

By the Committee on Education; and Senator Villalobos

304-2078A-02

1 A bill to be entitled
2 An act relating to education; redesignating the
3 title of ch. 239, F.S.; reenacting and amending
4 s. 239.101, F.S.; revising legislative intent;
5 reenacting and amending s. 239.105, F.S.;
6 defining terms; conforming provisions;
7 reenacting and amending s. 239.113, F.S.;
8 revising provisions governing the registration
9 of adult students; reenacting and amending s.
10 239.115, F.S.; revising provisions governing
11 funding of adult and technical education
12 programs; reenacting and amending s. 239.116,
13 F.S.; revising provisions governing cost
14 accounting and reporting; reenacting and
15 amending s. 239.117, F.S.; revising provisions
16 governing postsecondary student fees; repealing
17 provisions related to fee exemptions and
18 waivers; providing a limit upon the proportion
19 of fee revenue which may be waived; extending a
20 deadline for fee schedules to be submitted to
21 the State Board of Education; authorizing fees
22 for certain courses to vary by course and by
23 section; authorizing the use of certain fee
24 revenues to provide child care; authorizing a
25 single account for revenue produced by the
26 financial aid fee, capital improvement fee,
27 technology fee, and activity and service fee;
28 establishing the amount that may be charged for
29 the fee; regulating collection and use of the
30 fee revenue; establishing a limit upon the
31 amount of fee revenue that may be bonded;

1 deleting redundant provisions for the fee
2 revenue collected for financial aid, capital
3 improvement, technology, and activity and
4 services; eliminating an obsolete reference to
5 a penalty; abolishing a restriction upon
6 programs and courses that may generate a
7 technology fee; repealing s. 239.121, F.S.,
8 relating to occupational specialists;
9 reenacting and amending s. 239.125, F.S.,
10 relating to computer-assisted student advising;
11 repealing s. 239.201, F.S., relating to career
12 education instruction; reenacting and amending
13 s. 239.205, F.S.; revising provisions governing
14 the adoption of rules relating to career
15 education programs; requiring development of
16 certain program standards and industry
17 benchmarks; defining terms; reenacting and
18 amending s. 239.209, F.S.; revising provisions
19 governing the management and information
20 system; eliminating obsolete provisions;
21 reenacting and amending s. 239.213, F.S.;
22 revising provisions governing
23 vocational-preparatory instruction; eliminating
24 a testing requirement for certain students;
25 repealing s. 239.221, F.S., relating to
26 eye-protection devices; repealing s. 239.225,
27 F.S., relating to the vocational improvement
28 program; repealing s. 239.229, F.S., relating
29 to vocational standards; reenacting and
30 amending s. 239.233, F.S., simplifying
31 reporting requirements; reenacting and amending

1 s. 239.241, F.S.; revising provisions governing
2 dual enrollment and early admission; reenacting
3 and amending s. 239.245, F.S.; revising
4 provisions relating to public information
5 concerning career and technical education
6 programs; authorizing certain family literacy
7 programs; eliminating certain requirements for
8 a program for adults with disabilities;
9 repealing s. 239.251, F.S., relating to the
10 Florida Education Technology Foundation;
11 reenacting and amending s. 239.301, F.S.;
12 revising provisions governing adult general
13 education; repealing s. 239.305, F.S., relating
14 to adult literacy; repealing s. 239.309, F.S.,
15 relating to adult literacy centers; reenacting
16 and amending s. 239.401, F.S.; authorizing
17 community education programs to be conducted by
18 certain educational agencies; reenacting and
19 amending s. 239.501, F.S.; revising provisions
20 governing the Florida Literacy Corps;
21 abolishing certain requirements relating to
22 college credit for participating in literacy
23 tutorial services; eliminating obsolete
24 provisions; repealing s. 239.505, F.S.,
25 relating to the Florida Constructive Youth
26 Program; reenacting and amending s. 239.513,
27 F.S.; revising provisions governing workforce
28 literacy programs; eliminating a restriction;
29 reenacting and amending s. 239.514, F.S.;
30 creating the Capitalization Incentive Grant
31 Program; authorizing certain grants moneys for

1 upgrading programs; requiring the Department of
2 Education, rather than the Postsecondary
3 Education Planning commission, to make certain
4 selections; reenacting and amending s.
5 239.5141, F.S.; prescribing duties of the
6 Department of Education with respect to adult
7 and technical education; repealing obsolete
8 provisions relating to certain management
9 information; conforming provisions; providing
10 an effective date.

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

13
14 Section 1. The title of chapter 239, Florida Statutes,
15 is redesignated as Adult, Technical, and Community Education,
16 and that chapter shall not be divided into parts.

17 Section 2. Notwithstanding section 3(7) of chapter
18 2000-321, Laws of Florida, section 239.101, Florida Statutes,
19 shall not be repealed January 7, 2003, but that section is
20 reenacted and amended to read:

21 239.101 Legislative intent.--

22 (1) The Legislature recognizes that education is a
23 function of both knowledge and the application of knowledge.
24 In this context, career and technical education assume ~~assumes~~
25 a paramount role. The Legislature finds that technical ~~career~~
26 and academic education are complementary, rather than
27 exclusive. Students are better served by a curriculum that
28 incorporates both forms of education than one that is vested
29 in either area exclusively.

30 (2) The Legislature intends that public secondary
31 schools should prepare students to enroll in

1 postsecondary-level coursework, to attain employment, and to
2 continue self-directed learning. In addition, the Legislature
3 intends that student achievement measures should have a
4 demonstrable practical ~~real-world~~ connection. Accordingly,
5 the high school curriculum should incorporate technical
6 ~~vocational~~ skills, and career and technical ~~vocational~~
7 programs should incorporate academic skills as they relate to
8 an occupation. The curriculum should be competency-based and
9 allow for students to demonstrate competence through a variety
10 of means.

11 (3) ~~Certificate~~ Career and technical education at the
12 postsecondary level should provide job-preparatory instruction
13 through which students attain the job-specific, academic, and
14 employability competencies necessary to enter specific
15 occupations. Institutions are encouraged to conduct
16 ~~certificate~~ career and technical education programs in a
17 manner that enables students to enroll during the academic
18 year and exit a program upon successful demonstration of the
19 competencies required for the program. ~~Certificate~~ Career and
20 technical education should also provide continuing education
21 for adults who seek to update or upgrade skills related to
22 their occupations. ~~Unless specifically addressed, this chapter~~
23 ~~does not affect degree career education college credit~~
24 ~~instruction leading to an associate in science degree.~~

25 (4) The Legislature recognizes that the purpose of
26 career and technical education is to enable students to attain
27 those skills that enable them to become or to remain
28 economically self-sufficient. Consequently, the Legislature
29 intends to require specific justification for a program that
30 prepares for employment that provides no direct route to
31 economic self-sufficiency ~~finds that vocational programs which~~

1 ~~lead to minimum wage employment should be minimized and should~~
2 ~~be conducted only with specific justification.~~

3 (5) The Legislature recognizes the importance of
4 adequate, accurate counseling for student success in
5 education. The Legislature further recognizes that student
6 participation in career and technical education should be
7 based on the interests and aptitudes of the individual
8 students. In order for students to make informed choices
9 about the available educational options, students and
10 counselors must have access to timely, comprehensive
11 counseling and information.

12 (6) The Legislature finds that colleges of education
13 play an important role in the conduct of quality career and
14 technical ~~vocational~~ programs. The colleges shall provide
15 preservice and inservice education for teachers, counselors,
16 and administrators which enables school personnel to implement
17 educationally sound practices. The colleges may also conduct
18 and assist in the dissemination of research that seeks to
19 improve educational methods.

20 (7) The Legislature finds that career and technical
21 education is a crucial component of the educational programs
22 conducted within the education system ~~school districts and~~
23 ~~community colleges~~. Accordingly, career and technical
24 education must be represented in accountability processes
25 undertaken for educational institutions at all levels. ~~It is~~
26 ~~the intent of~~ The Legislature intends that the vocational
27 standards articulated in s. 239.229(2) be considered in the
28 development of accountability measures for public schools
29 pursuant to ss. 229.591, 229.592, and 230.23(16) and for
30 community colleges pursuant to s. 240.324.

31

1 (8) This chapter is intended to govern education in
2 programs that lead to credentials that may be awarded by
3 either a community college or a school district, including:

4 (a) Adult high school diploma, including the State of
5 Florida high school diploma awarded after successful
6 completion of the General Educational Development (GED) test.

7 (b) Technical certificate.

8 (c) Applied technology diploma.

9
10 If a provision in this chapter applies to a program that may
11 be conducted solely by a college or community college and not
12 by a school district, that program is specified by name.

13 Section 3. Notwithstanding section 3(7) of chapter
14 2000-321, Laws of Florida, section 239.105, Florida Statutes,
15 shall not be repealed January 7, 2003, but that section is
16 reenacted and amended to read:

17 (Substantial rewording of section. See
18 s. 239.105, F.S., for present text.)

19 239.105 Definitions.--As used in this chapter, the
20 term:

21 (1) "Adult and technical education" means courses of
22 instruction below the baccalaureate-degree level which are
23 designed to equip adults for employment in a specific
24 occupation or for literacy. The term includes adult general
25 education, career and technical education, and continuing
26 workforce education.

27 (2) "Adult basic education" means courses of
28 instruction designed to improve an individual's literacy level
29 and employment opportunities through instruction in
30 mathematics, reading, language, and workforce readiness
31 skills. Adult basic education is classified into the following

1 literacy levels, the attainment of which is to be demonstrated
2 as required by the State Board of Education:

3 (a) "Beginning literacy" means the attainment of
4 academic competence from educational grade levels 0 through
5 1.9.

6 (b) "Basic literacy" means the attainment of academic
7 competence from educational grade levels 2.0 through 5.9.

8 (c) "Functional literacy" or "intermediate adult basic
9 education," means the attainment of academic competence from
10 educational grade levels 6.0 through 8.9.

11 (d) "Workforce readiness" or "workforce literacy"
12 means the basic skills needed to perform in entry-level
13 occupations or to adapt to technological advances in the
14 workplace.

15 (3) "Adult ESOL" or "adult ESL" means noncredit
16 English language courses designed to enhance a person's
17 ability to read, write, speak, and listen in English. The term
18 "ESOL" means English for Speakers of Other Languages. The term
19 "ESL" means English as a Second Language. The two terms are
20 interchangeable.

21 (4) "Adult general education" means courses or
22 programs in adult basic education, adult secondary education,
23 adult ESOL, vocational-preparatory instruction, and
24 instruction for adults with disabilities.

25 (5) "Adult high school credit program" means
26 preparation for a high school diploma by an adult who earns
27 credits by completing courses or passing state assessments
28 approved for that purpose. The high school graduation
29 standards for adults are the same as those for secondary
30 students, except as required by law.

31

1 (6) "Adult secondary education" means courses through
2 which a person receives high school credit that leads to the
3 award of a high school diploma or courses of instruction
4 through which a student prepares to take the General
5 Educational Development test.

