

By the Committee on Community Colleges & Career Prep and
Representatives Sindler, Fasano, Diaz de la Portilla,
Harrington, Gay, Wise and Kelly

1 A bill to be entitled
2 An act relating to education; amending s.
3 120.81, F.S.; providing for exceptions to rule
4 requirements, notice requirements, filing
5 requirements, and public workshop requirements;
6 providing an exemption to certain proceeding
7 requirements; providing for retroactive effect;
8 amending s. 120.545, F.S.; correcting a cross
9 reference; amending ss. 228.041, 231.1725,
10 232.246, 233.067 and 236.081, F.S.; renaming
11 home economics courses as family and consumer
12 sciences courses; amending s. 239.105, F.S.;
13 revising definitions of the terms "adult
14 secondary education," "basic literacy," and
15 "functional literacy"; defining the terms
16 "beginning literacy" and "family literacy";
17 amending s. 239.205, F.S.; deleting a
18 rulemaking requirement regarding career
19 education programs; amending s. 239.213, F.S.;
20 revising provisions relating to standards of
21 basic skills mastery; providing for the use of
22 adult basic education to meet certain needs;
23 amending s. 239.229, F.S.; requiring the
24 identification of vocational standards related
25 to work experience; requiring the development
26 of additional program standards and benchmarks;
27 amending s. 239.305, F.S., relating to adult
28 literacy; conforming language to revised
29 definitions; removing a State Board of
30 Education rule requirement; removing specific
31 annual reporting requirements; providing for

1 status reports in lieu of annual reports;
2 deleting a requirement for the submission of a
3 plan to the Commissioner of Education; amending
4 s. 240.319, F.S., relating to duties and powers
5 of community college district boards of
6 trustees; providing for specific authority;
7 repealing ss. 240.3575(5), 240.3815(1),
8 240.382(5), F.S., relating to annual reports of
9 economic development centers, annual reports of
10 community college campus crime statistics, and
11 rules for the operation of child development
12 training centers; providing effective dates.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

20 120.81 Exceptions and special requirements; general
21 areas.--

22 (1) EDUCATIONAL UNITS.--

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

25 (b) Notwithstanding s. 120.52(15), any tests, test
26 scoring criteria, or testing procedures relating to student
27 assessment which are developed or administered by the
28 Department of Education pursuant to s. 229.57, s. 232.245, s.
29 232.246, or s. 232.247, or any other statewide educational
30 tests required by law, are not rules.

31

1 (c) Notwithstanding s. 120.54(1)(g), educational
2 units, other than units of the State University System and the
3 Florida School for the Deaf and the Blind, may adopt multiple
4 subject rules such as catalogs, bulletins, handbooks, and
5 personnel agendas.

6 (d) Notwithstanding s. 120.54(2), a notice of rule
7 development by an educational unit need not include the
8 preliminary text of the proposed rules and notice shall be
9 made:

10 1. By publication in a newspaper of general
11 circulation in the affected area;

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

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

19 (e)(e) Notwithstanding s. 120.54(3)(a), notice of
20 intent by an educational unit to adopt, amend, or repeal a
21 rule or notice by an educational unit of a petition for a
22 declaratory statement need not include the full text of the
23 proposed rule or amendment be published in the Florida
24 Administrative Weekly or transmitted to the committee;
25 however, the notice, for other than an emergency rule, shall
26 be made at least 21 days prior to the intended action:

27 1. By publication in a newspaper of general
28 circulation in the affected area;

29 2. By mail to all persons who have made requests of
30 the educational unit for advance notice of its proceedings and
31

1 to organizations representing persons affected by the proposed
2 rule; and

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

6 (f)~~(d)~~ Notwithstanding s. 120.54(3)(a)4., Educational
7 units, other than units of the State University System and the
8 Florida School for the Deaf and the Blind, shall not be
9 required to make filings with the committee ~~of the documents~~
10 ~~required to be filed by that subparagraph.~~

11 (g) Educational units, other than units of the State
12 University System and the Florida School for the Deaf and the
13 Blind, shall not be required to publish notices in the Florida
14 Administrative Weekly.

