by
 26 the State Board of Education and shall require:

27 (a)~~1.~~ A high school diploma, a high school equivalency
 28 diploma as prescribed in s. 229.814, previously demonstrated
 29 competency in college-credit postsecondary coursework, or, in
 30 the case of a student who is home educated, a signed affidavit
 31 submitted by the student's parent or legal guardian attesting

1 that the student has completed a home education program
 2 pursuant to the requirements of s. 232.02(4)~~or its~~
 3 ~~equivalent~~. Students who are enrolled in a dual enrollment or
 4 early admission program pursuant to s. 240.116 and secondary
 5 students enrolled in college-level instruction creditable
 6 toward the associate degree, but not toward the high school
 7 diploma, shall be exempt from this requirement.

8 ~~(b)2.~~ A demonstrated level of achievement of
 9 college-level communication and computation skills. Students
 10 entering a postsecondary education program within 2 years of
 11 graduation from high school with an earned college-ready
 12 diploma issued pursuant to s. 232.2466 shall be exempt from
 13 this testing requirement.

14 ~~(c)3.~~ Any other requirements established by the board
 15 of trustees.

16 ~~(3)(c)~~ Admission to other programs within the
 17 community college shall include education requirements as
 18 established by the board of trustees.

19
 20 Each board of trustees shall establish policies that ensure
 21 the rapid progression of students through college-preparatory
 22 instructional courses that are appropriate for the skill level
 23 of each student. Institutional policies shall also provide
 24 for the timely notification of students about available
 25 alternatives to traditional college-preparatory instruction,
 26 including private provider instruction. Such notification
 27 shall include an analysis of cost comparisons, including
 28 consideration of the state's contribution to the total cost of
 29 the instruction.

30 ~~(d)~~ ~~Nonresident students may be admitted to the~~
 31 ~~community college upon such terms as the board may establish.~~

1 ~~(2) For students who are awarded a high school diploma~~
2 ~~after August 1, 1987:~~

3 ~~(a) No Florida high school graduate shall be admitted~~
4 ~~to the associate in arts degree program if he or she has not~~
5 ~~successfully completed the requirements set forth in s.~~
6 ~~232.246 or unless he or she has been awarded a general~~
7 ~~education development diploma, provided the examination~~
8 ~~completed for such diploma was in the English language.~~

9 ~~(b) Nonresident students may be admitted to the~~
10 ~~community college upon such terms as the college may~~
11 ~~establish. However, effective August 1, 1987, such terms for~~
12 ~~nonresidents admitted to the associate in arts degree program~~
13 ~~shall include, but shall not be limited to:~~

14 ~~1. Completion of a secondary school curriculum which~~
15 ~~includes 4 years of English and 3 years each of mathematics,~~
16 ~~science, and social studies; however, in lieu of the English~~
17 ~~requirement, a foreign student may use 4 years of instruction~~
18 ~~in his or her native language or another language which was~~
19 ~~the language of instruction in the secondary school attended,~~
20 ~~or~~

21 ~~2. Achievement of the minimum scores on the test~~
22 ~~required in s. 240.117(1).~~

23 Section 42. Paragraph (f) of subsection (2) of section
24 239.117, Florida Statutes, 1996 Supplement, is amended to
25 read:

26 239.117 Postsecondary student fees.--

27 (2)

28 (f) A student enrolled in an employment and training
29 program under the WAGES Program. Such a student may receive a
30 fee exemption only if the student applies for and does not
31 receive student financial aid, including Job Training

1 Partnership Act or Family Support Act funds. Schools and
 2 community colleges shall help such students apply for
 3 financial aid, but may not deny such students program
 4 participation during the financial aid application process.
 5 Such a student may not be required to incur debt within the
 6 financial aid package. If local WAGES coalitions, established
 7 pursuant to s. 414.028, choose to contract with a community
 8 college or school district for education and training
 9 services, payment for the cost of such fee exemptions must be
 10 made by the local WAGES coalition. Other fee-exempt
 11 instruction provided at community colleges pursuant to this
 12 subsection generates an additional one-fourth of a full-time
 13 equivalent enrollment.

