

By the Committee on Governmental Oversight and Productivity

302-1897-00

1 A bill to be entitled
2 An act relating to Cabinet reorganization;
3 amending s. 20.15, F.S.; designating the head
4 of the Department of Education; creating
5 divisions and designating directors; amending
6 s. 229.012, F.S.; providing for the State Board
7 of Education; providing for a chairman;
8 abolishing the Board of Regents and the State
9 Board of Community Colleges; amending s.
10 229.021, F.S.; establishing a meeting date;
11 amending s. 229.053, F.S.; providing for
12 general powers of the board; amending s.
13 229.512, F.S.; establishing powers of the
14 Commissioner of Education; creating s.
15 229.5121, F.S.; establishing the powers and
16 duties of the Superintendent of Public
17 Instruction; amending s. 229.551, F.S.;
18 delegating educational management authority to
19 the State Board of Education; amending s.
20 229.555, F.S.; delegating educational planning
21 responsibility to the State Board of Education;
22 amending s. 229.559, F.S.; providing powers to
23 the Superintendent of Public Instruction;
24 amending s. 229.565, F.S.; requiring the
25 Superintendent of Public Instruction to develop
26 performance standards; amending s. 229.57,
27 F.S.; delegating powers to the Superintendent
28 of Public Instruction; amending s. 229.58,
29 F.S.; delegating powers to the Superintendent
30 of Public Instruction; amending s. 229.59,
31 F.S.; requiring the State Board of Education to

1 adopt rules for implementing educational
2 improvement projects; authorizing the State
3 Board of Education to distribute grant funds;
4 amending s. 229.591, F.S.; deleting authority
5 of the Commissioner of Education relating to
6 school improvement and education
7 accountability; amending s. 229.592, F.S.;
8 delegating school improvement and education
9 accountability to the State Board of Education
10 and the Superintendent of Public Instruction;
11 amending s. 229.595, F.S.; requiring the State
12 Board of Education to identify employability
13 skills; amending s. 229.601, F.S.; delegating
14 responsibility for the career education program
15 to the State Board of Education; amending s.
16 229.602, F.S.; revising the Florida private
17 sector and partnership act; amending s.
18 229.603, F.S.; providing for distribution of
19 funds by the State Board of Education;
20 repealing ss. 229.75, 229.76, F.S.; repealing a
21 requirement that department offices be located
22 in the offices of the Commissioner of
23 Education; amending s. 229.8021, F.S.;
24 providing for the State Board of Education to
25 appoint members of the board of directors of
26 direct-support organizations; amending s.
27 229.805, F.S.; requiring that the State Board
28 of Education adopt rules; amending s. 229.8051,
29 F.S.; requiring the State Board of Education to
30 adopt rules relating to the public broadcasting
31 program system; amending s. 240.115, F.S.;

1 delegating responsibility for the articulation
2 agreement; amending s. 240.1163, F.S.;
3 authorizing the State Board of Education to
4 approve dual enrollment agreements; amending s.
5 240.117, F.S.; authorizing the State Board of
6 Education to specify college credit courses for
7 college-preparatory skill area; amending s.
8 240.118, F.S.; requiring the State Board of
9 Education to report to the Governor on the
10 performance of first-time-in-postsecondary
11 education students; amending s. 240.124, F.S.;
12 authorizing the State Board of Education to
13 define and establish fee levels; amending s.
14 240.125, F.S.; authorizing the State Board of
15 Education to establish a Trust Fund for
16 Postsecondary Cooperation; amending s. 240.132,
17 F.S.; deleting authority of the Board of
18 Regents related to disruptive activities at
19 state universities; amending s. 240.133, F.S.;
20 prescribing authority relating to expulsion and
21 discipline; amending s. 240.134, F.S.; deleting
22 authority of the Board of Regents and the State
23 Board of Community Colleges relating to
24 religious observances; amending s. 240.145,
25 F.S.; housing the Postsecondary Planning
26 Commission in the Division of Administration;
27 amending s. 240.147, F.S.; requiring the State
28 Board of Education to review and approve
29 instructional centers; amending s. 240.152,
30 F.S.; deleting authority of the Board of
31 Regents and the State Board of Community

1 Colleges related to disabled persons; amending
2 s. 240.153, F.S.; authorizing the State Board
3 of Education to adopt rules related to disabled
4 persons; amending s. 240.155, F.S.; requiring
5 the State Board of Education to adopt campus
6 master plans; amending s. 240.2011, F.S.;
7 striking a reference to the Board of Regents;
8 creating s. 240.2012, F.S.; establishing boards
9 of trustees for each university in the State
10 University System; creating s. 240.2014, F.S.;
11 providing that university boards of trustees
12 are corporate bodies; creating s. 240.2016,
13 F.S.; delegating authority to university boards
14 of trustees; amending s. 240.203, F.S.;
15 delegating to the State Board of Education
16 authority over the State University System;
17 repealing s. 240.205, F.S.; eliminating the
18 Board of Regents; repealing s. 240.207, F.S.;
19 eliminating requirements for members of the
20 Board of Regents; amending s. 240.209, F.S.;
21 designating the Chancellor as the Director of
22 the Division of Universities; eliminating
23 powers and duties of the Board of Regents;
24 amending s. 240.2093, F.S.; providing for
25 powers of the State Board of Education relating
26 to issuance of bonds; amending s. 240.2095,
27 F.S.; delegating program approval authority to
28 the State Board of Education; amending s.
29 240.2097, F.S.; requiring the State Board of
30 Education to adopt rules related to limited
31 access status criteria; amending s. 240.2099,

1 F.S.; requiring the Division of Universities
2 and the Division of Community Colleges to adopt
3 a student advising system; amending s.
4 240.2111, F.S.; requiring university boards of
5 trustees to adopt rules for employee
6 recognition programs; amending s. 240.2112,
7 F.S.; requiring university boards of trustees
8 to implement incentive efficiency programs;
9 amending s. 240.301, F.S.; striking a reference
10 to the State Board of Community Colleges;
11 amending s. 240.3031, F.S.; striking a
12 reference to the State Board of Community
13 Colleges; repealing s. 240.305, F.S.;
14 eliminating the State Board of Community
15 Colleges; repealing s. 240.307, F.S.;
16 eliminating requirements for members of the
17 State Board of Community Colleges; repealing s.
18 240.309, F.S.; eliminating meeting
19 requirements; amending s. 240.311, F.S.;
20 designating the Commissioner of Community
21 Colleges; amending s. 240.313, F.S.; providing
22 for appointment of community college boards of
23 trustees; amending s. 240.317, F.S.; striking a
24 reference to the State Board of Community
25 Colleges; amending s. 240.319, F.S.; requiring
26 the State Board of Education to evaluate
27 community college presidents; amending s.
28 246.031, F.S.; assigning the State Board of
29 Independent Colleges and Universities to the
30 Division of Administration; amending s.
31 246.041, F.S.; providing for the Bureau of

1 Student Financial Assistance in the Division of
2 Administration; amending s. 246.205, F.S.;
3 assigning the State Board of Nonpublic Career
4 Education to the Division of Administration;
5 establishing the Educational Governance
6 Transition Task Force; designating duties;
7 amending s. 411.01, F.S.; housing the Florida
8 Partnership for School Readiness in the
9 Division of Administration; providing an
10 effective date.

11
12 WHEREAS, in November of 1998 the electorate of Florida
13 voted to amend the State Constitution, and

14 WHEREAS, that amendment provides for the modification
15 of the membership of the Cabinet effective January 7, 2003,
16 and

17 WHEREAS, that amendment provides that the Commissioner
18 of Education will not be a member of the Cabinet but will be
19 an appointee of the State Board of Education, and

20 WHEREAS, the amendment provides that the State Board of
21 Education will not consist of the Governor and Cabinet but
22 will consist of seven members who are appointed by the
23 Governor and confirmed by the Senate, NOW, THEREFORE,

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 20.15, Florida Statutes, is amended
28 to read:

29 20.15 Department of Education.--There is created a
30 Department of Education.

31

1 (1) STATE BOARD OF EDUCATION.--The head of the
2 Department of Education is the State Board of Education.In
3 accordance with s. 2, Art. IX of the State Constitution, the
4 State Board of Education is the chief policymaking body of
5 public education in the state as specified in chapter 229. ~~The~~
6 ~~Governor is chair of the board, and the Commissioner of~~
7 ~~Education is the secretary and executive officer and in the~~
8 ~~absence of the Governor shall serve as chair.~~

9 ~~(2) COMMISSIONER OF EDUCATION.--The head of the~~
10 ~~Department of Education is the Commissioner of Education who~~
11 ~~shall be elected by vote of the qualified electors of the~~
12 ~~state pursuant to s. 5, Art. IV of the State Constitution.~~

13 ~~(a) The Commissioner of Education shall appoint a~~
14 ~~Deputy Commissioner for Educational Programs who has such~~
15 ~~powers, duties, responsibilities, and functions as are~~
16 ~~necessary to ensure the greatest possible coordination,~~
17 ~~efficiency, and effectiveness of kindergarten through~~
18 ~~12th-grade education and vocational and continuing education~~
19 ~~programs, including workforce development.~~

20 ~~(b) The Commissioner of Education shall appoint a~~
21 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
22 ~~who has such powers, duties, responsibilities, and functions~~
23 ~~as are necessary to ensure the greatest possible coordination~~
24 ~~of policies, programs, and procedures for the statewide system~~
25 ~~of education and the department.~~

26 ~~(c) The Commissioner of Education shall appoint a~~
27 ~~Deputy Commissioner for Technology and Administration who has~~
28 ~~such powers, duties, responsibilities, and functions as are~~
29 ~~necessary to ensure the greatest possible coordination and~~
30 ~~development of technological supports for the education system~~
31 ~~and efficient administration of the department.~~

1 ~~(2)(3)~~ DIVISIONS.--The following divisions of the
2 Department of Education are established:

3 (a) Division of Administration.

4 ~~(b)(a)~~ Division of Community Colleges.

5 ~~(c)(b)~~ Division of Public Schools ~~and Community~~
6 ~~Education.~~

7 ~~(d)(c)~~ Division of Universities.

8 ~~(d)~~ ~~Division of Workforce Development.~~

9 ~~(e)~~ ~~Division of Human Resource Development.~~

10 ~~(f)~~ ~~Division of Administration.~~

11 ~~(g)~~ ~~Division of Financial Services.~~

12 ~~(h)~~ ~~Division of Support Services.~~

13 ~~(i)~~ ~~Division of Technology.~~

14 ~~(3)(4)~~ DIRECTORS.--The divisions in the Department of
15 Education are headed by directors:

16 (a) The Commissioner of Education is the director of
17 the Division of Administration. The Commissioner of Education
18 shall be appointed by, and serve at the pleasure of, the State
19 Board of Education as provided by s. 2, Article IX of the
20 State Constitution. The Commissioner of Education shall be
21 appointed from candidates of national caliber who have
22 respected and proven organizational leadership with
23 established experience in administering broad-based policy.
24 The Commissioner of Education shall serve as corporate
25 secretary for the State Board of Education.

26 (b) The Commissioner of Community Colleges is the
27 director of the Division of Community Colleges. The
28 Commissioner of Community Colleges shall be appointed by, and
29 serve at the pleasure of, the State Board of Education. The
30 Commissioner of Community Colleges shall be appointed from
31 candidates of national caliber who have respected and proven

1 organizational leadership with established experience in
2 administering broad-based policy. The commissioner should be
3 capable of enhancing quality education in Florida's community
4 colleges and working directly with each of the community
5 college presidents and boards of trustees in focusing on the
6 educational needs of the communities and students they serve.

7 (c) The Superintendent of Public Instruction is the
8 director of the Division of Public Schools. The Superintendent
9 of Public Instruction shall be appointed by, and serve at the
10 pleasure of, the State Board of Education. The Superintendent
11 of Public Instruction shall be appointed from candidates of
12 national caliber who have respected and proven organizational
13 leadership with established experience in administering
14 broad-based policy. The superintendent should be able to
15 enhance the quality of prekindergarten-12 education in Florida
16 and to maximize the equity of prekindergarten-12 education in
17 Florida by focusing on the schools and the individual
18 students.

19 (d) The Chancellor is the director of the Division of
20 Universities. The Chancellor shall be appointed by, and serve
21 at the pleasure of, the State Board of Education. The
22 Chancellor shall be appointed from candidates of national
23 caliber who have respected and proven organizational
24 leadership with established experience in administering
25 broad-based policy. The Chancellor should be capable of
26 enhancing the national reputation and quality of education and
27 educational research in Florida's state universities, and
28 working directly with each of the state university presidents
29 and boards of trustees in focusing on the education and
30 educational research needs of the individual university and
31 its students.~~The Board of Regents is the director of the~~

1 ~~Division of Universities, and the State Board of Community~~
2 ~~Colleges is the director of the Division of Community~~
3 ~~Colleges, pursuant to chapter 240. The directors of all other~~
4 ~~divisions shall be appointed by the commissioner subject to~~
5 ~~approval by the state board.~~

6 (4)~~(5)~~ POWERS AND DUTIES.--The State Board of
7 Education and the Commissioner of Education:

8 (a) Shall assign to the Division of Public Schools and
9 ~~Community Education~~ such powers, duties, responsibilities, and
10 functions as are necessary to ensure the greatest possible
11 coordination, efficiency, and effectiveness of education for
12 students in prekindergarten through 12th grade, for secondary
13 school vocational education, and for community education.

14 (b) Shall assign to the Division of Administration
15 ~~Workforce Development~~ such powers, duties, responsibilities,
16 and functions as are necessary to ensure the greatest possible
17 coordination, efficiency, and effectiveness of workforce
18 development education.

19 (c) Shall assign to the Division ~~State Board~~ of
20 Community Colleges such powers, duties, responsibilities, and
21 functions as are necessary to ensure the coordination,
22 efficiency, and effectiveness of community colleges, ~~except~~
23 ~~those duties specifically assigned to the Commissioner of~~
24 ~~Education in ss. 229.512 and 229.551, the duties concerning~~
25 ~~physical facilities in chapter 235, and the duties assigned to~~
26 ~~the Division of Workforce Development in chapter 239.~~

27 (5)~~(6)~~ COUNCILS AND COMMITTEES.--Notwithstanding any
28 ~~anything contained in law to the contrary, the State Board~~
29 ~~Commissioner~~ of Education shall appoint all members of all
30 councils and committees of the Department of Education, except
31 for the state university boards of trustees, the Board of

1 ~~Regents, the State Board of Community Colleges,~~the community
2 college district boards of trustees, the Postsecondary
3 Education Planning Commission, the Education Practices
4 Commission, the Education Standards Commission, the State
5 Board of Independent Colleges and Universities, and the State
6 Board of Nonpublic Career Education.

7 (6)~~(7)~~ BOARDS.--Notwithstanding any ~~anything~~ contained
8 ~~in~~ law to the contrary, all members of the state university
9 boards of trustees ~~Board of Regents, the State Board of~~
10 ~~Community Colleges,~~ and the community college district boards
11 of trustees must be appointed according to chapter 240.

12 Section 2. Section 229.012, Florida Statutes, is
13 amended to read:

14 229.012 Composition of the State Board of Education.--

15 (1) Pursuant to s. 2 of Art. IX of the State
16 Constitution,the State Board of Education shall consist of
17 seven members appointed by the Governor to staggered 4-year
18 terms, subject to confirmation by the Senate. Board members
19 shall be selected from the state at large, be representative
20 of the geographical areas of the state, and be representative
21 of the racial, ethnic, and gender diversity of the state. The
22 board shall be a part-time citizen board and its members may
23 be reappointed by the Governor for additional terms.

24 (2) The board shall elect a chairperson from among its
25 members by majority vote. The chairperson shall serve a 2-year
26 term and may not succeed himself or herself as chairperson.
27 ~~the Governor, the Secretary of State, the Attorney General,~~
28 ~~the Comptroller, the Treasurer, the Commissioner of~~
29 ~~Agriculture, and the Commissioner of Education. The Governor~~
30 ~~shall be the chair of the board, and the Commissioner of~~
31 ~~Education shall be its secretary and executive officer.~~

1 Section 3. Section 229.021, Florida Statutes, is
2 amended to read:

3 229.021 Meeting dates.--The State Board of Education
4 shall meet at least once each month.On or before July 1 of
5 each year the state board shall designate and set aside 1 day
6 each month as a regular meeting day. Special meetings may be
7 held on request of a member ~~the Commissioner of Education.~~

8 Section 4. The Board of Regents and the State Board of
9 Community Colleges are abolished.

10 Section 5. Section 229.053, Florida Statutes, is
11 amended to read:

12 229.053 General powers of state board.--

13 (1) The State Board of Education is the chief
14 policymaking and coordinating body of public education in
15 Florida. It has authority to adopt rules pursuant to ss.
16 120.536(1) and 120.54 to implement the provisions of law
17 conferring duties upon it for the improvement of the state
18 system of public education. Except as otherwise provided
19 herein, it may, as it shall find appropriate, delegate its
20 general powers to ~~the Commissioner of Education or the~~
21 directors of the divisions of the department.

22 (2) The board has the following duties:

23 (a) To adopt comprehensive educational objectives for
24 public education.

25 (b) To adopt comprehensive long-range plans and
26 short-range programs for the development of the state system
27 of public education.

28 (c) To supervise ~~exercise general supervision over~~ the
29 divisions of the Department of Education as necessary to
30 ensure coordination of educational plans and programs and
31 resolve controversies and to minimize problems of articulation

1 and student transfers, to assure that students moving from one
2 level of education to the next have acquired competencies
3 necessary for satisfactory performance at that level, and to
4 ensure maximum utilization of facilities.

5 (d) To adopt for public universities and community
6 colleges, and from time to time modify, minimum and uniform
7 standards of college-level communication and computation
8 skills generally associated with successful performance and
9 progression through the baccalaureate level and to identify
10 college-preparatory high school coursework and
11 postsecondary-level coursework that prepares students with the
12 academic skills necessary to succeed in postsecondary
13 education.

14 (e) To adopt and transmit to the Governor as chief
15 budget officer of the state on official forms furnished for
16 such purposes, on or before September 1 of each year,
17 estimates of expenditure requirements for ~~the State Board of~~
18 ~~Education, the Commissioner of Education, and~~ all of the
19 boards, divisions, institutions, agencies, and services under
20 the general supervision of the State Board of Education for
21 the ensuing fiscal year.

22 (f) To hold meetings, transact business, keep records,
23 adopt a seal, and perform such other duties as may be
24 necessary for the enforcement of all laws and regulations
25 relating to the state system of public education.

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

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

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

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

7 (k) To constitute the State Board for Career Education
8 or other structures as required by federal law.

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

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

16 (n) To contract with independent institutions
17 accredited by an agency holding membership in the Commission
18 on Recognition of Postsecondary Accreditation for the
19 provision of those educational programs and facilities which
20 will meet needs unfulfilled by the state system of public
21 postsecondary education.

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

25 Section 6. Section 229.512, Florida Statutes, is
26 amended to read:

27 229.512 Commissioner of Education; general powers and
28 duties.--The Commissioner of Education is the director of the
29 Division of Administration and ~~chief educational officer of~~
30 ~~the state, and~~ has the following general powers and duties:
31

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

3 ~~(2) To suspend, for cause, with the approval of the~~
4 ~~State Board of Education, a public community college~~
5 ~~president. Such suspension shall be acted upon expeditiously~~
6 ~~by the local community college board of trustees.~~

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

13 ~~(4) To call such special meetings of the State Board~~
14 ~~of Education as the commissioner deems necessary.~~

15 (1)~~(5)~~ To keep such records as are necessary to set
16 forth clearly all acts and proceedings of the state board.

17 ~~(6) To have a seal for his or her office with which,~~
18 ~~in connection with his or her own signature, the commissioner~~
19 ~~shall authenticate true copies of decisions, acts, or~~
20 ~~documents.~~

21 ~~(7) To assemble all data relative to the preparation~~
22 ~~of the long-range plan for the development of the state system~~
23 ~~of public education; to propose for adoption by the State~~
24 ~~Board of Education such a plan; and to propose revisions in~~
25 ~~the plan as may be necessary.~~

26 (2)~~(8)~~ To recommend to the State Board of Education
27 policies and steps designed to protect and preserve the
28 principal of the State School Fund; to provide an assured and
29 stable income from the fund; to execute such policies and
30 actions as are approved; and to administer the State School
31 Fund.

1 ~~(9) To take action on the release of mineral rights~~
2 ~~based upon the recommendations of the Board of Trustees of the~~
3 ~~Internal Improvement Trust Fund.~~

4 ~~(3)(10) To submit to the State Board of Education, at~~
5 ~~least 30 days prior to the date fixed herein, recommendations~~
6 ~~of expenditures for the Division of Administration State Board~~
7 ~~of Education, the Commissioner of Education, and all of the~~
8 ~~boards, institutions, agencies, and services under the general~~
9 ~~supervision of the division State Board of Education for the~~
10 ~~ensuing fiscal year.~~

11 ~~(11) To develop and implement a plan for cooperating~~
12 ~~with the Federal Government in carrying out any or all phases~~
13 ~~of the educational program and to recommend policies for~~
14 ~~administering funds that are appropriated by Congress and~~
15 ~~apportioned to the state for any or all educational purposes.~~

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

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

30 ~~(14) To implement a program of school improvement and~~
31 ~~education accountability designed to provide all students the~~

1 ~~opportunity to make adequate learning gains in each year of~~
2 ~~school as provided by statute and State Board of Education~~
3 ~~rule based upon the achievement of the state education goals,~~
4 ~~recognizing the State Board of Education as the body corporate~~
5 ~~responsible for the supervision of the system of public~~
6 ~~education, the school board as responsible for school and~~
7 ~~student performance, and the individual school as the unit for~~
8 ~~education accountability.~~

9 (4)~~(15)~~ To arrange for the preparation, publication,
10 and distribution of materials relating to the state system of
11 public education which supply information concerning needs,
12 problems, plans, and possibilities.

13 (5)~~(16)~~~~(a)~~ To prepare and publish annually reports
14 giving statistics and other useful information pertaining to
15 the state system of public education. ~~and~~

16 (6)~~(b)~~ To prepare and publish annually reports giving
17 statistics and other useful information pertaining to the
18 Opportunity Scholarship Program.

19 (7)~~(17)~~ To have printed copies of school laws, forms,
20 instruments, instructions, and regulations of the state board
21 of Education and provide for their distribution.

22 ~~(18)~~ To develop criteria for use by state
23 instructional materials committees in evaluating materials
24 submitted for adoption consideration. The criteria shall, as
25 appropriate, be based on instructional expectations reflected
26 in curriculum frameworks and student performance standards.
27 The criteria for each subject or course shall be made
28 available to publishers of instructional materials at least 24
29 months prior to the date on which bids are due as provided by
30 s. 233.14, except as otherwise permitted under s. 233.17(3).
31 ~~It is the intent of the Legislature that publishers have ample~~

1 ~~time to develop instructional materials designed to meet~~
2 ~~requirements in this state.~~

3 ~~(19) To prescribe procedures for evaluating~~
4 ~~instructional materials submitted by publishers and~~
5 ~~manufacturers in each adoption.~~

6 Section 7. Section 229.5121, Florida Statutes, is
7 created to read:

8 229.5121 Superintendent of Public Instruction; general
9 powers and duties.--The Superintendent of Public Instruction
10 is the director of the Division of Public Schools and, under
11 the direction and authority of the State Board of Education,
12 has the following general powers and duties:

13 (1) To prepare forms and procedures as are necessary
14 to be used by district school boards to assure uniformity,
15 accuracy, and efficiency in keeping of records, the execution
16 of contracts, the preparation of budgets, or the submission of
17 reports.

