

By the Committee on Education and Senator Diaz-Balart

304-2013-00

1 A bill to be entitled
2 An act relating to postsecondary education
3 institutions; amending s. 239.115, F.S.;
4 providing performance exemptions for new
5 workforce development education programs;
6 amending s. 239.213, F.S., relating to
7 vocational preparatory instruction; requiring
8 students who enroll in certificate career
9 education programs of 450 hours or more to
10 complete an entry-level examination within a
11 certain period of time; revising provisions
12 relating to exceptional students to conform
13 with federal requirements; amending s. 239.514,
14 F.S., relating to the workforce development
15 capitalization incentive grant program;
16 authorizing the use of such funds to upgrade
17 workforce development programs; amending s.
18 240.1201, F.S.; authorizing the State Board of
19 Education to classify students as residents or
20 nonresidents for tuition purposes; amending ss.
21 240.152 and 240.153, F.S.; conforming
22 provisions relating to students with
23 disabilities with federal requirements;
24 requiring the State Board of Education to
25 define "physical or mental impairment" by rule;
26 amending s. 240.311, F.S.; revising the role of
27 the State Board of Community Colleges in
28 rulemaking; providing specific rulemaking
29 authority; amending s. 240.321, F.S.; deleting
30 certain reporting requirements; amending s.
31 240.325, F.S.; requiring the State Board of

1 Community Colleges, rather than the State Board
2 of Education, to adopt rules; requiring the
3 adoption of rules to address accreditation,
4 student withdrawal, and grade forgiveness;
5 amending s. 240.3341, F.S.; authorizing
6 community colleges to lease incubator
7 facilities; deleting obsolete provisions;
8 amending s. 240.35, F.S., relating to student
9 fees for college credit courses; deleting
10 obsolete provisions; amending s. 240.359, F.S.;
11 prohibiting the inclusion of certain courses in
12 calculations of full-time equivalent
13 enrollments; eliminating provisions relating to
14 funding for the category of lifelong learning;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (9) of section 239.115, Florida
20 Statutes, is amended to read:

21 239.115 Funds for operation of adult general education
22 and vocational education programs.--

23 (9) The Department of Education, the State Board of
24 Community Colleges, and the Jobs and Education Partnership
25 shall provide the Legislature with recommended formulas,
26 criteria, timeframes, and mechanisms for distributing
27 performance funds. Such recommendations may provide
28 performance exemptions for new or significantly expanded
29 workforce development education programs for a period not to
30 exceed 2 years from the implementation of the new or
31 significantly expanded program.The commissioner shall

1 consolidate the recommendations and develop a consensus
2 proposal for funding. The Legislature shall adopt a formula
3 and distribute the performance funds to the Division of
4 Community Colleges and the Division of Workforce Development
5 through the General Appropriations Act. These recommendations
6 shall be based on formulas that would discourage
7 low-performing or low-demand programs and encourage through
8 performance-funding awards:

9 (a) Programs that prepare people to enter high-wage
10 occupations identified by the Occupational Forecasting
11 Conference created by s. 216.136 and other programs as
12 approved by the Jobs and Education Partnership. At a minimum,
13 performance incentives shall be calculated for adults who
14 reach completion points or complete programs that lead to
15 specified high-wage employment and to their placement in that
16 employment.

17 (b) Programs that successfully prepare adults who are
18 eligible for public assistance, economically disadvantaged,
19 disabled, not proficient in English, or dislocated workers for
20 high-wage occupations. At a minimum, performance incentives
21 shall be calculated at an enhanced value for the completion of
22 adults identified in this paragraph and job placement of such
23 adults upon completion. In addition, adjustments may be made
24 in payments for job placements for areas of high unemployment.

25 (c) Programs identified by the Jobs and Education
26 Partnership as increasing the effectiveness and cost
27 efficiency of education.