14 Section 43. Subsection (9) through (13) of section
 15 239.249, Florida Statutes, 1996 Supplement, are renumbered as
 16 Subsection (10) through (14), respectively, and a new
 17 subsection (9) is added to said section to read:

18 239.249 Market-driven, performance-based incentive
 19 funding for vocational and technical education programs.--

20 (9) The Jobs and Education Partnership Board shall
 21 develop an appeal process, to be implemented by the regional
 22 workforce development boards, that may allow an exemption of
 23 certain school districts and community colleges from
 24 participation in the performance-based incentive funding
 25 provisions of this section. School districts and community
 26 colleges shall be eligible to use the appeal process if they
 27 meet one or both of the following criteria:

28 (a) Generate less than 50 unweighted FTE in
 29 certificate career education and in career degree education.

30 (b) Provide a written report documenting the direct
 31 costs incurred due to the implementation of performance-based

1 incentive funding and how mandatory participation in the
2 program will adversely affect the school district or community
3 college.

4 Section 44. Paragraph (e) is added to subsection (5)
5 of section 239.301, Florida Statutes, 1996 Supplement, to
6 read:

7 239.301 Adult general education.--

8 (5)

9 (e) A district school board or a community college
10 board of trustees may negotiate through the jobs and education
11 regional board for specialized services for WAGES clients,
12 beyond what is routinely provided for the general public, to
13 be funded by the WAGES coalition pursuant to s. 414.065. Under
14 any contract with the local WAGES coalition, attendance may be
15 required of clients.

16 Section 45. Subsection (3) of section 240.35, Florida
17 Statutes, 1996 Supplement, is amended to read:

18 240.35 Student fees.--Unless otherwise provided, the
19 provisions of this section apply only to fees charged for
20 college credit instruction.

21 (3) Students enrolled in dual enrollment and early
22 admission programs under ~~pursuant to~~ s. 240.116 and students
23 enrolled in employment and training programs under the WAGES
24 Program are exempt from the payment of registration,
25 matriculation, and laboratory fees; however, such students may
26 not be included within calculations of fee-waived enrollments.
27 Students enrolled in programs under the WAGES Program shall be
28 granted a fee exemption only if they have applied for student
29 financial aid including Job Training Partnership Act or Family
30 Support Act funds and did not receive financial assistance.
31 Colleges shall assist these students in applying for financial

1 aid, and these students may not be denied participation in
2 programs during the application process for financial aid.
3 These students may not be required to obtain loans as a part
4 of their financial aid package. If local WAGES coalitions,
5 established pursuant to s. 414.028, choose to contract with a
6 community college for education and training services, payment
7 for the cost of such fee exemptions must be made by the local
8 WAGES coalition. Other fee-exempt instruction provided under
9 ~~pursuant to this subsection generates shall generate~~ an
10 additional one-fourth full-time equivalent enrollment.

11 Section 46. Subsections (1) and (2) of section
12 414.065, Florida Statutes, 1996 Supplement, are amended to
13 read:

14 414.065 Work requirements.--

15 (1) WORK ACTIVITIES.--The following activities may be
16 used individually or in combination to satisfy the work
17 requirements for a participant in the WAGES Program:

18 (a) Unsubsidized employment.--Unsubsidized employment
19 is full-time employment or part-time employment that is not
20 directly supplemented by federal or state funds. Paid
21 apprenticeship and the work component of cooperative education
22 activities are included in this activity.

23 (b) Subsidized private sector employment.--Subsidized
24 private sector employment is employment in a private
25 for-profit enterprise or a private not-for-profit enterprise
26 which is directly supplemented by federal or state funds. A
27 subsidy may be provided in one or more of the forms listed in
28 this paragraph.

29 1. Work supplementation.--A work supplementation
30 subsidy diverts a participant's assistance under the program
31 to the employer. The employer must pay the participant wages

1 that equal or exceed the applicable federal minimum wage. Work
2 supplementation may not exceed 6 months. At the end of the
3 supplementation period, the employer is expected to retain the
4 participant as a regular employee without receiving a subsidy
5 for at least 12 months. The work supplementation agreement
6 must provide that if the employee is dismissed at any time
7 within 12 months after termination of the supplementation
8 period due in any part to loss of the supplement, the employer
9 shall repay some or all of the supplement previously paid as a
10 subsidy to the employer under the WAGES Program.