18 (2) To implement, under the direction of the State
19 Board of Education, a program of school improvement and
20 education accountability designed to provide all students the
21 opportunity to make adequate learning gains in each year of
22 school as provided by statute and rule based upon the
23 achievement of the state education goals, recognizing the
24 school board as responsible for school and student
25 performance, and the individual school as the unit for
26 educational accountability.

27 (3) To develop criteria for use by state instructional
28 materials committees in evaluating materials submitted for
29 adoption consideration. The criteria shall, as appropriate, be
30 based on instructional expectations reflected in curriculum
31 frameworks and student performance standards. The criteria for

1 each subject or course shall be made available to publishers
2 of instructional materials at least 24 months prior to the
3 date on which bids are due as provided by s. 233.14, except as
4 otherwise permitted under s. 233.17(3). It is the intent of
5 the Legislature that publishers have ample time to develop
6 instructional materials designed to meet requirements in this
7 state.

8 (4) To prescribe procedures for evaluating
9 instructional materials submitted by publishers and
10 manufacturers in each adoption.

11 (5) To develop and implement, with the Commissioner of
12 Education, an integrated information system for educational
13 management, as provided in s. 229.555(2).

14 (6) To obtain opinions and advice from citizens,
15 educators, and members of the business community in developing
16 student performance standards, as provided in s. 229.565.

17 (7) To direct Florida school districts to participate
18 in the administration of the National Assessment of
19 Educational Progress, or similar national assessment program,
20 as provided in s. 229.57.

21 (8) To design and implement a statewide program of
22 educational assessment, as provided in s. 229.57.

23 Section 8. Section 229.551, Florida Statutes, is
24 amended to read:

25 229.551 Educational management.--

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

1 and procedures shall clearly fix and delineate
2 responsibilities for various aspects of the system and for
3 overall coordination of the total system. The commissioner
4 shall perform the following duties and functions:

5 (a) Coordination of department plans for meeting
6 educational needs and for improving the quality of education
7 provided by the state system of public education;

8 (b) Coordination of management information system
9 development for all levels of education and for all divisions
10 of the department, to include the development and utilization
11 of cooperative education computing networks for the state
12 system of public education;

13 (c) Development of database definitions and all other
14 items necessary for full implementation of a comprehensive
15 management information system as required by s. 229.555;

16 (d) Coordination of all planning functions for all
17 levels and divisions within the department;

18 (e) Coordination of all cost accounting and cost
19 reporting activities for all levels of education, including
20 public schools, vocational programs, community colleges, and
21 institutions in the State University System;

22 (f) Development and coordination of a common course
23 designation and numbering system for postsecondary education
24 in school districts, community colleges, participating
25 nonpublic postsecondary education institutions, and the State
26 University System which will improve program planning,
27 increase communication among all postsecondary delivery
28 systems, and facilitate the transfer of students. The system
29 shall not encourage or require course content prescription or
30 standardization or uniform course testing, and the continuing
31 maintenance of the system shall be accomplished by appropriate

1 faculty committees representing public and participating
2 nonpublic institutions. The Articulation Coordinating
3 Committee, whose membership represents public and nonpublic
4 postsecondary institutions, shall:

5 1. Identify the highest demand degree programs within
6 the State University System.

7 2. Conduct a study of courses offered by universities
8 and accepted for credit toward a degree. The study shall
9 identify courses designated as either general education or
10 required as a prerequisite for a degree. The study shall also
11 identify these courses as upper-division level or
12 lower-division level.

13 3. Appoint faculty committees representing both
14 community college and university faculties to recommend a
15 single level for each course included in the common course
16 numbering and designation system. Any course designated as an
17 upper-division level course must be characterized by a need
18 for advanced academic preparation and skills that a student
19 would be unlikely to achieve without significant prior
20 coursework. A course that is offered as part of an associate
21 in science degree program and as an upper-division course for
22 a baccalaureate degree shall be designated for both the lower
23 and upper division. Of the courses required for each
24 baccalaureate degree, at least half of the credit hours
25 required for the degree shall be achievable through courses
26 designated as lower-division courses, except in degree
27 programs approved by the State Board of Education ~~Board of~~
28 ~~Regents~~ pursuant to s. 240.209(5)(e). A course designated as
29 lower-division may be offered by any community college. The
30 Articulation Coordinating Committee shall recommend to the
31 State Board of Education the levels for the courses. The

1 common course numbering and designation system shall include
2 the courses at the recommended levels, and, by fall semester
3 of 1996, the registration process at each state university and
4 community college shall include the courses at their
5 designated levels and common course numbers.

6 4. Appoint faculty committees representing both
7 community college and university faculties to recommend those
8 courses identified to meet general education requirements
9 within the subject areas of communication, mathematics, social
10 sciences, humanities, and natural sciences. The Articulation
11 Coordinating Committee shall recommend to the State Board of
12 Education those courses identified to meet these general
13 education requirements by their common course code number. All
14 community colleges and state universities shall accept these
15 general education courses.

16 5. Appoint faculty committees representing both
17 community colleges and universities to recommend common
18 prerequisite courses and identify course substitutions when
19 common prerequisites cannot be established for degree programs
20 across all institutions. Faculty work groups shall adopt a
21 strategy for addressing significant differences in
22 prerequisites, including course substitutions. The State
23 Board of Education ~~Regents~~ shall be notified by the
24 Articulation Coordinating Committee when significant
25 differences remain. Common degree program prerequisites shall
26 be offered and accepted by all state universities and
27 community colleges, except in cases approved by the State
28 Board of Education ~~Regents~~ pursuant to s. 240.209(5)(f). The
29 Division ~~Board~~ of Universities ~~Regents~~ shall work with the
30 Division ~~State Board~~ of Community Colleges on the development
31 of a centralized database containing the list of courses and

1 course substitutions that meet the prerequisite requirements
2 for each baccalaureate degree program;

3 (g) Expansion and ongoing maintenance of the common
4 course designation and numbering system to include the
5 numbering and designation of postsecondary vocational courses
6 and facilitate the transfer of credits between public schools,
7 community colleges, and state universities. The Articulation
8 Coordinating Committee shall:

9 1. Adopt guidelines for the participation of public
10 school districts and community colleges in offering courses
11 that may be transferred to a certificate, diploma, or degree
12 program. These guidelines shall establish standards
13 addressing faculty qualifications, admissions, program
14 curricula, participation in the common course designation and
15 numbering system, and other issues identified by the
16 department ~~Task Force on Workforce Development and the~~
17 ~~Commissioner of Education~~. Guidelines should also address the
18 role of accreditation in the designation of courses as
19 transferable credit. Such guidelines must not jeopardize the
20 accreditation status of educational institutions and must be
21 based on data related to the history of credit transfer among
22 institutions in this state and others.

23 2. Identify postsecondary vocational programs offered
24 by community colleges and public school districts. The list
25 shall also identify vocational courses designated as college
26 credit courses applicable toward a vocational diploma or
27 degree. Such courses must be identified within the common
28 course numbering and designation system.

29 3. Appoint faculty committees representing both
30 community college and public school faculties to recommend a
31 standard program length and appropriate occupational

1 completion points for each postsecondary vocational
2 certificate program, diploma, and degree; and

3 (h) Development of common definitions necessary for
4 managing a uniform coordinated system of career education for
5 all levels of the state system of public education.

6 (2) It is the intent of the Legislature that the
7 department ~~commissioner~~, as appropriate, draw upon the
8 expertise and the staff of all appropriate departments and
9 agencies of the state in assuring that the system of
10 educational accountability is administered in the most
11 effective and efficient manner possible.

12 (3) As a part of the system of educational
13 accountability, the department shall:

14 (a) Develop minimum performance standards for various
15 grades and subject areas, as required in ss. 229.565 and
16 229.57.

17 (b) Administer the statewide assessment testing
18 program created by s. 229.57.

19 (c) Develop and administer an educational evaluation
20 program, including the provisions of the Plan for Educational
21 Assessment developed pursuant to s. 9, chapter 70-399, Laws of
22 Florida, and adopted by the State Board of Education.

23 (d) Review the school advisory councils of each
24 district as required by s. 229.58.

25 (e) Conduct the program evaluations required by s.
26 229.565.

27 (f) Maintain a listing of college-level communication
28 and computation skills defined by the Articulation
29 Coordinating Committee as being associated with successful
30 student performance through the baccalaureate level and submit
31 the same to the State Board of Education for approval.

1 (g) Maintain a listing of tests and other assessment
2 procedures which measure and diagnose student achievement of
3 college-level communication and computation skills and submit
4 the same to the State Board of Education for approval.

5 (h) Maintain for the information of the State Board of
6 Education and the Legislature a file of data compiled by the
7 Articulation Coordinating Committee to reflect achievement of
8 college-level communication and computation competencies by
9 students in state universities and community colleges.

10 (i) Develop or contract for, ~~and submit to the State~~
11 ~~Board of Education for approval,~~ tests which measure and
12 diagnose student achievement of college-level communication
13 and computation skills. Any tests and related documents
14 developed are exempt from the provisions of s. 119.07(1). The
15 commissioner shall maintain statewide responsibility for the
16 administration of such tests and may assign administrative
17 responsibilities for the tests to any public university or
18 community college. The state board, ~~upon recommendation of~~
19 ~~the commissioner,~~ is authorized to enter into contracts for
20 such services beginning in one fiscal year and continuing into
21 the next year which are paid from the appropriation for either
22 or both fiscal years.

23 (j) Perform any other functions that may be involved
24 in educational planning, research, and evaluation or that may
25 be required by ~~the commissioner,~~ the State Board of Education,
26 or law.

27 Section 9. Section 229.555, Florida Statutes, is
28 amended to read:

29 229.555 Educational planning and information
30 systems.--

31 (1) EDUCATIONAL PLANNING.--

1 (a) The State Board of Education ~~commissioner~~ shall be
2 responsible for all planning functions for the department,
3 including collection, analysis, and interpretation of all
4 data, information, test results, evaluations, and other
5 indicators that are used to formulate policy, identify areas
6 of concern and need, and serve as the basis for short-range
7 and long-range planning. Such planning shall include
8 assembling data, conducting appropriate studies and surveys,
9 and sponsoring research and development activities designed to
10 provide information about educational needs and the effect of
11 alternative educational practices.

12 (b) Each district school board shall maintain a
13 continuing system of planning and budgeting designed to aid in
14 identifying and meeting the educational needs of students and
15 the public. Provision shall be made for coordination between
16 district school boards and community college district boards
17 of trustees concerning the planning for vocational and adult
18 educational programs. The major emphasis of the system shall
19 be upon locally determined goals and objectives, the state
20 plan for education, and the Sunshine State Standards developed
21 by the Department of Education and adopted by the State Board
22 of Education. The district planning and budgeting system must
23 include consideration of student achievement data obtained
24 pursuant to s. 229.57. The system shall be structured to meet
25 the specific management needs of the district and to align the
26 budget adopted by the district school board with the plan the
27 board has also adopted. Each district school board shall
28 utilize its system of planning and budgeting to emphasize a
29 system of school-based management in which individual school
30 centers become the principal planning units and to integrate
31 planning and budgeting at the school level.

1 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
2 Commissioner of Education, with the assistance of the
3 Superintendent of Public Instruction, shall develop and
4 implement an integrated information system for educational
5 management. The system must be designed to collect, via
6 electronic transfer, all student and school performance data
7 required to ascertain the degree to which schools and school
8 districts are meeting state performance standards, and must be
9 capable of producing data for a comprehensive annual report on
10 school and district performance. In addition, the system shall
11 support, as feasible, the management decisions to be made in
12 each division of the department and at the individual school
13 and district levels. Similar data elements among divisions
14 and levels shall be compatible. The system shall be based on
15 an overall conceptual design; the information needed for such
16 decisions, including fiscal, student, program, personnel,
17 facility, community, evaluation, and other relevant data; and
18 the relationship between cost and effectiveness. The system
19 shall be managed and administered by the commissioner and
20 shall include a district subsystem component to be
21 administered at the district level, with input from the
22 reports-and-forms control management committees. Each
23 district school system with a unique management information
24 system shall assure that compatibility exists between its
25 unique system and the district component of the state system
26 so that all data required as input to the state system is made
27 available via electronic transfer and in the appropriate input
28 format.

29 (a) The specific responsibilities of the Commissioner
30 of Education, with the assistance of the Superintendent of
31 Public Instruction, shall include:

- 1 1. Consulting with school district representatives in
2 the development of the system design model and implementation
3 plans for the management information system for public school
4 education management;
- 5 2. Providing operational definitions for the proposed
6 system;
- 7 3. Determining the information and specific data
8 elements required for the management decisions made at each
9 educational level, recognizing that the primary unit for
10 information input is the individual school and recognizing
11 that time and effort of instructional personnel expended in
12 collection and compilation of data should be minimized;
- 13 4. Developing standardized terminology and procedures
14 to be followed at all levels of the system;
- 15 5. Developing a standard transmittal format to be used
16 for collection of data from the various levels of the system;
- 17 6. Developing appropriate computer programs to assure
18 integration of the various information components dealing with
19 students, personnel, facilities, fiscal, program, community,
20 and evaluation data;
- 21 7. Developing the necessary programs to provide
22 statistical analysis of the integrated data provided in
23 subparagraph 6. in such a way that required reports may be
24 disseminated, comparisons may be made, and relationships may
25 be determined in order to provide the necessary information
26 for making management decisions at all levels;
- 27 8. Developing output report formats which will provide
28 district school systems with information for making management
29 decisions at the various educational levels;
- 30 9. Developing a phased plan for distributing computer
31 services equitably among all public schools and school

1 districts in the state as rapidly as possible. The plan shall
2 describe alternatives available to the state in providing such
3 computing services and shall contain estimates of the cost of
4 each alternative, together with a recommendation for action.
5 In developing the plan, the feasibility of shared use of
6 computing hardware and software by school districts, community
7 colleges, and universities shall be examined. Laws or
8 administrative rules regulating procurement of data processing
9 equipment, communication services, or data processing services
10 by state agencies shall not be construed to apply to local
11 agencies which share computing facilities with state agencies;

12 10. Assisting the district school systems in
13 establishing their subsystem components and assuring
14 compatibility with current district systems;

15 11. Establishing procedures for continuous evaluation
16 of system efficiency and effectiveness;

17 12. Initiating a reports-management and
18 forms-management system to ascertain that duplication in
19 collection of data does not exist and that forms and reports
20 for reporting under state and federal requirements and other
21 forms and reports are prepared in a logical and uncomplicated
22 format, resulting in a reduction in the number and complexity
23 of required reports, particularly at the school level; and

24 13. Initiating such other actions as are necessary to
25 carry out the intent of the Legislature that a management
26 information system for public school management needs be
27 implemented. Such other actions shall be based on criteria
28 including, but not limited to:

- 29 a. The purpose of the reporting requirement;
30 b. The origination of the reporting requirement;

31

- 1 c. The date of origin of the reporting requirement;
2 and
3 d. The date of repeal of the reporting requirement.
4 (b) The specific responsibilities of each district
5 school system shall include:
6 1. Establishing, at the district level, a
7 reports-control and forms-control management system committee
8 composed of school administrators and classroom teachers. The
9 district school board shall appoint school administrator
10 members and classroom teacher members; or, in school districts
11 where appropriate, the classroom teacher members shall be
12 appointed by the bargaining agent. Teachers shall constitute a
13 majority of the committee membership. The committee shall
14 periodically recommend procedures to the district school board
15 for eliminating, reducing, revising, and consolidating
16 paperwork and data collection requirements and shall submit to
17 the district school board an annual report of its findings.
18 2. With assistance from the commissioner, developing
19 systems compatibility between the state management information
20 system and unique local systems.
21 3. Providing, with the assistance of the department,
22 inservice training dealing with management information system
23 purposes and scope, a method of transmitting input data, and
24 the use of output report information.
25 4. Establishing a plan for continuous review and
26 evaluation of local management information system needs and
27 procedures.
28 5. Advising the commissioner of all district
29 management information needs.
30
31

1 6. Transmitting required data input elements to the
2 appropriate processing locations in accordance with guidelines
3 established by the commissioner.

4 7. Determining required reports, comparisons, and
5 relationships to be provided to district school systems by the
6 system output reports, continuously reviewing these reports
7 for usefulness and meaningfulness, and submitting recommended
8 additions, deletions, and change requirements in accordance
9 with the guidelines established by the commissioner.

10 8. Being responsible for the accuracy of all data
11 elements transmitted to the department.

12 (c) It is the intent of the Legislature that the
13 expertise in the state system of public education, as well as
14 contracted services, be utilized to hasten the plan for full
15 implementation of a comprehensive management information
16 system.

17 Section 10. Section 229.559, Florida Statutes, is
18 amended to read:

19 229.559 Social security numbers used as student
20 identification numbers.--Each school district shall request
21 that each student enrolled in a public school in this state
22 provide his or her social security number. Each school
23 district shall use social security numbers as student
24 identification numbers in the management information system
25 maintained by the school district. However, a student is not
26 required to provide his or her social security number as a
27 condition for enrollment or graduation. A student satisfies
28 this requirement by presenting to school enrollment officials
29 his or her social security card or a copy of the card. The
30 school district shall include the social security number in
31 the student's permanent records and shall indicate if the

1 student identification number is not a social security number.
2 The Superintendent of Public Instruction ~~commissioner~~ shall
3 provide assistance to school districts to assure that the
4 assignment of student identification numbers other than social
5 security numbers is kept to a minimum and to avoid duplication
6 of any student identification number.

7 Section 11. Section 229.565, Florida Statutes, is
8 amended to read:

9 229.565 Educational evaluation procedures.--

10 (1) STUDENT PERFORMANCE STANDARDS.--

11 (a) The State Board of Education shall approve student
12 performance standards in key academic subject areas and grade
13 levels. The standards must apply, without limitation, to
14 language arts, mathematics, science, social studies, the arts,
15 health and physical education, foreign language, reading,
16 writing, history, government, geography, economics, and
17 computer literacy. The Superintendent of Public Instruction
18 ~~commissioner~~ shall obtain opinions and advice from citizens,
19 educators, and members of the business community in developing
20 the standards. For purposes of this section, the term "student
21 performance standard" means a statement describing a skill or
22 competency students are expected to learn.

23 (b) The student performance standards must address the
24 skills and competencies that a student must learn in order to
25 graduate from high school. The Superintendent of Public
26 Instruction ~~commissioner~~ shall also develop performance
27 standards for students who learn a higher level of skills and
28 competencies.

29 (2) EDUCATION EVALUATION.--The State Board
30 ~~Commissioner~~ of Education, or the Auditor General as provided
31 in paragraph (a), shall periodically examine and evaluate

1 procedures, records, and programs in each district to
2 determine compliance with law and rules established by the
3 state board, or by the Superintendent of Public Instruction
4 ~~Commissioner of Education~~, and in each correctional
5 institution operated by the Department of Corrections to
6 determine compliance with law and rules established by the
7 Department of Corrections for the Correctional Education
8 Program pursuant to s. 944.801. Such evaluations must include,
9 but need not be limited to:

10 (a) Reported full-time equivalent membership in each
11 program category. This evaluation must be conducted by the
12 Auditor General for the Florida Education Finance Program
13 full-time enrollment verification function.

14 (b) The organization of all special programs to ensure
15 compliance with law and the criteria established and approved
16 by the state board pursuant to the provisions of this section
17 and s. 230.23(4)(m).

18 (c) The procedures for identification and placement of
19 students in educational alternative programs for students who
20 are disruptive or unsuccessful in a normal school environment
21 and for diagnosis and placement of students in special
22 programs for exceptional students, to determine that the
23 district is following the criteria for placement established
24 by rules of the State Board ~~and of the Commissioner~~ of
25 Education and the procedures for placement established by that
26 district school board and by the Superintendent of Public
27 Instruction ~~Commissioner of Education~~.

28 (d) An evaluation of the standards by which the school
29 district evaluates basic and special programs for quality,
30 efficiency, and effectiveness.

31

1 (e) Determination of the ratio of administrators to
2 teachers in each school district.

3 (f) Compliance with the cost accounting and reporting
4 requirements of s. 237.34 and the extent to which the
5 percentage expenditure requirements therein are being met.

6 (g) Clearly defined data collection and documentation
7 requirements, including specifications of which records and
8 information need to be kept and how long the records need to
9 be retained. The information and documentation needs for
10 evaluation must be presented to the school districts and
11 explained well in advance of the actual audit date.

12 (h) Determination of school district achievement in
13 meeting the performance standards specified in s. 232.2454.

14 (3) ASSISTANCE AND ADJUSTMENTS.--If discrepancies or
15 deficiencies are found, the Superintendent of Public
16 Instruction ~~Commissioner of Education~~ must provide information
17 and assistance to the superintendent and personnel of the
18 district in correcting the cited deficiencies. Priority for
19 such assistance must be given to providing the most deficient
20 individual school programs with research-based problem
21 identification strategies and alternatives to improve student
22 performance. Such alternatives must be systematically drawn
23 from research related to school effectiveness, teacher
24 effectiveness, or management effectiveness. If it is
25 determined that the approved criteria and procedures for the
26 placement of students and the conduct of programs have not
27 been followed by the district, appropriate adjustments in the
28 full-time equivalent student count for that district must be
29 made, and any excess funds must be deducted from subsequent
30 allocations of state funds to that district. As provided for
31 by rule, if errors in a specific program of a district recur

1 in consecutive years due to lack of corrective action by the
2 district, adjustments may be made based upon statistical
3 estimates of error projected to the overall district program.

4 Section 12. Subsections (2), (3), (6), and (11) of
5 section 229.57, Florida Statutes, are amended to read:

6 229.57 Student assessment program.--

7 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
8 intent to participate in the measurement of national
9 educational goals. The Superintendent of Public Instruction
10 ~~Commissioner of Education~~ shall direct Florida school
11 districts to participate in the administration of the National
12 Assessment of Educational Progress, or a similar national
13 assessment program, both for the national sample and for any
14 state-by-state comparison programs which may be initiated.
15 Such assessments must be conducted using the data collection
16 procedures, the student surveys, the educator surveys, and
17 other instruments included in the National Assessment of
18 Educational Progress or a similar program. The results of
19 these assessments shall be included in the annual report of
20 the Superintendent of Public Instruction ~~Commissioner of~~
21 ~~Education~~ specified in this section. The administration of the
22 National Assessment of Educational Progress or a similar
23 program shall be in addition to and separate from the
24 administration of the statewide assessment program.

25 (3) STATEWIDE ASSESSMENT PROGRAM.--The Superintendent
26 of Public Instruction ~~commissioner~~ shall design and implement
27 a statewide program of educational assessment that provides
28 information for the improvement of the operation and
29 management of the public schools, including schools operating
30 for the purpose of providing educational services to youth in
31 Department of Juvenile Justice programs. Pursuant to the

1 statewide assessment program, the Superintendent of Public
2 Instruction ~~commissioner~~ shall:
3 (a) Submit to the State Board of Education a list that
4 specifies student skills and competencies to which the goals
5 for education specified in the state plan apply, including,
6 but not limited to, reading, writing, science, and
7 mathematics. The skills and competencies must include
8 problem-solving and higher-order skills as appropriate and
9 shall be known as the Sunshine State Standards. The
10 Superintendent of Public Instruction ~~commissioner~~ shall select
11 such skills and competencies after receiving recommendations
12 from educators, citizens, and members of the business
13 community. The Superintendent of Public Instruction
14 ~~commissioner~~ shall submit to the State Board of Education
15 revisions to the list of student skills and competencies in
16 order to maintain continuous progress toward improvements in
17 student proficiency.
18 (b) Develop and implement a uniform system of
19 indicators to describe the performance of public school
20 students and the characteristics of the public school
21 districts and the public schools. These indicators must
22 include, without limitation, information gathered by the
23 comprehensive management information system created pursuant
24 to s. 229.555 and student achievement information obtained
25 pursuant to this section.
26 (c) Develop and implement a student achievement
27 testing program as part of the statewide assessment program,
28 to be administered annually in grades 3 through 10 to measure
29 reading, writing, science, and mathematics. The testing
30 program must be designed so that:
31

1 1. The tests measure student skills and competencies
2 adopted by the State Board of Education as specified in
3 paragraph (a). The tests must measure and report student
4 proficiency levels in reading, writing, and mathematics.
5 Science proficiency must be measured statewide beginning in
6 2003. Other content areas may be included as directed by the
7 Superintendent of Public Instruction ~~commissioner~~. The
8 Superintendent of Public Instruction ~~commissioner~~ shall
9 provide for the tests to be developed or obtained, as
10 appropriate, through contracts and project agreements with
11 private vendors, public vendors, public agencies,
12 postsecondary institutions, or school districts. The
13 Superintendent of Public Instruction ~~commissioner~~ shall obtain
14 input with respect to the design and implementation of the
15 testing program from state educators and the public.