6 (7) "Adult student" means a student who is beyond the
7 compulsory school age and who has legally left elementary or
8 secondary school, or a high school student who is taking an
9 adult course required for high school graduation.

10 (8) "Adult with disability" means an adult who has a
11 physical or mental impairment that substantially limits one or
12 more major life activities, has a record of such impairment,
13 or is regarded as having such an impairment, and who requires
14 modifications to the educational program, adaptive equipment,
15 or specialized instructional methods and services in order to
16 participate in adult and technical education programs that
17 lead to competitive employment.

18 (9) "Applied technology diploma program" means a
19 course of study that is approved for articulation into an
20 associate-in-science-degree program, is less than 60 credit
21 hours, and leads to employment in a specific occupation. An
22 applied technology diploma program may consist of either
23 technical credit or college credit. A public school district
24 may offer an applied technology diploma program only as
25 technical credit, with college credit awarded to a student
26 upon articulation to a community college. Statewide
27 articulation among public schools and community colleges is
28 guaranteed by s. 240.115 and is subject to guidelines and
29 standards adopted by the articulation coordinating committee.

30 (10) "Career and technical education," "career
31 education," and "technical education" have the same meaning

1 and describe education that leads to a specific occupation or
2 a completion point or other benchmark that signifies technical
3 and occupational competency at a specified level. The terms
4 describe programs in secondary school which confer credit
5 toward a high school diploma or programs in postsecondary
6 education which confer credit toward a technical certificate
7 or a technical degree.

8 (11) "Career and technical education program" means a
9 group of specified competencies leading to an occupation
10 identified by a Classification of Instructional Programs
11 number.

12 (12) "College-preparatory instruction" means courses
13 designed to improve the computation and communication skills
14 of a high school graduate who enrolls in a college-credit
15 program but requires assistance to attain the skill level
16 required by rules of the State Board of Education.

17 (13) "Commissioner" means the Commissioner of
18 Education.

19 (14) "Community education" means the use of a school
20 or other public facility as a community center operated
21 together with other public, private, and governmental
22 organizations to provide community services to meet the needs,
23 interests, and concerns of the community related to education,
24 recreation, social or cultural matters, and health, including
25 lifelong learning.

26 (15) "Completion point" or "occupational completion
27 point" means the point at which an individual has mastered the
28 identified technical competencies that qualify the individual
29 to enter an occupation that is linked to a career and
30 technical education program.

31

1 (16) "Continuing workforce education" means
2 instruction that does not result in a technical certificate,
3 diploma, associate in applied science degree, or associate in
4 science degree. Continuing workforce education is for:

5 (a) Individuals who are required to have training for
6 licensure renewal or certification renewal by a regulatory
7 agency or credentialing body;

8 (b) New or expanding businesses as described in
9 chapter 288;

10 (c) Business, industry, and government agencies the
11 products or services of which are changing so that retraining
12 of employees is necessary or the employees of which need
13 training in specific skills to increase efficiency and
14 productivity; or

15 (d) Individuals who are enhancing occupational skills
16 necessary to maintain current employment, to cross-train, or
17 to upgrade employment.

18 (17) "Department" means the Department of Education.

19 (18) "Family literacy" means a program that has a
20 literacy component for parents and children or other
21 intergenerational literacy components.

22 (19) "General Educational Development (GED) test
23 preparation" means courses of instruction designed to prepare
24 adults for success on GED subject area tests leading to a
25 State of Florida high school diploma.

26 (20) "Lifelong learning" means a noncredit community
27 education course or activity offered by a school district or
28 community college which addresses community social and
29 economic issues related to health and human relations,
30 government, parenting, consumer economics, and senior
31 citizens.

1 (21) "Literacy completion point" means the point at
2 which an individual has attained identified skill levels
3 associated with the literacy skill levels in adult general
4 education.

5 (22) "Local educational agency" means a community
6 college or school district.

7 (23) "Program progression point" means the point at
8 which an individual has attained identified levels of college
9 credit within an applied technology diploma program or
10 technical degree program.

11 (24) "Technical certificate program" means a course of
12 study that leads to at least one occupational completion
13 point. The program may also articulate with a diploma program
14 or technical degree program, if authorized by rules of the
15 State Board of Education. Any credit instruction designed to
16 articulate to a degree program is subject to guidelines and
17 standards adopted by the Articulation Coordinating Committee.

18 (25) "Technical credit" is noncollege credit accrued
19 during a technical certificate program or applied technology
20 diploma program. If a technical certificate is a completion
21 point within a technical degree program, its students generate
22 college credit, not technical credit.

23 (26) "Technical degree" means an associate in science
24 or an associate in applied science degree.

25 (a) For licensure purposes, the terms are
26 interchangeable.

27 (b) A technical degree program may contain within it
28 an applied technology diploma or technical certificates that
29 confer college credit.

30 (27) "Vocational-preparatory instruction" means adult
31 general education courses designed to improve the computation

1 and communication skills of a person who enrolls in a
2 technical certificate program but requires assistance to
3 attain the skill level required by rules of the State Board of
4 Education.

5 Section 4. Notwithstanding section 3(7) of chapter
6 2000-321, Laws of Florida, section 239.113, Florida Statutes,
7 shall not be repealed January 7, 2003, but that section is
8 reenacted and amended to read:

9 239.113 Registration of adult students.--Each school
10 district and community college shall maintain sufficient
11 information for each student enrolled in adult and technical
12 ~~workforce development~~ education or ~~lifelong learning~~ courses
13 to allow local and state administrators to locate the such
14 student upon the termination of instruction and to determine
15 the appropriateness of student placement in specific
16 instructional programs. The State Board of for Career
17 Education shall specify ~~adopt, in rule, specific~~ information
18 that must be maintained and acceptable means of maintaining
19 that information.

20 Section 5. Notwithstanding section 3(7) of chapter
21 2000-321, Laws of Florida, section 239.115, Florida Statutes,
22 shall not be repealed January 7, 2003, but that section is
23 reenacted and amended to read:

24 239.115 Funds for operation of adult ~~general education~~
25 and technical vocational education programs.--

26 (1) This section governs funding for the following
27 programs:As used in this section, the terms "workforce
28 ~~development education" and "workforce development program"~~
29 ~~include:~~

30 (a) Adult general education programs ~~designed to~~
31 ~~improve the employability skills of the state's workforce~~

1 ~~through adult basic education, adult secondary education, GED~~
2 ~~preparation, and vocational-preparatory education.~~

3 (b) ~~Vocational~~ Technical certificate programs,
4 ~~including courses that lead to an occupational completion~~
5 ~~point within a program that terminates in either a~~
6 ~~certificate, a diploma or a degree.~~

7 (c) Applied technology diploma programs.

8 (d) Continuing workforce education courses.

9 (e) Technical degree ~~vocational~~ education programs,
10 including any technical certificate programs within technical
11 degree programs.

12 (f) Advanced technical certificate programs.

13 ~~(g)(f)~~ Apprenticeship and preapprenticeship programs
14 as defined in s. 446.021.

15 (2) Any adult and technical ~~workforce development~~
16 education program may be conducted by a community college or a
17 school district, except that college credit and a technical ~~an~~
18 ~~associate in science~~ degree may be awarded only by a community
19 college. However, if a technical ~~an associate in science~~
20 degree program contains within it an occupational completion
21 point that confers a technical certificate or an applied
22 technology diploma, that portion of the program may be
23 conducted by a school district technical center. Any
24 instruction designed to articulate to a degree program is
25 subject to guidelines and standards adopted by the
26 Articulation Coordinating Committee pursuant to s.
27 229.551(1)(g).

28 (3) If a program for ~~disabled~~ adults having a
29 disability pursuant to s. 239.301 is an adult and technical ~~a~~
30 ~~workforce development~~ program as defined in law it must be
31 funded as provided in this section.

1 (4) The Florida Adult and Technical Workforce
2 ~~Development~~ Education Fund is created to provide
3 performance-based funding for all adult and technical
4 ~~workforce development~~ programs, whether the programs are
5 offered by a school district or a community college. Funding
6 for all adult and technical workforce development education
7 programs must be from the Florida Adult and Technical
8 ~~Workforce Development~~ Education Fund and must be based on cost
9 ~~categories~~, performance output measures and performance
10 outcome measures. ~~This subsection takes effect July 1, 1999.~~

11 ~~(a) The cost categories must be calculated to identify~~
12 ~~high-cost programs, medium-cost programs, and low-cost~~
13 ~~programs. The cost analysis used to calculate and assign a~~
14 ~~program of study to a cost category must include at least both~~
15 ~~direct and indirect instructional costs, consumable supplies,~~
16 ~~equipment, and standard program length.~~

17 ~~(a)(b)~~1. The performance output measure for career and
18 technical vocational education programs of study is student
19 completion of a ~~vocational~~ program of study or partial program
20 leading to a specific completion point that leads to an
21 ~~occupational completion point associated with a certificate;~~
22 ~~an apprenticeship program; or a program that leads to an~~
23 ~~applied technology diploma or an associate in science degree.~~
24 Performance output measures for registered apprenticeship
25 programs shall be based on program lengths that coincide with
26 lengths established pursuant to the requirements of chapter
27 446.

28 2. The performance output measure for an adult general
29 education course of study is measurable improvement in student
30 skills. This measure shall include improvement in literacy
31 skills, grade level improvement as measured by an approved

1 test or approved competency standards, or attainment of a
2 Florida high school general education development diploma
3 (GED) or an adult high school diploma.

4 ~~(b)(c)~~ The performance outcome measures for programs
5 funded through the Adult and Technical Workforce Development
6 Education Fund are associated with placement and retention of
7 students after reaching a literacy level or completion point
8 or completing a program of study. These measures include
9 placement or retention in employment ~~that is related to the~~
10 ~~program of study~~; placement into or retention in employment in
11 an occupation on the Workforce Estimating Conference list of
12 high-wage, high-skill occupations with sufficient openings, or
13 other High Wage/High Skill Program occupations as determined
14 by Workforce Florida, Inc.; and placement and retention of
15 participants or former participants in the welfare transition
16 program in employment. Continuing postsecondary education at a
17 level that will further enhance employment is a performance
18 outcome for adult and technical ~~general~~ education programs.
19 Placement and retention must be reported pursuant to ss.
20 229.8075 and 239.233.