28 Section 2. Subsections (2) and (3) of section 239.213,
29 Florida Statutes, are amended to read:

30 239.213 Vocational-preparatory instruction.--
31

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

16 (3) Any student with disabilities who meets the
17 criteria established in s. 240.152 or s. 240.153 ~~Exceptional~~
18 ~~students, as defined in s. 228.041,~~ may be exempted from the
19 provisions of this section. A student who possesses an
20 associate in arts, baccalaureate, or graduate-level degree,
21 who has completed the college-level communication and
22 computation skills examination pursuant to s. 240.107, or who
23 is exempt from the college entry-level examination pursuant to
24 s. 240.107 may be exempted from the provisions of this
25 section. Pursuant to 29 C.F.R. part 30, students in registered
26 apprenticeship programs may also be exempted from the
27 provisions of this section.

28 Section 3. Section 239.514, Florida Statutes, is
29 amended to read:

30 239.514 Workforce Development Capitalization Incentive
31 Grant Program.--The Legislature recognizes that the need for

1 school districts and community colleges to be able to respond
2 to emerging local or statewide economic development needs is
3 critical to the workforce development system. The Workforce
4 Development Capitalization Incentive Grant Program is created
5 to provide grants to school districts and community colleges
6 on a competitive basis to fund some or all of the costs
7 associated with the creation or expansion of workforce
8 development programs that serve specific employment workforce
9 needs. Funds may also be used to upgrade workforce development
10 programs to established industry standards in accordance with
11 program updates conducted by the Division of Community
12 Colleges and the Division of Workforce Development.

13 (1) Funds awarded for a workforce development
14 capitalization incentive grant may be used for instructional
15 equipment, laboratory equipment, supplies, personnel, student
16 services, or other expenses associated with the creation,
17 upgrade, or expansion of a workforce development program.
18 Expansion of a program may include either the expansion of
19 enrollments in a program or expansion into new areas of
20 specialization within a program. No grant funds may be used
21 for recurring instructional costs or for institutions'
22 indirect costs.

23 (2) The Postsecondary Education Planning Commission
24 shall accept applications from school districts or community
25 colleges for workforce development capitalization incentive
26 grants. Applications from school districts or community
27 colleges shall contain projected enrollments and projected
28 costs for the new or expanded workforce development program.
29 The Postsecondary Education Planning Commission, in
30 consultation with the Jobs and Education Partnership, the
31 Department of Education, and the State Board of Community

1 Colleges, shall review and rank each application for a grant
2 according to subsection (3) and shall submit to the
3 Legislature a list in priority order of applications
4 recommended for a grant award.

5 (3) The commission shall give highest priority to
6 programs that train people to enter high-skill, high-wage
7 occupations identified by the occupational forecasting
8 conference and other programs approved by the Jobs and
9 Education Partnership; programs that train people to enter
10 occupations on the WAGES list; or programs that train for the
11 workforce adults who are eligible for public assistance,
12 economically disadvantaged, disabled, not proficient in
13 English, or dislocated workers. The commission shall consider
14 the statewide geographic dispersion of grant funds in ranking
15 the applications and shall give priority to applications from
16 education agencies that are making maximum use of their
17 workforce development funding by offering high-performing,
18 high-demand programs.

19 Section 4. Subsection (11) is added to section
20 240.1201, Florida Statutes, to read:

21 240.1201 Determination of resident status for tuition
22 purposes.--Students shall be classified as residents or
23 nonresidents for the purpose of assessing tuition fees in
24 public community colleges and universities.

25 (11) The State Board of Education is authorized to
26 adopt rules regarding the classification of students as
27 residents or nonresidents for tuition purposes to implement
28 the provisions of this section.

29 Section 5. Section 240.152, Florida Statutes, is
30 amended to read:

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1 240.152 Individuals who have disabilities ~~Impaired and~~
2 ~~learning disabled persons~~; admission to postsecondary
3 institutions; substitute requirements; rules.--Any person who
4 is hearing impaired, visually impaired, speech impaired, or
5 otherwise physically impaired, or dyslexic, or who has a
6 specific learning disability, or who has a physical or mental
7 impairment as defined in State Board of Education rule, shall
8 be eligible for reasonable substitution for any requirement
9 for admission to a state university, community college, or
10 other postsecondary ~~degree-career~~ education institution where
11 documentation can be provided that the person's failure to
12 meet the admission requirement is related to the disability.
13 The State Board of Education, the Board of Regents, and the
14 State Board of Community Colleges shall adopt rules to
15 implement this section and shall develop substitute admission
16 requirements where appropriate.