16 2. The tests are a combination of norm-referenced and
17 criterion-referenced and include, to the extent determined by
18 the Superintendent of Public Instruction ~~commissioner~~, items
19 that require the student to produce information or perform
20 tasks in such a way that the skills and competencies he or she
21 uses can be measured.

22 3. Each testing program, whether at the elementary,
23 middle, or high school level, includes a test of writing in
24 which students are required to produce writings which are then
25 scored by appropriate methods.

26 4. A score is designated for each subject area tested,
27 below which score a student's performance is deemed
28 inadequate. The school districts shall provide appropriate
29 remedial instruction to students who score below these levels.

30 5. Except as provided in subparagraph 6., all 11th
31 grade students take a high school competency test developed by

1 the state board to test minimum student performance skills and
2 competencies in reading, writing, and mathematics. The test
3 must be based on the skills and competencies adopted by the
4 State Board of Education pursuant to paragraph (a). Upon
5 recommendation of the Superintendent of Public Instruction
6 ~~commissioner~~, the State Board of Education shall designate a
7 passing score for each part of the high school competency
8 test. In establishing passing scores, the state board shall
9 consider any possible negative impact of the test on minority
10 students. The Superintendent of Public Instruction
11 ~~commissioner~~ may establish criteria whereby a student who
12 successfully demonstrates proficiency in either reading or
13 mathematics or both may be exempted from taking the
14 corresponding section of the high school competency test or
15 the college placement test. A student must earn a passing
16 score or have been exempted from each part of the high school
17 competency test in order to qualify for a regular high school
18 diploma. The school districts shall provide appropriate
19 remedial instruction to students who do not pass part of the
20 competency test.

21 6. Students who enroll in grade 9 in the fall of 1999
22 and thereafter must earn a passing score on the grade 10
23 assessment test described in this paragraph instead of the
24 high school competency test described in subparagraph 5. Such
25 students must earn a passing score in reading, writing, and
26 mathematics to qualify for a regular high school diploma. Upon
27 recommendation of the Superintendent of Public Instruction
28 ~~commissioner~~, the State Board of Education shall designate a
29 passing score for each part of the grade 10 assessment test.
30 In establishing passing scores, the State Board of Education
31

1 shall consider any possible negative impact of the test on
2 minority students.

3 7. Participation in the testing program is mandatory
4 for all students, including students served in Department of
5 Juvenile Justice programs, except as otherwise prescribed by
6 the Superintendent of Public Instruction ~~commissioner~~. The
7 Superintendent of Public Instruction ~~commissioner~~ shall
8 recommend rules to the State Board of Education for the
9 provision of test adaptations and modifications of procedures
10 as necessary for students in exceptional education programs
11 and for students who have limited English proficiency.

12 8. A student seeking an adult high school diploma must
13 meet the same testing requirements that a regular high school
14 student must meet.

15 9. School districts must provide instruction to
16 prepare students to demonstrate proficiency in the skills and
17 competencies necessary for successful grade-to-grade
18 progression and high school graduation. The Superintendent of
19 Public Instruction ~~commissioner~~ shall conduct studies as
20 necessary to verify that the required skills and competencies
21 are part of the district instructional programs.

22 10. ~~By January 1, 2000,~~The Department of Education
23 must develop, or select, and implement a common battery of
24 assessment tools which will be used in all juvenile justice
25 programs in the state. These tools must accurately reflect
26 criteria established in the Florida Sunshine State Standards.

27
28 The Superintendent of Public Instruction ~~commissioner~~ may
29 design and implement student testing programs for any grade
30 level and subject area, based on procedures designated by the
31

1 State Board of Education ~~commissioner~~ to monitor educational
2 achievement in the state.

3 (d) Conduct ongoing research to develop improved
4 methods of assessing student performance, including, without
5 limitation, the use of technology to administer tests, the use
6 of electronic transfer of data, the development of
7 work-product assessments, and the development of process
8 assessments.

9 (e) Conduct ongoing research and analysis of student
10 achievement data, including, without limitation, monitoring
11 trends in student achievement, identifying school programs
12 that are successful, and analyzing correlates of school
13 achievement.

14 (f) Provide technical assistance to school districts
15 in the implementation of state and district testing programs
16 and the use of the data produced pursuant to such programs.

17 (6) ANNUAL REPORTS.--The Superintendent of Public
18 Instruction ~~commissioner~~ shall prepare annual reports of the
19 results of the statewide assessment program which describe
20 student achievement in the state, each district, and each
21 school. The Superintendent of Public Instruction ~~commissioner~~
22 shall prescribe the design and content of these reports, which
23 must include, without limitation, descriptions of the
24 performance of all schools participating in the assessment
25 program and all of their major student populations as
26 determined by the Superintendent of Public Instruction
27 ~~Commissioner of Education~~, and must also include the median
28 scores of all eligible students who scored at or in the lowest
29 25th percentile of the state in the previous school year;
30 provided, however, that the provisions of s. 228.093
31 pertaining to student records apply to this section. Until

1 such time as annual assessments prescribed in this section are
2 fully implemented, annual reports shall include student
3 performance data based on existing assessments.

4 (11) STATEWIDE ASSESSMENTS.--The Department of
5 Education is authorized, subject to appropriation, to
6 negotiate a multiyear contract for the development, field
7 testing, and implementation of annual assessments of students
8 in grades 3 through 10. Such assessments must comply with the
9 following criteria:

10 (a) Assessments for each grade level shall be capable
11 of measuring each student's mastery of the Sunshine State
12 Standards for that grade level and above.

13 (b) Assessments shall be capable of measuring the
14 annual progress each student makes in mastering the Sunshine
15 State Standards.

16 (c) Assessments shall include measures in reading and
17 mathematics in each grade level and must include writing and
18 science in grades 4, 8, and 10. Science assessment is to begin
19 statewide in 2003.

20 (d) Assessments shall be designed to protect the
21 integrity of the data and prevent score inflation.

22 (e) The statistical system shall use measures of
23 student learning, such as the FCAT, to determine teacher,
24 school, and school district statistical distributions, which
25 distributions:

26 1. Shall be determined using available data from the
27 FCAT, and other data collection as deemed appropriate by the
28 Department of Education, to measure the differences in student
29 prior year achievement against the current year achievement or
30 lack thereof, such that the "effects" of instruction to a
31

1 student by a teacher, school, and school district may be
2 estimated on a per-student and constant basis.

3 2. Shall, to the extent possible, be able to be
4 expressed in linear scales such that the effects of ceiling
5 and floor dispersions are minimized.

6 (f) The statistical system shall provide for an
7 approach which provides for best linear unbiased prediction
8 for the teacher, school, and school district effects on pupil
9 progress. These estimates should adequately be able to
10 determine effects of and compare teachers who teach multiple
11 subjects to the same groups of students, and team teaching
12 situations where teachers teach a single subject to multiple
13 groups of students, or other teaching situations as
14 appropriate.

15 ~~1.~~ The department, in consultation with the Office of
16 Program Policy Analysis and Government Accountability, and
17 other sources as appropriate, shall use recognized approaches
18 to statistical variance and estimating random effects.

19 ~~2. The approach used by the department shall be~~
20 ~~approved by the State Board of Education before implementation~~
21 ~~for pupil progression assessment.~~

22 (g) Assessments shall include a norm-referenced
23 subtest that allows for comparisons of Florida students with
24 the performance of students nationally.

25 (h) The annual testing program shall be administered
26 to provide for valid statewide comparisons of learning gains
27 to be made for purposes of accountability and recognition.
28 Annual assessments that do not contain performance items shall
29 be administered no earlier than March of each school year,
30 with results being returned to schools prior to the end of the
31 academic year. Subtests that contain performance items may be

1 given earlier than March, provided that the remaining subtests
2 are sufficient to provide valid data on comparisons of student
3 learning from year to year. The time of administration shall
4 be aligned such that a comparable amount of instructional time
5 is measured in all school districts. District school boards
6 shall not establish school calendars that jeopardize or limit
7 the valid testing and comparison of student learning gains.

8 (i) Assessments shall be implemented statewide no
9 later than the spring of the 2000-2001 school year.

10 Section 13. Paragraph (a) of subsection (1) of section
11 229.58, Florida Statutes, is amended to read:

12 229.58 District and school advisory councils.--

13 (1) ESTABLISHMENT.--

14 (a) The school board shall establish an advisory
15 council for each school in the district, and shall develop
16 procedures for the election and appointment of advisory
17 council members. Each school advisory council shall include in
18 its name the words "school advisory council." The school
19 advisory council shall be the sole body responsible for final
20 decisionmaking at the school relating to implementation of the
21 provisions of ss. 229.591, 229.592, and 230.23(16). A majority
22 of the members of each school advisory council must be persons
23 who are not employed by the school. Each advisory council
24 shall be composed of the principal and an appropriately
25 balanced number of teachers, education support employees,
26 students, parents, and other business and community citizens
27 who are representative of the ethnic, racial, and economic
28 community served by the school. Vocational-technical center
29 and high school advisory councils shall include students, and
30 middle and junior high school advisory councils may include
31 students. School advisory councils of vocational-technical

1 and adult education centers are not required to include
2 parents as members. Council members representing teachers,
3 education support employees, students, and parents shall be
4 elected by their respective peer groups at the school in a
5 fair and equitable manner as follows:

6 1. Teachers shall be elected by teachers.

7 2. Education support employees shall be elected by
8 education support employees.

9 3. Students shall be elected by students.

10 4. Parents shall be elected by parents.

11
12 The school board shall establish procedures for use by schools
13 in selecting business and community members. Such procedures
14 shall include means of ensuring wide notice of vacancies and
15 for taking input on possible members from local business,
16 chambers of commerce, community and civic organizations and
17 groups, and the public at large. The school board shall review
18 the membership composition of each advisory council. Should
19 the school board determine that the membership elected by the
20 school is not representative of the ethnic, racial, and
21 economic community served by the school, the board shall
22 appoint additional members to achieve proper representation.

23 The Superintendent of Public Instruction ~~Commissioner of~~
24 ~~Education~~ shall determine whether ~~if~~ schools have maximized
25 their efforts to include on their advisory councils minority
26 persons and persons of lower socioeconomic status. Although
27 schools should be strongly encouraged to establish school
28 advisory councils, any school district that has a student
29 population of 10,000 or fewer may establish a district
30 advisory council which shall include at least one duly elected
31 teacher from each school in the district. For the purposes of

1 school advisory councils and district advisory councils, the
2 term "teacher" shall include classroom teachers, certified
3 student services personnel, and media specialists. For
4 purposes of this paragraph, "education support employee" means
5 any person employed by a school who is not defined as
6 instructional or administrative personnel pursuant to s.
7 228.041 and whose duties require 20 or more hours in each
8 normal working week.

9 Section 14. Section 229.59, Florida Statutes, is
10 amended to read:

11 229.59 Educational improvement projects.--

12 (1) Pursuant to rules adopted by the State Board
13 ~~Commissioner~~ of Education, each district school board, or each
14 principal through the district school board, may submit to the
15 State Board of Education ~~commissioner~~ for approval a proposal
16 for implementing an educational improvement project. Such
17 proposals shall be developed with the assistance of district
18 and school advisory councils and may address any or all of the
19 following areas:

20 (a) The improvement of school management;

21 (b) The improvement of the district and school
22 advisory councils;

23 (c) School volunteers;

24 (d) The professional development of teachers;

25 (e) The restructuring of educational programs to meet
26 the needs of diverse students; and

27 (f) Global awareness.

28

29 Such projects may also address any other educational area
30 which would be improved through the encouragement of closer
31 working relationships among the school principal, the

1 teachers, and the parents and other members of the community.
2 Priority shall be given to proposals which provide for the
3 inclusion of existing resources, such as district educational
4 training funds, in the implementation of an educational
5 improvement project.

6 (2) For each project approved, the State Board of
7 Education ~~commissioner~~ shall authorize distribution of a grant
8 from funds available ~~to the Department of Education~~ for
9 educational improvements projects. Promising innovations
10 resulting from the implementation of such projects shall be
11 disseminated through publications, training programs, and
12 conferences. Projects that are determined to be exceptional
13 and innovative by the department may be further used as
14 demonstration and training models for other projects. The
15 Department of Education shall initiate field-based research to
16 assess the impact of education improvement efforts.

17 Section 15. Subsection (1) of section 229.591, Florida
18 Statutes, is amended to read:

19 229.591 Comprehensive revision of Florida's system of
20 school improvement and education accountability.--

21 (1) INTENT.--The Legislature recognizes that the
22 children and youth of the state are its future and its most
23 precious resource. To provide these developing citizens with
24 the sound education needed to grow to a satisfying and
25 productive adulthood, the Legislature intends that Florida
26 establish a system of school improvement and education
27 accountability based on the performance of students and
28 educational programs. The intent of the Legislature is to
29 provide clear guidelines for achieving this purpose and for
30 returning the responsibility for education to those closest to
31 the students, their schools, teachers, and parents. The

1 Legislature recognizes, however, its ultimate responsibility
2 and that of the Governor, ~~the Commissioner of Education,~~ and
3 the State Board of Education and other state policymaking
4 bodies in providing the strong leadership needed to forge a
5 new concept of school improvement and in making adequate
6 provision by law for a uniform, efficient, safe, secure, and
7 high-quality system of free public schools as required by s.
8 1, Art. IX of the State Constitution. It is further the intent
9 of the Legislature to build upon the foundation established by
10 the Educational Accountability Act of 1976 and to implement a
11 program of education accountability and school improvement
12 based upon the achievement of state goals, recognizing the
13 State Board of Education as the body corporate responsible for
14 the supervision of the system of public education, the
15 district school board as responsible for school and student
16 performance, and the individual school as the unit for
17 education accountability.

18 Section 16. Subsections (1), (2), (3), (5), (6), (8),
19 and (9) of section 229.592, Florida Statutes, are amended to
20 read:

21 229.592 Implementation of state system of school
22 improvement and education accountability.--

23 (1) DEVELOPMENT.--It is the intent of the Legislature
24 that every public school in the state, including schools
25 operating for the purpose of providing educational services to
26 youth in Department of Juvenile Justice programs, shall have a
27 school improvement plan, as required by s. 230.23(16).
28 Vocational standards considered pursuant to s. 239.229 shall
29 be incorporated into the school improvement plan for each area
30 technical center operated by a school board, and area
31 technical centers shall prepare school report cards

1 incorporating such standards, pursuant to s. 230.23(16). In
2 order to accomplish this, the Superintendent of Public
3 Instruction ~~Commissioner of Education~~ and the school districts
4 and schools shall carry out the duties assigned to them by s.
5 230.23(16).

6 (2) STATE BOARD OF EDUCATION ~~COMMISSIONER~~.--The State
7 Board of Education ~~commissioner~~ shall be responsible for
8 implementing and maintaining a system of intensive school
9 improvement and stringent education accountability, which
10 shall include policies and programs to implement the
11 following:

12 (a) A system of data collection and analysis that will
13 improve information about the educational success of
14 individual students and schools, including schools operating
15 for the purpose of providing educational services to youth in
16 Department of Juvenile Justice programs. The information and
17 analyses must be capable of identifying educational programs
18 or activities in need of improvement, and reports prepared
19 pursuant to this paragraph shall be distributed to the
20 appropriate school boards prior to distribution to the general
21 public. This provision shall not preclude access to public
22 records as provided in chapter 119.

23 (b) A program of school improvement that will analyze
24 information to identify schools, including schools operating
25 for the purpose of providing educational services to youth in
26 Department of Juvenile Justice programs, educational programs,
27 or educational activities in need of improvement.

28 (c) A method of delivering services to assist school
29 districts and schools to improve, including schools operating
30 for the purpose of providing educational services to youth in
31 Department of Juvenile Justice programs.

1 (d) A method of coordinating with the state
2 educational goals and school improvement plans any other state
3 program that creates incentives for school improvement.

4 (3) The Superintendent of Public Instruction
5 ~~commissioner~~ shall be held responsible for the implementation
6 and maintenance of the system of school improvement and
7 education accountability outlined in this section. There
8 shall be an annual determination of whether adequate progress
9 is being made toward implementing and maintaining a system of
10 school improvement and education accountability.

11 (5) The Superintendent of Public Instruction
12 ~~commissioner~~ shall review each school board's feedback report
13 and submit findings to the State Board of Education. If
14 adequate progress is not being made toward implementing and
15 maintaining a system of school improvement and education
16 accountability, the State Board of Education shall direct the
17 Superintendent of Public Instruction ~~commissioner~~ to prepare
18 and implement a corrective action plan. The Superintendent of
19 Public Instruction ~~commissioner~~ and State Board of Education
20 shall monitor the development and implementation of the
21 corrective action plan.

22 (6) The State Board of Education ~~commissioner~~ shall
23 report to the Legislature and recommend changes in state
24 policy necessary to foster school improvement and education
25 accountability. Included in the report shall be a list of the
26 schools, including schools operating for the purpose of
27 providing educational services to youth in Department of
28 Juvenile Justice programs, for which school boards have
29 developed assistance and intervention plans and an analysis of
30 the various strategies used by the school boards. School
31 reports shall be distributed pursuant to this subsection and

1 s. 230.23(16)(e) according to guidelines adopted by the State
2 Board of Education.

3 (8) STATE BOARD OF EDUCATION.--The State Board of
4 Education shall adopt rules pursuant to ss. 120.536(1) and
5 120.54 to implement a state system of school improvement and
6 education accountability and shall specify required annual
7 reports by schools and school districts.

8 (9) EXCEPTIONS TO RULES LAW.--To facilitate innovative
9 practices and to allow local selection of educational methods,
10 the State Board of Education ~~commissioner~~ may waive, upon the
11 request of a school board, rules adopted pursuant to the
12 requirements of chapters 230 through 239 of the Florida School
13 Code that relate to instruction and school operations, except
14 those pertaining to civil rights, and student health, safety,
15 and welfare. The State Board ~~Commissioner~~ of Education is not
16 authorized to grant rule waivers for any provisions of law
17 pertaining to the allocation and appropriation of state and
18 local funds for public education; the election, compensation,
19 and organization of school board members and superintendents;
20 graduation and state accountability standards; financial
21 reporting requirements; reporting of out-of-field teaching
22 assignments under s. 231.095; public meetings; public records;
23 or due process hearings governed by chapter 120. Prior to
24 approval, the State Board of Education ~~commissioner~~ shall
25 report pending waiver requests to the Governor ~~state board on~~
26 ~~a monthly basis, and shall, upon request of any state board~~
27 ~~member, bring a waiver request to the state board for~~
28 ~~consideration. If, within 2 weeks of receiving the report, no~~
29 ~~member requests that a waiver be considered by the state~~
30 ~~board, the commissioner may act on the original waiver~~
31 ~~request. No later than January 1 of each year, the State Board~~

1 of Education ~~commissioner~~ shall report to the President and
2 Minority Leader of the Senate and the Speaker and Minority
3 Leader of the House of Representatives all approved waiver
4 requests in the preceding year.

5 (a) Graduation requirements in s. 232.246 must be met
6 by demonstrating performance of intended outcomes for any
7 course in the Course Code Directory unless a waiver is
8 approved by the State Board of Education ~~commissioner~~. In
9 developing procedures for awarding credits based on
10 performance outcomes, districts may request waivers from State
11 Board of Education rules relating to curriculum frameworks and
12 credits for courses and programs in the Course Code Directory.
13 Credit awarded for a course or program beyond that allowed by
14 the Course Code Directory counts as credit for electives. Upon
15 request by any school district, the State Board of Education
16 ~~commissioner~~ shall evaluate and establish procedures for
17 variations in academic credits awarded toward graduation by a
18 high school offering six periods per day compared to those
19 awarded by high schools operating on other schedules.

20 1. A school board may originate a request for waiver
21 and submit the request to the State Board of Education
22 ~~commissioner~~ if such a waiver is required to implement
23 districtwide improvements.

24 2. A school board may submit a request to the State
25 Board of Education ~~commissioner~~ for a waiver if such request
26 is presented to the school board by a school advisory council
27 established pursuant to s. 229.58 and if such a waiver is
28 required to implement a school improvement plan required by s.
29 230.23(16). The school board shall report annually to the
30 State Board of Education ~~Commissioner of Education~~, in
31 conjunction with the feedback report required pursuant to this

1 section, the number of waivers requested by school advisory
2 councils, the number of such waiver requests approved and
3 submitted to the State Board of Education ~~commissioner~~, and
4 the number of such waiver requests not approved and not
5 submitted to the State Board of Education ~~commissioner~~. For
6 each waiver request not approved, the school board shall
7 report the statute or rule for which the waiver was requested,
8 the rationale for the school advisory council request, and the
9 reason the request was not approved.

10 3. When approved by the State Board of Education
11 ~~commissioner~~, a waiver requested under this paragraph is
12 effective for a 5-year period.

13 ~~(b) Notwithstanding the provisions of chapter 120 and~~
14 ~~for the purpose of implementing this subsection, the~~
15 ~~commissioner may waive State Board of Education rules if the~~
16 ~~school board has submitted a written request to the~~
17 ~~commissioner for approval pursuant to this subsection.~~

18 ~~(b)(c)~~ The written request for waiver of ~~statute or~~
19 rule must indicate at least how granting the waiver will
20 assist schools in improving student outcomes related to the
21 student performance standards adopted by the state board, and
22 how student improvement will be evaluated and reported. The
23 State Board of Education ~~commissioner~~ shall not grant any
24 waiver that would impair the protection of the health, safety,
25 welfare, or civil rights of the students or the protection of
26 the public interest.

27 ~~(c)(d)~~ Upon denying a request for a waiver, the State
28 Board of Education ~~commissioner~~ must state with particularity
29 the grounds or basis for the denial. The State Board of
30 Education ~~commissioner~~ shall report the specific ~~statutes and~~
31 rules for which waivers are requested and the number and

1 disposition of such requests to the Legislature and the
2 Governor State Board of Education for use in determining which
3 ~~statutes and rules~~ stand in the way of school improvement.

4 (d)~~(e)~~1. Schools designated in performance grade
5 category "A," making excellent progress, shall, if requested
6 by the school, be given deregulated status as specified in s.
7 228.0565(5), (7), (8), (9), and (10).

8 2. Schools that have improved at least two performance
9 grade categories and that meet the criteria of the Florida
10 School Recognition Program pursuant to s. 231.2905 may be
11 given deregulated status as specified in s. 228.0565(5), (7),
12 (8), (9), and (10).

13 Section 17. Subsection (5) of section 229.595, Florida
14 Statutes, is amended to read:

15 229.595 Implementation of state system of education
16 accountability for school-to-work transition.--

17 (5) Prior to each student's graduation from high
18 school, the school shall assess the student's preparation to
19 enter the workforce and provide the student and the student's
20 parent or guardian with the results of such assessment. The
21 State Board of Education ~~Commissioner of Education~~ shall
22 identify the employability skills associated with successful
23 entry into the workforce from which such items shall be
24 derived.