15 (h)~~(e)~~ Notwithstanding s. 120.57(1)(a), hearings which
16 involve student disciplinary suspensions or expulsions may be
17 conducted by educational units.

18 (i)~~(f)~~ Sections 120.569 and 120.57 do not apply to any
19 proceeding in which the substantial interests of a student are
20 determined by a community college district or the State
21 University System. The Board of Regents shall establish a
22 committee, at least half of whom shall be appointed by the
23 Council of Student Body Presidents, which shall establish
24 rules and guidelines ensuring fairness and due process in
25 judicial proceedings involving students in the State
26 University System.

27 (j)~~(g)~~ Notwithstanding ss. 120.569 and 120.57, in a
28 hearing involving a student disciplinary suspension or
29 expulsion conducted by an educational unit, the 14-day notice
30 of hearing requirement may be waived by the agency head or the
31 hearing officer without the consent of parties.

1 ~~(k)(h)~~ For purposes of s. 120.68, a district school
2 board whose decision is reviewed under the provisions of s.
3 231.36 and whose final action is modified by a superior
4 administrative decision shall be a party entitled to judicial
5 review of the final action.

6 ~~(l)(i)~~ Notwithstanding s. 120.525(2), the agenda for a
7 special meeting of a district school board under authority of
8 s. 230.16 shall be prepared upon the calling of the meeting,
9 but not less than 48 hours prior to the meeting.

10 (m) Notwithstanding s. 120.54(2)(c), educational
11 units, other than units of the State University System and the
12 Florida School for the Deaf and the Blind, shall not be
13 required to hold public workshops outside their respective
14 districts.

15 Section 2. Subsection (1) of section 120.545, Florida
16 Statutes, 1996 Supplement, is amended to read:

17 120.545 Committee review of agency rules.--

18 (1) As a legislative check on legislatively created
19 authority, the committee shall examine each proposed rule,
20 except for those proposed rules exempted by s. 120.81(1)~~(f)(d)~~
21 and (2), and its accompanying material, and each emergency
22 rule, and may examine any existing rule, for the purpose of
23 determining whether:

24 (a) The rule is an invalid exercise of delegated
25 legislative authority.

26 (b) The statutory authority for the rule has been
27 repealed.

28 (c) The rule reiterates or paraphrases statutory
29 material.

30 (d) The rule is in proper form.

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1 (e) The notice given prior to its adoption was
2 sufficient to give adequate notice of the purpose and effect
3 of the rule.

4 (f) The rule is consistent with expressed legislative
5 intent pertaining to the specific provisions of law which the
6 rule implements.

7 (g) The rule is necessary to accomplish the apparent
8 or expressed objectives of the specific provision of law which
9 the rule implements.

10 (h) The rule is a reasonable implementation of the law
11 as it affects the convenience of the general public or persons
12 particularly affected by the rule.

13 (i) The rule could be made less complex or more easily
14 comprehensible to the general public.

15 (j) The rule does not impose regulatory costs on the
16 regulated person, county, or city which could be reduced by
17 the adoption of less costly alternatives that substantially
18 accomplish the statutory objectives.

19 (k) The rule will require additional appropriations.

20 (l) If the rule is an emergency rule, there exists an
21 emergency justifying the promulgation of such rule, the agency
22 has exceeded the scope of its statutory authority, and the
23 rule was promulgated in compliance with the requirements and
24 limitations of s. 120.54(4).

25 Section 3. Paragraph (a) of subsection (22) of section
26 228.041, Florida Statutes, 1996 supplement, is amended to
27 read:

28 228.041 Definitions.--Specific definitions shall be as
29 follows, and wherever such defined words or terms are used in
30 the Florida School Code, they shall be used as follows:

31 (22) CAREER EDUCATION.--

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

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

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

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

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

24 5. Instruction which integrates the basic academic
25 skills and vocational skills.