17 Section 6. Section 240.153, Florida Statutes, is
18 amended to read:

19 240.153 Individuals who have disabilities ~~Impaired and~~
20 ~~learning disabled persons~~; graduation, study program
21 admission, and upper-division entry; substitute requirements;
22 rules.--Any student in a state university, community college,
23 or other postsecondary ~~degree-career~~ education institution who
24 is hearing impaired, visually impaired, speech impaired, or
25 otherwise physically impaired, or dyslexic, or who has a
26 specific learning disability, or who has a physical or mental
27 impairment as defined in State Board of Education rule, shall
28 be eligible for reasonable substitution for any requirement
29 for graduation, for admission into a program of study, or for
30 entry into upper division where documentation can be provided
31 that the person's failure to meet the requirement is related

1 to the disability and where the failure to meet the graduation
2 requirement or program admission requirement does not
3 constitute a fundamental alteration in the nature of the
4 program. The State Board of Education, the Board of Regents,
5 and the State Board of Community Colleges shall adopt rules to
6 implement this section and shall develop substitute
7 requirements where appropriate.

8 Section 7. Paragraphs (g) and (j) of subsection (3),
9 paragraph (c) of subsection (5), and paragraph (d) of
10 subsection (8) of section 240.311, Florida Statutes, are
11 amended to read:

12 240.311 State Board of Community Colleges; powers and
13 duties.--

14 (3) The State Board of Community Colleges shall:

15 (g) Specify, by rule,~~Recommend to the State Board of~~
16 ~~Education~~ minimum standards for the operation of each
17 community college as required in s. 240.325, which standards
18 may include, but are not limited to, general qualifications of
19 personnel, budgeting, accounting and financial procedures,
20 educational programs, student admissions and services, and
21 community services.

22 (j) Establish, by rule,criteria for making
23 recommendations relative to modifying district boundary lines
24 and for making recommendations upon all proposals for the
25 establishment of additional centers, instructional sites,
26 special purpose centers,or campuses for community colleges.

27 (5) The State Board of Community Colleges is
28 responsible for reviewing and administering the state program
29 of support for the Florida Community College System and,
30 subject to existing law, shall:

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1 (c) Provide for and coordinate implementation of the
2 community college program fund in accordance with provisions
3 of ss. 240.359 and 240.323 and in accordance with rules of the
4 State Board of Community Colleges Education.

5 (8)

6 ~~(d) By December 31, 1999, and annually thereafter, the~~
7 ~~State Board of Community Colleges shall report on the~~
8 ~~implementation of this section to the Speaker of the House of~~
9 ~~Representatives and the President of the Senate.~~

10 Section 8. Subsection (3) of section 240.321, Florida
11 Statutes, is amended to read:

12 240.321 Community college district board of trustees;
13 rules for admissions of students.--The board of trustees shall
14 make rules governing admissions of students. These rules
15 shall include the following:

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

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20 ~~Each board of trustees shall establish policies that notify~~
21 ~~students about, and place students into, adult basic~~
22 ~~education, adult secondary education, or other instructional~~
23 ~~programs that provide students with alternatives to~~
24 ~~traditional college preparatory instruction, including private~~
25 ~~provider instruction. Such notification shall include a~~
26 ~~written listing or a prominent display of information on~~
27 ~~alternative remedial options that must be available to each~~
28 ~~student who scores below college level in any area on the~~
29 ~~common placement test. The list or display shall include, but~~
30 ~~is not limited to, options provided by the community college,~~
31 ~~adult education programs, and programs provided by private~~