25 Section 18. Subsection (2) of section 229.601, Florida
26 Statutes, is amended to read:

27 229.601 Career education program.--

28 (2) There is ~~hereby~~ established a career education
29 program in the state educational system. The State Board
30 ~~Commissioner~~ of Education and his or her designated staff
31 shall administer this program. In developing and administering

1 the career education program, the purpose of which is to
2 promote positive career opportunities for all students
3 regardless of their race, color, creed, national origin,
4 ancestry, socioeconomic status, or gender, the State Board of
5 Education ~~commissioner~~ shall:

6 (a) Coordinate the efforts of the various disciplines
7 or programs within the educational system, from kindergarten
8 through postsecondary levels, and coordinate and articulate
9 the activities of the various divisions of the Department of
10 Education that are concerned with career education.

11 (b) Assemble, develop, and distribute instructional
12 materials for use in career education. Such materials shall
13 include information regarding recommended high school
14 coursework that prepares students for success in college-level
15 coursework.

16 (c) Develop programs for preservice and inservice
17 training for the purpose of infusing career education concepts
18 into the basic curricula of public schools and core curricula
19 of community colleges and state universities and programs for
20 preservice and inservice training for counselors and
21 occupational and placement specialists to assist in career
22 counseling and placement and followup activities.

23 (d) Coordinate and assist the efforts of business and
24 industry, community-based organizations, and governmental
25 agencies that are concerned with education and work.

26 (e) Integrate career education in the general
27 curricula of all public school grades and postsecondary
28 education levels, directing special efforts toward defining
29 high-technology needs and incorporating these needs into the
30 career planning process.

31

1 Section 19. Subsections (3), (4), (6), (7), and (9) of
2 section 229.602, Florida Statutes, are amended to read:

3 229.602 Florida private sector and education
4 partnerships.--

5 (3) The State Board ~~Commissioner~~ of Education shall
6 designate an office within the Department of Education to
7 encourage and enhance partnerships between education and the
8 private sector, to function as a clearinghouse for material
9 dissemination, and to provide training and consultation to
10 school districts as appropriate. The duties of the office
11 shall include, but not be limited to, the following:

12 (a) Developing recommendations for establishing
13 private sector and education partnerships and for the
14 distribution of funds to local districts for partnership
15 activities.

16 (b) Evaluating grant proposals and making
17 recommendations to the commissioner for distribution of funds
18 to local districts with priority given to partnership
19 activities which involve teacher development strategies, high
20 school completion programs for students identified as at-risk,
21 telecommunications, senior citizen involvement, rural
22 districts with financial needs, new innovative programs, and
23 other priority programs deemed appropriate.

24 (c) Developing recommendations for soliciting and
25 utilizing funds of the state direct-support organization as
26 defined in s. 229.8021.

27 (d) Expanding the network for exchange of expertise
28 and information about private sector and education
29 partnerships throughout the state.

30
31

1 (e) Providing technical assistance and workshops to
2 facilitate the exchange of information and expertise about
3 partnership programs.

4 (f) Establishing a method of measuring the impact of
5 private sector and education partnerships on improving the
6 quality of education.

7 (g) Establishing appropriate award systems to
8 recognize business for its contribution to improving
9 education.

10 (h) Identifying exemplary materials and models to be
11 disseminated to local school districts.

12 (4) The State Board of Education ~~Beginning January 1,~~
13 ~~1989, the commissioner~~ shall make an annual report to the
14 Legislature within 60 days prior to the beginning of the
15 regular legislative session. The report shall include:

16 (a) A summary of the status of private sector and
17 education partnership programs including the Florida public
18 schools challenge grants program and other grant programs.

19 (b) Recommendations to improve the efficiency and
20 promote the growth of private sector and education
21 partnerships.

22 (6)(a) The State Board ~~Commissioner~~ of Education shall
23 authorize Florida public schools challenge grants to school
24 districts. These funds shall be distributed ~~by the~~
25 ~~commissioner~~ on a fair and equitable basis. Eighty percent of
26 the available funds shall be applied to projects in which
27 matching funding support is provided by foundations or the
28 private sector. The State Board ~~commissioner~~ may include
29 documented market value of private sector services in awarding
30 challenge grants. The remaining 20 percent of available funds
31 may be granted directly to school districts based on local

1 need and limited private sector resources. Funding matches
2 shall be conducted with a ratio of 60 percent provided by the
3 private sector and 40 percent provided by the state. Submitted
4 proposals shall indicate the agencies involved in the
5 partnership agreement, an outline of activities to be
6 undertaken, the procedures for joint planning and
7 coordination, a budget request explaining the proposed
8 expenditure of funds, the outcomes and advantages expected
9 from the funded activities, and a provision for reporting the
10 results at a regional or state conference held at the
11 conclusion of the project. Grant proposals shall be signed by
12 representatives of the agencies involved in the partnership
13 agreement. The State Board of Education, ~~in consultation with~~
14 ~~the department,~~ shall adopt a simple format to facilitate
15 grant proposal applications.

16 (b) Florida public schools challenge grants shall be
17 awarded for, but not limited to, the following types of
18 programs:

- 19 1. Dropout prevention and alcohol and substance abuse
20 prevention.
- 21 2. Preservice and inservice training of teachers,
22 administrators, and other school personnel.
- 23 3. Teacher internships or sabbaticals in the private
24 sector.
- 25 4. Joint community/school long-range planning.
- 26 5. Tutoring and mentoring of students.
- 27 6. Career education.
- 28 7. Student or teacher incentive and motivational
29 programs.
- 30 8. Community/school resource development.
- 31 9. Physical plant and workplace enhancement.

1 10. Community/school public relations and
2 communication.

3 11. Private sector/education coordinating activities
4 to facilitate the further establishment of partnerships.

5 12. Management training which would involve both
6 school and private sector managers.

7 13. Programs which bring business volunteers into the
8 classroom.

9 (7)(a) The Florida compact pilot program is hereby
10 established with the intent to provide incentives for local
11 school districts to establish formal agreements with business,
12 industry, vocational programs, postsecondary institutions of
13 higher education, government, and other community resources in
14 an effort to reduce the rate of school dropouts, to provide
15 jobs for high school graduates, and to increase opportunities
16 for high school graduates to attend vocational programs and
17 other postsecondary institutions of higher education.

18 (b) The State Board ~~Commissioner~~ of Education is
19 authorized to select at least three school districts or
20 consortia of districts to participate in a 5-year pilot
21 program to foster improved interagency collaboration among
22 those who educate, work with, and employ young people. Such
23 program shall be implemented beginning with the 1987-1988
24 school year. Evidence of collaboration shall take the form of
25 a written agreement, or compact, that is the result of a
26 formal strategic planning model and specifically defined
27 linkages.

28
29 The compact shall include commitments, stated as goals which
30 are accompanied by operational strategies, from business,
31 community, government, and schools for comprehensive efforts

1 including, but not limited to, activities for raising student
2 achievement and reducing school dropouts and youth
3 unemployment.

4 (c) Each school district or consortium of districts
5 may apply to participate in this pilot program on forms
6 prescribed by the department. Factors to be considered in
7 selection of the pilot sites shall include, but not be limited
8 to, the following:

9 1. Dropout rate and youth unemployment rate within the
10 district or districts. Those districts with high rates of
11 school dropout and youth unemployment shall have priority in
12 the selection process.

13 2. Socioeconomic demographics of the school district
14 or districts. The districts selected shall reflect a broad
15 cross section of economic, social, and ethnic backgrounds.

16 3. Commitment and involvement of private sector and
17 education entities. Evidence of involvement from a wide
18 variety of business, community, government, and school groups
19 shall be submitted. Such evidence may include signed
20 agreements and pledges of matching funds. Commitment to build
21 and sustain the compact throughout the 5-year pilot period
22 shall be demonstrated.

23 4. The potential effectiveness of the planning model
24 and the procedures for joint goal setting and coordination. A
25 comprehensive planning model shall be developed which shall
26 reflect well-defined, quantifiable goals of school
27 effectiveness, including, but not limited to, raising student
28 achievement and reducing school dropouts and youth
29 unemployment. This planning model shall include provisions for
30 the ongoing review and monitoring of compact goals and
31 activities through the use of advisory councils, the

1 designation of persons for coordination of compact pursuits,
2 and other such mechanisms.

3 5. Ability to evaluate and disseminate results. Plans
4 shall be submitted for thorough evaluation of all activities
5 and documentation of results in raising student achievement
6 and reducing school dropouts and youth unemployment and for
7 dissemination of the model to other school districts.

8 (d) From the district or consortium proposals
9 received, the commissioner shall approve at least three
10 proposals for participation in the program. In order to
11 promote diversity and maximum potential for replication, one
12 proposal shall be approved from districts with up to 5,000
13 students, one from districts with 5,001 to 25,000 students,
14 and one from districts with over 25,000 students. At least
15 one proposal shall represent a rural community.

16 (e) Each participating district or consortium shall
17 submit annual reports of progress and evidence of
18 effectiveness to the commissioner who shall review each pilot
19 project individually and make recommendations to the
20 Legislature for annual funding. At the end of the 5-year
21 period each district shall submit a final report of all
22 activities and evidence of effectiveness to both the
23 commissioner and the Legislature.

24 (9)(a) There is created the Mathematics and Science
25 Partnership Program. Funds appropriated for this program shall
26 be distributed by the Department ~~Commissioner~~ of Education to
27 the state's elementary, middle, and junior high schools and
28 developmental research schools on the basis of proposals
29 submitted for projects that include matching fund partnerships
30 with foundations or private sector individuals or agencies.

31

1 The ratio of matching funds for each project shall be 60
2 percent from private sources and 40 percent from state funds.
3 (b) Project proposals must include the following:
4 1. Identification of the school and the private entity
5 to be involved in the partnership agreement;
6 2. An outline of the proposed project activities;
7 3. Procedures for joint planning and coordination by
8 partnership participants;
9 4. A budget request describing the proposed
10 expenditure of funds;
11 5. A description of the anticipated project outcomes;
12 6. Procedures for assessing the success of the project
13 in achieving stated objectives;
14 7. Provision for reporting project results to the
15 Department of Education and at a regional or state conference
16 of program participants;
17 8. A description of how the project implements the
18 Comprehensive Plan for Mathematics, Science, and Computer
19 Education.
20 (c) Project proposals must be signed by
21 representatives of the parties involved in the partnership
22 agreement.
23 (d) The State Board of Education shall adopt forms for
24 proposal applications.
25 (e) Proposals shall be funded based on the merit of
26 proposals submitted, as determined by the commissioner, to the
27 extent of the state funds appropriated for this purpose.
28 (f) Mathematics and Science Partnership Program grants
29 shall be used to encourage initiatives from elementary and
30 middle school teachers for teaching mathematics, science, and
31 computer skills through programs which:

1 1. Allocate resources for the materials necessary to
2 implement the curricular goals of the comprehensive plan; and

3 2. Develop and implement alternative classroom and
4 laboratory designs that enhance and encourage active learning
5 and laboratory learning in mathematics, science, and computer
6 education.

7 Section 20. Section 229.603, Florida Statutes, is
8 amended to read:

9 229.603 Instructional Technology Grant Program.--There
10 is created the Instructional Technology Grant Program.

11 (1) GRANT FUNDING.--

12 (a) Eighty percent of the funds appropriated for this
13 program shall be distributed by the State Board ~~Commissioner~~
14 of Education to the state's school districts on the basis of
15 proposals submitted for implementing instructional technology.
16 These funds may be used to replicate existing instructional
17 technology programs. At least 10 percent of these funds shall
18 be used for teacher and other related training.

19 (b) At least 10 percent of the funds appropriated for
20 this program shall be used to fund research and development
21 and codevelopment of new instructional technologies and their
22 implementation in the classroom.

23 (c) Up to 10 percent of the funds appropriated for
24 this program shall be used to fund new or innovative use of
25 instructional technology or use of new instructional
26 technology.

27 (2) GRANT ADMINISTRATION.--

28 (a) Project proposals must include the following:

29 1. An outline of the proposed project activities and
30 project budget.

31

1 2. A description of how the proposed project will
2 integrate instructional technology with regular classroom
3 teaching.

4 3. A description of how the project incorporates
5 state-of-the-art instructional technology which utilizes
6 advanced integrated learning systems technology and other
7 newly developed systems geared to hands-on learning and to
8 developing higher order thinking skills, including
9 problem-solving skills, understanding of abstract concepts,
10 and high-level critical thinking and applied learning skills.

11 4. A description of how the project will affect and be
12 incorporated into the overall implementation of instructional
13 technology in the school district over the next 5 years.

14 5. A description of the anticipated project results
15 and procedures for assessing the success of the project.

16 (b) During fiscal year 1990-1991, preference for grant
17 approval shall be given to projects which are dedicated to
18 elementary school implementation and which utilize advanced
19 technology to incorporate self-paced learning.

20 (c) Preference for grant approval shall be given to
21 districts which maximize their match of the grant request with
22 district funds and private sector contributions.

23 (d) The Department of Education shall adopt forms for
24 proposal applications.

25 (e) Proposals shall be recommended to the State Board
26 of Education ~~commissioner~~ by a nine-member grant review panel
27 appointed by the State Board of Education ~~commissioner~~. The
28 panel shall consist of two teachers, two district
29 administrators, two business people, a school administrator,
30 and two additional members selected at the State Board of
31 Education's ~~commissioner's~~ discretion.

1 (f) A portion of the grant funds utilized by the State
2 Board of Education ~~commissioner~~ under paragraph (1)(c) may be
3 utilized to:

4 1. Administer the program.
5 2. Fund development and codevelopment activities.
6 3. Establish a clearinghouse to identify, evaluate,
7 and disseminate information regarding developments in the
8 private and public sectors of instructional technology,
9 including both software and hardware.

10 4. Disseminate information regarding successful
11 state-of-the-art systems, including an annual catalog of
12 exemplary projects and products.

13 (g) The department shall assist grant recipients in
14 using state central-purchasing resources to maximize cost
15 advantages and shall, where necessary, provide districts with
16 technical assistance for needs assessment and grant
17 preparation.

18 (3) REPORTS.--~~Beginning January 1, 1991,~~ The State
19 Board of Education ~~commissioner~~ shall make an annual report to
20 the Legislature within 60 days prior to the beginning of the
21 regular legislative session. The report shall include:

22 (a) A summary of the status of the Instructional
23 Technology Grant Program.

24 (b) Recommendations to improve the efficiency and
25 promote the utilization of instructional technology.

26 Section 21. Sections 229.75 and 229.76, Florida
27 Statutes, are repealed.

28 Section 22. Subsection (3) of s. 229.8021, Florida
29 Statutes, is amended to read:

30 229.8021 Direct-support organization; use of property;
31 board of directors; audit.--

1 (3) BOARD OF DIRECTORS.--The board of directors of the
2 Department of Education direct-support organization shall be
3 appointed by the State Board ~~Commissioner~~ of Education and
4 shall include representation from business, industry, and
5 other components of Florida's economy.

6 Section 23. Subsections (3) and (5) of section
7 229.805, Florida Statutes, are amended to read:

8 229.805 Educational television.--

9 (3) POWERS OF DEPARTMENT OF EDUCATION.--

10 (a) The Department of Education is authorized to
11 encourage:

12 1. The extension of educational television network
13 facilities;

14 2. The coordination of Florida's educational
15 television with that of other states and with the Federal
16 Government; and

17 3. The further development of educational television
18 within the state.

19 (b) The department shall provide through educational
20 television and other electronic media a means of extending
21 educational services to all the state system of public
22 education, except the State University System as defined in s.
23 240.2011, which provision by the department shall be limited
24 by paragraph (c) and by s. 229.8051(1). ~~The department shall~~
25 ~~recommend to the Commissioner of Education rules and~~
26 ~~regulations necessary to provide such services.~~

27 (c) The department is authorized to provide equipment,
28 funds, and other services to extend and update both the
29 existing and the proposed educational television and radio
30 systems of tax-supported and nonprofit, corporate-owned
31 facilities. All stations funded must be qualified by the

1 Corporation for Public Broadcasting. New stations eligible
2 for funding shall provide a first service to an audience that
3 is not currently receiving a broadcast signal or provide a
4 significant new program service as defined by rule
5 ~~Commissioner of Education rules~~. Funds appropriated to the
6 department for educational television and funds appropriated
7 to the department for educational radio may be used by the
8 department for either educational television or educational
9 radio, or for both.

10 (5) DUTY OF DEPARTMENT OF EDUCATION.--The Department
11 of Education is responsible for identifying the needs of the
12 state system of public education as they relate to the
13 development and production of materials used in instruction.
14 When such identified needs are considered to be best satisfied
15 by the production of new materials, the department may
16 commission or contract for the production of such materials.
17 The State Board ~~Commissioner~~ of Education shall adopt and
18 prescribe rules and regulations for the proper enforcement and
19 carrying out of these provisions.

20 Section 24. Subsections (1) and (3) of section
21 229.8051, Florida Statutes, are amended to read:

22 229.8051 Public broadcasting program system.--

23 (1) There is created a public broadcasting program
24 system for the state. The Department of Education shall
25 administer this program system pursuant to policies adopted by
26 the State Board ~~Commissioner~~ of Education. This program system
27 must complement and share resources with the instructional
28 programming service of the Department of Education and
29 educational UHF, VHF, ITFS, and FM stations in the state. The
30 program system must include:

31

1 (a) Support for existing Corporation for Public
2 Broadcasting qualified program system educational radio and
3 television stations and new stations meeting Corporation for
4 Public Broadcasting qualifications and providing a first
5 service to an audience that does not currently receive a
6 broadcast signal or providing a significant new program
7 service as defined by rule ~~by the Commissioner of Education.~~

8 (b) Maintenance of quality broadcast capability for
9 educational stations that are part of the program system.

10 (c) Interconnection of all educational stations that
11 are part of the program system for simultaneous broadcast and
12 of such stations with all universities and other institutions
13 as necessary for sharing of resources and delivery of
14 programming.

15 (d) Establishment and maintenance of a capability for
16 statewide program distribution with facilities and staff,
17 provided such facilities and staff complement and strengthen
18 existing or future educational television and radio stations
19 in accordance with paragraph (a) and s. 229.805(3)(c).

20 (e) Provision of both statewide programming funds and
21 station programming support for educational television and
22 educational radio to meet statewide priorities. Priorities for
23 station programming need not be the same as priorities for
24 programming to be used statewide. Station programming may
25 include, but shall not be limited to, citizens' participation
26 programs, music and fine arts programs, coverage of public
27 hearings and governmental meetings, equal air time for
28 political candidates, and other public interest programming.

29 (3) The State Board ~~Commissioner~~ of Education shall
30 adopt rules for the proper enforcement and carrying out of
31 these provisions.

1 Section 25. Subsections (1), (3), (5), and (6) of
2 section 240.115, Florida Statutes, are amended to read:

3 240.115 Articulation agreement; acceleration
4 mechanisms.--

5 (1)(a) Articulation between secondary and
6 postsecondary education; admission of associate in arts degree
7 graduates from Florida community colleges and state
8 universities; admission of applied technology diploma program
9 graduates from public community colleges or technical centers;
10 admission of associate in science degree and associate in
11 applied science degree graduates from Florida community
12 colleges; the use of acceleration mechanisms, including
13 nationally standardized examinations through which students
14 may earn credit; general education requirements and common
15 course code numbers as provided for in s. 229.551(1); and
16 articulation among programs in nursing shall be governed by
17 the articulation agreement, as established by the Department
18 of Education. The articulation agreement must specifically
19 provide that every associate in arts graduate of a Florida
20 community college shall have met all general education
21 requirements and must be granted admission to the upper
22 division of a state university except to a limited access or
23 teacher certification program or a major program requiring an
24 audition. After admission has been granted to students under
25 provisions of this section and to university students who have
26 successfully completed 60 credit hours of coursework,
27 including 36 hours of general education, and met the
28 requirements of s. 240.107, admission shall be granted to
29 State University System and Florida community college students
30 who have successfully completed 60 credit hours of work,
31 including 36 hours of general education. Community college

1 associate in arts graduates shall receive priority for
2 admission to a state university over out-of-state students.
3 Orientation programs and student handbooks provided to
4 freshman enrollees and transfer students at state universities
5 must include an explanation of this provision of the
6 articulation agreement.

7 (b) Any student who transfers among postsecondary
8 institutions that are fully accredited by a regional or
9 national accrediting agency recognized by the United States
10 Department of Education and that participate in the common
11 course designation and numbering system shall be awarded
12 credit by the receiving institution for courses satisfactorily
13 completed by the student at the previous institutions. Credit
14 shall be awarded if the courses are judged by the appropriate
15 common course designation and numbering system faculty task
16 force representing school districts, community colleges,
17 public universities, and participating nonpublic postsecondary
18 education institutions to be academically equivalent to
19 courses offered at the receiving institution, including
20 equivalency of faculty credentials, regardless of the public
21 or nonpublic control of the previous institution. The
22 Department of Education shall ensure that credits to be
23 accepted by a receiving institution are generated in courses
24 for which the faculty possess credentials that are comparable
25 to those required by the accrediting association of the
26 receiving institution. The award of credit may be limited to
27 courses that are entered in the common course designation and
28 numbering system. Credits awarded pursuant to this subsection
29 shall satisfy institutional requirements on the same basis as
30 credits awarded to native students.

31

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

10 (d) ~~By fall semester 1998,~~The articulation agreement
11 must guarantee the statewide articulation of appropriate
12 courses within associate in science degree programs to
13 baccalaureate degree programs, according to standards
14 established by the Articulation Coordinating Committee after
15 consultation with the Division of Universities ~~Board of~~
16 ~~Regents~~ and the Division ~~State Board~~ of Community Colleges.
17 Courses within an associate in applied science degree program
18 may articulate into a baccalaureate degree program on an
19 individual or block basis as authorized in local
20 interinstitutional articulation agreements.

21 (e) The Superintendent of Public Instruction
22 ~~Commissioner of Education~~, in conjunction with the Florida
23 Partnership for School Readiness, the Postsecondary Education
24 Planning Commission, and the Education Standards Commission,
25 shall conduct a statewide assessment to determine the extent
26 and nature of instruction for those who work or are training
27 to work in the fields of child care and early childhood
28 education, as well as an assessment of the market demand for
29 individuals trained at various levels. Based on this
30 assessment, the Articulation Coordinating Committee shall
31 establish an articulated career path for school

1 readiness-related professions, which shall lead from
2 entry-level employment in child care and early childhood
3 education to a baccalaureate degree. The career path shall
4 provide for the articulation of:

5 1. Vocational credit to college credit for associate
6 in science degrees;

7 2. Credit earned in associate in science or associate
8 in arts degree programs to credit in baccalaureate degree
9 programs;

10 3. Credit awarded by public and private institutions;
11 and

12 4. Credit for experiential learning associated with
13 minimum training requirements for employment. The Articulation
14 Coordinating Committee shall ensure that the articulation of
15 such credit does not jeopardize the receiving institution's
16 accreditation status.

17
18 Before the printing of the catalog for the fall semester 2002,
19 the articulation agreement must guarantee the statewide
20 articulation of appropriate coursework as established in the
21 career path.