26 Section 4. Paragraph (c) of subsection (1) of section
27 231.1725, Florida Statutes, is amended to read:

28 231.1725 Employment of substitute teachers, teachers
29 of adult education, nondegreed teachers of career education,
30 and noncertificated teachers in critical teacher shortage
31 areas.--

1 (1) Notwithstanding the provisions of ss. 231.02,
2 231.15, 231.17, and 231.172 or any other provision of law or
3 rule to the contrary, each school board shall establish the
4 minimal qualifications for:

5 (c) Part-time and full-time nondegreed teachers of
6 vocational programs. Qualifications shall be established for
7 agriculture, business, health occupations, family and consumer
8 sciences ~~home economics~~, industrial, marketing, and public
9 service education teachers, based primarily on successful
10 occupational experience rather than academic training. The
11 qualifications for such teachers shall require:

12 1. The filing of a complete set of fingerprints in the
13 same manner as required by s. 231.02. Faculty employed solely
14 to conduct postsecondary instruction may be exempted from this
15 requirement.

16 2. Documentation of education and successful
17 occupational experience including documentation of:

18 a. A high school diploma or the equivalent.

19 b. Completion of 6 years of full-time successful
20 occupational experience or the equivalent of part-time
21 experience in the teaching specialization area. Alternate
22 means of determining successful occupational experience may be
23 established by the school board.

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

26 d. For full-time teachers, completion of professional
27 education training in teaching methods, course construction,
28 lesson planning and evaluation, and teaching special needs
29 students. This training may be completed through coursework
30 from a standard institution or an approved district teacher
31 education program.

1 e. Demonstration of successful teaching performance.
2 Section 5. Paragraph (c) of subsection (7) of section
3 232.246, Florida Statutes, is amended to read:

4 232.246 General requirements for high school
5 graduation.--

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

9 (c) More than three credits in practical arts family
10 and consumer sciences ~~home economics~~ classes as defined in s.
11 228.041(22)(a)4.

12 Section 6. Paragraph (c) of subsection (4) of section
13 233.067, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 233.067 Comprehensive health education and substance
16 abuse prevention.--

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

19 (c) The comprehensive health education and substance
20 abuse prevention program shall include the following in all
21 public and laboratory schools:

22 1. Implementation of inservice education programs for
23 teachers, counselors, and other persons, which programs deal
24 with comprehensive health education, substance abuse
25 prevention, prevention of sexually transmissible diseases,
26 especially human immunodeficiency virus infection and acquired
27 immune deficiency syndrome, and the benefits of sexual
28 abstinence and consequences of teenage pregnancy. Such
29 inservice education programs shall be consistent with the
30 master plan, as specified in s. 236.0811, and shall include
31 training in substance abuse identification and prevention. The

1 training plan may provide for the option of using teachers as
2 trainers and shall include, but not be limited to: information
3 on current theory, knowledge, and practice regarding substance
4 abuse; identification and referral procedures; legal issues;
5 peer counseling; and methods of teaching decisionmaking skills
6 and building self-concept. Inservice teacher education
7 materials and student materials which are based upon
8 individual performance and designed for use with a minimum of
9 supervision shall be developed and made available to all
10 school districts and laboratory schools.

11 2. Implementation of management training programs
12 consistent with the provisions of s. 231.087 for principals
13 and other school leaders on the identification, prevention,
14 and treatment of substance abuse and the availability of local
15 and regional referral resources.

16 3. Instruction in nutrition education as a specific
17 area of health education instruction. Nutrition education
18 shall include, but not be limited to, sound nutritional
19 practices, wise food selection, analysis of advertising claims
20 about food, proper food preparation, and food storage
21 procedures. The purpose of such nutrition education programs
22 shall be to educate students in the overall area of nutrition
23 education and significantly reduce health problems associated
24 with poor or improper nutrition practices.

25 4. Instruction in substance abuse prevention in
26 kindergarten through grade 12. Such instruction shall be
27 designed to meet local needs and priorities and shall
28 articulate clear instructional objectives aimed at the
29 prevention of alcohol and substance abuse. The instruction
30 shall be appropriate for the grade and age of the student and
31 shall reflect current theory, knowledge, and practice

1 regarding prevention of substance abuse and may contain
2 instruction in such components as health, personal, and
3 economic consequences of substance abuse and instruction in
4 decisionmaking, resisting peer pressure, self-concept building
5 skills, and identifying and dealing with situations that pose
6 a risk to one's health and may lead to substance abuse.