21 ~~(5) Effective July 1, 1999, for school districts~~
22 ~~providing adult basic education for the elderly to at least~~
23 ~~10,000 students during fiscal year 1996-1997, and to at least~~
24 ~~10,000 students during subsequent fiscal years, funds for~~
25 ~~these adult basic education courses for the elderly may be~~
26 ~~provided in a separate categorical subject to provisions~~
27 ~~defined in the General Appropriations Act. Unless exempt~~
28 ~~pursuant to s. 239.117, fees for these courses shall be set at~~
29 ~~no less than 10 percent of the average cost of instruction.~~

30 ~~(5)(6)~~ State funding and student fees for adult and
31 technical workforce development instruction funded through the

1 Adult and Technical Workforce Development Education Fund shall
2 be established as follows:

3 (a) For a continuing workforce education course
4 provided by a community college or school district, at least
5 50 percent of the expenditures must be derived from fees,
6 ~~state funding shall equal 50 percent of the cost of~~
7 ~~instruction, with student fees, business support,~~
8 ~~quick-response training funds, or other means making up the~~
9 ~~remaining 50 percent.~~

10 (b) For all other programs ~~workforce development~~
11 ~~education~~ funded through the Adult and Technical Workforce
12 ~~Development~~ Education Fund, state funding shall equal 75
13 percent of the average cost of instruction with the remaining
14 25 percent made up from student fees. Fees for courses within
15 a program shall not vary according to the cost of the
16 individual program, but instead shall be based on a uniform
17 fee calculated and set at the state level, as adopted by the
18 State Board of Education, unless otherwise specified in the
19 General Appropriations Act.

20 (c) For fee-exempt students ~~pursuant to s. 239.117,~~
21 ~~unless otherwise provided for in law,~~ state funding shall
22 equal 100 percent of the average cost of instruction.

23 ~~(6)(7)(a) Beginning in fiscal year 1999-2000,~~ A school
24 district or a community college that provides ~~workforce~~
25 ~~development~~ education funded through the Adult and Technical
26 ~~Workforce Development~~ Education Fund shall receive funds in
27 accordance with distributions for base and performance funding
28 established by the Legislature in the General Appropriations
29 Act, with the following requirements ~~pursuant to the following~~
30 ~~conditions:~~

1 (a)1. Base funding shall not exceed 85 percent of the
2 current fiscal year total ~~Workforce Development Education Fund~~
3 allocation from the fund, which shall be distributed by the
4 Legislature in the General Appropriations Act based on a
5 maximum of 85 percent of the institution's prior year total
6 allocation from base and performance funds.

7 (b)2. Performance funding shall be at least 15 percent
8 of the current fiscal year total ~~Workforce Development~~
9 ~~Education Fund~~ allocation from the fund, which shall be
10 distributed by the Legislature in the General Appropriations
11 Act based on the previous fiscal year's achievement of output
12 and outcomes in accordance with formulas adopted pursuant to
13 subsection ~~(8)(9)~~. Performance funding must incorporate
14 payments for at least three levels of placements that reflect
15 wages and workforce demand. Payments for completions must not
16 exceed 60 percent of the payments for placement. ~~For fiscal~~
17 ~~year 1999-2000, school districts and community colleges shall~~
18 ~~be awarded funds pursuant to this paragraph based on~~
19 ~~performance output data generated for fiscal year 1998-1999~~
20 ~~and performance outcome data available in that year.~~

21 (c)3. If a local educational agency achieves a level
22 of performance sufficient to generate a full allocation as
23 authorized by the ~~workforce development~~ funding formula, the
24 agency may earn performance incentive funds as appropriated
25 for that purpose in a General Appropriations Act. If
26 performance incentive funds are funded and awarded, these
27 funds must be added to the local educational agency's prior
28 year total allocation from the Adult and Technical Workforce
29 ~~Development Education Fund~~ and shall be used to calculate the
30 following year's base funding.

31

1 ~~(b) A program is established to assist school~~
2 ~~districts and community colleges in responding to the needs of~~
3 ~~new and expanding businesses and thereby strengthening the~~
4 ~~state's workforce and economy. The program may be funded in~~
5 ~~the General Appropriations Act. A school district or community~~
6 ~~college may expend funds under the program without regard to~~
7 ~~performance criteria set forth in subparagraph (a)2. The~~
8 ~~district or community college shall use the program to provide~~
9 ~~customized training for businesses which satisfies the~~
10 ~~requirements of s. 288.047. Business firms whose employees~~
11 ~~receive the customized training must provide 50 percent of the~~
12 ~~cost of the training. Balances remaining in the program at the~~
13 ~~end of the fiscal year shall not revert to the general fund,~~
14 ~~but shall be carried over for 1 additional year and used for~~
15 ~~the purpose of serving incumbent worker training needs of area~~
16 ~~businesses with fewer than 100 employees. Priority shall be~~
17 ~~given to businesses that must increase or upgrade their use of~~
18 ~~technology to remain competitive.~~

19 (7)(8) A school district or community college that
20 earns performance funding must use the money to benefit the
21 career and technical programs ~~postsecondary vocational~~ and
22 adult education programs it provides. The money may be used
23 for equipment upgrades, program expansions, or any other use
24 that would result in ~~workforce development~~ program
25 improvement. The school board or community college board of
26 trustees may not withhold any portion of the performance
27 funding for indirect costs. Notwithstanding s. 216.351, funds
28 awarded pursuant to this section may be carried across fiscal
29 years and shall not revert to any other fund maintained by the
30 school board or community college board of trustees.

31

1 ~~(8)(9)~~ The Department of Education, ~~the State Board of~~
2 ~~Community Colleges~~, and Workforce Florida, Inc., shall provide
3 the commissioner ~~Legislature~~ with recommended formulas,
4 criteria, timeframes, and mechanisms for distributing
5 performance funds. The commissioner shall consolidate the
6 recommendations and develop a consensus proposal for funding.
7 The Legislature shall adopt a formula and distribute the
8 performance funds to the director of the Division of Community
9 Colleges and, for the school districts, to the director of the
10 Division of Public Schools ~~the Division of Workforce~~
11 ~~Development~~ through the General Appropriations Act. These
12 recommendations shall be based on formulas that would
13 discourage low-performing or low-demand programs and encourage
14 through performance-funding awards:

15 (a) Programs that prepare people to enter high-wage
16 occupations identified by the Workforce Estimating Conference
17 created by s. 216.136 and other programs as approved by
18 Workforce Florida, Inc. At a minimum, performance incentives
19 shall be calculated for adults who reach completion points or
20 complete programs that lead to specified high-wage employment
21 and to their placement in that employment.

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

30 (c) Programs that are specifically designed to be
31 consistent with the workforce needs of private enterprise and

1 regional economic development strategies, as defined in
2 guidelines set by Workforce Florida, Inc. Workforce Florida,
3 Inc., shall develop guidelines to identify such needs and
4 strategies based on localized research of private employers
5 and economic development practitioners.

6 (d) Programs identified by Workforce Florida, Inc., as
7 increasing the effectiveness and cost efficiency of education.

8 (9)~~(10)~~ A high school student dually enrolled under s.
9 240.116 in a career and technical education workforce
10 ~~development~~ program funded through the Adult and Technical
11 ~~Workforce Development~~ Education Fund and operated by a
12 community college or school district technical center
13 generates the amount calculated by the Adult and Technical
14 ~~Workforce Development~~ Education Fund, including any payment of
15 performance funding, and the proportional share of full-time
16 equivalent enrollment generated through the Florida Education
17 Finance Program for the student's enrollment in a high school.
18 If a high school student is dually enrolled in a community
19 college program, including a program conducted at a high
20 school, the community college earns the funds generated
21 through the Adult and Technical ~~Workforce Development~~
22 Education Fund and the school district earns the proportional
23 share of full-time equivalent funding from the Florida
24 Education Finance Program. If a student is dually enrolled in
25 a technical center operated by the same district as the
26 district in which the student attends high school, that
27 district earns the funds generated through the Adult and
28 Technical ~~Workforce Development~~ Education Fund and also earns
29 the proportional share of full-time equivalent funding from
30 the Florida Education Finance Program. If a student is dually
31 enrolled in a ~~workforce development~~ program provided by a

1 technical center operated by a different school district, the
2 funds must be divided between the two school districts
3 proportionally from the two funding sources. A student may not
4 be reported for funding in a dual enrollment adult and
5 technical ~~workforce development~~ program unless the student has
6 completed the basic skills assessment required by ~~pursuant to~~
7 s. 239.213.

8 ~~(10)(11)~~ The State Board ~~Department~~ of Education may
9 adopt rules to administer this section.

10 ~~(11)(12)~~ The Auditor General shall annually audit the
11 Adult and Technical ~~Workforce Development~~ Education Fund. The
12 Office of Program Policy Analysis and Government
13 Accountability shall review the adult and technical education
14 ~~workforce development~~ program and provide a report ~~to the~~
15 ~~Legislature by December 31, 2000, and thereafter~~ at the
16 direction of the Joint Legislative Auditing Committee. Such
17 audits and reviews shall be based on source data at the
18 community colleges and school districts.

19 Section 6. Notwithstanding section 3(7) of chapter
20 2000-321, Laws of Florida, section 239.116, Florida Statutes,
21 shall not be repealed January 7, 2003, but that section is
22 reenacted and amended to read:

23 239.116 Cost accounting and reporting for adult and
24 technical ~~workforce~~ education.--

25 (1) Each school district and each community college
26 shall account for expenditures of all state, local, federal,
27 and other funds in the manner prescribed by the Department of
28 Education.

29 (2) Each school district and each community college
30 shall report expenditures for adult and technical ~~workforce~~
31

1 education in accordance with requirements prescribed by the
2 Department of Education.

3 (3) The Department of Education, in cooperation with
4 school districts and community colleges, shall develop and
5 maintain a database of valid comparable information on adult
6 and technical workforce education ~~that which~~ will meet both
7 state and local needs.

8 Section 7. Notwithstanding section 3(7) of chapter
9 2000-321, Laws of Florida, section 239.117, Florida Statutes,
10 shall not be repealed January 7, 2003, but that section is
11 reenacted and amended to read:

12 239.117 ~~Workforce development~~ Postsecondary student
13 fees for adult and technical education.--

14 (1) This section applies to students enrolled in adult
15 and technical workforce development programs who are reported
16 for funding through the Adult and Technical Workforce
17 Development Education Fund, except ~~the that~~ college credit
18 fees for the community colleges that are governed by s.
19 240.35.

20 (2) All students shall be charged fees except students
21 who are exempt from fees as provided in s. 240.4043, as
22 created by Senate Bill 1564, or similar legislation, or
23 students whose fees are waived.