22 (3) The boards of trustees of the universities and
23 boards of trustees of the community colleges shall identify
24 their core curricula, which shall include courses required by
25 the State Board of Education. The universities and community
26 colleges shall work with their school districts to assure that
27 high school curricula coordinate with the core curricula and
28 to prepare students for college-level work. Core curricula for
29 associate in arts programs shall be adopted in rule by the
30 State Board of Education and shall include 36 semester hours
31 of general education courses in the subject areas of

1 communication, mathematics, social sciences, humanities, and
2 natural sciences. ~~By January 1, 1996,~~General education
3 coursework shall be identified by common course code numbers,
4 consistent with the recommendations of the Articulation
5 Coordinating Committee, pursuant to s. 229.551(1)(f)4. ~~By fall~~
6 ~~semester 1996,~~Degree program prerequisite courses and course
7 substitutions shall be available at community colleges. With
8 the exception of programs approved by the State Board of
9 Education Regents pursuant to s. 240.209(5)(f), degree program
10 prerequisite courses shall be common across delivery systems
11 and shall be identified by their common course code number
12 consistent with the recommendations of the Articulation
13 Coordinating Committee, pursuant to s. 229.551(1)(f)5.

14 (5) ~~By fall semester of 1995,~~Each state university
15 and community college shall offer to all students each
16 semester, prior to drop-add, nationally standardized
17 examinations listed in the articulation agreement, or
18 institutionally developed examinations, through which students
19 may earn credit in those general subject areas which are
20 required or may be applied toward general education
21 requirements for a baccalaureate degree at that university or
22 associate degree at the community college. A student
23 satisfactorily completing such examinations shall receive full
24 credit for the course the same as if it had been taken,
25 completed, and passed.

26 (6) An associate in arts degree shall require no more
27 than 60 semester hours of college credit, including 36
28 semester hours of general education coursework. Except for
29 college-preparatory coursework required pursuant to s.
30 240.117, all required coursework shall count toward the
31 associate in arts degree or the baccalaureate degree. ~~By fall~~

1 ~~semester of 1996~~, A baccalaureate degree program shall require
2 no more than 120 semester hours of college credit, including
3 36 semester hours of general education coursework, unless
4 prior approval has been granted by the State Board of
5 Education Regents.

6 Section 26. Subsection (5) of section 240.1163,
7 Florida Statutes, is amended to read:

8 240.1163 Joint dual enrollment and advanced placement
9 instruction.--

10 (5) The State Board ~~Commissioner~~ of Education may
11 approve dual enrollment agreements for limited course
12 offerings that have statewide appeal. Such programs shall be
13 limited to a single site with multiple county participation.

14 Section 27. Paragraph (a) of subsection (4) of section
15 240.117, Florida Statutes, is amended to read:

16 240.117 Common placement testing for public
17 postsecondary education.--

18 (4)(a) Community college or state university students
19 who have been identified as requiring additional preparation
20 pursuant to subsection (1) shall enroll in college-preparatory
21 or other adult education pursuant to s. 239.301 in community
22 colleges to develop needed college-entry skills. These
23 students shall be permitted to take courses within their
24 degree program concurrently in other curriculum areas for
25 which they are qualified while enrolled in college-preparatory
26 instruction courses. A student enrolled in a
27 college-preparatory course may concurrently enroll only in
28 college credit courses that do not require the skills
29 addressed in the college-preparatory course. The State Board
30 of Education ~~Community Colleges~~ shall specify the college
31 credit courses that are acceptable for students enrolled in

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

1 and fee levels established by the State Board of Education
2 ~~Community Colleges~~. Credit awarded for college-preparatory
3 instruction may not be counted towards fulfilling the number
4 of credits required for a degree.

5 Section 28. Subsections (1), (2), (3), and (5) of
6 section 240.118, Florida Statutes, is amended to read:

7 240.118 Postsecondary feedback of information to high
8 schools.--

9 (1) The State Board of Education shall ~~adopt rules~~
10 ~~that require the Commissioner of Education to~~ report to the
11 Governor, State Board of Education, the Legislature, and the
12 school districts on the performance of each
13 first-time-in-postsecondary education student from each public
14 high school in this state who is enrolled in a university,
15 community college, or public technical center. Such reports
16 must be based on information databases maintained by the
17 Division of Universities, Division of Community Colleges, and
18 Division of Administration ~~Workforce Development~~. In addition,
19 the universities, community colleges, and technical centers
20 shall provide school districts access to information on
21 student performance in regular and preparatory courses and
22 shall indicate students referred for remediation pursuant to
23 s. 240.117 or s. 239.213.

24 (2) The State Board ~~Commissioner~~ of Education shall
25 report, by high school, to the Governor ~~State Board of~~
26 ~~Education~~ and the Legislature, no later than November 31 of
27 each year, on the number of prior year Florida high school
28 graduates who enrolled for the first time in public
29 postsecondary education in this state during the previous
30 summer, fall, or spring term, indicating the number of
31 students whose scores on the common placement test indicated

1 the need for remediation through college-preparatory or
2 vocational-preparatory instruction pursuant to s. 240.117 or
3 s. 239.213.

4 (3) The department ~~Commissioner of Education~~ shall
5 organize school summary reports and student-level records by
6 school district and high school in which the postsecondary
7 education students were enrolled and report the information to
8 each school district no later than January 31 of each year.

9 (5) The State Board ~~Commissioner~~ of Education shall
10 annually recommend to the Governor and Legislature statutory
11 changes to reduce the incidence of postsecondary remediation
12 in mathematics, reading, and writing for first-time-enrolled
13 recent high school graduates.

14 Section 29. Section 240.124, Florida Statutes, is
15 amended to read:

16 240.124 Funding for continuous enrollment in college
17 credit courses.--A student enrolled in the same undergraduate
18 college-credit course more than twice shall pay matriculation
19 at 100 percent of the full cost of instruction and shall not
20 be included in calculations of full-time equivalent
21 enrollments for state funding purposes. However, students who
22 withdraw or fail a class due to extenuating circumstances may
23 be granted an exception only once for each class, provided
24 that approval is granted according to policy established by
25 the State Board of Education ~~board of trustees of the~~
26 ~~community colleges or the Board of Regents for the State~~
27 ~~University System~~. Each community college and state university
28 shall have the authority to review and reduce fees paid by
29 students due to continued enrollment in a college-credit class
30 on an individual basis contingent upon the student's financial
31 hardship, pursuant to definitions and fee levels established

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

16 Section 30. Subsections (3) and (4) of section
17 240.125, Florida Statutes, are amended to read:

18 240.125 Postsecondary consortia; cooperation.--

19 (3) The State Board ~~Commissioner~~ of Education is
20 authorized to establish a Trust Fund for Postsecondary
21 Cooperation. The trust fund shall be used to reward
22 institutional creativity and initiative in assisting student
23 articulation and in cooperating with local business and
24 industry. These initiatives may include:

- 25 (a) Local consortia or institutional arrangements.
26 (b) Organized faculty and professional staff networks.
27 (c) The use of adjunct faculty from industry.
28 (d) Apprenticeship or cooperative training of
29 students.

30 (4) The Postsecondary Education Planning Commission
31 shall review, set priorities for, and recommend to the State

1 Board of Education ~~commissioner~~ proposals for use of the fund.
2 The State Board of Education ~~commissioner~~ has authority to
3 make grants from the trust fund.

4 Section 31. Subsection (1) of section 240.132, Florida
5 Statutes, is amended to read:

6 240.132 Participation by students or employees in
7 disruptive activities at state institutions of higher
8 learning; penalties.--

9 (1) Any person who shall accept the privilege extended
10 by the laws of this state of attendance or employment at any
11 state college, state community college, or state university
12 shall, by so attending or working at such institution, be
13 deemed to have given his or her consent to the policies of
14 that institution, ~~the Board of Regents of the Division of~~
15 Universities of the Department of Education, and the laws of
16 this state. Such policies shall include prohibition against
17 disruptive activities at state institutions of higher
18 learning.

19 Section 32. Section 240.133, Florida Statutes, is
20 amended to read:

21 240.133 Expulsion and discipline of students of the
22 State University System and community colleges.--

23 (1) Each student in the State University System and
24 each student in a community college is subject to federal and
25 state law, respective county and municipal ordinances, and all
26 rules and regulations of the State Board of Education, the
27 university boards of trustees, ~~Regents~~ or boards ~~board~~ of
28 trustees of ~~the community colleges~~ colleges ~~college~~.

29 (2) Violation of these published laws, ordinances, or
30 rules and regulations may subject the violator to appropriate
31 action by the university or community college authorities.

1 (3) Each president of a university in the State
2 University System and each president of a community college
3 shall have authority, after notice to the student of the
4 charges and after a hearing thereon, to expel, suspend, or
5 otherwise discipline any student who is found to have violated
6 any law, ordinance, or rule or regulation of the State Board
7 of Education, the university boards of trustees, ~~Regents~~ or of
8 the boards ~~board~~ of trustees of the community colleges
9 ~~college~~. A student may be entitled to waiver of expulsion:

10 (a) If the student provides substantial assistance in
11 the identification, arrest, or conviction of any of his or her
12 accomplices, accessories, coconspirators, or principals or of
13 any other person engaged in violations of chapter 893 within
14 the State University System or community colleges;

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

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

20 Section 33. Section 240.134, Florida Statutes, is
21 amended to read:

22 240.134 Religious observances.--Each state university,
23 community college, and technical center ~~degree career~~
24 ~~education school~~ shall adopt a policy in accordance with rules
25 of ~~the Board of Regents, the State Board of Community~~
26 ~~Colleges, or~~ the State Board of Education which reasonably
27 accommodates the religious observance, practice, and belief of
28 individual students in regard to admissions, class attendance,
29 and the scheduling of examinations and work assignments. Each
30 policy shall include a grievance procedure by which a student
31 who believes that he or she has been unreasonably denied an

1 educational benefit due to his or her religious belief or
2 practices may seek redress. Such policy shall be made known
3 to faculty and students annually in inclusion in the
4 institution's handbook, manual, or other similar document
5 regularly provided to faculty and students.

6 Section 34. Subsections (1) and (2) of section
7 120.145, Florida Statutes, are amended to read:

8 240.145 Postsecondary Education Planning Commission.--

9 (1) There is established the Postsecondary Education
10 Planning Commission, which is assigned to the Department of
11 Education. The commission shall be administratively housed
12 within the Division of Administration, Department ~~office of~~
13 ~~the Commissioner~~ of Education, but it shall be an independent
14 budget entity and shall independently exercise the
15 responsibilities assigned herein or delegated by the State
16 Board of Education. The commission shall serve as an advisory
17 body to the State Board of Education and other appropriate
18 state agencies and entities on all matters relating to
19 postsecondary education. In addition, the commission's reports
20 and recommendations shall be made available to the
21 Legislature, the State Board of Education, other appropriate
22 government officials, other appropriate state agencies and
23 entities, and the postsecondary educational institutions in
24 this state.

25 (2) The commission shall be composed of 11 members of
26 the general public and one full-time student representing the
27 postsecondary education system of the state. Each member
28 shall be appointed by the Governor, ~~approved by three members~~
29 ~~of the State Board of Education other than the Governor,~~ and
30 confirmed by the Senate. Members shall serve staggered 4-year
31 terms, except for the full-time student member, who shall

1 serve for 1 year; however, of the initial nonstudent
2 appointees, two shall hold 1-year terms, three shall hold
3 2-year terms, three shall hold 3-year terms, and three shall
4 hold 4-year terms. The student member shall be selected
5 annually with the qualification that he or she be a registered
6 full-time student at a postsecondary educational institution
7 as defined in chapter 230, relating to public area technical
8 centers; in this chapter, relating to public community
9 colleges and universities; or in chapter 246, relating to
10 nonpublic colleges, universities, and vocational schools. The
11 members of the commission shall elect a chair annually. The
12 Governor shall fill all vacancies, subject to Senate approval
13 ~~and~~ confirmation, that may at any time occur on the
14 commission.

15 Section 35. Subsections (2), (4), and (9) of section
16 240.147, Florida Statutes, are amended to read:

17 240.147 Powers and duties of the commission.--The
18 commission shall:

19 (2) Prepare and submit to the State Board of Education
20 a master plan for postsecondary education. The plan shall
21 include consideration of the promotion of quality, fundamental
22 educational goals, programmatic access, needs for remedial
23 education, regional and state economic development,
24 international education programs, demographic patterns,
25 student demand for programs, needs of particular subgroups of
26 the population, implementation of innovative educational
27 techniques and technology, and the requirements of the labor
28 market. The capacity of existing programs, in both public and
29 independent institutions, to respond to identified needs shall
30 be evaluated, and a plan shall be developed to respond
31 efficiently to unmet needs. The master plan shall serve as

1 the basis for the development of strategic plans by the
2 Division of Universities ~~Board of Regents~~, the Division State
3 ~~Board~~ of Community Colleges, and the Independent Colleges and
4 Universities of Florida. Development of the sector strategic
5 plans shall be initiated following completion of the master
6 plan to ensure coordination in addressing identified needs and
7 strategies throughout postsecondary education.

8 (4) Recommend to the State Board of Education
9 contracts with independent institutions to conduct programs
10 consistent with the state master plan for postsecondary
11 education. In making recommendations, the commission shall
12 consider the annual report submitted by the Division of
13 Universities ~~Board of Regents~~ pursuant to s. 240.209(3)(s).
14 Each program shall be reviewed, with the cooperation of the
15 institution, every 5 years.

16 (9) Review the establishment of those instructional
17 centers which require approval by ~~the Board of Regents or the~~
18 State Board of Education ~~Community Colleges~~.

19 Section 36. Section 240.152, Florida Statutes, is
20 amended to read:

21 240.152 Impaired and learning disabled persons;
22 admission to postsecondary institutions; substitute
23 requirements; rules.--Any person who is hearing impaired,
24 visually impaired, or dyslexic, or who has a specific learning
25 disability, shall be eligible for reasonable substitution for
26 any requirement for admission to a state university, community
27 college, or technical center ~~degree career education~~
28 ~~institution~~ where documentation can be provided that the
29 person's failure to meet the admission requirement is related
30 to the disability. The State Board of Education, ~~the Board of~~
31 ~~Regents, and the State Board of Community Colleges~~ shall adopt

1 rules to implement this section and shall develop substitute
2 admission requirements where appropriate.

3 Section 37. Section 240.153, Florida Statutes, is
4 amended to read:

5 240.153 Impaired and learning disabled persons;
6 graduation, study program admission, and upper-division entry;
7 substitute requirements; rules.--Any student in a state
8 university, community college, or technical center ~~degree~~
9 ~~career education institution~~ who is hearing impaired, visually
10 impaired, or dyslexic, or who has a specific learning
11 disability, shall be eligible for reasonable substitution for
12 any requirement for graduation, for admission into a program
13 of study, or for entry into upper division where documentation
14 can be provided that the person's failure to meet the
15 requirement is related to the disability and where the failure
16 to meet the graduation requirement or program admission
17 requirement does not constitute a fundamental alteration in
18 the nature of the program. The State Board of Education, ~~the~~
19 ~~Board of Regents, and the State Board of Community Colleges~~
20 shall adopt rules to implement this section and shall develop
21 substitute requirements where appropriate.

22 Section 38. Section 240.155, Florida Statutes, is
23 amended to read:

24 240.155 Campus master plans and campus development
25 agreements.--

26 (1) This section contains provisions for campus
27 planning and concurrency management that supersede the
28 requirements of part II of chapter 163, except when stated
29 otherwise in this section. These special growth management
30 provisions are adopted in recognition of the unique
31 relationship between campuses of the State University System

1 and the local governments in which they are located. While
2 the campuses provide research and educational benefits of
3 statewide and national importance, and further provide
4 substantial educational, economic, and cultural benefits to
5 their host local governments, they may also have an adverse
6 impact on the public facilities and services and natural
7 resources of host governments. On balance, however,
8 universities should be considered as vital public facilities
9 of the state and local governments. The intent of this
10 section is to address this unique relationship by providing
11 for the preparation of campus master plans and associated
12 campus development agreements.

13 (2) As used in this section:

14 (a) "Affected local government" means a unit of local
15 government that provides public services to or is responsible
16 for maintaining facilities within a campus of an institution
17 in the State University System or is directly affected by
18 development that is proposed for a campus.

19 (b) "Affected person" means a host local government;
20 an affected local government; any state, regional, or federal
21 agency; or a person who resides, owns property, or owns or
22 operates a business within the boundaries of a host local
23 government or affected local government.

24 (c) "Host local government" means a local government
25 within the jurisdiction of which all or part of a campus of an
26 institution is located, but does not include a county if no
27 part of an institution is located within its unincorporated
28 area.

29 (d) "Institution" means a university in the State
30 University System.

31

1 (3) The State Board of Education ~~Regents~~ shall, ~~no~~
2 ~~later than 24 months after July 1, 1993,~~ prepare and adopt a
3 campus master plan for the campus of each institution over
4 which it has jurisdiction. The master plan must identify
5 general land uses and address the need for and plans for
6 provision of roads, parking, public transportation, solid
7 waste, drainage, sewer, potable water, and recreation and open
8 space during the coming 10 to 20 years. The plans must
9 contain elements relating to future land use,
10 intergovernmental coordination, capital improvements,
11 recreation and open space, general infrastructure, housing,
12 and conservation. Each element must address compatibility with
13 the surrounding community. The master plan must identify
14 specific land uses, location of structures, densities and
15 intensities of use, and contain standards for onsite
16 development, site design, environmental management, and the
17 preservation of historic and archaeological resources. The
18 transportation element must address reasonable transportation
19 demand management techniques to minimize offsite impacts where
20 possible. Data and analyses on which the elements are based
21 must include, at a minimum: the characteristics of vacant
22 lands; projected impacts of development on onsite and offsite
23 infrastructure, public services, and natural resources;
24 student enrollment projections; student housing needs; and the
25 need for academic and support facilities. Master plans must
26 be updated at least every 5 years.

27 (4) Campus master plans may contain additional
28 elements at the discretion of the State Board of Education
29 ~~Regents~~; however, such elements are not subject to review
30 under this section. These additional elements may include the
31 academic mission of the institution, academic program,

1 utilities, public safety, architectural design, landscape
2 architectural design, and facilities maintenance.

3 (5) Subject to the right of the State Board of
4 Education Regents to initiate the dispute resolution
5 provisions of subsection (8), a campus master plan must not be
6 in conflict with the comprehensive plan of the host local
7 government and the comprehensive plan of any affected local
8 governments. A campus master plan must be consistent with the
9 state comprehensive plan.

10 (6) Before a campus master plan is adopted, a copy of
11 the draft master plan must be sent for review to the host and
12 any affected local governments, the state land planning
13 agency, the Department of Environmental Protection, the
14 Department of Transportation, the Department of State, the
15 Fish and Wildlife Conservation Commission, and the applicable
16 water management district and regional planning council. These
17 agencies must be given 90 days after receipt of the campus
18 master plans in which to conduct their review and provide
19 comments to the State Board of Education ~~Regents~~. The
20 commencement of this review period must be advertised in
21 newspapers of general circulation within the host local
22 government and any affected local government to allow for
23 public comment. Following receipt and consideration of all
24 comments, and the holding of at least two public hearings
25 within the host jurisdiction, the State Board of Education
26 ~~Regents~~ shall adopt the campus master plan. It is the intent
27 of the Legislature that the State Board of Education ~~Regents~~
28 comply with the notice requirements set forth in s.
29 163.3184(15) to ensure full public participation in this
30 planning process. Campus master plans developed under this
31

1 section are not rules and are not subject to chapter 120
2 except as otherwise provided in this section.

3 (7) Notice that the campus master plan has been
4 adopted must be forwarded within 45 days after its adoption to
5 any affected person that submitted comments on the draft
6 campus master plan. The notice must state how and where a
7 copy of the master plan may be obtained or inspected. Within
8 30 days after receipt of the notice of adoption of the campus
9 master plan, or 30 days after the date the adopted plan is
10 available for review, whichever is later, an affected person
11 who submitted comments on the draft master plan may petition
12 the State Board of Education ~~Regents~~, challenging the campus
13 master plan as not being in compliance with this section or
14 any rule adopted under this section. The petition must state
15 each objection, identify its source, and provide a recommended
16 action. A petition filed by an affected local government may
17 raise only those issues directly pertaining to the public
18 facilities or services that the affected local government
19 provides to or maintains within the campus or to the direct
20 impact that campus development would have on the affected
21 local government.

22 (8) Following receipt of a petition, the petitioning
23 party or parties and the State Board of Education ~~Regents~~
24 shall mediate the issues in dispute as follows:

25 (a) The parties have 60 days to resolve the issues in
26 dispute. Other affected parties that submitted comments on the
27 draft campus master plan must be given the opportunity to
28 participate in these and subsequent proceedings.

29 (b) If resolution of the matter cannot be achieved
30 within 60 days, the issues must be submitted to the state land
31 planning agency. The state land planning agency has 60 days

1 to hold informal hearings, if necessary, identify the issues
2 remaining in dispute, prepare a record of the proceedings, and
3 submit the matter to the Administration Commission for final
4 action. The report to the Administration Commission must list
5 each issue in dispute, describe the nature and basis for each
6 dispute, identify alternative resolutions of the dispute, and
7 make recommendations.

8 (c) After receiving the report from the state land
9 planning agency, the Administration Commission shall take
10 action to resolve the issues in dispute. In deciding upon a
11 proper resolution, the Administration Commission shall
12 consider the nature of the issues in dispute, the compliance
13 of the parties with this section, the extent of the conflict
14 between the parties, the comparative hardships, and the public
15 interest involved. If the Administration Commission
16 incorporates in its final order a term or condition that
17 specifically requires the State Board of Education ~~Regents~~ or
18 a local government to amend or modify its plan, the State
19 Board of Education ~~Regents~~ shall have a reasonable period of
20 time to amend or modify its plan, and a local government shall
21 initiate the required plan amendment, which shall be exempt
22 from the requirements of s. 163.3187(1). Any required
23 amendment to a local government comprehensive plan must be
24 limited in scope so as to only relate to specific impacts
25 attributable to the campus development. The final order of
26 the Administration Commission is subject to judicial review as
27 provided in s. 120.68.

28 (9) An amendment to a campus master plan must be
29 reviewed and adopted under subsections (6)-(8) if such
30 amendment, alone or in conjunction with other amendments,
31 would:

1 (a) Increase density or intensity of use of land on
2 the campus by more than 10 percent;

3 (b) Decrease the amount of natural areas, open space,
4 or buffers on the campus by more than 10 percent; or

5 (c) Rearrange land uses in a manner that will increase
6 the impact of any proposed campus development by more than 10
7 percent on a road or on another public facility or service
8 provided or maintained by the state, the county, the host
9 local government, or any affected local government.

10 (10) Upon adoption of a campus master plan, the State
11 Board of Education ~~Regents~~ shall draft a proposed campus
12 development agreement for each local government and send it to
13 the local government within 270 days after the adoption of the
14 relevant campus master plan.

15 (11) At a minimum, each campus development agreement:

16 (a) Must identify the geographic area of the campus
17 and local government covered by the campus development
18 agreement.

19 (b) Must establish its duration, which must be at
20 least 5 years and not more than 10 years.

21 (c) Must address public facilities and services
22 including roads, sanitary sewer, solid waste, drainage,
23 potable water, parks and recreation, and public
24 transportation.

25 (d) Must, for each of the facilities and services
26 listed in paragraph (c), identify the level-of-service
27 standard established by the applicable local government,
28 identify the entity that will provide the service to the
29 campus, and describe any financial arrangements between the
30 State Board of Education ~~Regents~~ and other entities relating
31 to the provision of the facility or service.

1 (e) Must, for each of the facilities and services
2 listed in paragraph (c), determine the impact of existing and
3 proposed campus development reasonably expected over the term
4 of the campus development agreement on each service or
5 facility and any deficiencies in such service or facility
6 which the proposed campus development will create or to which
7 it will contribute.

8 (f) May, if proposed by the State Board of Education
9 ~~Regents~~, address the issues prescribed in paragraphs (d) and
10 (e) with regard to additional facilities and services,
11 including, but not limited to, electricity, nonpotable water,
12 law enforcement, fire and emergency rescue, gas, and
13 telephone.