7 5. Instruction in the causes, transmission, and
8 prevention of human immunodeficiency virus infection and
9 acquired immune deficiency syndrome and other sexually
10 transmissible diseases for students. Such instruction shall
11 be included in appropriate middle school or junior high school
12 health and science courses and in life management skills and
13 other high school courses. Any student whose parent makes
14 written request to the school principal shall be exempt from
15 reproductive health or AIDS instructional activities, as
16 requested. Curriculum frameworks for comprehensive health
17 education shall not interfere with the local determination of
18 appropriate curriculum which reflects local values and
19 concerns.

20 6. Upon approval by the district school board, an
21 opportunity for 9th-12th grade students to receive instruction
22 in cardiopulmonary resuscitation in order to become certified
23 in that technique. A school district may enter a cooperative
24 arrangement with a local government or nonprofit association
25 to provide training in cardiopulmonary resuscitation through
26 instructors certified in that technique.

27 7. Design and development of programs for the
28 selection and training of health education instructors from
29 existing teaching staff and the orientation to teaching roles
30 for persons employed in appropriate health fields and
31 community volunteers.

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

3 9. Instruction in reproductive health, interpersonal
4 skills, and parenting to reduce teenage pregnancy and to
5 promote healthy behavior in Florida's children for all
6 students in kindergarten through grade 12, beginning with the
7 1991-1992 school year. In order that children make informed
8 and constructive decisions about their lives, complete and
9 accurate comprehensive health education shall be made
10 available to all young people. Curriculum shall be developed
11 to reduce destructive behavior in children, including early
12 sexual involvement, substance abuse, suicide, and activities
13 which result in sexually transmitted diseases, acquired immune
14 deficiency syndrome, and early teenage pregnancy, with subject
15 materials appropriate to the grade level and values consistent
16 with those of the community. Instruction shall also include an
17 understanding of the body and its systems and identification
18 and prevention of child abuse in the lower grades and
19 decisionmaking in the middle and higher grades. Instruction
20 in human sexuality shall take into account the whole person,
21 shall present ethical and moral dimensions, shall not be an
22 expression of any one sectarian or secular philosophy, and
23 shall respect the conscience and rights of students and
24 parents. School districts and laboratory schools are
25 encouraged to provide written materials on reproductive health
26 to parents, as well as opportunities for parents to become
27 informed about the instruction their children are receiving
28 and to receive instruction themselves. All course materials
29 and oral or visual instruction shall conform to the requisites
30 and intent of all Florida law and the State Constitution. All
31 instructional materials, including teachers' manuals, films,

1 tapes, or other supplementary instructional material shall be
2 available for inspection by parents or guardians of the
3 children engaged in such classes.

4 10. Instruction in the benefits of sexual abstinence
5 and consequences of teenage pregnancy, sexually transmitted
6 diseases, and acquired immune deficiency syndrome in
7 appropriate middle school or junior high school health,
8 science, and family and consumer sciences ~~home economics~~
9 courses and in life management skills and other appropriate
10 high school courses. Curriculum frameworks shall be created
11 or modified as necessary to help ensure such instruction.

12 Section 7. Paragraph (1) of subsection (1) of section
13 236.081, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 236.081 Funds for operation of schools.--If the annual
16 allocation from the Florida Education Finance Program to each
17 district for operation of schools is not determined in the
18 annual appropriations act or the substantive bill implementing
19 the annual appropriations act, it shall be determined as
20 follows:

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

25 (1) Instruction in family and consumer sciences ~~home~~
26 ~~economics~~--Students in grades K through 12 who are enrolled
27 for more than six semesters in practical arts family and
28 consumer sciences ~~home economics~~ courses as defined in s.
29 228.041(22)(a)4. may not be counted as full-time equivalent
30 students for this instruction.