24 ~~(3) The following students are exempt from any~~
25 ~~requirement for the payment of registration, matriculation,~~
26 ~~and laboratory fees for adult basic, adult secondary, or~~
27 ~~vocational-preparatory instruction:~~

28 ~~(a) A student who does not have a high school diploma~~
29 ~~or its equivalent.~~

30 ~~(b) A student who has a high school diploma or its~~
31 ~~equivalent and who has academic skills at or below the eighth~~

1 ~~grade level pursuant to state board rule. A student is~~
2 ~~eligible for this exemption from fees if the student's skills~~
3 ~~are at or below the eighth grade level as measured by a test~~
4 ~~administered in the English language and approved by the~~
5 ~~Department of Education, even if the student has skills above~~
6 ~~that level when tested in the student's native language.~~

7 ~~(4) The following students are exempt from the payment~~
8 ~~of registration, matriculation, and laboratory fees:~~

9 ~~(a) A student enrolled in a dual enrollment or early~~
10 ~~admission program pursuant to s. 239.241.~~

11 ~~(b) A student enrolled in an approved apprenticeship~~
12 ~~program, as defined in s. 446.021.~~

13 ~~(c) A student for whom the state is paying a foster~~
14 ~~care board payment pursuant to s. 409.145(3) or pursuant to~~
15 ~~parts II and III of chapter 39, for whom the permanency~~
16 ~~planning goal pursuant to part III of chapter 39 is long-term~~
17 ~~foster care or independent living, or who is adopted from the~~
18 ~~Department of Children and Family Services after May 5, 1997.~~
19 ~~Such exemption includes fees associated with enrollment in~~
20 ~~vocational-preparatory instruction and completion of the~~
21 ~~college-level communication and computation skills testing~~
22 ~~program. Such exemption shall be available to any student~~
23 ~~adopted from the Department of Children and Family Services~~
24 ~~after May 5, 1997; however, the exemption shall be valid for~~
25 ~~no more than 4 years after the date of graduation from high~~
26 ~~school.~~

27 ~~(d) A student enrolled in an employment and training~~
28 ~~program under the welfare transition program. The regional~~
29 ~~workforce board shall pay the community college or school~~
30 ~~district for costs incurred for welfare transition program~~
31 ~~participants.~~

1 ~~(e) A student who lacks a fixed, regular, and adequate~~
2 ~~nighttime residence or whose primary nighttime residence is a~~
3 ~~public or private shelter designed to provide temporary~~
4 ~~residence for individuals intended to be institutionalized, or~~
5 ~~a public or private place not designed for, or ordinarily used~~
6 ~~as, a regular sleeping accommodation for human beings.~~

7 ~~(f) A student who is a proprietor, owner, or worker of~~
8 ~~a company whose business has been at least 50 percent~~
9 ~~negatively financially impacted by the buy-out of property~~
10 ~~around Lake Apopka by the State of Florida. Such a student may~~
11 ~~receive a fee exemption only if the student has not received~~
12 ~~compensation because of the buy-out, the student is designated~~
13 ~~a Florida resident for tuition purposes, pursuant to s.~~
14 ~~240.1201, and the student has applied for and been denied~~
15 ~~financial aid, pursuant to s. 240.404, which would have~~
16 ~~provided, at a minimum, payment of all student fees. The~~
17 ~~student is responsible for providing evidence to the~~
18 ~~postsecondary education institution verifying that the~~
19 ~~conditions of this paragraph have been met, including support~~
20 ~~documentation provided by the Department of Revenue. The~~
21 ~~student must be currently enrolled in, or begin coursework~~
22 ~~within, a program area by fall semester 2000. The exemption~~
23 ~~is valid for a period of 4 years from the date that the~~
24 ~~postsecondary education institution confirms that the~~
25 ~~conditions of this paragraph have been met.~~

26 ~~(5) School districts and community colleges may waive~~
27 ~~fees for any fee-nonexempt student. The total value of fee~~
28 ~~waivers granted by the school district or community college~~
29 ~~may not exceed 8 percent of total related fee revenue or the~~
30 ~~amount established annually in the General Appropriations Act.~~
31 ~~Any student whose fees are waived in excess of the authorized~~

1 amount may not be reported for state funding purposes. ~~Any~~
2 ~~school district or community college that waives fees and~~
3 ~~requests state funding for a student in violation of the~~
4 ~~provisions of this section shall be penalized at a rate equal~~
5 ~~to 2 times the value of the full-time student enrollment~~
6 ~~reported.~~

7 (3)~~(6)~~(a) The Commissioner of Education shall provide
8 to the State Board of Education no later than January 31
9 ~~December 31~~ of each year a schedule of fees for adult and
10 technical workforce development education, excluding
11 continuing workforce education, for school districts and
12 community colleges. The fee schedule shall be based on the
13 amount of student fees necessary to produce 25 percent of the
14 prior year's average cost of a course of study leading to a
15 certificate or diploma. ~~At the discretion of a school board or~~
16 ~~a community college, this fee schedule may be implemented over~~
17 ~~a 3-year period, with full implementation in the 1999-2000~~
18 ~~school year. In years preceding that year, if fee increases~~
19 ~~are necessary for some programs or courses, the fees shall be~~
20 ~~raised in increments designed to lessen their impact upon~~
21 ~~students already enrolled.~~Fees for students who are not
22 residents for tuition purposes must offset the full cost of
23 instruction. Fee-nonexempt students enrolled in
24 vocational-preparatory instruction shall be charged fees equal
25 to the fees charged for adult basic education or technical
26 certificate ~~career education~~ instruction. Each community
27 college that conducts college-preparatory and
28 vocational-preparatory instruction in the same class section
29 may charge a single fee for both types of instruction.

30 (b) Fees for continuing workforce education shall be
31 locally determined by the school board or community college.

1 However, at least 50 percent of the expenditures for the
2 continuing workforce education program provided by the
3 community college or school district must be derived from
4 fees. These fees may vary by course and by section.

5 (c) The State Board of Education shall adopt a fee
6 schedule for school districts that produces the fee revenues
7 calculated pursuant to paragraph (a). The schedule so
8 calculated shall take effect, unless otherwise specified in
9 the General Appropriations Act.

10 (d) The State Board of Education shall adopt, by rule,
11 the definitions and procedures that school boards shall use in
12 the calculation of cost borne by students.

13 ~~(7) Each year the State Board of Community Colleges~~
14 ~~shall review and evaluate the percentage of the cost of adult~~
15 ~~programs and certificate career education programs supported~~
16 ~~through student fees. For students who are residents for~~
17 ~~tuition purposes, the schedule so adopted must produce~~
18 ~~revenues equal to 25 percent of the prior year's average~~
19 ~~program cost for college-preparatory and certificate-level~~
20 ~~workforce development programs. Fees for continuing workforce~~
21 ~~education shall be locally determined by the school board or~~
22 ~~community college. However, at least 50 percent of the~~
23 ~~expenditures for the continuing workforce education program~~
24 ~~provided by the community college or school district must be~~
25 ~~derived from fees. Fees for students who are not residents for~~
26 ~~tuition purposes must offset the full cost of instruction.~~

27 (4)(8) Each school board and community college board
28 of trustees may establish a separate fee of up to 20 percent
29 of the matriculation and tuition fees for adult and technical
30 education programs. This fee is to be collected as a component
31 part of the registration and tuition fees and must be

1 deposited into a separate account of the local educational
2 agency. Any undisbursed balance remaining in the account and
3 interest income accruing to investments from the account
4 increase the total funds available for distribution as
5 authorized in this subsection. Revenue generated by this fee
6 may be used for financial aid, capital improvements,
7 technology, and student activities and services. The local
8 educational agency may expend the revenue generated by this
9 fee under the following requirements:

10 (a) Student financial assistance, to provide awards to
11 students who demonstrate financial need in accordance with a
12 nationally recognized system of need analysis. Financial
13 assistance may also be provided by establishing child care for
14 students in adult and technical education programs.

15 (b) Capital improvements, to construct and equip,
16 maintain, improve, or enhance the adult and technical
17 education facilities of the school district or community
18 college.

19 (c) Technology, to be expended in accordance with
20 technology improvement plans.

21 (d) Student activities and services, to be expended
22 for lawful purposes to benefit the student body in general.
23 These purposes include student publications and grants to duly
24 recognized student organizations, the membership of which is
25 open to all students at the local educational agency without
26 regard to race, gender, or religion.

27 (e) Repayment of debt, including lease-purchase and
28 revenue bonds, but a local educational agency may pledge no
29 more than 25 percent of the total revenue generated by this
30 fee as a dedicated revenue source to this purpose. Fee
31 revenues may be bonded only to finance or refinance new

1 construction and equipment, renovation, or remodeling of
2 educational facilities for adult and technical education
3 programs. Projects funded for capital improvement must meet
4 the survey and construction requirements of chapter 235. As
5 required in s. 216.0158, each school board and community
6 college board of trustees shall identify each project,
7 including maintenance projects, proposed to be funded by
8 revenue from this fee. Revenues pledged for repayment of debt
9 must be for projects with a term not to exceed 20 years, and
10 not to exceed the useful life of the asset being financed,
11 only for technology improvements or for newly constructing and
12 equipping, renovating, or remodeling educational facilities.
13 Local educational agencies may use the services of the
14 Division of Bond Finance of the State Board of Administration
15 to issue any bonds authorized by this subsection. Bonds issued
16 by the Division of Bond Finance must be in compliance with the
17 State Bond Act. Bonds issued pursuant to the State Bond Act
18 shall be validated in the manner provided by chapter 75. The
19 complaint for such validation shall be filed in the circuit
20 court of the county where the seat of state government is
21 situated, the notice required to be published by s. 75.06
22 shall be published only in the county where the complaint is
23 filed, and the complaint and order of the circuit court shall
24 be served only on the state attorney of the circuit in which
25 the action is pending.~~for financial aid purposes in an~~
26 ~~additional amount of up to 10 percent of the student fees~~
27 ~~collected for workforce development programs funded through~~
28 ~~the Workforce Development Education Fund. All fees collected~~
29 ~~shall be deposited into a separate workforce development~~
30 ~~student financial aid fee trust fund of the district or~~
31 ~~community college to support students enrolled in workforce~~

1 ~~development programs. Any undisbursed balance remaining in the~~
2 ~~trust fund and interest income accruing to investments from~~
3 ~~the trust fund shall increase the total funds available for~~
4 ~~distribution to workforce development education students.~~
5 ~~Awards shall be based on student financial need and~~
6 ~~distributed in accordance with a nationally recognized system~~
7 ~~of need analysis approved by the State Board for Career~~
8 ~~Education. Fees collected pursuant to this subsection shall be~~
9 ~~allocated in an expeditious manner.~~

10 ~~(9) The State Board of Education and the State Board~~
11 ~~of Community Colleges shall adopt rules to allow the deferral~~
12 ~~of registration and tuition fees for students receiving~~
13 ~~financial aid from a federal or state assistance program when~~
14 ~~such aid is delayed in being transmitted to the student~~
15 ~~through circumstances beyond the control of the student. The~~
16 ~~failure to make timely application for such aid is an~~
17 ~~insufficient reason to receive a deferral of fees. The rules~~
18 ~~must provide for the enforcement and collection or other~~
19 ~~settlement of delinquent accounts.~~

20 ~~(10) Any veteran or other eligible student who~~
21 ~~receives benefits under chapter 30, chapter 31, chapter 32,~~
22 ~~chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106~~
23 ~~of Title 10, U.S.C., is entitled to one deferment each~~
24 ~~academic year and an additional deferment each time there is a~~
25 ~~delay in the receipt of benefits.~~

26 ~~(5)(11)~~ (5) Each school district and community college
27 shall be responsible for collecting all deferred fees pursuant
28 to s. 240.4043, as created by SB 1564 or similar legislation.
29 If a school district or community college has not collected a
30 deferred fee, the student may not earn state funding for any
31

1 course for which the student subsequently registers until the
2 fee has been paid.