14 (g) Must, to the extent it addresses issues addressed
15 in the campus master plan and host local government
16 comprehensive plan, be consistent with the adopted campus
17 master plan and host local government comprehensive plan.

18 (12)(a) Each proposed campus development agreement
19 must clearly identify the lands to which the State Board of
20 Education ~~Regents~~ intends the campus development agreement to
21 apply.

22 (b) Such land may include:

23 1. Land to be purchased by the State Board of
24 Education ~~Regents~~ and titled in the name of the Board of
25 Trustees of the Internal Improvement Trust Fund for use by an
26 institution over the life of the campus development agreement.

27 2. Land not owned by the Board of Trustees of the
28 Internal Improvement Trust Fund if the State Board of
29 Education ~~Regents~~ intends to undertake development activities
30 on the land during the term of the campus development
31 agreement.

1 (c) Land owned by the Board of Trustees of the
2 Internal Improvement Trust Fund for lease to the State Board
3 of Education Regents acting on behalf of the institution may
4 be excluded, but any development activity undertaken on
5 excluded land is subject to part II of chapter 163.

6 (13) With regard to the impact of campus development
7 on the facilities and services listed in paragraph (11)(c),
8 the following applies:

9 (a) All improvements to facilities or services which
10 are necessary to eliminate the deficiencies identified in
11 paragraph (11)(e) must be specifically listed in the campus
12 development agreement.

13 (b) The State Board of Education's ~~Regent's~~ fair share
14 of the cost of the measures identified in paragraph (a) must
15 be stated in the campus development agreement. In determining
16 the fair share, the effect of any demand management
17 techniques, which may include such techniques as flexible work
18 hours and carpooling, that are used by the State Board of
19 Education Regents to minimize the offsite impacts shall be
20 considered.

21 (c) The State Board of Education ~~Regents~~ is
22 responsible for paying the fair share identified in paragraph
23 (b), and it may do so by:

24 1. Paying a fair share of each of the improvements
25 identified in paragraph (a); or

26 2. Taking on full responsibility for the improvements,
27 selected from the list of improvements identified in paragraph
28 (a), and agreed to between the host local government and the
29 State Board of Education ~~Regents~~, the total cost of which
30 equals the contribution identified in paragraph (b).

31

1 (d) All concurrency management responsibilities of the
2 State Board of Education Regents are fulfilled if the State
3 Board of Education Regents expends the total amount of funds
4 identified in paragraph (b) notwithstanding that the State
5 Board of Education Regents may not have undertaken or made
6 contributions to some of the measures identified in paragraph
7 (a).

8 (e) Capital projects included in the campus
9 development agreement may be used by the local government for
10 the concurrency management purposes.

11 (f) Funds provided by universities in accordance with
12 campus development agreements are subject to appropriation by
13 the Legislature. A development authorized by a campus
14 development agreement may not be built until the funds to be
15 provided pursuant to paragraph (b) are appropriated by the
16 Legislature.

17 (14) A campus development agreement may not address or
18 include any standards or requirements for onsite development,
19 including environmental management requirements or
20 requirements for site preparation.

21 (15) Once the State Board of Education Regents and
22 host local government agree on the provisions of the campus
23 development agreement, the campus development agreement shall
24 be executed by the State Board of Education Regents and the
25 host local government in a manner consistent with the
26 requirements of s. 163.3225. Once the campus development
27 agreement is executed, it is binding upon the State Board of
28 Education Regents and host local government. A copy of the
29 executed campus development agreement must be sent to the
30 state land planning agency within 14 days after the date of
31 execution.

1 (16) If, within 180 days following the host local
2 government's receipt of the proposed campus development
3 agreement, the State Board of Education ~~Regents~~ and host local
4 government cannot reach agreement on the provisions of the
5 campus development agreement, the following procedures for
6 resolving the matter must be followed:

7 (a) The matter must be submitted to the state land
8 planning agency, which has 60 days to hold informal hearings,
9 if necessary, and identify the issues remaining in dispute,
10 prepare a record of the proceedings, and submit the matter to
11 the Administration Commission for final action. The report to
12 the Administration Commission must list each issue in dispute,
13 describe the nature and basis for each dispute, identify
14 alternative resolutions of each dispute, and make
15 recommendations.

16 (b) After receiving the report from the state land
17 planning agency, the Administration Commission shall take
18 action to resolve the issues in dispute. In deciding upon a
19 proper resolution, the Administration Commission shall
20 consider the nature of the issues in dispute, the compliance
21 of the parties with this section, the extent of the conflict
22 between the parties, the comparative hardships, and the public
23 interest involved. In resolving the matter, the
24 Administration Commission may prescribe, by order, the
25 contents of the campus development agreement.

26 (17) Disputes that arise in the implementation of an
27 executed campus development agreement must be resolved as
28 follows:

29 (a) Each party shall select one mediator and notify
30 the other in writing of the selection. Thereafter, within 15
31 days after their selection, the two mediators selected by the

1 parties shall select a neutral, third mediator to complete the
2 mediation panel.

3 (b) Each party is responsible for all costs and fees
4 payable to the mediator selected by it and shall equally bear
5 responsibility for the costs and fees payable to the third
6 mediator for services rendered and costs expended in
7 connection with resolving disputes pursuant to the campus
8 development agreement.

9 (c) Within 10 days after the selection of the
10 mediation panel, proceedings must be convened by the panel to
11 resolve the issues in dispute.

12 (d) Within 60 days after the convening of the panel,
13 the panel shall issue a report containing a recommended
14 resolution of the issues in dispute.

15 (e) If either the State Board of Education ~~Regents~~ or
16 local government rejects the recommended resolution of the
17 issues in dispute, the disputed issues must be resolved
18 pursuant to the procedures provided by subsection (16).

19 (18) Once the campus development agreement is
20 executed, all campus development may proceed without further
21 review by the host local government if it is consistent with
22 the adopted campus master plan and associated campus
23 development agreement.

24 (19) A campus development agreement may be amended
25 under subsections (10)-(16):

26 (a) In conjunction with any amendment to the campus
27 master plan subject to the requirements in subsection (9).

28 (b) If either party delays by more than 12 months the
29 construction of a capital improvement identified in the
30 agreement.

31

1 (20) Any party to a campus development agreement or
2 aggrieved or adversely affected person, as defined in s.
3 163.3215(2), may file an action for injunctive relief in the
4 circuit court where the host local government is located to
5 enforce the terms of a campus development agreement or to
6 challenge compliance of the agreement with this section. This
7 action shall be the sole and exclusive remedy of an adversely
8 affected person other than a party to the agreement to enforce
9 any rights or obligations arising from a development
10 agreement.

11 (21) State and regional environmental program
12 requirements remain applicable, except that this section
13 supersedes all other sections of part II of chapter 163 and s.
14 380.06 except as provided in this section.

15 (22) In consultation with the state land planning
16 agency, the State Board of Education ~~Regents~~ shall adopt rules
17 implementing subsections (3)-(6) within 180 days after July 1,
18 1993. The rules must set specific schedules and procedures
19 for the development and adoption of campus master plans.

20 (23) Until the campus master plan and campus
21 development agreement for an institution have been finalized,
22 any dispute between the State Board of Education ~~Regents~~ and a
23 local government relating to campus development for that
24 institution shall be resolved by the process established in
25 subsection (8).

26 Section 39. Section 240.2011, Florida Statutes, is
27 amended to read:

28 240.2011 State University System defined.--The State
29 University System shall consist of the following:

30
31

1 ~~(1) The Board of Regents of the Division of~~
2 ~~Universities of the Department of Education, with a central~~
3 ~~office located in Leon County.~~

4 (1)~~(2)~~ The University of Florida, with a main campus
5 located in Alachua County.

6 (2)~~(3)~~ The Florida State University, with a main
7 campus located in Leon County.

8 (3)~~(4)~~ The Florida Agricultural and Mechanical
9 University, with a main campus located in Leon County.

10 (4)~~(5)~~ The University of South Florida, with a main
11 campus located in Hillsborough County.

12 (5)~~(6)~~ The Florida Atlantic University, with partner
13 campuses located in Palm Beach County and Broward County.

14 (6)~~(7)~~ The University of West Florida, with a main
15 campus located in Escambia County.

16 (7)~~(8)~~ The University of Central Florida, with a main
17 campus located in Orange County.

18 (8)~~(9)~~ The University of North Florida, with a main
19 campus located in Duval County.

20 (9)~~(10)~~ The Florida International University, with a
21 main campus located in Dade County.

22 (10)~~(11)~~ The Florida Gulf Coast University, with a
23 main campus located in Fort Myers.

24 (11) Such universities as may be created by the
25 Legislature, including, but not limited to, those created by
26 conversion of branch campuses and other facilities.

27 Section 40. Section 240.2012, Florida Statutes, is
28 created to read:

29 240.2012 Establishment and organization of university
30 boards of trustees.--

31

1 (1) Each university in the State University System
2 authorized by law is an independent, separate legal entity.
3 The operation of each university in the State University
4 System, unless otherwise provided by law, shall be governed by
5 a board of trustees.

6 (2) A university board of trustees shall consist of
7 nine members. Except for the boards of trustees of the
8 University of Florida, Florida State University, and Florida
9 Agricultural and Mechanical University, the majority of
10 members of a university board of trustees must reside within
11 the service area of the university.

12 (3) Trustees shall be appointed by the Governor and be
13 subject to confirmation by the Senate in regular session.

14 (4) Members of the board of trustees may receive
15 reimbursement for expenses as provided in s. 112.061,
16 including mileage to and from official board meetings, and may
17 receive such compensation as is provided by law.

18 (5) At its first regular meeting after July 1 of each
19 year, each board of trustees shall organize by electing a
20 chair, whose duty as such is to preside at all meetings of the
21 board, to call special meetings thereof, and to attest to
22 actions of the board, and a vice chair, whose duty as such is
23 to act as chair during the absence or disability of the
24 elected chair. The chair of each board of trustees shall
25 notify the Governor, in writing, whenever a board member fails
26 to attend three consecutive regular board meetings in any one
27 fiscal year, which absences may be grounds for removal.

28 (6) A university president shall be the executive
29 officer and corporate secretary of the board of trustees as
30 well as the chief administrative officer of the university,
31 and all the components of the institution and all aspects of

1 its operation are responsible to the board of trustees through
2 the president.

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

8 Section 41. Section 240.2014, Florida Statutes, is
9 created to read:

10 240.2014 University district board of trustees; board
11 to constitute a corporation.--Each university board of
12 trustees is constituted as a body corporate by the name of
13 "The District Board of Trustees of ...(name of university)...,
14 Florida." In all suits against a board, service of process
15 shall be made to the chair of the board or, in the absence of
16 the chair, to another member of the board.

17 Section 42. Section 240.2016, Florida Statutes, is
18 created to read:

19 240.2016 University district boards of trustees;
20 duties and powers.--

21 (1) Each university board of trustees is vested with
22 the responsibility to operate its respective university and
23 with such necessary authority as is needed for the proper
24 operation and improvement thereof in accordance with rules of
25 the State Board of Education.

26 (2) The board of trustees, after considering
27 recommendations submitted by the university president, has
28 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
29 to implement the provisions of law conferring duties upon it.
30 These rules may supplement those prescribed by the State Board
31

1 of Education if they will contribute to the more orderly and
2 efficient operation of the State University System.

3 (3) Each university board of trustees is specifically
4 authorized to adopt rules, procedures, and policies,
5 consistent with law and rules of the State Board of Education,
6 related to its mission and responsibilities, its governance,
7 personnel, budget and finance, administration, programs,
8 curriculum and instruction, buildings and grounds, travel and
9 purchasing, technology, students, contracts and grants, or
10 university property.

11 (4) Such rules, procedures, and policies for the
12 boards of trustees include, but are not limited to, the
13 following:

14 (a) Each board of trustees shall have authority to
15 appoint, suspend, or remove the president of the university.
16 The board of trustees may appoint a search committee. Each
17 appointment of a university president shall be conducted in
18 accordance with the provisions of ss. 119.07 and 286.011. Each
19 board shall determine the compensation and other conditions of
20 employment for its university president. The board of trustees
21 shall conduct periodic evaluations of the president in
22 accordance with rules of the State Board of Education and
23 submit such evaluations to the State Board of Education for
24 review.

25 (b) Each board of trustees has responsibility for the
26 location of classes and the services provided and the
27 dissemination of information concerning such programs and
28 services.

29 (c) Each board of trustees constitutes the contracting
30 agent of the university. When acting as a body it may make
31 contracts, sue, and be sued in the name of the board of

1 trustees. In any suit, a change in personnel of the board
2 shall not abate the suit, which shall proceed as if such
3 change had not taken place. Each board may adopt rules,
4 procedures, and policies related to contracts and contract
5 management.

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

16 (e) Each board of trustees may enter into
17 lease-purchase arrangements with private individuals or
18 corporations for necessary grounds and buildings for
19 university purposes, other than dormitories, or for buildings
20 other than dormitories to be erected for university purposes.
21 Such arrangements shall be paid from capital outlay and debt
22 service funds with terms not to exceed 30 years and at a
23 stipulated rate. The provisions of such contracts, including
24 building plans, are subject to approval by the Department of
25 Education, and no such contract may be entered into without
26 such approval. The State Board of Education may adopt such
27 rules as it deems necessary to administer 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 university, 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 university is further authorized to establish accounts in
7 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 its
11 rules by students and employees. Such penalties, unless
12 otherwise provided by law, may include fines, the withholding
13 of 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 relating to educational endeavors
25 which are subject to trademark, copyright, or patent statutes.
26 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 of
14 trustees for the manufacture or use thereof by any other
15 party.

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

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

20 (k) Each board of trustees shall provide rules
21 governing parking and the direction and flow of traffic within
22 campus boundaries and may hire appropriate personnel to
23 enforce campus parking rules. Such persons have no authority
24 to arrest or issue citations for moving traffic violations.
25 The board of trustees may adopt, by rule, a uniform code of
26 appropriate penalties for violations. Such penalties, unless
27 otherwise provided by law, may include the levying of fines,
28 the withholding of diplomas or transcripts pending compliance
29 with rules or payment of fines, and the imposition of
30 probation, suspension, or dismissal. Moneys collected from
31

1 parking-rule infractions shall be deposited in appropriate
2 funds at each university for student financial aid purposes.

3 (l)1. Each board of trustees may adopt rules,
4 procedures, and policies related to the appointment,
5 employment, and removal of personnel. The board shall
6 determine the compensation, including salaries and fringe
7 benefits, and other conditions of employment for such
8 personnel, including the president.

9 2. The board is authorized to enter into a contract
10 with the president in accordance with the provisions of this
11 chapter. Any such contract may fix the duration of employment
12 and the compensation therefor and may contain any other terms
13 and conditions the board deems appropriate. In addition, the
14 board may furnish the president with the use of a motor
15 vehicle or an allowance in lieu thereof. If any such vehicle
16 is furnished, the board shall determine and fix the maximum
17 nonuniversity use of the same. Each board of trustees shall
18 adopt, by rule, procedures governing the employment and
19 dismissal of the university president. Such rule shall be
20 incorporated into the contract for employment.

21 (m) Each board of trustees may adopt rules,
22 procedures, and policies related to students, enrollment of
23 students, student activities, loans, scholarships, and other
24 student services.

25 (n) Each board of trustees may adopt rules,
26 procedures, and policies related to risk management, safety,
27 security, and law enforcement operations. Each board of
28 trustees is authorized to employ personnel to carry out the
29 duties imposed by this paragraph.

30 (o) Each board of trustees is authorized to contract
31 for the purchase, lease, or acquisition in any manner,

1 including purchase by installment or lease-purchase contract,
2 which may provide for the payment of interest on the unpaid
3 portion of the purchase price and for the granting of a
4 security interest in the items purchased of goods, materials,
5 equipment, and services required by the university. The board
6 of trustees may choose to consolidate equipment contracts
7 under master equipment-financing agreements made pursuant to
8 s. 287.064.

9 (p) Each board of trustees may adopt rules,
10 procedures, and policies related to compliance with federal
11 laws, regulations, and requirements.

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

18 (r) Each board of trustees may adopt rules,
19 procedures, and policies related to data or technology,
20 including, but not limited to, information systems,
21 communications systems, computer hardware and software, and
22 networks.

23 (s) Each board of trustees may adopt rules,
24 procedures, and policies related to the use, maintenance,
25 protection, and control of buildings and grounds, property,
26 and equipment.

27 Section 43. Section 240.203, Florida Statutes, is
28 amended to read:

29 240.203 State Board of Education; responsibilities for
30 higher education.--With respect to the State University
31 System, the State Board of Education shall+

1 ~~(1) Approve all rules adopted by the Board of Regents~~
2 ~~before they are filed with the Department of State; however,~~
3 ~~if any rule is not disapproved by the Board of Education~~
4 ~~within 60 days of its adoption by the Board of Regents, the~~
5 ~~rule shall immediately be filed with the Department of State.~~

6 ~~(2) at all times supervise ~~exercise general~~~~
7 ~~supervision and control over the State University System Board~~
8 ~~of Regents.~~

9 Section 44. Sections 240.205 and 240.207, Florida
10 Statutes, are repealed.

11 Section 45. Section 240.209, Florida Statutes, is
12 amended to read:

13 240.209 State Board of Education Regents; powers and
14 duties.--

15 (1) The State Board of Education Regents is primarily
16 responsible for adopting systemwide rules pursuant to ss.
17 120.536(1) and 120.54 to implement provisions of law
18 conferring duties upon it; planning for the future needs of
19 the State University System; planning the programmatic,
20 financial, and physical development of the system; reviewing
21 and evaluating the instructional, research, and service
22 programs at the universities; coordinating program development
23 among the universities; and monitoring the fiscal performance
24 of the universities.

25 (2) The State Board of Education Regents shall appoint
26 a Chancellor to serve at its pleasure who shall serve as the
27 Director of the Division of Universities and who shall perform
28 such duties as are assigned to him or her by the board. The
29 board shall fix the compensation and other conditions of
30 employment for the Chancellor. ~~The board shall also provide~~
31 ~~for the compensation and other conditions of employment for~~

1 ~~employees necessary to assist the board and the Chancellor in~~
2 ~~the performance of their duties.~~ The Chancellor shall be the
3 ~~chief administrative officer of the board and shall be~~
4 responsible for appointing all employees of the division board
5 who shall serve under his or her direction and control. The
6 Chancellor must be qualified by training and experience to
7 understand the problems and needs of the state in the field of
8 postsecondary education. Search committee activities for the
9 selection of the Chancellor up to the point of transmitting a
10 list of nominees to the State Board of Education Regents shall
11 be confidential and exempt from the provisions of ss.
12 119.07(1) and 286.011.

13 (3) The State Board of Education shall:

14 (a) Develop a plan for the future expansion of the
15 State University System and recommend the establishment of new
16 universities consistent with the criteria adopted ~~by the State~~
17 ~~Board of Education~~ pursuant to s. 229.053. The plan must
18 include a procedure for the periodic assessment of the need
19 for a new state university and specific standards for the
20 minimum acreage, building space, staffing, and programmatic
21 mix of state universities.

22 ~~(b) Appoint or remove the president of each university~~
23 ~~in accordance with procedures and rules adopted by the Board~~
24 ~~of Regents. The board may appoint a search committee to~~
25 ~~assist in evaluating presidential candidates. Each appointment~~
26 ~~of a university president shall be conducted in accordance~~
27 ~~with the provisions of ss. 119.07 and 286.011. The board shall~~
28 ~~determine the compensation and other conditions of employment~~
29 ~~for each president.~~

30 (b)(c) Approve new degree programs for all state
31 universities. In so doing, the board shall be mindful of the

1 differentiated missions of the several universities. New
2 colleges, schools, or functional equivalents of any program
3 leading to a degree which is offered as a credential for a
4 specific license granted under the Florida Statutes or the
5 State Constitution shall not be established without the
6 specific approval of the Legislature.

7 (c)~~(d)~~ Prepare the legislative budget requests,
8 including fixed capital outlay requests, in accordance with
9 chapter 216 and s. 235.41. The board shall provide to the
10 individual universities fiscal policy guidelines, formats, and
11 instructions for the development of individual university
12 budget requests.

13 (d)~~(e)~~ Establish student fees.

14 1. By no later than December 1 of each year, the board
15 shall raise the systemwide standard for resident undergraduate
16 matriculation and financial aid fees for the subsequent fall
17 term, up to but no more than 25 percent of the prior year's
18 cost of undergraduate programs. In implementing this
19 paragraph, fees charged for graduate, medical, veterinary, and
20 dental programs may be increased by the State Board of
21 Education Regents in the same percentage as the increase in
22 fees for resident undergraduates. However, in the absence of
23 legislative action to the contrary in an appropriations act,
24 the board may not approve annual fee increases for resident
25 students in excess of 10 percent. The sum of nonresident
26 student matriculation and tuition fees must be sufficient to
27 defray the full cost of undergraduate education. Graduate,
28 medical, veterinary, and dental fees charged to nonresidents
29 may be increased by the board in the same percentage as the
30 increase in fees for nonresident undergraduates. However, in
31 implementing this policy and in the absence of legislative

1 action to the contrary in an appropriations act, annual fee
2 increases for nonresident students may not exceed 25 percent.
3 In the absence of legislative action to the contrary in the
4 General Appropriations Act, the fees shall go into effect for
5 the following fall term.

6 2. When the appropriations act requires a new fee
7 schedule, the board shall establish a systemwide standard fee
8 schedule required to produce the total fee revenue established
9 in the appropriations act based on the product of the assigned
10 enrollment and the fee schedule. The board may approve the
11 expenditure of any fee revenues resulting from the product of
12 the fee schedule adopted pursuant to this section and the
13 assigned enrollment.

14 3. Upon provision of authority in a General
15 Appropriations Act to spend revenue raised pursuant to this
16 section, the board shall approve a university request to
17 implement a matriculation and out-of-state tuition fee
18 schedule which is calculated to generate revenue which varies
19 no more than 10 percent from the standard fee revenues
20 authorized through an appropriations act. In implementing an
21 alternative fee schedule, the increase in cost to a student
22 taking 15 hours in one term shall be limited to 5 percent.
23 Matriculation and out-of-state tuition fee revenues generated
24 as a result of this provision are to be expended for
25 implementing a plan for achieving accountability goals adopted
26 pursuant to s. 240.214 and for implementing a Board of
27 Regents-approved plan to contain student costs by reducing the
28 time necessary for graduation without reducing the quality of
29 instruction. The plans shall be recommended by a
30 universitywide committee, at least one-half of whom are
31 students appointed by the student body president. A

1 chairperson, appointed jointly by the university president and
2 the student body president, shall vote only in the case of a
3 tie.

4 4. The board is authorized to collect for financial
5 aid purposes an amount not to exceed 5 percent of the student
6 tuition and matriculation fee per credit hour. The revenues
7 from fees are to remain at each campus and replace existing
8 financial aid fees. Such funds shall be disbursed to students
9 as quickly as possible. The board shall specify specific
10 limits on the percent of the fees collected in a fiscal year
11 which may be carried forward unexpended to the following
12 fiscal year. A minimum of 50 percent of funds from the student
13 financial aid fee shall be used to provide financial aid based
14 on absolute need. A student who has received an award prior to
15 July 1, 1984, shall have his or her eligibility assessed on
16 the same criteria that was used at the time of his or her
17 original award.

18 5. The board may recommend to the Legislature an
19 appropriate systemwide standard matriculation and tuition fee
20 schedule.

21 6. The Education and General Student and Other Fees
22 Trust Fund is hereby created, to be administered by the
23 Department of Education. Funds shall be credited to the trust
24 fund from student fee collections and other miscellaneous fees
25 and receipts. The purpose of the trust fund is to support the
26 instruction and research missions of the State University
27 System. Notwithstanding the provisions of s. 216.301, and
28 pursuant to s. 216.351, any balance in the trust fund at the
29 end of any fiscal year shall remain in the trust fund and
30 shall be available for carrying out the purposes of the trust
31 fund.