1 ~~sector providers. The college shall not endorse, recommend,~~
2 ~~evaluate, or rank any of the providers. The list of providers~~
3 ~~or the display materials shall include all those providers~~
4 ~~that request to be included. The written list must provide~~
5 ~~students with specific contact information and disclose the~~
6 ~~full costs of the course tuition, laboratory fees, and~~
7 ~~instructional materials of each option listed. A student who~~
8 ~~elects a private provider for remedial instruction is entitled~~
9 ~~to enroll in up to 12 credits of college-level courses in~~
10 ~~skill areas other than those for which the student is being~~
11 ~~remediated. A student is prohibited from enrolling in~~
12 ~~additional college-level courses until the student scores~~
13 ~~above the cut score on all sections of the common placement~~
14 ~~test.~~

15 Section 9. Section 240.325, Florida Statutes, is
16 amended to read:

17 240.325 Minimum standards, definitions, and guidelines
18 for community colleges.--Subject to the provisions of s.
19 240.311(2), the State Board of Community Colleges Education
20 shall have specific authority to prescribe, by rule, minimum
21 standards, definitions, and guidelines for community colleges
22 and the Division of Community Colleges which will assure the
23 quality of education, systemwide coordination, and efficient
24 progress toward attainment of the community college mission.
25 At a minimum the State Board of Community Colleges has
26 specific authority to adopt rules addressing ~~At a minimum,~~
27 ~~these rules must address:~~

- 28 (1) Personnel.
29 (2) Contracting.
30 (3) Program offerings and classification including
31 college-level communication and computation skills associated

1 with successful performance in college, with tests and other
2 assessment procedures which measure student achievement of
3 those skills. The performance measures shall provide that
4 students moving from one level of education to the next
5 acquire the necessary competencies for that level.

6 (4) Provisions for curriculum development, graduation
7 requirements, accreditation, college calendars, and program
8 service areas. These provisions shall include, but are not
9 limited to, rules that:

10 (a) Provide for the award of an associate in arts
11 degree to a student who successfully completes 60 semester
12 credit hours at the community college.

13 (b) Require all of the credits accepted for the
14 associate in arts degree to be in the common course numbering
15 and designation system as credits toward a baccalaureate
16 degree offered by a university in the State University System.

17 (c) Require no more than 36 semester credit hours in
18 general education courses in the subject areas of
19 communication, mathematics, social sciences, humanities, and
20 natural sciences.

21 (d) Provide for procedures for student withdrawal and
22 grade forgiveness.

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24 The rules should encourage community colleges to enter into
25 agreements with universities which allow community college
26 students to complete upper-division-level courses at a
27 community college. An agreement may provide for concurrent
28 enrollment at the community college and the university,
29 authority for the community college to offer an
30 upper-division-level course, or distance learning.

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1 (5) Student admissions, conduct and discipline,
2 nonclassroom activities, and fees.

3 (6) Budgeting.

4 (7) Business and financial matters.

5 (8) Student services.

6 (9) Reports, surveys, and information systems,
7 including forms and dates of submission.

8 Section 10. Subsection (3) of section 240.3341,
9 Florida Statutes, is amended to read:

10 240.3341 Incubator facilities for small business
11 concerns.--

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

22 ~~(b) Notwithstanding any provision of paragraph (a) to~~
23 ~~the contrary, and for the 1999-2000 fiscal year only, the~~
24 ~~incubator facility may be leased by the community college.~~
25 ~~This paragraph is repealed on July 1, 2000.~~

26 Section 11. Subsection (7) of section 240.35, Florida
27 Statutes, is amended to read:

28 240.35 Student fees.--Unless otherwise provided, the
29 provisions of this section apply only to fees charged for
30 college credit instruction leading to an associate in arts
31 degree, an associate in applied science degree, or an

1 associate in science degree and noncollege credit
2 college-preparatory courses defined in s. 239.105.