3 (6)~~(12)~~ Any school district or community college that
4 reports students who have not paid fees in an approved manner
5 in calculations of full-time equivalent enrollments for state
6 funding purposes shall be penalized at a rate equal to 2 times
7 the value of such enrollments. Such penalty shall be charged
8 against the following year's allocation from the Florida
9 Workforce Development Education Fund or the Community College
10 Program Fund and shall revert to the General Revenue Fund.
11 The State Board of Education shall specify, in rule, approved
12 methods of student fee payment. Such methods must include,
13 but need not be limited to, student fee payment; payment
14 through federal, state, or institutional financial aid; and
15 employer fee payments.

16 (7)~~(13)~~ Each school district and community college
17 shall report only those students who have actually enrolled in
18 instruction provided or supervised by instructional personnel
19 under contract with the district or community college in
20 calculations of actual full-time enrollments for state funding
21 purposes. A student who has been exempted from taking a
22 course or who has been granted academic or technical
23 ~~vocational~~ credit through means other than actual coursework
24 completed at the granting institution may not be calculated
25 for enrollment in the course from which the student has been
26 exempted or for which the student has been granted credit.
27 School districts and community colleges that report
28 enrollments in violation of this subsection shall be penalized
29 at a rate equal to 2 times the value of such enrollments. Such
30 penalty shall be charged against the following year's

31

1 allocation from the Adult and Technical Workforce Development
2 Education Fund and shall revert to the General Revenue Fund.

3 (8)~~(14)~~ School boards and community college boards of
4 trustees may establish scholarship funds using donations. If
5 such funds are established, school boards and community
6 college boards of trustees shall adopt rules that provide for
7 the criteria and methods for awarding scholarships from the
8 fund.

9 ~~(15) Each school board and community college board of~~
10 ~~trustees may establish a separate fee for capital~~
11 ~~improvements, technology enhancements, or equipping buildings~~
12 ~~which may not exceed 5 percent of the matriculation fee for~~
13 ~~resident students or 5 percent of the matriculation and~~
14 ~~tuition fee for nonresident students. Funds collected by~~
15 ~~community colleges through these fees may be bonded only for~~
16 ~~the purpose of financing or refinancing new construction and~~
17 ~~equipment, renovation, or remodeling of educational~~
18 ~~facilities. The fee shall be collected as a component part of~~
19 ~~the registration and tuition fees, paid into a separate~~
20 ~~account, and expended only to construct and equip, maintain,~~
21 ~~improve, or enhance the certificate career education or adult~~
22 ~~education facilities of the school district or community~~
23 ~~college. Projects funded through the use of the capital~~
24 ~~improvement fee must meet the survey and construction~~
25 ~~requirements of chapter 235. Pursuant to s. 216.0158, each~~
26 ~~school board and community college board of trustees shall~~
27 ~~identify each project, including maintenance projects,~~
28 ~~proposed to be funded in whole or in part by such fee. Capital~~
29 ~~improvement fee revenues may be pledged by a board of trustees~~
30 ~~as a dedicated revenue source to the repayment of debt,~~
31 ~~including lease-purchase agreements and revenue bonds, with a~~

1 ~~term not to exceed 20 years, and not to exceed the useful life~~
2 ~~of the asset being financed, only for the new construction and~~
3 ~~equipment, renovation, or remodeling of educational~~
4 ~~facilities. Community colleges may use the services of the~~
5 ~~Division of Bond Finance of the State Board of Administration~~
6 ~~to issue any bonds authorized through the provisions of this~~
7 ~~subsection. Any such bonds issued by the Division of Bond~~
8 ~~Finance shall be in compliance with the provisions of the~~
9 ~~State Bond Act. Bonds issued pursuant to the State Bond Act~~
10 ~~shall be validated in the manner provided by chapter 75. The~~
11 ~~complaint for such validation shall be filed in the circuit~~
12 ~~court of the county where the seat of state government is~~
13 ~~situated, the notice required to be published by s. 75.06~~
14 ~~shall be published only in the county where the complaint is~~
15 ~~filed, and the complaint and order of the circuit court shall~~
16 ~~be served only on the state attorney of the circuit in which~~
17 ~~the action is pending. A maximum of 15 cents per credit hour~~
18 ~~may be allocated from the capital improvement fee for child~~
19 ~~care centers conducted by the school board or community~~
20 ~~college board of trustees.~~

21 (9)~~(16)~~ Community colleges and district school boards
22 are not authorized to charge students enrolled in adult and
23 technical ~~workforce development~~ programs any fee that is not
24 specifically authorized by law statute. In addition to
25 matriculation, tuition, financial aid, capital improvement,
26 and technology fees, as authorized in this section, community
27 colleges and district school boards are authorized to
28 establish fee schedules for the following user fees and fines:
29 laboratory fees; parking fees and fines; library fees and
30 fines; fees and fines relating to facilities and equipment use
31 or damage; access or identification card fees; duplicating,

1 photocopying, binding, or microfilming fees; standardized
2 testing fees; diploma replacement fees; transcript fees;
3 application fees; graduation fees; and late fees related to
4 registration and payment. Such user fees and fines shall not
5 exceed the cost of the services provided and shall only be
6 charged to persons receiving the service. Parking fee revenues
7 may be pledged by a community college board of trustees as a
8 dedicated revenue source for the repayment of debt, including
9 lease-purchase agreements and revenue bonds with terms not
10 exceeding 20 years and not exceeding the useful life of the
11 asset being financed. Community colleges shall use the
12 services of the Division of Bond Finance of the State Board of
13 Administration to issue any revenue bonds authorized by the
14 provisions of this subsection. Any such bonds issued by the
15 Division of Bond Finance shall be in compliance with the
16 provisions of the State Bond Act. Bonds issued pursuant to the
17 State Bond Act shall be validated in the manner established in
18 chapter 75. The complaint for such validation shall be filed
19 in the circuit court of the county where the seat of state
20 government is situated, the notice required to be published by
21 s. 75.06 shall be published only in the county where the
22 complaint is filed, and the complaint and order of the circuit
23 court shall be served only on the state attorney of the
24 circuit in which the action is pending.

25 (10)~~(17)~~ Each district school board and community
26 college district board of trustees is authorized to establish
27 specific fees for adult and technical ~~workforce development~~
28 instruction not reported for state funding purposes or for
29 adult and technical ~~workforce development~~ instruction not
30 reported as state funded full-time equivalent students.
31 District school boards and district boards of trustees are not

1 required to charge any other fee specified in this section for
2 this type of instruction.

3 ~~(18) Each district school board and community college~~
4 ~~district board of trustees is authorized to establish a~~
5 ~~separate fee for technology, not to exceed \$1.80 per credit~~
6 ~~hour or credit-hour equivalent for resident students and not~~
7 ~~more than \$5.40 per credit hour or credit-hour equivalent for~~
8 ~~nonresident students, or the equivalent, to be expended in~~
9 ~~accordance with technology improvement plans. The technology~~
10 ~~fee may apply only to associate degree programs and courses.~~
11 ~~Fifty percent of technology fee revenues may be pledged by a~~
12 ~~community college board of trustees as a dedicated revenue~~
13 ~~source for the repayment of debt, including lease-purchase~~
14 ~~agreements, not to exceed the useful life of the asset being~~
15 ~~financed. Revenues generated from the technology fee may not~~
16 ~~be bonded.~~

17 Section 8. Section 239.121, Florida Statutes, is
18 repealed.

19 Section 9. Notwithstanding section 3(7) of chapter
20 2000-321, Laws of Florida, section 239.125, Florida Statutes,
21 shall not be repealed January 7, 2003, but that section is
22 reenacted to read:

23 239.125 Computer-assisted student advising.--In
24 conjunction with s. 240.2099, each public secondary school
25 shall provide computer-assisted student advising through which
26 students obtain information related to career descriptions and
27 corresponding educational requirements; institutional
28 admission requirements for state universities, community
29 colleges, and area technical centers; and available sources of
30 student financial aid. Such advising must also enable
31

1 students to examine their interests and aptitudes for the
2 purpose of curricular and career planning.

3 Section 10. Section 239.201, Florida Statutes, is
4 repealed.

5 Section 11. Notwithstanding section 3(7) of chapter
6 2000-321, Laws of Florida, section 239.205, Florida Statutes,
7 shall not be repealed January 7, 2003, but that section is
8 reenacted and amended to read:

9 239.205 State Board of Education rules regarding
10 career and technical education programs; common definitions;
11 criteria for determining program level.--

12 ~~(1) The State Board of Education shall adopt, by rule,~~
13 ~~common definitions for associate in science degrees and for~~
14 ~~certificates.~~

15 (1)(2) The State Board of Education shall develop
16 guidelines to determine the criteria by which the level of
17 degree or certificate is assigned to a career and technical
18 vocational program. The guidelines must ensure that
19 assignments are made at the lowest level possible commensurate
20 with sound professional practice. ~~however,~~ The guidelines
21 must also ensure that assignments consider the ~~are updated for~~
22 ~~programs that increase in~~ technical complexity or general
23 education requirements beyond the parameters of a certificate
24 program. ~~Institutions may continue to offer existing programs~~
25 ~~that are assigned to a lower level; however, such programs~~
26 ~~shall be funded at the assigned level. The State Board of~~
27 ~~Education shall adopt rules regarding reporting requirements~~
28 ~~for vocational programs.~~

29 (2) The department shall develop and update at least
30 every 3 years program standards and industry-based benchmarks
31 for adult and technical education programs. The standards must

1 include technical, academic, and workplace skills; viability
2 of distance learning for instruction; and cycles of working
3 and learning which are responsive to business and industry.

4 Section 12. Notwithstanding section 3(7) of chapter
5 2000-321, Laws of Florida, section 239.209, Florida Statutes,
6 shall not be repealed January 7, 2003, but that section is
7 reenacted and amended to read:

8 239.209 Adult and technical ~~Career~~ education;
9 management information system.--

10 (1) The commissioner shall coordinate uniform program
11 structures, common definitions, and uniform management
12 information systems ~~for career education for all divisions~~
13 ~~within the department~~. In performing these functions, the
14 commissioner shall designate deadlines after which data
15 elements may not be changed for the coming fiscal or school
16 year. School districts and community colleges shall be
17 notified of data element changes at least 90 days prior to the
18 start of the subsequent fiscal or school year. Such systems
19 must provide for:

20 (a) Individual student reporting.

21 (b) Compliance with state and federal confidentiality
22 requirements, except that the department shall have access to
23 the unemployment insurance wage reports to collect and report
24 placement information about former students as provided in s.
25 229.8075. These ~~Such~~ placement reports must not disclose the
26 individual identities of former students.

27 (c) Maximum use of automated technology and records in
28 existing data bases and data systems. To the extent feasible,
29 the Florida Information Resource Network shall be employed for
30 this purpose.

31

1 (d) Annual reports of student enrollment, completion,
2 and placement by program.

3 (2) The State Board of Education shall identify, by
4 rule, the components to be included in the adult and technical
5 ~~vocational~~ management information system. All such components
6 shall be comparable between school districts and community
7 colleges.