11 2. On-the-job training.--On-the-job training is
12 full-time, paid employment in which the employer or an
13 educational institution in cooperation with the employer
14 provides training needed for the participant to perform the
15 skills required for the position. The employer or the
16 educational institution on behalf of the employer receives a
17 subsidy to offset the cost of the training provided to the
18 participant. Upon satisfactory completion of the training, the
19 employer is expected to retain the participant as a regular
20 employee without receiving a subsidy. The on-the-job training
21 agreement must provide that in the case of dismissal of a
22 participant due to loss of the subsidy, the employer shall
23 repay some or all of the subsidy previously provided by the
24 department.

25 3. Incentive payments.--The department may provide
26 additional incentive payments to encourage employers to employ
27 program participants. Incentive payments may include payments
28 to encourage the employment of hard-to-place participants, in
29 which case the amount of the payment shall be weighted
30 proportionally to the extent to which the participant has
31 limitations associated with the long-term receipt of welfare

1 and difficulty in sustaining employment. In establishing
2 incentive payments, the department shall consider the extent
3 of prior receipt of welfare, lack of employment experience,
4 lack of education, lack of job skills, and other appropriate
5 factors. A participant who has complied with program
6 requirements and who is approaching the time limit for
7 receiving temporary assistance may be defined as
8 "hard-to-place." Incentive payments may include payments in
9 which an initial payment is made to the employer upon the
10 employment of a participant, and the majority of the incentive
11 payment is made after the employer retains the participant as
12 a full-time employee for at least 12 months. The incentive
13 agreement must provide that if the employee is dismissed at
14 any time within 12 months after termination of the incentive
15 payment period due in any part to loss of the incentive, the
16 employer shall repay some or all of the payment previously
17 paid as an incentive to the employer under the WAGES Program.

18 4. Tax credits.--An employer who employs a program
19 participant may qualify for enterprise zone property tax
20 credits under s. 220.182, the tax refund program for qualified
21 target industry businesses under s. 288.106, or other federal
22 or state tax benefits. The department shall provide
23 information and assistance, as appropriate, to use such
24 credits to accomplish program goals.

25 (c) Subsidized public sector employment.--Subsidized
26 public sector employment is employment by an agency of the
27 federal, state, or local government which is directly
28 supplemented by federal or state funds. The applicable
29 subsidies provided under paragraph (b) may be used to
30 subsidize employment in the public sector, except that
31 priority for subsidized employment shall be employment in the

1 private sector. Public sector employment is distinguished from
 2 work experience in that the participant is paid wages and
 3 receives the same benefits as a nonsubsidized employee who
 4 performs similar work. Work-study activities administered by
 5 educational institutions are included in this activity.

6 (d) Community service work experience.--Community
 7 service work experience is job training experience at a
 8 supervised public or private not-for-profit agency. A
 9 participant shall receive temporary assistance in the form of
 10 wages that are proportional to the amount of time worked. A
 11 participant assigned to community service work experience
 12 shall be deemed an employee of the state for purposes of
 13 workers' compensation coverage and is subject to the
 14 requirements of the drug-free workplace program. Community
 15 service work experience may be selected as an activity for a
 16 participant who needs to increase employability by improving
 17 his or her interpersonal skills, job-retention skills, stress
 18 management, and job problem solving, and by learning to attain
 19 a balance between job and personal responsibilities. Community
 20 service is intended to:

- 21 1. Assess WAGES program compliance before referral of
- 22 the participant to costly services such as career education;
- 23 2. Maintain work activity status while the participant
- 24 awaits placement into paid employment or training;
- 25 3. Fulfill a clinical practicum or internship
- 26 requirement related to employment; or
- 27 4. Provide work-based mentoring.