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1 Section 8. Subsections (3) through (10) of section
2 239.105, Florida Statutes, are amended to read:

3 239.105 Definitions.--As used in this chapter, the
4 term:

5 (3) "Adult secondary education" means courses through
6 which a person receives high school credit that leads to the
7 award of a high school diploma or programs of instruction
8 through which a student prepares to take the general
9 educational development test. This includes 9th through 12th
10 grade levels.

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

16 (5) "Beginning literacy" means the demonstration of
17 academic competence from 0 through 1.9 educational grade
18 levels as measured by means approved for this purpose by the
19 State Board of Education.

20 ~~(6)~~(5) "College-preparatory instruction" means courses
21 through which a high school graduate who applies for a degree
22 program may attain the communication and computation skills
23 necessary to enroll in college credit instruction.

24 ~~(7)~~(6) "Commissioner" means the Commissioner of
25 Education.

26 ~~(8)~~(7) "Community education" means the use of a school
27 or other public facility as a community center operated in
28 conjunction with other public, private, and governmental
29 organizations for the purpose of providing educational,
30 recreational, social, cultural, health, and community services
31

1 for persons in the community in accordance with the needs,
2 interests, and concerns of that community.

3 (9)~~(8)~~ "Department" means the Department of Education.

4 (10)~~(9)~~ "Document literacy" means the demonstration of
5 competence in identifying and using information located in
6 materials such as charts, forms, tables, and indexes.

7 (11) "Family literacy" means a program for adults that
8 includes a literacy component for parents and children or
9 other intergenerational literacy components.

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

16 Section 9. Section 239.205, Florida Statutes, is
17 amended to read:

18 239.205 State Board of Education rules regarding
19 career education programs; common definitions; criteria for
20 determining program level; ~~basic skills standards.~~--

21 (1) The State Board of Education shall adopt, by rule,
22 common definitions for associate in science degrees and for
23 certificates.

24 (2) The State Board of Education shall develop
25 guidelines to determine the criteria by which the level of
26 degree or certificate is assigned to a vocational program.
27 The guidelines must ensure that assignments are made at the
28 lowest level possible commensurate with sound professional
29 practice; however, the guidelines must also ensure that
30 assignments are updated for programs that increase in
31 technical complexity or general education requirements beyond

1 the parameters of a certificate program. Institutions may
2 continue to offer existing programs that are assigned to a
3 lower level; however, such programs shall be funded at the
4 assigned level. The State Board of Education shall adopt
5 rules regarding reporting requirements for vocational
6 programs.

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

10 Section 10. Subsections (1) and (2) of section
11 239.213, Florida Statutes, are amended to read:

12 239.213 Vocational-preparatory instruction.--

13 (1) The State Board for Career Education shall adopt,
14 by rule, standards of basic skill mastery for certificate
15 career education programs ~~of less than 1,800 hours~~. Each
16 school district and community college that conducts
17 certificate career education programs shall provide
18 vocational-preparatory instruction through which students
19 receive the basic skills instruction required pursuant to this
20 section.

21 (2) Students who enroll in a certificate career
22 education program of 450 hours or more shall complete an
23 entry-level examination within the first 6 weeks of admission
24 into the program. The state board shall designate
25 examinations that are currently in existence, the results of
26 which are comparable across institutions, to assess student
27 mastery of basic skills. Any student deemed to lack a minimal
28 level of basic skills for such program shall be referred to
29 vocational-preparatory instruction or adult basic education
30 for a structured program of basic skills instruction. Such
31 instruction may include English for speakers of other

1 languages. A student may not receive a certificate of
2 vocational program completion prior to demonstrating the basic
3 skills required in the state curriculum frameworks for the
4 vocational program.

5 Section 11. Paragraphs (b) and (d) of subsection (2)
6 of section 239.229, Florida Statutes, are amended to read:

7 239.229 Vocational standards.--

8 (2)

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

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

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

17 3. Vocational program articulation with other
18 corresponding postsecondary programs and job training
19 experiences.

20 4. Employer satisfaction with the performance of
21 vocational program completers.

22 5. Student completion and placement rates as defined
23 in s. 239.233.