8 ~~(3) Planning and evaluation of career and technical~~
9 ~~job-preparatory~~ programs shall be based on standard sources of
10 data and use standard occupational definitions and coding
11 structures, ~~including, but not limited to:~~

12 ~~(a) The Florida Occupational Information System;~~

13 ~~(b) The Florida Education and Training Placement~~
14 ~~Information Program;~~

15 ~~(c) The Department of Labor and Employment Security;~~

16 ~~(d) The United States Department of Labor; and~~

17 ~~(e) Other sources of data developed using~~
18 ~~statistically valid procedures.~~

19 Section 13. Notwithstanding section 3(7) of chapter
20 2000-321, Laws of Florida, section 239.213, Florida Statutes,
21 shall not be repealed January 7, 2003, but that section is
22 reenacted and amended to read:

23 239.213 Vocational-preparatory instruction.--

24 (1) The State Board of ~~for Career~~ Education shall
25 adopt, by rule, standards of basic skill mastery for technical
26 certificate ~~career education~~ programs. Each school district
27 and community college that conducts ~~certificate career~~
28 education programs that confer technical credit shall provide
29 vocational-preparatory instruction to assist students to
30 attain the skill level required for the program through which
31

1 ~~students receive the basic skills instruction required~~
2 ~~pursuant to this section.~~

3 (2) Students who enroll in a ~~certificate career~~
4 ~~education program offered for technical credit of 450 hours or~~
5 ~~more~~ shall complete an entry-level examination within the
6 first 6 weeks of admission into the program. The state board
7 shall ensure that the basic skills examinations used are
8 current and comparable across institutions designate
9 ~~examinations that are currently in existence, the results of~~
10 ~~which are comparable across institutions, to assess student~~
11 ~~mastery of basic skills.~~ Any student found deemed to lack the
12 required a minimal level of basic skills, including adult ESOL
13 skills, for such program shall be referred to
14 vocational-preparatory instruction or adult basic education
15 for a structured program of basic skills instruction. A
16 student may concurrently enroll in vocational-preparatory
17 courses and technical-credit courses, but ~~Such instruction may~~
18 ~~include English for speakers of other languages. A student~~
19 ~~Such instruction may include English for speakers of other~~
20 ~~languages. A student may not receive a~~ technical certificate
21 ~~of vocational program completion prior to~~ without first
22 demonstrating the basic skills required in the state
23 curriculum frameworks for the ~~vocational~~ program.

24 (3)(a) An adult student with a disability may be
25 exempted from this section. ~~Exceptional students, as defined~~
26 ~~in s. 228.041, may be exempted from the provisions of this~~
27 ~~section.~~

28 (b) A student who possesses a college degree at the
29 associate in applied science level or higher is exempt from
30 this section. ~~an associate in arts, baccalaureate, or~~
31 ~~graduate-level degree,~~

1 (c) A student who has completed or who is exempt from
2 the college-level communication and computation skills
3 examination pursuant to s. 240.107 is exempt, ~~or who is exempt~~
4 ~~from the college entry-level examination pursuant to s.~~
5 ~~240.107 may be exempted from the provisions of this section.~~

6 Section 14. Section 239.221, Florida Statutes, is
7 repealed.

8 Section 15. Section 239.225, Florida Statutes, is
9 repealed.

10 Section 16. Section 239.229, Florida Statutes, is
11 repealed.

12 Section 17. Notwithstanding section 3(7) of chapter
13 2000-321, Laws of Florida, section 239.233, Florida Statutes,
14 shall not be repealed January 7, 2003, but that section is
15 reenacted and amended to read:

16 239.233 Reporting requirements.--

17 ~~(1)(a) The Department of Education shall develop a~~
18 ~~system of performance measures in order to evaluate the~~
19 ~~vocational and technical education programs as required in s.~~
20 ~~239.229. This system must measure program enrollment,~~
21 ~~completion rates, placement rates, and amount of earnings at~~
22 ~~the time of placement. Placement and employment information,~~
23 ~~where applicable, shall contain data relevant to job~~
24 ~~retention, including retention rates. The State Board of~~
25 ~~Education shall adopt by rule the specific measures and any~~
26 ~~definitions needed to establish the system of performance~~
27 ~~measures.~~

28 **(b)** To measure and report program enrollments and
29 completions ~~enrollment and completion rates~~, the Department of
30 Education shall use data in the automated student databases
31 generated by the public schools and community colleges. To

1 measure and report placement rates and amount of earnings at
2 the time of placement, the department shall use data in the
3 reports produced by the Florida Education and Training
4 Placement Information Program as required in s. 229.8075. If
5 any placement information is not available from the Florida
6 Education and Training Placement Information Program, the
7 school district or the community college may provide placement
8 information collected by the school district or the community
9 college. However, this supplemental information must be
10 verifiable by the department and must not be commingled with
11 the database maintained by the Florida Education and Training
12 Placement Information Program. The State Board of Education
13 shall specify by rule the statistically valid, verifiable,
14 uniform procedures by which school districts and community
15 colleges may collect and report placement information to
16 supplement the reports from the Florida Education and Training
17 Placement Information Program.

18 ~~(c) The State Board of Education shall adopt standards~~
19 ~~for the department, district school boards, and community~~
20 ~~college district boards of trustees to use in program~~
21 ~~planning, program review, and program evaluation. The~~
22 ~~standards must include, at a minimum, the completion rates,~~
23 ~~placement rates, and earnings from employment of former~~
24 ~~students of vocational and technical education programs.~~

25 (2) The State Board of Education shall recommend ~~adopt~~
26 procedures for district school boards and community college
27 boards of trustees to use in reviewing their career and
28 technical education programs ~~the vocational and technical~~
29 ~~education programs administered by the district school boards~~
30 ~~and the community college district boards of trustees when~~

31

1 program performance falls below established ~~the~~ standards
2 ~~required by this section.~~

3 (3) Annually the department shall compile the reports
4 submitted in compliance with the rules adopted under this
5 section and shall produce a statewide report that addresses
6 the extent to which school districts and community colleges
7 are meeting the established standards ~~established under~~
8 ~~paragraph (1)(c).~~

9 (4) The State Board of Education may adopt any other
10 rules necessary to administer this section.

11 Section 18. Notwithstanding section 3(7) of chapter
12 2000-321, Laws of Florida, section 239.241, Florida Statutes,
13 shall not be repealed January 7, 2003, but that section is
14 reenacted and amended to read:

15 239.241 ~~Vocational~~ Dual enrollment and early admission
16 in career and technical education programs.--

17 (1) ~~Vocational~~ Dual enrollment in career and technical
18 education programs is an ~~shall be provided as a curricular~~
19 option for secondary students who seek to pursue in order to
20 earn a series of elective credits toward the high school
21 diploma. However, vocational dual enrollment may not permit a
22 student to bypass the high school ~~supplant student acquisition~~
23 ~~of the diploma.~~ ~~Vocational~~ Dual enrollment must be available
24 for a secondary student seeking a degree or a career and
25 technical education credential certificate from a complete
26 job-preparatory program, but may not sustain student
27 enrollment in isolated technical ~~vocational~~ courses. ~~It is the~~
28 ~~intent of the Legislature that~~ Student enrollment in a
29 ~~vocational~~ dual enrollment program should reflect the
30 interests and aptitudes of the student. The Legislature
31 supports ~~The provision of~~ a comprehensive academic and

1 technical ~~vocational~~ dual enrollment program within the
2 technical ~~vocational-technical~~ center or community college,
3 but such a program is supportive of legislative intent;
4 ~~however, such provision is not mandatory.~~

5 (2) ~~Vocational~~ Early admission in career and technical
6 education programs is a form of ~~vocational~~ dual enrollment
7 through which eligible secondary students enroll full time in
8 a ~~an area~~ technical center or a community college in courses
9 that are creditable toward the high school diploma and the
10 certificate or associate degree. ~~Participation in the~~
11 ~~vocational~~ Early admission into a career and technical
12 education program is ~~shall be~~ limited to students who have
13 completed a minimum of 6 semesters of full-time secondary
14 enrollment, including studies undertaken in the ninth grade.
15 Students enrolled in dual enrollment or early admissions
16 ~~pursuant to this section~~ are exempt from the payment of
17 registration, matriculation, and laboratory fees.

18 Section 19. Notwithstanding section 3(7) of chapter
19 2000-321, Laws of Florida, section 239.245, Florida Statutes,
20 shall not be repealed January 7, 2003, but that section is
21 reenacted and amended to read:

22 239.245 Public information concerning ~~on~~ career and
23 technical education programs.--

24 (1) ~~Beginning in the 1994-1995 school year, as a~~
25 ~~public service, the Department of Education shall disseminate~~
26 ~~information derived from the reports required by s. 239.233.~~
27 ~~The department shall ensure that the information disseminated~~
28 ~~does not name or otherwise identify a student, a former~~
29 ~~student, or the student's employer.~~

30 (2) ~~The dissemination shall be conducted in accordance~~
31 ~~with the following procedures:~~

1 (1)~~(a)~~ Annually, the Department of Education shall
2 publish the placement rates and average quarterly earnings for
3 students who complete each type of technical certificate
4 ~~career education~~ program and degree career education program.
5 This information must be aggregated to the state level and
6 must be included in any accountability reports. A program that
7 was created or modified so that placement rates cannot be
8 calculated must be so identified in such reports.

9 ~~(b)1. Each school district shall publish, at a~~
10 ~~minimum, the most recently available placement rate for each~~
11 ~~certificate career education program conducted by that school~~
12 ~~district at the secondary school level and at the degree~~
13 ~~career education level. The placement rates for the preceding~~
14 ~~3 years shall be published, if available; shall be included in~~
15 ~~each publication that informs the public of the availability~~
16 ~~of the program; and shall be made available to each school~~
17 ~~guidance counselor. If a program does not have a placement~~
18 ~~rate, a publication that lists or describes that program must~~
19 ~~state that the rate is unavailable.~~

20 ~~2. Each community college shall publish, at a minimum,~~
21 ~~the most recent placement rate for each certificate career~~
22 ~~education program and for each degree career education program~~
23 ~~in its annual catalog. The placement rates for the preceding 3~~
24 ~~years shall be published, if available, and shall be included~~
25 ~~in any publication that informs the public of the availability~~
26 ~~of the program. If a program does not have a placement rate,~~
27 ~~the publication that lists or describes that program must~~
28 ~~state that the rate is unavailable.~~

29 (2)~~3~~. If a school district or a community college has
30 calculated for a program a placement rate that differs from
31 the rate reported by the department, and if each record of a

1 placement was obtained through a process that was capable of
2 being audited, procedurally sound, and consistent statewide,
3 the district or the community college may use the locally
4 calculated placement rate in the report required by this
5 section. However, that rate may not be combined with the rate
6 maintained in the computer files of the Department of
7 Education's Florida Education and Training Placement
8 Information Program.

9 ~~(3)4.~~ An independent postsecondary degree career
10 ~~education, technical, trade, or business~~ school may not
11 publish a placement rate unless the placement rate was
12 determined as provided by this section.