28
 29 As used in this paragraph, the terms "community service
 30 experience," "community work," and "workfare" are synonymous.
 31

1 (e) Work experience.--Work experience is an
 2 appropriate work activity for participants who lack
 3 preparation for or experience in the workforce. It must
 4 combine a work activity in a public or private not-for-profit
 5 agency with education and training related to an employment
 6 goal. To qualify as a work activity, work experience must
 7 include education and training in addition to the time
 8 required by the work activity, and the work activity must be
 9 intensively supervised and structured. The WAGES program shall
 10 contract for any services provided for clients who are
 11 assigned to this activity and shall require performance
 12 benchmarks, goals, outcomes, and time limits designed to
 13 assure that the participant moves toward full-time paid
 14 employment. A participant shall receive temporary cash
 15 assistance proportional to the time worked. A participant
 16 assigned to work experience is an employee of the state for
 17 purposes of worker's compensation coverage and is subject to
 18 the requirements of the drug-free workplace program.

19 (f)~~(e)~~ Job search and job readiness assistance.--Job
 20 search assistance may include supervised or unsupervised
 21 job-seeking activities. Job readiness assistance provides
 22 support for job-seeking activities, which may include:
 23 1. Orientation to the world of work and basic
 24 job-seeking and job retention skills.
 25 2. Instruction in completing an application for
 26 employment and writing a resume.
 27 3. Instruction in conducting oneself during a job
 28 interview, including appropriate dress.
 29 4. Instruction in how to retain a job, plan a career,
 30 and perform successfully in the workplace.
 31

1 Job readiness assistance may also include providing a
 2 participant with access to an employment resource center that
 3 contains job listings, telephones, facsimile machines,
 4 typewriters, and word processors. Job search and job readiness
 5 activities may be used in conjunction with other program
 6 activities, such as work experience, but may not be the
 7 primary work activity, may not be used in conjunction with
 8 other program activities such as work experience, and may not
 9 continue longer than the length of time permitted under
 10 federal law.

11 (g)~~(f)~~ Vocational education or training.--Vocational
 12 education or training is education or training designed to
 13 provide participants with the skills and certification
 14 necessary for employment in an occupational area. Vocational
 15 education or training may be used as a primary program
 16 activity for participants when it has been determined that the
 17 individual has demonstrated compliance with other phases of
 18 program participation and successful completion of the
 19 vocational education or training is likely to result in
 20 employment entry at a higher wage than the participant would
 21 have been likely to attain without completion of the
 22 vocational education or training. Vocational education or
 23 training may be combined with other program activities and
 24 also may be used to upgrade skills or prepare for a higher
 25 paying occupational area for a participant who is employed.

26 1. Vocational education shall not be used as the
 27 primary program activity for a period which exceeds 12 months.
 28 The 12-month restriction applies to instruction in a career
 29 education program and does not include remediation of basic
 30 skills through adult general education if remediation is
 31 necessary to enable a WAGES participant to benefit from a

1 career education program. Any necessary remediation must be
2 completed before a participant is referred to vocational
3 education as the primary work activity.In addition, use of
4 vocational education or training shall be restricted to not
5 more than 20 percent of adult participants in the WAGES
6 region, or subject to other limitation as established in
7 federal law. Vocational education included in a program
8 leading to a high school diploma shall not be considered
9 vocational education for purposes of this section.

10 2. When ~~To the maximum extent~~ possible, a provider of
11 vocational education or training shall use funds provided by
12 funding sources other than the department. The department may
13 provide additional funds to a vocational education or training
14 provider only if payment is made pursuant to a
15 performance-based contract. Under a performance-based
16 contract, the provider may be partially paid when a
17 participant completes education or training, but the majority
18 of payment shall be made following the participant's
19 employment at a specific wage or job retention for a specific
20 duration. Performance-based payments made under this
21 subparagraph are limited to education or training for targeted
22 occupations identified by the Occupational Forecasting
23 Conference under s. 216.136, or other programs identified by
24 the Enterprise Florida Jobs and Education Partnership as
25 beneficial to meet the needs of designated groups, such as
26 WAGES participants, who are hard to place. If the contract
27 pays the full cost of training, the community college or
28 school district may not report the participants for other
29 state funding, unless state funding is for an incentive
30 payment. ~~A contract with a community college or school~~
31

1 ~~district must conform to the provisions of ss. 239.249 and~~
2 ~~240.40685.~~

3 (h)~~(g)~~ Job skills training directly related to
4 employment.--Job skills training directly related to
5 employment provides job skills training in a specific
6 occupation for which there is a written commitment by the
7 employer to offer employment to a participant who successfully
8 completes the training. Job skills training includes
9 customized training designed to meet the needs of a specific
10 employer or a specific industry. A participant may be required
11 to complete an entrance assessment or test before entering
12 into job skills training if assessments or tests are required
13 for employment upon completion of the training. Job skills
14 training includes literacy instruction in the workplace if
15 necessary to enable a participant to perform in a specific job
16 or job training program.