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

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

28 2. The provision of timely, accurate information to
29 the State Board for Career Education, the Legislature, and the
30 public.

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

5 4. The development of program standards and
6 industry-driven benchmarks for vocational, adult, and
7 community education programs.

8 ~~5.4.~~ Overseeing school district and community college
9 compliance with the provisions of this chapter.

10 Section 12. Section 239.305, Florida Statutes, is
11 amended to read:

12 239.305 Adult literacy.--

13 (1)(a) An adult, individualized literacy instruction
14 program is created for adults who ~~do not~~ possess ~~basic~~
15 literacy skills below the ninth grade level. The purpose of
16 the program is to provide self-paced, competency-based,
17 individualized tutorial instruction. The commissioner shall
18 administer this section in coordination with the State Board
19 of Community Colleges, local school boards, and the Division
20 of Library and Information Services of the Department of State
21 ~~pursuant to State Board of Education rule.~~

22 (b) Local adult, individualized literacy instruction
23 programs may be coordinated with local public library systems
24 and with public or private nonprofit agencies, organizations,
25 or institutions. A local public library system and a public
26 or private nonprofit agency, organization, or institution may
27 use funds appropriated for the purposes of this section to
28 hire program coordinators. Such coordinators shall offer
29 training activities to volunteer tutors and oversee the
30 operation of local literacy programs. A local public library
31 system and a public or private nonprofit agency, organization,

1 or institution may also purchase student instructional
2 materials and modules that instruct tutors in the teaching of
3 basic and functional literacy and English for speakers of
4 other languages. To the extent funds are appropriated,
5 cooperating local library systems shall purchase, and make
6 available for loan, reading materials of high interest and
7 with a vocabulary appropriate for use by students who possess
8 literacy skills below the ninth grade level ~~in basic and~~
9 ~~functional literacy instruction~~ and students of English for
10 speakers of other languages.

11 (2)(a) The adult literacy program is intended to
12 increase ~~reduce~~ adult literacy ~~illiteracy~~ as prescribed in the
13 agency functional plan of the Department of Education. The
14 commissioner shall establish guidelines for the purpose of
15 determining achievement of this goal.

16 (b) Each participating local sponsor shall submit an
17 annual report to the commissioner which must contain, ~~but need~~
18 ~~not be limited to, the following~~ information to demonstrate
19 the extent to which there has been

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

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

23 ~~As evidence of such progress, the report must include~~
24 ~~information regarding the number of students enrolled in adult~~
25 ~~basic education programs and the number of students who~~
26 ~~completed, separated from, or continued in the programs.~~

27 (c) Based on the information provided from the local
28 reports, the commissioner shall develop an annual status
29 report on literacy and adult education. ~~The commissioner shall~~
30 ~~review the annual reports of local sponsors and submit to the~~

31

1 ~~State Board of Education a county-by-county summary of the~~
2 ~~information.~~

3 (3) Funds appropriated for the purposes of this
4 section shall be allocated as grants for implementing adult
5 literacy programs. Such funds may not be used to supplant
6 funds used for activities that would otherwise be conducted in
7 the absence of literacy funding. A grant awarded pursuant to
8 this section may not exceed \$50,000. Priority for the use of
9 such funds shall be given to paying expenses related to the
10 instruction of volunteer tutors, including materials and the
11 salary of the program coordinator. Local sponsors may also
12 accept funds from private sources for the purposes of this
13 section.

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

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

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

26 3. Procedures for identifying, recruiting, and
27 retaining adults who possess ~~lack basic and functional~~
28 literacy skills below the ninth grade level.

29 4. Sources of relevant demographic information and
30 methods of projecting the number of adults who ~~do not~~ possess

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1 ~~basic or functional~~ literacy skills below the ninth grade
2 level.

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

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

8 a. The recruitment and preparation of volunteer
9 tutors.

10 b. Interagency and intraagency cooperation and
11 coordination, especially with public libraries and other
12 sponsors of literacy programs.

13 c. Desirable learning environments, including class
14 size.

15 d. Program evaluation standards.

16 e. Methods for identifying, recruiting, and retaining
17 adults in literacy programs.