13 Section 20. Section 239.251, Florida Statutes, is
14 repealed.

15 Section 21. Notwithstanding section 3(7) of chapter
16 2000-321, Laws of Florida, section 239.301, Florida Statutes,
17 shall not be repealed January 7, 2003, but that section is
18 reenacted and amended to read:

19 239.301 Adult general education.--

20 (1)(a) The intent of this section is to encourage the
21 provision of educational services that will enable adults to
22 acquire:

23 1. The basic skills necessary to attain basic and
24 functional literacy.

25 2. A high school diploma or Florida high school
26 diploma (GED)~~successfully complete the general educational~~
27 ~~development test.~~

28 3. An educational foundation that will enable them to
29 become self-sufficient and to compete in a global economy ~~more~~
30 ~~employable, productive, and responsible citizens.~~

31

1 4. The skills needed to carry out their roles and
2 responsibilities as workers, parents, family members,
3 citizens, and community members.

4 (b) It is further intended that educational
5 opportunities be available for adults who have earned,
6 ~~regardless of possession of~~ a diploma or high school
7 equivalency diploma, but who ~~whose performance on standard~~
8 ~~assessments indicates that such adults~~ lack the basic skills
9 necessary to function effectively in everyday situations, to
10 enter the job market, or to enter technical certificate ~~career~~
11 ~~education~~ instruction.

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

14 (a) Students who demonstrate skills at less than a
15 fifth grade level, as measured by tests approved for this
16 purpose by the State Board of Education, and who are studying
17 to achieve basic literacy.

18 (b) Students who demonstrate skills at the fifth grade
19 level or higher, but below the ninth grade level, as measured
20 by tests approved for this purpose by the State Board of
21 Education, and who are studying to achieve functional
22 literacy.

23 (c) Students who are earning credit required for a
24 high school diploma or who are preparing for the general
25 educational development test.

26 (d) Students who enroll in literacy programs and
27 services to attain educational skills necessary to become full
28 partners in the educational development of their children.

29 (e)~~(d)~~ Students who have high school diplomas and
30 require specific improvement in order to:

31

- 1 1. Obtain or maintain employment or benefit from
2 certificate career education programs;
3 2. Pursue a postsecondary degree; or
4 3. Develop competence in the English language to
5 qualify for employment.

6 (f)~~(e)~~ Students who enroll in lifelong learning
7 courses or activities that seek to address community social
8 and economic issues that consist of health and human
9 relations, government, parenting, consumer economics, and
10 senior citizens.

11 (g)~~(f)~~ Students who enroll in courses that relate to
12 the recreational or leisure pursuits of the students. Students
13 who enroll in these types of courses shall pay the full cost
14 of conducting the courses ~~The cost of courses conducted~~
15 ~~pursuant to this paragraph shall be borne by the enrollees.~~

16 (3)(a) Each school board or community college board of
17 trustees shall negotiate with the regional workforce board for
18 basic and functional literacy skills assessments for
19 participants in the welfare transition employment and training
20 programs. Such assessments shall be conducted at a site
21 mutually acceptable to the school board or community college
22 board of trustees and the regional workforce board.

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

30 (c) To the extent funds are available, the Department
31 of Children and Family Services shall provide for day care and

1 transportation services to clients who enroll in adult basic
2 education programs.

3 (4)(a) Adult general education ~~basic and secondary~~
4 ~~education and vocational-preparatory courses~~ shall be
5 evaluated and funded as provided in s. 239.115.

6 (b) Student fees for adult general education are
7 governed by ~~may not be charged for adult basic instruction for~~
8 ~~students who demonstrate literacy skills below the eighth~~
9 ~~grade level or for adult basic or secondary education for~~
10 ~~students who have not obtained high school diplomas. Other~~
11 ~~students who have a high school diploma or a high school~~
12 ~~equivalency diploma and who enroll in adult basic or secondary~~
13 ~~instruction shall pay fees pursuant to s. 239.117, and fee~~
14 ~~exemptions are governed by s. 240.4043, as created by Senate~~
15 Bill 1564, or similar legislation, and rules of the State
16 Board of Education.

17 (c) The State Board of Education shall define, by
18 rule, the levels and courses of instruction to be funded
19 through the college-preparatory program. The state board shall
20 coordinate the establishment of costs for college-preparatory
21 courses, the establishment of statewide standards that define
22 required levels of competence, acceptable rates of student
23 progress, and the maximum amount of time to be allowed for
24 completion of college-preparatory instruction.
25 College-preparatory instruction is part of an associate in
26 arts degree program and may not be funded as an adult and
27 technical ~~a workforce development~~ education program.

28 (d) Expenditures for college-preparatory ~~and lifelong~~
29 ~~learning~~ students shall be reported separately. Allocations
30 for college-preparatory courses shall be based on proportional
31 full-time equivalent enrollment. Program review results shall

1 be included in the determination of subsequent allocations. A
2 student shall be funded to enroll in the same
3 college-preparatory class within a skill area only twice,
4 after which time the student shall pay 100 percent of the full
5 cost of instruction to support the continuous enrollment of
6 that student in the same class; however, students who withdraw
7 or fail a class due to extenuating circumstances may be
8 granted an exception only once for each class, provided
9 approval is granted according to policy established by the
10 board of trustees. Each community college shall have the
11 authority to review and reduce payment for increased fees due
12 to continued enrollment in a college-preparatory class on an
13 individual basis contingent upon the student's financial
14 hardship, pursuant to definitions and fee levels established
15 by the State Board of Community Colleges. College-preparatory
16 and lifelong learning courses do not generate credit toward an
17 associate or baccalaureate degree.

18 (e) A district school board or a community college
19 board of trustees may negotiate a contract with the regional
20 workforce board for specialized services for participants in
21 the welfare transition program, beyond what is routinely
22 provided for the general public, to be funded by the regional
23 workforce board.

24 ~~(5)(a) An educational program for disabled adults may~~
25 ~~be conducted within and funded through the Workforce~~
26 ~~Development Education Fund or the Community College Program~~
27 ~~Fund. Each school board or community college board of~~
28 ~~trustees that has an educational program for disabled adults~~
29 ~~shall submit a plan to the commissioner which includes, at a~~
30 ~~minimum:~~

31

1 ~~1. A description of the population to be served and an~~
2 ~~estimation of the number of such students.~~

3 ~~2. A description of the courses and programs in the~~
4 ~~program, including corresponding expected student outcomes.~~

5 ~~3. Provision for individualized educational plans and~~
6 ~~periodic student evaluation.~~

7 ~~4. An interagency memorandum of agreement that~~
8 ~~provides for the coordination of adult education, career~~
9 ~~education, exceptional student education, the Department of~~
10 ~~Children and Family Services, vocational rehabilitation, and~~
11 ~~other local organizations whose adult disabled clients~~
12 ~~participate in the program.~~

13 ~~5. Provision for coordination of services, if both the~~
14 ~~community college and one or more school districts within the~~
15 ~~service area have approved programs for disabled adults.~~

16 ~~6. Provision for a single administrator for adult~~
17 ~~courses and programs for the disabled.~~

18 ~~(b) Each participating school board and community~~
19 ~~college board of trustees shall submit an annual plan to the~~
20 ~~commissioner on or before March 1 which reports progress~~
21 ~~toward meeting the goals stated in the plan. The report must~~
22 ~~identify the number of students served, by head count and~~
23 ~~full-time equivalent enrollments, the number and location of~~
24 ~~courses and programs, and clock-hour length of each course or~~
25 ~~program.~~

26 ~~(c) The State Board of Education shall adopt entrance~~
27 ~~and exit criteria, curriculum frameworks, and performance~~
28 ~~standards for disabled adult programs.~~

29 ~~(d) This subsection is not intended to discourage a~~
30 ~~school district or community college from providing~~
31 ~~educational services for disabled adults through classes in~~

1 ~~which nondisabled adults participate; however, in order to~~
2 ~~receive state funding designated especially for the program, a~~
3 ~~school district or community college must have an approved~~
4 ~~program for adult, disabled students, and each student~~
5 ~~reported for funding pursuant to this subsection must have~~
6 ~~been determined to be a disabled adult.~~

7 (5)(6) If students who have been determined to be
8 adults with disabilities are enrolled in adult and technical
9 ~~workforce development~~ programs, the funding formula must
10 provide additional incentives for their achievement of
11 performance outputs and outcomes.

12 ~~(7) If the plan for a program for adults with~~
13 ~~disabilities pursuant to subsection (5) indicates that there~~
14 ~~are students whose expected time to completion exceeds twice~~
15 ~~that of a similar program for nondisabled students, or if~~
16 ~~there are students enrolled whose individual education plan~~
17 ~~does not include competitive employment, those students shall~~
18 ~~generate funds in addition to funds from the workforce~~
19 ~~development fund, as provided in the annual General~~
20 ~~Appropriations Act.~~

21 (6)(8) The commissioner shall recommend the level of
22 funding for public school and community college adult
23 education within the legislative budget request and make other
24 recommendations and reports considered necessary or required
25 by rules of the state board.

26 ~~(9) Upon the request of any school board or community~~
27 ~~college board of trustees, the Department of Education shall~~
28 ~~provide technical assistance in the development and~~
29 ~~maintenance of adult education programs.~~

30 (7)(10) Buildings, land, equipment, and other property
31 owned by a school board or community college board of trustees

1 may be used for the conduct of the adult education program.
2 Buildings, land, equipment, and other property owned or leased
3 by cooperating public or private agencies, organizations, or
4 institutions may also be used for the purposes of this
5 section.

6 ~~(8)(11)~~ The State Board of Education may adopt rules
7 necessary to administer ~~for the implementation of~~ this
8 section.

9 Section 22. Section 239.305, Florida Statutes, is
10 repealed.

11 Section 23. Section 239.309, Florida Statutes, is
12 repealed.

13 Section 24. Notwithstanding section 3(7) of chapter
14 2000-321, Laws of Florida, section 239.401, Florida Statutes,
15 shall not be repealed January 7, 2003, but that section is
16 reenacted and amended to read:

17 (Substantial rewording of section. See
18 s. 239.401, F.S., for present text.)

19 239.401 Community education.--Each school board and
20 the Board of Trustees for the Florida School for the Deaf and
21 Blind may offer a program in community education as defined in
22 this chapter. The buildings, land, equipment, and other
23 property owned by a school board may be shared or leased for
24 the provision of community education. A school board, with
25 other governmental bodies, may acquire, own, maintain, and
26 dispose of real and personal property for use in community
27 education.

28 Section 25. Notwithstanding section 3(7) of chapter
29 2000-321, Laws of Florida, section 239.501, Florida Statutes,
30 shall not be repealed January 7, 2003, but that section is
31 reenacted and amended to read:

1 239.501 Florida Literacy Corps.--

2 (1) It is the intent of the Legislature that eligible
3 postsecondary students be offered an opportunity to perform
4 public service by serving as volunteer tutors for adults who
5 do not possess basic or functional literacy skills.