3 (7) Each community college board of trustees shall
4 establish matriculation and tuition fees, which may vary no
5 more than 10 percent below and 15 percent above the fee
6 schedule adopted by the State Board of Community Colleges.~~7~~
7 ~~provided that~~ Any amount from 10 to 15 percent above the fee
8 schedule is used only to support safety and security purposes.
9 In order to assess an additional amount for safety and
10 security purposes, a community college board of trustees must
11 provide written justification to the State Board of Community
12 Colleges based on criteria approved by the local board of
13 trustees, including but not limited to criteria such as local
14 crime data and information, and strategies for the
15 implementation of local safety plans. ~~For 1999-2000, each~~
16 ~~community college is authorized to increase the sum of the~~
17 ~~matriculation fee and technology fee by not more than 5~~
18 ~~percent of the sum of the matriculation and local safety and~~
19 ~~security fees in 1998-1999. However, no fee in 1999-2000 shall~~
20 ~~exceed the prescribed statutory limit.~~Should a college decide
21 to increase the matriculation fee to a level between 10 and 15
22 percent above the standard matriculation fee, the funds raised
23 by increasing the matriculation fee must be expended solely
24 for additional safety and security purposes and shall not
25 supplant funding expended in the prior year's 1998-1999 budget
26 for safety and security purposes.

27 Section 12. Paragraph (c) of subsection (1) of section
28 240.359, Florida Statutes, is amended to read:

29 240.359 Procedure for determining state financial
30 support and annual apportionment of state funds to each
31 community college district.--The procedure for determining

1 state financial support and the annual apportionment to each
2 community college district authorized to operate a community
3 college under the provisions of s. 240.313 shall be as
4 follows:

5 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE
6 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
7 PROGRAM.--

8 (c) If a student enrolls in any course that he or she
9 has previously taken, unless it is a credit course in which
10 the student earned a grade of D or F, the hours shall not be
11 used in the calculation of full-time equivalent enrollments
12 for state funding purposes.~~The category of lifelong learning~~
13 ~~is for students enrolled pursuant to s. 239.301. A student~~
14 ~~shall also be reported as a lifelong learning student for his~~
15 ~~or her enrollment in any course that he or she has previously~~
16 ~~taken, unless it is a credit course in which the student~~
17 ~~earned a grade of D or F.~~

18 Section 13. This act shall take effect July 1, 2000.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2218

4 The committee substitute contains the following additional
5 provisions:

6 Amends the Workforce Development Education Funding Formula, to
7 authorize "performance exemptions" for new or significantly
8 expanded programs. The effect will be that programs so
9 identified will generate all of their funding from the "base"
10 of 85 percent of the Workforce Development Fund and will be
11 held harmless for completions and placements.

12 Exempts certain postsecondary vocational students from a
13 requirement to take a test of basic literacy upon entering a
14 program and to pass it before completing the program. Exempt
15 will be students in programs less than 450 clock hours in
16 length, students with disabilities, and students in registered
17 apprenticeship programs.

18 Expands use of the Workforce Development Capitalization
19 Incentive Grant Program. In addition to creating and expanding
20 programs, institutions may compete for funds from the program
21 to upgrade programs.

22 Authorizes the State Board of Education to adopt rules to
23 classify students as residents or nonresidents for tuition
24 purposes.

25 Deletes a requirement that community colleges must publish a
26 list of private providers of remediation.

27 Makes permanent a 1-year permission for community colleges to
28 lease incubator facilities for small business concerns.

29 Requires a community college to use certain fee revenues for
30 additional safety and security purposes. The authorized
31 revenue will be generated only if a college chooses to use its
32 statutory authority to raise matriculation and tuition fees up
33 to 15 percent above the fee schedule adopted by the State
34 Board of Community Colleges. The restricted fee revenue is
35 that generated by an increase of 10 percent to 15 percent over
36 the schedule. A college may raise fees by 5 percent over the
37 schedule without restricting the use of the revenue to safety.

38 Deletes a requirement that community college students who take
39 courses repeatedly must be classified as lifelong learning
40 students. Instead, students who repeat a course will not be
41 reported for state funding purposes, unless it is a credit
42 course in which the student earned a grade of D or F.