18 f. ~~Prevention of~~ Adult literacy illiteracy through
19 family literacy and workforce literacy parenting education
20 programs.

21 (b) Every 3 years, the school board or community
22 college board of trustees shall develop and maintain ~~submit~~ a
23 local adult literacy plan ~~to the commissioner for review and~~
24 ~~subsequent approval or disapproval.~~ The commissioner shall
25 ~~notify the superintendent of schools or the president of the~~
26 ~~community college, as applicable, of the approval or~~
27 ~~disapproval of the plan.~~ If the plan is not brought into
28 ~~compliance by the school district or community college within~~
29 ~~60 days after receiving notice of disapproval by the~~
30 ~~commissioner, the school district or community college may not~~
31

1 ~~receive any funds from appropriations for the purposes of this~~
2 ~~section for the subsequent fiscal year.~~

3 Section 13. Subsection (3) of section 240.319, Florida
4 Statutes, is amended to read:

5 240.319 Community college district boards of trustees;
6 duties and powers.--

7 (3) Each community college district board of trustees
8 is specifically authorized to adopt rules, procedures, and
9 policies consistent with law and rules of the State Board of
10 Education and the State Board of Community Colleges and
11 related to mission and responsibilities as set forth in s.
12 240.301, governance, personnel, budget and finance,
13 administration, programs, curriculum and instruction,
14 buildings and grounds, travel and purchasing, technology,
15 students, college property, and contracts and grants. This
16 shall constitute specific authority for such rules,
17 procedures, and policies in accordance with and to the extent
18 required by s. 120.536.Such rules, procedures, and policies
19 for the boards of trustees include, but are not limited to,
20 the following:

21 (a) Each board of trustees shall appoint, suspend, or
22 remove the president of the community college. The board of
23 trustees may appoint a search committee. Periodic evaluations
24 of the president shall be conducted in accordance with rules
25 of the State Board of Community Colleges; and such evaluations
26 shall be submitted to the State Board of Community Colleges
27 for review.

28 (b) Each board of trustees has responsibility for the
29 establishment and discontinuance of program and course
30 offerings; provision for instructional and noninstructional
31 community services, location of classes, and services

1 provided; and dissemination of information concerning such
2 programs and services.

3 (c) Each board of trustees constitutes the contracting
4 agent of the community college. It may when acting as a body
5 make contracts, sue, and be sued in the name of the board of
6 trustees. In any suit, a change in personnel of the board
7 shall not abate the suit, which shall proceed as if such
8 change had not taken place.

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

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

1 rules as it deems necessary to implement the provisions of
2 this paragraph.

3 (f) Each board of trustees may purchase, acquire,
4 receive, hold, own, manage, lease, sell, dispose of, and
5 convey title to real property, in the best interests of the
6 college, pursuant to rules adopted by the State Board of
7 Education.

8 (g) Each board of trustees is authorized to enter into
9 agreements for, and accept, credit card payments as
10 compensation for goods, services, tuition, and fees. Each
11 community college is further authorized to establish accounts
12 in credit card banks for the deposit of credit card sales
13 invoices.

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

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

28 (j) Each board of trustees is authorized to develop
29 and produce work products which relate to educational
30 endeavors which are subject to trademark, copyright, or patent
31 statutes. To this end, the board shall consider the relative

1 contribution by the personnel employed in the development of
2 such work products and shall enter into binding agreements
3 with such personnel, organizations, corporations, or
4 government entities, which agreements shall establish the
5 percentage of ownership of such trademarks, copyrights, or
6 patents. Any other law to the contrary notwithstanding, the
7 board is authorized in its own name to:

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

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

15 3. Take any action necessary, including legal action,
16 to protect the same against improper or unlawful use of
17 infringement.