6 (2) There is created a Florida Literacy Corps in which
7 ~~to be administered by the Department of Education pursuant to~~
8 ~~this section and rules of the State Board of Education.~~
9 participating students may earn college credit for tutoring
10 adults who do not possess basic or functional literacy skills
11 pursuant to an agreement between the institution in which the
12 student is enrolled and the school board, community college
13 board of trustees, public library, or nonprofit organization
14 offering literacy instruction to adults pursuant to s.
15 239.305. The school board, community college board of
16 trustees, public library, or nonprofit organization is solely
17 responsible for providing literacy programs and instructing
18 participating postsecondary students.

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

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

24 ~~(b) Have completed at least 12 semester hours of~~
25 ~~college-level coursework that applies toward an associate in~~
26 ~~arts or baccalaureate degree.~~

27 ~~(c) Have attained a passing score on one of the~~
28 ~~postsecondary entry-level examinations approved pursuant to~~
29 ~~State Board of Education rule, be exempt from the~~
30 ~~administration of such examination, or have successfully~~
31 ~~completed any required college-preparatory instruction.~~

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

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

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

18 ~~1. Identification of the school district, community~~
19 ~~college, public library, or nonprofit organization with which~~
20 ~~participating students will be working.~~

21 ~~2. Demonstration of the need for literacy tutors by~~
22 ~~the school district, community college, public library, or~~
23 ~~nonprofit organization.~~

24 ~~3. Demonstration of commitment by the public school,~~
25 ~~community college, public library, or nonprofit organization~~
26 ~~to provide instruction for tutors.~~

27 ~~4. Description of the literacy program.~~

28 ~~5. Demonstration of student interest in program~~
29 ~~participation.~~

30
31

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

4 ~~(5) From funds appropriated for the purposes of this~~
5 ~~section, the department shall allocate an amount for each~~
6 ~~approved proposal based on the number of students approved for~~
7 ~~enrollment and subsequently enrolled in Florida Literacy Corps~~
8 ~~courses.~~

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

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

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

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

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

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

24 ~~(7) The department shall compile the annual reports~~
25 ~~into a single, annual programmatic report to be submitted to~~
26 ~~the State Board of Education by December 1 of each year.~~

27 Section 26. Section 239.505, Florida Statutes, is
28 repealed.

29 Section 27. Notwithstanding section 3(7) of chapter
30 2000-321, Laws of Florida, section 239.513, Florida Statutes,
31

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.513 Workforce literacy programs.--

4 (1) The workforce literacy program is established
5 within the community college system and local school districts
6 to ensure the existence of sufficient numbers of employees who
7 possess the skills necessary to perform in entry-level
8 occupations and to adapt to technological advances in the
9 workplace. Workforce literacy programs are intended to
10 support economic development by increasing adult literacy and
11 producing an educated workforce.

12 (2) Each community college and school district may
13 conduct courses and programs through which adults gain the
14 communication and computation skills necessary to complete a
15 vocational program, to gain or maintain entry-level
16 employment, or to upgrade employment. ~~Courses may not be
17 conducted until the community college or school district
18 identifies current and prospective employees who do not
19 possess the skills necessary to enter vocational programs or
20 to obtain or maintain employment.~~

21 ~~(3) A community college or school district may be
22 eligible to fund a workforce literacy program pursuant to the
23 provisions of s. 239.305.~~

24 Section 28. Notwithstanding section 3(7) of chapter
25 2000-321, Laws of Florida, section 239.514, Florida Statutes,
26 shall not be repealed January 7, 2003, but that section is
27 reenacted and amended to read:

28 239.514 ~~Workforce Development~~ Capitalization Incentive
29 Grant Program.--The Legislature recognizes that the need for
30 school districts and community colleges to be able to respond
31 to emerging local or statewide economic development needs is

1 critical to the workforce development system. The ~~Workforce~~
2 ~~Development~~ Capitalization Incentive Grant Program is created
3 to provide grants to school districts and community colleges
4 on a competitive basis to fund some or all of the costs
5 associated with bringing programs into conformance with
6 industry standards and creating or expanding adult and
7 technical education ~~the creation or expansion of workforce~~
8 ~~development~~ programs that serve specific employment workforce
9 needs.

10 (1) Funds awarded for a ~~workforce development~~
11 capitalization incentive grant may be used for instructional
12 equipment, laboratory equipment, supplies, personnel, student
13 services, or other expenses associated with:

14 (a) Upgrading adult and technical education programs
15 to meet the program standards specified in s. 239.229(2)(c)4.,
16 and developed as a result of the 3-year review cycle specified
17 in s. 240.312.

18 (b) Creating or expanding the adult and technical
19 education program identified by the High Skill/High Wages
20 Committee of the regional workforce board as being critical to
21 business retention, expansion, and recruitment as specified in
22 s. 445.007(7)~~the creation or expansion of a workforce~~
23 ~~development program~~. Expansion of a program may include either
24 the expansion of enrollments in a program or expansion into
25 new areas of specialization within a program.

26 (c) Grant funds may not be used for recurring
27 instructional costs or for indirect costs incurred by an
28 institution, unless approved by the Department of Education ~~No~~
29 ~~grant funds may be used for recurring instructional costs or~~
30 ~~for institutions' indirect costs.~~

31

1 (2) The Department of Education ~~Postsecondary~~
2 ~~Education Planning Commission~~ shall accept applications from
3 school districts or community colleges for ~~workforce~~
4 ~~development~~ capitalization incentive grants. Applications from
5 school districts or community colleges shall contain projected
6 enrollments and projected costs for the new or expanded adult
7 and technical education ~~workforce development~~ program. The
8 ~~Postsecondary Education Planning Commission, in consultation~~
9 ~~with the Jobs and Education Partnership, the Department of~~
10 ~~Education, and the State Board of Community Colleges,~~ shall
11 review and rank each application for a grant according to
12 subsection (3) and shall submit to the State Board of
13 Education ~~Legislature~~ a list in priority order of applications
14 recommended for a grant award.

15 (3) The department ~~commission~~ shall give highest
16 priority to programs that train people to enter high-skill,
17 high-wage occupations identified by the Workforce Estimating
18 Conference and other programs approved by Workforce Florida,
19 Inc.; programs that train people to enter occupations under
20 the welfare transition program; or programs that train for the
21 workforce adults who are eligible for public assistance,
22 economically disadvantaged, disabled, not proficient in
23 English, or dislocated workers. The department ~~commission~~
24 shall consider the statewide geographic dispersion of grant
25 funds in ranking the applications and shall give priority to
26 applications from education agencies that are making maximum
27 use of their adult and technical education program ~~workforce~~
28 ~~development~~ funding by offering high-performing, high-demand
29 programs.

30 Section 29. Notwithstanding section 3(7) of chapter
31 2000-321, Laws of Florida, section 239.5141, Florida Statutes,

1 shall not be repealed January 7, 2003, but that section is
2 reenacted and amended to read:

3 239.5141 Adult and Technical Education Workforce
4 ~~Development Information System; development; phases.--The~~
5 Department of Education shall:~~The Legislature finds that~~
6 ~~changes in workforce development education required by chapter~~
7 ~~97-307, Laws of Florida, require the development of an~~
8 ~~information infrastructure that has been adequately tested and~~
9 ~~retrofitted. The Legislature further finds that, to be~~
10 ~~adequate for calculating funding levels for programs conducted~~
11 ~~by both school districts and community colleges, a single~~
12 ~~Workforce Development Information System must be developed in~~
13 ~~an orderly, phased process with resources adequate to make the~~
14 ~~changes identified in the final report of the Commissioner's~~
15 ~~Task Force on Workforce Development. Therefore, the Department~~
16 ~~of Education, school districts, and community colleges shall~~
17 ~~cooperate to implement the following schedule:~~

18 (1) ~~By July 1, 1998, as recommended by the task force,~~
19 ~~implement the additional reporting sequences, revised data~~
20 ~~elements, and combined individually identifiable student~~
21 ~~information from the student databases maintained by the~~
22 ~~Division of Community Colleges and the Division of Public~~
23 ~~Schools. Individually identifiable student information shall~~
24 ~~be reported only as required for making funding decisions as~~
25 ~~required by s. 239.115, the recommendations of the~~
26 ~~Commissioner's Task Force on Workforce Development, and the~~
27 ~~General Appropriations Act. These divisions shall cooperate~~
28 ~~with the Office of Workforce Education Outcome Information~~
29 ~~Services of the Department of Education to conduct the joint~~
30 ~~data element review process recommended in the task force~~
31 ~~report.~~

1 ~~(2) On November 1, 1998; April 1, 1999; and June 1,~~
2 ~~1999, provide the commissioner with a progress report on the~~
3 ~~implementation of the recommendations of the Commissioner's~~
4 ~~Task Force on Workforce Development. The report must identify~~
5 ~~any problems that might impede implementation and describe~~
6 ~~activities taken to correct them.~~

7 ~~(3) By December 1, 1998:~~

8 (1)(a) Design specifications for the collection and
9 reporting of data and performance specifications for the Adult
10 and Technical Education Workforce Development Information
11 System. This design must enable parallel reporting and
12 state-level access of adult and technical education workforce
13 data necessary to use the data reports as a basis for
14 calculating funding allocations. In addition, the design must
15 be capable of providing reports necessary to comply with other
16 program performance documentation required by state or federal
17 law, without requiring additional data collection or reporting
18 from local educational agencies.

19 (2)(b) Develop the computer programs, software, and
20 edit processes necessary for local and state users to produce
21 a single, unified Workforce Development Information System.

22 ~~(4) By May 15, 1999, complete pilot testing local and~~
23 ~~state Workforce Development Information System processes.~~

24 ~~(5) By July 1, 1999, complete design and development~~
25 ~~of the Workforce Development Information System.~~

26 ~~(6) On October 1, 1999, community colleges and school~~
27 ~~districts shall complete the first reporting period applicable~~
28 ~~to the Workforce Development Information System. To assure~~
29 ~~that this implementation process is conducted successfully,~~
30 ~~the implementation dates required in ss. 239.115 and 239.117~~
31 ~~are advanced by 1 year, to July 1, 1999, for implementation of~~

1 ~~the funding formula, and to the 2000-2001 school year for~~
2 ~~implementation of the fee schedule. During the 1998-1999~~
3 ~~fiscal year, school districts and community colleges shall~~
4 ~~conduct workforce development education programs with state~~
5 ~~funding as provided in the General Appropriations Act.~~

6 Section 30. This act shall take effect January 7,
7 2003.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1560

12 The Committee Substitute reenacts, reenacts and amends, or
13 repeals every section of ch. 239, F.S.

14 Program names are changed to reflect current usage.

15 Revenue from three student fees may be deposited in the same
16 account and used for any of the designated services: financial
17 aid, capital improvements, technology, student activities and
18 services, and repayment of debt. Debt repayment is capped at
19 25 percent of the total fee revenue, as in current law.

20 Administration of the Capitalization Incentive Grant Program
21 is moved to the Department of Education.

22 A number of programs are repealed because they do not receive
23 funding and are not implemented.

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