17 (i)~~(h)~~ Education services related to employment for
18 participants 19 years of age or younger.--Education services
19 provided under this paragraph are designed to prepare a
20 participant for employment in an occupation. The Department of
21 Labor and Employment Security shall coordinate education
22 services with the school-to-work activities provided under s.
23 229.595. Activities provided under this paragraph are
24 restricted to participants 19 years of age or younger who have
25 not completed high school or obtained a high school
26 equivalency diploma.

27 (j)~~(i)~~ School attendance.--Attendance at a high school
28 or attendance at a program designed to prepare the participant
29 to receive a high school equivalency diploma is a required
30 program activity for each participant 19 years of age or
31 younger who:

1 1. Has not completed high school or obtained a high
2 school equivalency diploma;

3 2. Is a dependent child or a head of household; and

4 3. For whom it has not been determined that another
5 program activity is more appropriate.

6 ~~(k)(j)~~ Teen parent services.--Participation in
7 medical, educational, counseling, and other services that are
8 part of a comprehensive program is a required activity for
9 each teen parent who participates in the WAGES Program.

10 (2) WORK ACTIVITY REQUIREMENTS.--Each adult
11 participant who is not otherwise exempt must participate in a
12 work activity for the maximum number of hours allowable under
13 federal law provided that no participant be required to work
14 more than 40 hours per week or less than the minimum number of
15 hours required by federal law. An applicant shall be referred
16 for employment at the time of application if the applicant is
17 eligible to participate in the WAGES Program.

18 (a) A participant in a work activity may also be
19 required to enroll in and attend a course of instruction
20 designed to increase literacy skills to a level necessary for
21 obtaining or retaining employment, provided that the
22 instruction plus the work activity does not require more than
23 40 hours per week.

24 (b) WAGES program funds may be used, as available, to
25 support the efforts of a participant who meets the work
26 activity requirements and who wishes to enroll in or continue
27 enrollment in an adult general education program or a career
28 education program.

29 Section 47. The Commissioner of Education is hereby
30 directed to convene a task force to investigate issues
31 associated with postsecondary education's role in Florida's

1 job training, WAGES, and workforce development activities.
 2 The task force shall consist of two members of the House of
 3 Representatives appointed by the Speaker of the House of
 4 Representatives, two members of the Senate appointed by the
 5 President of the Senate, one representative from the state
 6 workforce development board, one representative from the state
 7 WAGES board, six representatives from public school districts,
 8 six representatives from the community colleges, and the
 9 executive director, or a designee of the executive director,
 10 of the Postsecondary Education Planning Commission. The task
 11 force shall investigate, evaluate, and make recommendations
 12 regarding market-driven performance based measures and
 13 outcomes and implementation of such to ensure that public
 14 education institutions shall offer mutually beneficial adult
 15 education and vocational programs and courses. Such
 16 recommendations shall incorporate a comprehensive comparison
 17 investigation and study of the public school districts and
 18 community colleges, based on but not limited to, the
 19 following: funding, including but not limited to, fees,
 20 startup costs of new or expanded programs, cost of delivery of
 21 programs appropriate performance based incentives to support
 22 workforce development and WAGES programs; program lengths and
 23 standards; reporting systems; mechanisms for dual enrollment;
 24 articulation; accreditation; reduction of barriers for
 25 programs offerings; and accountability mechanisms needed to
 26 effectively meet increasing demands and improve services of
 27 postsecondary institutions, particularly with respect to adult
 28 and vocational education. The task force shall make both
 29 substantive and fiscal recommendations to the Governor and the
 30 Legislature no later than January 1, 1998 for implementation
 31 action by the 1998 Legislature.

1 Section 48. Except as otherwise provided herein, this
2 act shall take effect July 1, 1997.

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