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

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

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

24 (k) Each board of trustees shall provide rules
25 governing parking and the direction and flow of traffic within
26 campus boundaries and may hire appropriate personnel to
27 enforce campus parking rules. Such persons have no authority
28 to arrest or issue citations for moving traffic violations.
29 The board of trustees may adopt, by rule, a uniform code of
30 appropriate penalties for violations. Such penalties, unless
31 otherwise provided by law, may include the levying of fines,

1 the withholding of diplomas or transcripts pending compliance
2 with rules or payment of fines, and the imposition of
3 probation, suspension, or dismissal. Moneys collected from
4 parking rule infractions shall be deposited in appropriate
5 funds at each community college for student financial aid
6 purposes.

7 (1)1. Each board of trustees shall provide for the
8 appointment, employment, and removal of personnel. The board
9 shall determine the compensation, including salaries and
10 fringe benefits, and other conditions of employment for such
11 personnel, including the president.

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

25 (m) Each board of trustees may provide for recognition
26 of employees who have contributed outstanding and meritorious
27 service in their fields and may adopt and implement a program
28 of meritorious service awards to employees who propose
29 procedures or ideas which are adopted and which will result in
30 eliminating or reducing community college expenditures or
31 improving community college operations. The community college

1 is authorized to expend funds for such recognition and awards.
2 No award granted under the provisions of this paragraph may
3 exceed \$2,000 or 10 percent of the first year's gross savings,
4 whichever is greater.

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

7 (o) Each board of trustees is authorized to establish
8 a policy for law enforcement operations. Each board of
9 trustees is authorized to employ personnel to carry out the
10 duties imposed by this paragraph.

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

20 (q) Each board of trustees is authorized to establish
21 and maintain a personnel exchange program, by which persons
22 employed within the community college as vocational
23 instructors and comparable administrative and professional
24 staff may be exchanged with persons employed in like
25 capacities by institutions of higher learning which are not
26 under the jurisdiction of the community college, by units of
27 government either within or without this state, or by private
28 industry. The salary and benefits of community college and
29 state personnel participating in the exchange program shall be
30 continued during the period of time they participate in the
31 exchange program, and such personnel shall be deemed to have

1 no break in creditable or continuous state service or
2 employment during the period of time in which they participate
3 in the exchange program. The salary and benefits of persons
4 participating in the personnel exchange program who are
5 employed by institutions, units of government, or private
6 industry shall be paid by the originating employers of those
7 participants. The duties and responsibilities of a person
8 participating in the exchange program shall be the same as
9 those of the person he or she replaces.

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

14 (s) Each board of trustees has responsibility for:
15 ensuring that students have access to general education
16 courses as identified in rule; requiring no more than 60
17 semester hours of degree program coursework, including 36
18 semester hours of general education coursework, for an
19 associate in arts degree; notifying students that earned hours
20 in excess of 60 semester hours may not be accepted by state
21 universities; notifying students of unique program
22 prerequisites identified pursuant to s. 240.209(5)(f); and
23 ensuring that degree program coursework beyond general
24 education coursework is consistent with degree program
25 prerequisite requirements adopted pursuant to s.
26 229.551(1)(f)5.

27 Section 14. Subsection (5) of section 240.3575 and
28 subsection (1) of section 240.3815, Florida Statutes, and
29 subsection (5) of section 240.382, Florida Statutes, as
30 created by chapter 94-220, Laws of Florida, are hereby
31 repealed.

613-100A-97

1 Section 15. Except as otherwise provided herein, this
2 act shall take effect July 1, 1997.

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4 *****

5 HOUSE SUMMARY

6 With respect to the Administrative Procedure Act,
7 provides for exceptions to rule, notice, filing, and
8 public workshop requirements for educational units.
9 Provides an exemption to certain proceeding requirements.
10 Renames home economics courses as family and consumer
11 sciences courses. Revises definitions of the terms "adult
12 secondary education," "basic literacy," and "functional
13 literacy," and provides definitions for the terms
14 "beginning literacy" and "family literacy." Revises
15 provisions relating to standards of basic skills mastery.
16 Provides for the use of adult basic education to meet
17 certain needs. Requires the identification and
18 development of vocational standards. Deletes certain
19 reporting requirements relating to the adult literacy
20 program. Provides specific authority for certain
21 community college district board of trustees' rules,
22 procedures, and policies. Repeals certain reporting and
23 rulemaking requirements.
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