1 (f) Establish and maintain systemwide personnel
2 programs for all State University System employees, including
3 a systemwide personnel classification and pay plan,
4 notwithstanding provisions of law that grant authority to the
5 Department of Management Services over such programs for state
6 employees. The board shall consult with the legislative
7 appropriations committees regarding any major policy changes
8 related to classification and pay which are in conflict with
9 those policies in effect for career service employees with
10 similar job classifications and responsibilities. The board
11 may adopt rules delegating its authority to the Chancellor or
12 the universities. The board shall submit, in a manner
13 prescribed by law, any reports concerning State University
14 System personnel programs as shall be required of the
15 Department of Management Services for other state employees.
16 The Department of Management Services shall retain authority
17 over State University System employees for programs
18 established in ss. 110.116, 110.123, 110.1232, 110.1234,
19 110.1235, and 110.1238 and in chapters 121, 122, and 238. The
20 board shall adopt only those rules necessary to provide for a
21 coordinated, efficient systemwide program and shall delegate
22 to the universities all authority necessary for implementation
23 of the program consistent with these coordinating rules so
24 adopted and applicable collective bargaining agreements.
25 Notwithstanding the provisions of s. 216.181(7), the salary
26 rate controls for positions in budgets under the State Board
27 of Education Regents shall separately delineate the general
28 faculty and all other categories.

29 (g) Develop a plan, to be mutually agreed upon by
30 applicable bargaining units, for the transfer of employees
31 from career service status provisions of chapter 110. ~~Subject~~

1 ~~to the approval of the President of the Senate and the Speaker~~
2 ~~of the House of Representatives, the plan shall become~~
3 ~~effective July 1, 1986.~~

4 (h) Recommend to the Legislature any proposed changes
5 in the Capital Improvement Trust Fund and building fees. The
6 Capital Improvement Trust Fund fee is established as \$2.44 per
7 credit hour per semester. The building fee is established as
8 \$2.32 per credit hour per semester.

9 (i) Terminate programs at the state universities
10 pursuant to findings of reviews and evaluations of
11 instructional, research, and service programs at the
12 universities.

13 (j) After consultation with the university presidents,
14 adopt a systemwide strategic plan which specifies goals and
15 objectives for the State University System. In developing
16 this plan, the board shall consider the role of individual
17 public and independent institutions within the state. The plan
18 shall provide for the roles of the universities to be
19 coordinated to best meet state needs and reflect
20 cost-effective use of state resources. The strategic plan
21 shall clarify mission statements and identify degree programs
22 to be offered at each university in accordance with the
23 objectives provided herein. The systemwide strategic plan
24 shall be for a period of 5 years with modification of the
25 program lists after 2 years. Development of each 5-year plan
26 shall be coordinated with and initiated subsequent to
27 completion of the master plan specified in s. 240.147. The
28 State Board of Education ~~Regents~~ shall submit a report to the
29 Speaker of the House of Representatives and the President of
30 the Senate upon modification of the system plan.

31

1 (k) Seek the cooperation and advice of the officers
2 and trustees of both public and private institutions of higher
3 education in the state in performing its duties and making its
4 plans, studies, and recommendations.

5 (l) Coordinate and provide for educational television
6 in the State University System.

7 (m) Establish and maintain an effective information
8 system which will provide composite data about the university
9 system and assure that special analyses and studies of the
10 universities are conducted, as necessary, for provision of
11 accurate and cost-effective information about the universities
12 and about the system as a whole.

13 (n) Seek the cooperation and advice of superintendents
14 and board members of local school districts in the state in
15 performing its duties and making its plans, studies, and
16 recommendations. The systemwide and university strategic plans
17 shall specifically include programs and procedures for
18 responding to the educational needs of teachers and students
19 in the public schools of this state.

20 (o) Review ~~Submit to the State Board of Education~~, for
21 approval, all new campuses and instructional centers approved
22 by the university boards of trustees ~~board~~.

23 (p) Notwithstanding the provisions of ss. 216.044,
24 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt
25 rules to administer a program for the maintenance and
26 construction of facilities in the State University System and
27 to secure, or otherwise provide as a self-insurer pursuant to
28 s. 440.38(6), workers' compensation coverage for contractors
29 and subcontractors, or each of them, employed by or on behalf
30 of the State Board of Education ~~Regents~~ when performing work
31

1 on or adjacent to property owned or used by the State Board of
2 Education ~~Regents~~ or the State University System.

3 (q) Adopt rules to ensure compliance with the
4 provisions of s. 287.0945, for all State University System
5 procurement, and additionally, ss. 255.101 and 255.102, for
6 construction contracts, and rules adopted pursuant thereto,
7 relating to the utilization of minority business enterprises,
8 except that procurements costing less than the amount provided
9 for in CATEGORY FIVE as provided in s. 287.017 shall not be
10 subject to s. 287.0945(7)(a).

11 (r) Adopt rules pursuant to ss. 120.536(1) and 120.54
12 to implement provisions of law conferring duties upon it,
13 including, but not limited to, procedures to administer an
14 acquisition program for the purchase or lease of real and
15 personal property and contractual services pursuant to s.
16 240.205(6).

17 (s) Monitor the extent of limited access programs
18 within the state universities and report to the Governor ~~State~~
19 ~~Board of Education~~ and the Legislature admissions and
20 enrollment data for limited access programs. Such report
21 shall be submitted ~~by December 1, 1991, and annually~~
22 ~~thereafter~~, and shall assist in determining the potential need
23 for academic program contracts with independent institutions
24 pursuant to s. 229.053. The report shall include, for each
25 limited access program within each institution, the following
26 categories, by race and gender:

- 27 1. The number of applicants.
- 28 2. The number of applicants granted admission.
- 29 3. The number of applicants who are granted admission
30 and enroll.
- 31 4. The number of applicants denied admission.

1 5. The number of applicants neither granted admission
2 nor denied admission.

3
4 Each category shall be reported for each term. Each category
5 shall be reported by type of student, including the following
6 subcategories: native student, community college associate in
7 arts degree transfer student, and other student. Each
8 category and subcategory shall further be reported according
9 to the number of students who meet or exceed the minimum
10 eligibility requirements for admission to the program and the
11 number of students who do not meet or exceed the minimum
12 eligibility requirements for admission to the program.

13 (t) Adopt rules providing that each state university
14 shall advise students who meet the minimum requirements for
15 admission to the upper division of a state university, but are
16 denied admission to limited access programs, of the
17 availability of similar programs at other State University
18 System institutions and the admissions requirements of such
19 programs.

20 (4) Any powers not specifically delegated to the
21 universities by this act shall be retained by the State Board
22 of Education ~~Regents~~ unless further delegated by action of the
23 board.

24 (5) The State Board of Education ~~Regents~~ is
25 responsible for:

26 (a) Maintaining access to state universities by
27 qualified students regardless of financial need.

28 (b) Coordinating with the Postsecondary Education
29 Planning Commission the programs, including doctoral programs,
30 to be reviewed every 5 years or whenever the board determines
31 that the effectiveness or efficiency of a program is

1 | jeopardized. The board shall define the indicators of quality
2 | and the criteria for program review for every program. Such
3 | indicators shall include need, student demand, and resources
4 | available to support continuation. The results of the program
5 | reviews shall be tied to the university budget requests.

6 | (c) Coordinating the roles of the universities in
7 | order to best meet state needs and reflect cost-effective use
8 | of state resources.

9 | (d) Advising the Legislature concerning opportunities
10 | for bonding university revenues, including certificate of
11 | participation bonds.

12 | (e) Reviewing and approving or disapproving
13 | baccalaureate degree programs that exceed 120 semester hours,
14 | after consideration of accreditation requirements, employment
15 | and earnings of graduates, comparative program lengths
16 | nationally, and comparisons of similar programs offered by
17 | independent institutions. A two-thirds affirmative vote of the
18 | members of the State Board of Education ~~Regents~~ must approve a
19 | request. By December 31 of each year, the State Board of
20 | Education ~~Regents~~ must report to the Legislature any degrees
21 | in the State University System which require more than 120
22 | hours, along with appropriate evidence of need. At least
23 | every 5 years, the State Board of Education ~~Regents~~ must
24 | determine whether the programs still require more than the
25 | standard length of 120 hours.

26 | (f) Reviewing and approving or disapproving degree
27 | programs identified by the Articulation Coordinating Committee
28 | as unique pursuant to s. 229.551(1)(f)5. The State Board of
29 | Education ~~Regents~~ shall ensure that university students are
30 | aware of unique program prerequisites.

31 |

1 (g) Ensuring that at least half of the required
2 coursework for any baccalaureate degree in the system is
3 offered at the lower-division level, except in program areas
4 approved by the State Board of Education ~~Regents~~ pursuant to
5 paragraph (e).

6 (h) Recommending to the Legislature a plan for the
7 implementation of an increased matriculation charge for
8 students taking coursework in excess of degree requirements.

9 (i) Recommending to the Legislature a plan for the
10 implementation of block tuition programs and other incentives
11 to encourage students to graduate in 4 years.

12 (6) Notwithstanding the provisions of s. 216.262(1),
13 the State Board of Education ~~Regents~~ may authorize the rent or
14 lease of parking facilities provided that such facilities are
15 funded through parking fees or parking fines imposed by a
16 university. The board may authorize a university to charge
17 fees for parking at such rented or leased parking facilities.

18 (7) The State Board of Education ~~Regents~~ is authorized
19 to permit full-time State University System employees who meet
20 academic requirements to enroll for up to 6 credit hours of
21 tuition-free courses per term on a space-available basis.

22 (8) Notwithstanding the provisions of s. 283.33, books
23 published by the State University System press shall not be
24 subject to the bid requirements provided in s. 287.017.

25 (9) Notwithstanding the provisions of s. 253.025, the
26 State Board of Education ~~Regents~~ may, with the consent of the
27 Board of Trustees of the Internal Improvement Trust Fund,
28 sell, convey, transfer, exchange, trade, or purchase real
29 property and related improvements necessary and desirable to
30 serve the needs and purposes of a university in the State
31 University System.

1 (a) The board may secure appraisals and surveys. The
2 board shall comply with the rules of the Board of Trustees of
3 the Internal Improvement Trust Fund in securing appraisals.
4 Whenever the board finds it necessary for timely property
5 acquisition, it may contract, without the need for competitive
6 selection, with one or more appraisers whose names are
7 contained on the list of approved appraisers maintained by the
8 Division of State Lands in the Department of Environmental
9 Protection.

10 (b) The board may negotiate and enter into an option
11 contract before an appraisal is obtained. The option contract
12 must state that the final purchase price may not exceed the
13 maximum value allowed by law. The consideration for such an
14 option contract may not exceed 10 percent of the estimate
15 obtained by the board or 10 percent of the value of the
16 parcel, whichever is greater, unless otherwise authorized by
17 the board.

18 (c) This subsection is not intended to abrogate in any
19 manner the authority delegated to the Board of Trustees of the
20 Internal Improvement Trust Fund or the Division of State Lands
21 to approve a contract for purchase of state lands or to
22 require policies and procedures to obtain clear legal title to
23 parcels purchased for state purposes. Title to property
24 acquired by the board shall vest in the Board of Trustees of
25 the Internal Improvement Trust Fund.

26 (10) No school, college, or center at a state
27 university shall be named for a living person unless approved
28 by the State Board of Education ~~Regents~~.

29 Section 46. Section 240.2093, Florida Statutes, is
30 amended to read:

31

1 240.2093 State Board of Education ~~Regents~~; issuance of
2 bonds pursuant to s. 11(e), Art. VII, State Constitution.--

3 (1) Pursuant to s. 11(e), Art. VII of the State
4 Constitution, the State Board of Education, which is
5 responsible for ~~Regents~~ of the State University System,
6 supported by the building fee, the capital improvement fee, or
7 any other revenue approved by the Legislature for facilities
8 construction, is authorized to request the issuance of bonds
9 or other forms of indebtedness pursuant to the State Bond Act
10 to finance or refinance capital projects authorized by the
11 Legislature. In order to take advantage of economic
12 conditions, the Division of Bond Finance shall process
13 requests by the State Board of Education ~~Regents~~ to refinance
14 capital projects under this section on a priority basis.

15 (2) The State Board of Education ~~Regents~~ may approve
16 the issuance of revenue bonds or other forms of indebtedness
17 by a direct-support organization when such revenue bonds or
18 other forms of indebtedness are used to finance or refinance
19 capital projects which are to provide facilities necessary and
20 desirable to serve the needs and purposes of the university,
21 as determined by the systemwide strategic plan adopted by the
22 State Board of Education ~~Regents~~, and when the project has
23 been approved by the Legislature.

24 Section 47. Section 240.2095, Florida Statutes, is
25 amended to read:

26 240.2095 State Board of Education ~~Regents~~ program
27 approval.--

28 (1) The State Board of Education ~~Regents~~ shall
29 establish criteria for the approval of new programs at state
30 universities, which criteria include, but are not limited to,
31 the following:

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

4 (b) Unnecessary duplication of programs offered by
5 independent institutions shall be avoided;

6 (c) Cooperative programs, particularly within regions,
7 should be encouraged; and

8 (d) New programs shall be approved only if they are
9 consistent with the state master plans adopted by the State
10 Board of Education ~~and the Board of Regents~~.

11 (2) The State Board of Education ~~Regents~~ may approve
12 the addition of lower levels to an upper level university if
13 the plan by the university for implementation provides for:

14 (a) A limitation on the enrollment of freshmen and
15 sophomores in the new lower divisions in recognition of the
16 community college system.

17 (b) Coordination of implementation with nearby
18 independent and public postsecondary institutions regarding
19 numbers of students and kinds of programs to be offered.

20 (c) Undergraduate education to remain the primary
21 thrust of the university.

22 (3) The State Board of Education ~~Regents~~ may approve a
23 new graduate-level program if:

24 (a) The university has taken into account the
25 offerings of its counterparts, including institutions in other
26 sectors, particularly at the regional level.

27 (b) The addition of the program will not alter the
28 emphasis on undergraduate education.

29 (c) The regional need and demand for the graduate
30 program was addressed and the community needs are obvious.

31

1 Section 48. Section 240.2097, Florida Statutes, is
2 amended to read:

3 240.2097 Limited access status; transfer students;
4 student handbook; HIV and AIDS policy.--The State Board of
5 Education ~~Regents~~ shall adopt rules to include the following
6 provisions:

7 (1) The criteria for assigning limited access status
8 to an educational program shall be delineated. A process for
9 the periodic review of programs shall be identified so that
10 the board can determine the need for retention or removal of
11 limited access status.

12 (2) Each university shall provide registration
13 opportunities for transfer students that allow such students
14 access to high demand courses comparable to that provided
15 native students. Further, each university that provides an
16 orientation program for freshman enrollees shall also provide
17 orientation programs for transfer students. Each orientation
18 program for freshmen or transfer students shall include
19 education on the transmission and prevention of human
20 immunodeficiency virus with emphasis on behavior and attitude
21 change.

22 (3) Each university shall review and update as
23 necessary a student handbook that includes, but is not limited
24 to, student rights and responsibilities, appeals processes
25 available to students, a roster of contact persons within the
26 administrative staff available to respond to student
27 inquiries, and a statement as to the State University System
28 policy on acquired immune deficiency syndrome including the
29 name and telephone number of the university acquired immune
30 deficiency syndrome counselor. Each student handbook must
31 include a statement displayed prominently which provides that

1 the university will not tolerate the sale, possession, or use
2 of controlled substances, with the exception of medication
3 prescribed by a physician and taken in accordance with the
4 prescribed usage, nor will the university tolerate the
5 consumption of alcoholic beverages by students younger than 21
6 years of age or the sale of alcoholic beverages to students
7 younger than 21 years of age. Each student handbook must also
8 list the legal and university-specific sanctions that will be
9 imposed upon students who violate the law or university
10 policies regarding controlled substances and alcoholic
11 beverages.

12 (4) The development of a comprehensive State
13 University System policy that addresses the provision of
14 instruction, information, and activities regarding human
15 immunodeficiency virus infection and acquired immune
16 deficiency syndrome. Such instruction, information, or
17 activities shall emphasize the known modes of transmission of
18 human immunodeficiency virus infection and acquired immune
19 deficiency syndrome, signs and symptoms, associated risk
20 factors, appropriate behavior and attitude change and means
21 used to control the spread of human immunodeficiency virus
22 infection and acquired immune deficiency syndrome.

23 Section 49. Section 240.2099, Florida Statutes, is
24 amended to read:

25 240.2099 Computer-assisted student advising system;
26 plans.--The Division of Universities ~~Board of Regents~~ and the
27 Division State Board of Community Colleges shall develop plans
28 for implementing a single, statewide computer-assisted student
29 advising system, which must be an integral part of the process
30 of advising, registering, and certifying students for
31 graduation. Plans shall include timelines for the

1 implementation of the system ~~and shall be submitted to the~~
2 ~~Legislature by October 1, 1996~~. It is intended that an
3 advising system be the primary advising and tracking tool for
4 students enrolled in community colleges and universities and
5 be accessible to students enrolled in each of the state
6 universities, community colleges, and public secondary
7 schools. The State University System and the community
8 college system shall establish a committee to oversee the
9 development and maintenance of the advising system. The system
10 shall consist of a degree audit and an articulation component
11 that includes the following characteristics:

12 (1) The system shall constitute an integral part of
13 the process of advising students and assisting them in course
14 selection. The system shall be accessible to students in the
15 following ways:

16 (a) A student must be able to access the system, at
17 any time, to identify course options that will meet the
18 requirements of a selected path toward a degree.

19 (b) A status report from the system shall be generated
20 and sent with each grade report to each student with a
21 declared major.

22 (2) The system shall be an integral part of the
23 registration process. As part of the process, the system
24 shall:

25 (a) Provide reports that document each student's
26 status toward completion of a degree.

27 (b) Verify that a student has completed requirements
28 for graduation.

29 (3) The system must provide management information to
30 decisionmakers, including information relating student
31 enrollment patterns and course demands to plans for

1 corresponding course offerings and information useful in
2 planning the student registration process.

3 Section 50. Section 240.2111, Florida Statutes, is
4 amended to read:

5 240.2111 Employee recognition program.--

6 (1)(a) Notwithstanding the provisions of s. 110.1245,
7 ~~the Board of Regents and~~ each university board of trustees
8 shall adopt ~~promulgate~~ rules for an employee recognition
9 program which provides for the following components:

10 1. A superior accomplishment component to recognize
11 employees who have contributed outstanding and meritorious
12 service in their fields, including those who have made
13 exceptional contributions to efficiency, economy, or other
14 improvement in ~~State~~ university ~~System~~ operations. No cash
15 award under the superior accomplishment component of the
16 program shall exceed \$1,000, excluding applicable taxes.

17 2. A satisfactory service component to recognize
18 employees who have achieved increments of 5 continuous years
19 of satisfactory service to the ~~Board of Regents, university,~~
20 or state in appreciation and recognition of such service. No
21 cash award granted under the satisfactory service component
22 shall exceed \$50, excluding applicable taxes.

23 (b) ~~The Board of Regents and~~ Each university board of
24 trustees is ~~are~~ authorized to expend funds for such
25 recognition and awards. Savings bonds may be awarded in lieu
26 of cash awards, provided that their cost does not exceed the
27 limits specified in this subsection. In addition,
28 certificates, pins, plaques, letters of commendation, and
29 other tokens of recognition may be awarded to an employee
30 eligible for recognition under either component of the

31

1 program, provided that the cost of such award does not exceed
2 \$50.

3 (2) In addition to the two components specified in
4 subsection (1), ~~the Board of Regents and~~ each university board
5 of trustees is ~~are~~ authorized to incur expenditures not to
6 exceed \$50 each to award suitable framed certificates,
7 plaques, or other tokens of recognition to the following
8 individuals:

9 (a) Retiring employees whose service with a ~~the Board~~
10 ~~of Regents or~~ university has been satisfactory.

11 (b) Any appointed member of a state board or
12 commission whose service to the State University System has
13 been satisfactory, upon the expiration of such board or
14 commission member's final term in such position.

15 Section 51. Section 240.2112, Florida Statutes, is
16 amended to read:

17 240.2112 Incentive efficiency program; employee
18 bonuses.--The university boards of trustees are ~~Board of~~
19 ~~Regents is~~ authorized to implement an incentive efficiency
20 program to stimulate and encourage the development and
21 implementation of ideas or procedures which eliminate or
22 reduce expenditures of ~~the Board of Regents or~~ a university or
23 which generate additional revenues. The savings or revenue
24 generation realized by a university ~~or the Board of Regents~~
25 ~~office~~ under this program shall be used for employee incentive
26 bonuses or for qualitative improvements to the area generating
27 the savings or revenue or to other areas approved by the
28 university president and the university board of trustees
29 ~~Board of Regents~~. No individual may receive a bonus in excess
30 of 10 percent of the estimated savings that result from the
31

1 first year of complete implementation of the proposal, or
2 \$25,000, whichever is lower.

3 Section 52. Subsection (1) of section 240.301, Florida
4 Statutes, is amended to read:

5 240.301 Community colleges; definition, mission, and
6 responsibilities.--

7 (1) State community colleges shall consist of all
8 public educational institutions operated by community college
9 district boards of trustees under statutory authority and
10 rules of the State Board of Education ~~and the State Board of~~
11 ~~Community Colleges~~. A community college may provide adult
12 education services, including adult basic education, adult
13 general education, adult secondary education, and general
14 educational development test instruction. The state community
15 colleges are locally based and governed entities with
16 statutory and funding ties to state government. As such, the
17 community colleges' mission reflects a commitment to be
18 responsive to local educational needs and challenges. In
19 achieving this mission, the colleges strive to maintain
20 sufficient local authority and flexibility while preserving
21 appropriate legal accountability to the state.

22 Section 53. Section 240.3031, Florida Statutes, is
23 amended to read:

24 240.3031 Florida Community College System
25 defined.--The Florida Community College System shall consist
26 of the following:

27 ~~(1) The State Board of Community Colleges of the~~
28 ~~Division of Community Colleges of the Department of Education.~~

29 (1)~~(2)~~ Brevard Community College.

30 (2)~~(3)~~ Broward Community College.

31 (3)~~(4)~~ Central Florida Community College.

1 (4)~~(5)~~ Chipola Junior College.
2 (5)~~(6)~~ Daytona Beach Community College.
3 (6)~~(7)~~ Edison Community College.
4 (7)~~(8)~~ Florida Community College at Jacksonville.
5 (8)~~(9)~~ Florida Keys Community College.
6 (9)~~(10)~~ Gulf Coast Community College.
7 (10)~~(11)~~ Hillsborough Community College.
8 (11)~~(12)~~ Indian River Community College.
9 (12)~~(13)~~ Lake City Community College.
10 (13)~~(14)~~ Lake-Sumter Community College.
11 (14)~~(15)~~ Manatee Community College.
12 (15)~~(16)~~ Miami-Dade Community College.
13 (16)~~(17)~~ North Florida Community College.
14 (17)~~(18)~~ Okaloosa-Walton Community College.
15 (18)~~(19)~~ Palm Beach Community College.
16 (19)~~(20)~~ Pasco-Hernando Community College.
17 (20)~~(21)~~ Pensacola Junior College.
18 (21)~~(22)~~ Polk Community College.
19 (22)~~(23)~~ St. Johns River Community College.
20 (23)~~(24)~~ St. Petersburg Junior College.
21 (24)~~(25)~~ Santa Fe Community College.
22 (25)~~(26)~~ Seminole Community College.
23 (26)~~(27)~~ South Florida Community College.
24 (27)~~(28)~~ Tallahassee Community College.
25 (28)~~(29)~~ Valencia Community College.
26 Section 54. Sections 240.305, 240.307, and 240.309,
27 Florida Statutes, are repealed.
28 Section 55. Section 240.311, Florida Statutes, is
29 amended to read:
30 240.311 Commissioner ~~State Board~~ of Community
31 Colleges; powers and duties.--

1 (1) The Commissioner ~~State Board~~ of Community Colleges
2 shall serve as the director of the Division of Community
3 Colleges of the Department of Education.

4 (2) The State Board of Education ~~Community Colleges~~ is
5 responsible for the operation and maintenance of a state
6 community college system, as defined in s. 228.041(1)(b), in a
7 coordinated, efficient, and effective manner. The State Board
8 of Education ~~Community Colleges~~ has authority to adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement provisions
10 of law conferring duties upon it. ~~Such rules and policies~~
11 ~~shall be submitted to the State Board of Education for~~
12 ~~approval. If any rule is not disapproved by the State Board~~
13 ~~of Education within 45 days of its receipt by the State Board~~
14 ~~of Education, the rule shall be filed immediately with the~~
15 ~~Department of State.~~

16 (3) The State Board of Education ~~Community Colleges~~
17 shall:

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

21 (b) Provide, through rule, for the coordination of the
22 Florida Community College System.

23 (c) Review new associate degree, diploma, and
24 certificate programs for relationship to student demand;
25 conduct periodic reviews of existing programs; and provide
26 rules for termination of associate degree or certificate
27 programs when excessive duplication exists.

28 (d) Ensure that the rules and procedures of community
29 college district boards relating to admission to, enrollment
30 in, employment in, and programs, services, functions, and
31

1 activities of each college provide equal access and equal
2 opportunity for all persons.

3 (e) Advise presidents of community colleges of the
4 fiscal policies adopted by the Legislature and of their
5 responsibilities to follow such policies.

6 (f) Specify, by rule, procedures to be used by the
7 boards of trustees in the annual evaluations of presidents and
8 formally review the evaluations of presidents by the boards of
9 trustees.

10 (g) Establish ~~Recommend to the State Board of~~
11 ~~Education~~ minimum standards for the operation of each
12 community college as required in s. 240.325, which standards
13 may include, but are not limited to, general qualifications of
14 personnel, budgeting, accounting and financial procedures,
15 educational programs, student admissions and services, and
16 community services.

17 (h) Establish an effective information system which
18 will provide composite data about the community colleges and
19 assure that special analyses and studies about the colleges
20 are conducted, as necessary, for provision of accurate and
21 cost-effective information about the colleges and about the
22 community college system as a whole.

23 (i) Encourage the colleges and the system as a whole
24 to cooperate with other educational institutions and agencies
25 and with all levels and agencies of government in the interest
26 of effective utilization of all resources, programs, and
27 services.

28 (j) Establish criteria for making recommendations
29 relative to modifying district boundary lines and for making
30 recommendations upon all proposals for the establishment of
31 additional centers or campuses for community colleges.

1 (k) Develop a plan in cooperation with the local
2 school district ~~and the Department of Education~~ to include any
3 and all counties in a community college service district.

4 (l) Assess the need to consolidate any community
5 colleges.

6 (m) Develop and adopt guidelines relating to salary
7 and fringe benefit policies for community college
8 administrators, including community college presidents.

9 (n) Develop and adopt guidelines relating to official
10 travel by community college employees.

11 (o) Receive an annual administrative review of each
12 community college.

13 1. Such review shall include, but is not limited to,
14 the administrator-to-faculty ratio, the percent of funds for
15 administrative costs in the total budget, and the percent of
16 funds in support programs compared to the percent of funds in
17 instructional programs and may include such other indicators
18 of quality as are necessary.

19 2. The review shall also include all courses offered
20 by a community college outside its district. Courses offered
21 outside the home district which are not approved by the State
22 Board of Education ~~Community Colleges~~ shall not be counted for
23 funding purposes or to meet enrollment assignments. For
24 purposes of this subparagraph, electronically originated
25 instruction, to include satellite, broadcast, and Internet
26 delivered instruction, shall be exempt. Exemption is only
27 permitted when the community college's intent is to offer the
28 instruction for students residing within the community
29 college's home district and only markets the instruction to
30 students residing within the community college's home
31 district. If a community college's intent is to market the

1 electronically originated instruction outside its home
2 district and thus recruit students outside its home district,
3 the community college must receive the approval of the State
4 Board of Education ~~Community Colleges~~. The State Board of
5 Education ~~Community Colleges~~ shall have authority to review
6 any electronically originated instruction for compliance with
7 this section.

8 (p) Encourage and support activities which promote and
9 advance college and statewide direct-support organizations.

10 (q) Specify, by rule, the degree program courses that
11 may be taken by students concurrently enrolled in
12 college-preparatory instruction.

13 ~~(4) The State Board of Community Colleges shall~~
14 ~~appoint, and may suspend or dismiss, an executive director of~~
15 ~~the community college system. The board shall fix the~~
16 ~~compensation for the executive director and for all other~~
17 ~~professional, administrative, and clerical employees necessary~~
18 ~~to assist the board and the executive director in the~~
19 ~~performance of their duties. The executive director shall~~
20 ~~serve as executive officer and as secretary to the board;~~
21 ~~shall attend, but not vote at, all meetings of the board~~
22 ~~except when on authorized leave; shall be in charge of the~~
23 ~~offices of the board, including appointment and termination of~~
24 ~~staff; and shall be responsible for the preparation of reports~~
25 ~~and the collection and dissemination of data and other public~~
26 ~~information relating to the Florida Community College System.~~
27 ~~The executive director shall conduct systemwide program~~
28 ~~reviews for board approval; prepare the legislative budget~~
29 ~~request for the system; and, upon the request of the board,~~
30 ~~represent the system before the Legislature and the State~~
31 ~~Board of Education, including representation in the~~

1 ~~presentation of proposed rules to the State Board of~~
2 ~~Education. The board may, by rule, delegate to the executive~~
3 ~~director any of the powers and duties vested in or imposed~~
4 ~~upon it by this part. Under the supervision of the board, the~~
5 ~~executive director shall administer the provisions of this~~
6 ~~part and the rules established hereunder and all other~~
7 ~~applicable laws of the state.~~

8 ~~(4)(5)~~ The State Board of Education ~~Community Colleges~~
9 is responsible for reviewing and administering the state
10 program of support for the Florida Community College System
11 and, subject to existing law, shall:

12 (a) Review and approve all budgets and recommended
13 budget amendments in the Florida Community College System.

14 (b) Present ~~Recommend to the Commissioner of Education~~
15 ~~all~~ requests for appropriations for inclusion in the
16 ~~Commissioner of Education's~~ budget presentation to the
17 Governor, as chief budget officer of the state, in the manner
18 provided in chapter 216.

19 (c) Provide for and coordinate implementation of the
20 community college program fund in accordance with provisions
21 of ss. 240.359 and 240.323 ~~and in accordance with rules of the~~
22 ~~State Board of Education.~~

23 (d) Adopt, and submit to the Legislature, a 3-year
24 list of priorities for fixed capital outlay projects.

25 ~~(5)(6)~~ The State Board of Education ~~Community Colleges~~
26 is authorized to exercise any other powers, duties, and
27 responsibilities necessary to carry out the purposes of this
28 part, except that powers and duties granted to the several
29 district boards of trustees by ss. 240.315, 240.317, 240.319,
30 and 447.203 shall remain with the several district boards of
31 trustees.

1 (6)~~(7)~~ The State Board of Education ~~Community Colleges~~
2 shall adopt rules and procedures to be followed by district
3 boards of trustees for the recruitment, consideration, and
4 selection process for presidents of the community colleges.
5 The rules or procedures shall address, at a minimum, the
6 following: the composition of a search committee that
7 provides for membership representing the gender and ethnic
8 diversity of the community, faculty, students, and staff; the
9 program mix of the community college and priorities of the
10 community and board of trustees; and a recruitment and
11 consideration process that provides a candidate pool with
12 ethnic and gender diversity appropriate for the community
13 college district. The district board of trustees is
14 responsible for the appointment of the community college
15 president, pursuant to s. 240.319(4)(a). Upon selection of a
16 president by a board of trustees, the board of trustees shall
17 submit a report to the State Board of Education ~~Community~~
18 ~~Colleges~~ documenting compliance with this subsection.

19 (7)~~(8)~~(a) The State Board of Education ~~Community~~
20 ~~Colleges~~ is authorized to develop and produce work products
21 which relate to mechanisms to provide for consolidated and
22 coordinated program development and educational endeavors to
23 support distance learning instruction which are subject to
24 trademark, copyright, or patent statutes. To this end, the
25 board shall consider the relative contribution by the
26 personnel employed in the development of such work products
27 and shall enter into binding agreements with such personnel,
28 organizations, corporations, or government entities, which
29 agreements shall establish the percentage of ownership of such
30 trademarks, copyrights, or patents. Any other law to the
31

1 contrary notwithstanding, the board is authorized in its own
2 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 or
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 such work products and execute all
16 instruments necessary to consummate any such sale.

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

19

20 Any proceeds therefrom shall be deposited and expended by a
21 Florida not-for-profit corporation, incorporated under the
22 provisions of chapter 617 and approved by the Department of
23 State, to be used as directed by the board to pay the cost of
24 producing and disseminating educational materials and products
25 to carry out the intent of this act. Any action taken by the
26 board in securing or exploiting such trademarks, copyrights,
27 or patents shall, within 30 days, be reported by the board to
28 the Department of State.

29 (b) The board is authorized to publish, produce, or
30 have produced materials and products and shall make them
31 readily available for appropriate use in the state system of

1 education. The board is authorized to charge an amount
2 adequate to cover the essential cost of producing and
3 disseminating such materials and products in the state system
4 of education and is authorized to sell copies for educational
5 use to nonpublic schools in the state and to the public.

6 (c) Any Florida not-for-profit corporation receiving
7 funds pursuant to this section shall make provisions for an
8 annual postaudit of its financial accounts to be conducted by
9 an independent certified public accountant in accordance with
10 rules to be adopted by the board. The annual audit report
11 shall be submitted to the Auditor General and the board for
12 review. The board and the Auditor General shall have the
13 authority to require and receive from the organization or from
14 its independent auditor any detail or supplemental data
15 relative to the operation of the organization.

16 (d) ~~By December 31, 1999, and~~ Annually thereafter, the
17 State Board of Education Community Colleges shall report on
18 the implementation of this section to the Governor, the
19 Speaker of the House of Representatives, and the President of
20 the Senate.

21 Section 56. Subsection (3) of section 240.313, Florida
22 Statutes, is amended to read:

23 240.313 Community college districts; establishment and
24 organization of boards of trustees.--

25 (3) Trustees shall be appointed by the Governor,
26 ~~approved by four members of the State Board of Education, and~~
27 confirmed by the Senate in regular session; ~~however, no~~
28 ~~appointee shall take office until after his or her appointment~~
29 ~~has been approved by four members of the State Board of~~
30 ~~Education; further, the State Board of Education shall develop~~
31 ~~rules and procedures for review and approval of the~~

1 ~~appointees~~. Prior to the time the Governor appoints any member
2 of any community college district board of trustees, the
3 school board or boards in the community college district may
4 submit to the Governor for his or her consideration the names
5 of two or more persons for each office.

6 Section 57. Section 240.317, Florida Statutes, is
7 amended to read:

8 240.317 Community colleges; legislative intent.--It is
9 the legislative intent that community colleges, constituted as
10 political subdivisions of the state, continue to be operated
11 by district boards of trustees as provided in s. 240.315 and
12 that no department, bureau, division, agency, or subdivision
13 of the state exercise any responsibility and authority to
14 operate any community college of the state except as
15 specifically provided by law or rules of the State Board of
16 Education ~~and State Board of Community Colleges~~.

17 Section 58. Section 240.319, Florida Statutes, is
18 amended to read:

19 240.319 Community college district boards of trustees;
20 duties and powers.--

21 (1) Each community college district board of trustees
22 is vested with the responsibility to operate its respective
23 community college and with such necessary authority as is
24 needed for the proper operation and improvement thereof in
25 accordance with rules of the State Board of Education ~~and~~
26 ~~State Board of Community Colleges~~.

27 (2) The board of trustees, after considering
28 recommendations submitted by the community college president,
29 has authority to adopt rules pursuant to ss. 120.536(1) and
30 120.54 to implement the provisions of law conferring duties
31 upon it. These rules may supplement those prescribed by the

1 State Board of Education and the State Board of Community
2 Colleges if they will contribute to the more orderly and
3 efficient operation of the Florida Community College System.

4 (3) Each community college district board of trustees
5 is specifically authorized to adopt rules, procedures, and
6 policies, consistent with law and rules of the State Board of
7 Education ~~and State Board of Community Colleges~~, related to
8 its mission and responsibilities as set forth in s. 240.301,
9 its governance, personnel, budget and finance, administration,
10 programs, curriculum and instruction, buildings and grounds,
11 travel and purchasing, technology, students, contracts and
12 grants, or college property.

13 (4) Such rules, procedures, and policies for the
14 boards of trustees include, but are not limited to, the
15 following:

16 (a) Each board of trustees shall appoint, suspend, or
17 remove the president of the community college. The board of
18 trustees may appoint a search committee. The board of
19 trustees shall conduct periodic evaluations of the president
20 in accordance with rules of the State Board of Education
21 ~~Community Colleges~~ and submit such evaluations to the State
22 Board of Education ~~Community Colleges~~ for review.

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

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

1 trustees. In any suit, a change in personnel of the board
2 shall not abate the suit, which shall proceed as if such
3 change had not taken place. Each board may adopt rules,
4 procedures, and policies related to contracts and contract
5 management.

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

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

30 (f) Each board of trustees may purchase, acquire,
31 receive, hold, own, manage, lease, sell, dispose of, and

1 convey title to real property, in the best interests of the
2 college, pursuant to rules adopted by the State Board of
3 Education.

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

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

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

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

1 percentage of ownership of such trademarks, copyrights, or
2 patents. Any other law to the contrary notwithstanding, the
3 board of trustees is authorized in its own name to:

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

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

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

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

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

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

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

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

3 (1)1. Each board of trustees may adopt rules,
4 procedures, and policies related to the appointment,
5 employment, and removal of personnel. The board shall
6 determine the compensation, including salaries and fringe
7 benefits, and other conditions of employment for such
8 personnel, including the president.

9 2. The board is authorized to enter into a contract
10 with the president in accordance with the provisions of this
11 chapter. Any such contract may fix the duration of employment
12 and the compensation therefor and may contain any other terms
13 and conditions the board deems appropriate. In addition, the
14 board may furnish the president with the use of a motor
15 vehicle or an allowance in lieu thereof. If any such vehicle
16 is furnished, the board shall determine and fix the maximum
17 noncollege use of the same. Each board of trustees shall
18 adopt, by rule, procedures governing the employment and
19 dismissal of the community college president. Such rule shall
20 be incorporated into the contract 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 that are adopted and that 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 An award granted under the provisions of this paragraph may
30 not exceed \$2,000 or 10 percent of the first year's gross
31 savings, whichever is greater.

1 (n) Each board of trustees may adopt rules,
2 procedures, and policies related to students, enrollment of
3 students, student activities, loans, scholarships, and other
4 student services.

5 (o) Each board of trustees may adopt rules,
6 procedures, and policies related to risk management, safety,
7 security, and law enforcement operations. Each board of
8 trustees is authorized to employ personnel to carry out the
9 duties imposed by this paragraph.

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

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 (t) Each board of trustees is authorized to borrow
28 funds and incur debt, including entering into lease-purchase
29 agreements and the issuance of revenue bonds as specifically
30 authorized and only for the purposes authorized in ss.
31 239.117(15) and (16) and 240.35(14) and (15). At the option of

1 the board of trustees, bonds may be issued which are secured
2 by a combination of revenues authorized to be pledged to bonds
3 pursuant to ss. 239.117(15) and 240.35(14) or ss. 239.117(16)
4 and 240.35(15). Lease-purchase agreements may be secured by a
5 combination of revenues as specifically authorized pursuant to
6 ss. 239.117(18) and 240.35(16).

7 (u) Each board of trustees may adopt rules,
8 procedures, and policies related to compliance with federal
9 laws, regulations, and requirements.

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

16 (w) Each board of trustees may adopt rules,
17 procedures, and policies related to data or technology,
18 including but not limited to, information systems,
19 communications systems, computer hardware and software, and
20 networks.

21 (x) Each board of trustees may adopt rules,
22 procedures, and policies related to the use, maintenance,
23 protection, and control of buildings and grounds, property, or
24 equipment.

25 Section 59. Subsection (1) of section 246.031, Florida
26 Statutes, is amended to read:

27 246.031 State Board of Independent Colleges and
28 Universities.--

29 (1) There shall be established in the Department of
30 Education, Division of Administration, a State Board of
31 Independent Colleges and Universities. The department shall

1 serve as the administrative agent of the board by providing
2 services, including payroll, procurement, and legal counsel.
3 The board shall exercise independently all duties prescribed
4 by law.

5 Section 60. Paragraphs (r), (s) and (t) of subsection
6 (1) of section 246.041, Florida Statutes, are amended to read:

7 246.041 Powers and duties of board.--

8 (1) The board shall:

9 (r) Provide information and documentation on an annual
10 basis to the Bureau Office of Student Financial Assistance of
11 the Division of Administration of the Department of Education
12 regarding the requirements set forth for nonpublic colleges in
13 s. 240.605, relating to William L. Boyd, IV, Florida resident
14 access grants, s. 240.6055, relating to access grants for
15 community college graduates, and s. 240.609, relating to
16 Florida postsecondary endowment grants.

17 (s) Cooperate with ~~the Board of Regents~~ and the
18 Department of Education, pursuant to s. 240.53, in
19 establishing one or more approved postdoctoral training
20 programs to train currently employed college or university
21 faculty to deliver postsecondary courses, inservice training
22 programs, and technical assistance related to middle childhood
23 education programs.

24 (t) Provide annually to the Bureau Office of Student
25 Financial Assistance, Division of Administration, of the
26 Department of Education information and documentation which
27 can be used in determining a college's eligibility to
28 participate in state student financial assistance programs.

29 Section 61. Subsection (1) of section 246.205, Florida
30 Statutes, is amended to read:

31 246.205 State Board of Nonpublic Career Education.--

1 (1) There shall be established in the Division of
2 Administration of the Department of Education a State Board of
3 Nonpublic Career Education. The board shall be assigned to
4 the Department of Education only for the purpose of payroll,
5 procurement, and related administrative functions which shall
6 be exercised by the head of the department. The board shall
7 independently exercise the other powers, duties, and functions
8 prescribed by law. The board shall include nine members,
9 appointed by the Governor as follows:

- 10 (a) One from a business school;
11 (b) One from a technical school;
12 (c) One from a home study school;
13 (d) One from a nonpublic school;
14 (e) Four from business and industry; and
15 (f) An administrator of vocational-technical education
16 from a public school district or community college.

17 Section 62. The State Board of Education shall place
18 the positions of Commissioner of Education, Superintendent of
19 Public Instruction, Commissioner of Community Colleges, and
20 the Chancellor of the State University System in the Executive
21 Service of the State University System or in pay grade 950 or
22 above of the Senior Management Service for the purposes of
23 establishing salaries and benefits.

24 Section 63. Paragraphs (a) and (m) of subsection (4)
25 of section 411.01, Florida Statutes, are amended to read:

26 411.01 Florida Partnership for School Readiness;
27 school readiness coalitions.--

28 (4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.--

29 (a) There is created the Florida Partnership for
30 School Readiness with responsibility for adopting and
31 maintaining coordinated programmatic, administrative, and

1 fiscal policies and standards for all school readiness
2 programs, while allowing a wide range of programmatic
3 flexibility and differentiation. The partnership is assigned
4 to the Division of Administration, Department of Education,
5 ~~Executive Office of the Governor~~ for administrative purposes.

6 (m) The Florida Partnership for School Readiness is an
7 independent budget entity and shall have a budget that is,
8 ~~shall be~~ financed through an annual appropriation made for
9 this purpose in the General Appropriations Act, and shall be
10 subject to compliance audits and annual financial audits by
11 the Auditor General.

12
13 To ensure that the system for measuring school readiness is
14 comprehensive and appropriate statewide, as the system is
15 developed and implemented, the partnership must consult with
16 representatives of district school systems, providers of
17 public and private child care, health care providers, large
18 and small employers, experts in education for children with
19 disabilities, and experts in child development.

20 Section 64. (1) The Educational Governance Transition
21 Task Force is established. All members of the task force shall
22 be appointed prior to September 1, 2000. The task force shall
23 be composed of:

24 (a) Three members appointed by the Governor;

25 (b) Two members appointed by the President of the
26 Senate;

27 (c) Two members appointed by the Speaker of the House
28 of Representatives;

29 (d) Two members appointed by the Commissioner of
30 Education;

31 (e) One member appointed by the Board of Regents; and

1 (f) One member appointed by the State Board of
2 Community Colleges.

3 (2) The organizational meeting of the task force shall
4 take place no later than October 1, 2000. The members of the
5 task force shall elect a chair by majority vote. The task
6 force is administratively assigned to, and shall be staffed
7 by, the Department of Education. Members of the task force
8 shall serve without compensation, but shall be reimbursed for
9 per diem and travel expenses as provided in section 112.061,
10 Florida Statutes.

11 (3) The purpose of the task force is to review the
12 Florida Statutes and rules related to educational governance
13 in Florida and, based upon the changes made to that structure
14 by this act:

15 (a) Recommend amendments to statutes and rules to
16 reflect the changes made by this act;

17 (b) Identify any organizational problems, including,
18 but not limited to, communication between divisions and local
19 boards, technical assistance and other services provided to
20 local boards, differences in personnel systems, and to
21 recommend solutions to the identified problems;

22 (c) Identify any issues related to technology,
23 including coordination or incompatibility of technology
24 systems, to suggest systems, and to suggest solutions to
25 identified problems; and

26 (d) Recommend methods to improve departmental
27 accountability, including, but not limited to, modification of
28 performance measures.

29 (3) The task force may procure information and
30 assistance from any officer or agency of the state or any
31 subdivision thereof. All such officials and agencies shall

1 give the task force all relevant information and assistance on
2 any matter within their knowledge or control.

3 (4) The task force shall submit an initial report to
4 the Governor, the President of the Senate, and the Speaker of
5 the House of Representatives by no later than January 1, 2001.

6 (5) The task force shall submit a final report to the
7 Governor, the President of the Senate, and the Speaker of the
8 House of Representatives by no later than January 1, 2002.

9 (6) The task force terminates upon submission of the
10 final report.

11 Section 65. Except for this section and section 64,
12 which creates the Educational Governance Task Force, which
13 shall take effect July 1, 2000, this act shall take effect
14 January 7, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1680
4 Designates the State Board of Education as the head of the
5 Department of Education.
6 Creates four divisions in the Department of Education: (1)
7 Division of Administration, which is directed by the
8 Commissioner of Education; (2) Division of Community Colleges,
9 which is directed by the Commissioner of Community Colleges;
10 (3) Division of Public Schools, which is directed by the
11 Superintendent of Public Instruction; and (4) Division of
12 Universities, which is headed by the Chancellor.
13 The members of the State Board of Education are appointed to
14 4-year staggered terms by the Governor and confirmed by the
15 Senate. The chairman of the board is elected by a majority
16 vote of the members to a 2-year term, but cannot succeed
17 himself or herself. The Governor may reappoint members to the
18 State Board of Education. The State Board of Education must
19 meet at least once a month.
20 Abolishes Board of Regents and State Board of Community
21 Colleges. Provides for establishment of 9-member board of
22 trustees at each university.
23 Budget and course approval authority assigned to State Board
24 of Education.
25 Provides for Educational Governance Transition Task Force.
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