

By the Committee on Education; and Senator Villalobos

304-1887A-02

1 A bill to be entitled
2 An act relating to education governance;
3 amending s. 11.061, F.S.; providing procedures
4 for registering as a lobbyist for a state
5 university, college, or community college;
6 providing penalties for employees of state
7 universities, colleges, and community colleges
8 who fail to register or record hours; amending
9 s. 11.062, F.S.; prohibiting certain uses of
10 public funds for lobbying by state colleges;
11 amending s. 110.123, F.S.; providing that
12 certain personnel are eligible enrollees, state
13 employees, and state officers for purposes of
14 the state group insurance program; specifying
15 that state universities and colleges are state
16 agencies only for purposes of the state group
17 insurance program; amending s. 120.52, F.S.;
18 including state universities and colleges as
19 educational units for purposes of the
20 Administrative Procedure Act; eliminating
21 obsolete references; amending s. 120.55, F.S.;
22 including state colleges within provisions
23 governing the Florida Administrative Code;
24 amending s. 120.81, F.S.; including state
25 universities and colleges in provisions
26 governing rulemaking; eliminating references to
27 the State University System; providing for
28 university and college boards of trustees to
29 establish a student judicial review committee;
30 repealing s. 231.621, F.S., relating to the
31 Critical Teacher Shortage Student Loan

1 Forgiveness Program; reenacting and amending s.
2 239.117, F.S.; revising certain fee waivers
3 provided under the workforce development
4 programs and provided for adult basic
5 instruction; conforming provisions to changes
6 made by the act; reenacting and amending s.
7 240.105, F.S.; providing legislative findings
8 with respect to the state's educational
9 mission; reenacting s. 240.107, F.S., relating
10 to the examination for college-level
11 communication and computation skills;
12 reenacting and amending s. 240.115, F.S.;
13 conforming provisions to changes made by the
14 act; eliminating obsolete provisions;
15 authorizing the State Board of Education to
16 delegate certain authority to a division
17 director; reenacting and amending s. 240.116,
18 F.S.; conforming provisions to changes made by
19 the act; authorizing certain articulation
20 agreements to establish participation
21 requirements; permitting school districts to
22 assign different grade weighting schemes to
23 different types of high school courses, except
24 for specified courses that must be graded with
25 the same weighting scheme; providing for dual
26 enrollment in career and technical education
27 programs; authorizing the Articulation
28 Coordinating Committee rather than the
29 postsecondary educational institution to
30 determine college course numbers for which
31 certain high school courses will confer college

1 credit; reenacting and amending s. 240.1161,
2 F.S.; requiring certain articulation agreements
3 to contain participation restrictions,
4 including passing the common placement test and
5 minimum grade point averages; removing a
6 requirement that a high school plan must
7 delineate secondary courses that confer credit
8 in certain postsecondary courses; conforming
9 provisions with changes made by the act in
10 reassigning that responsibility; reenacting and
11 amending s. 240.1162, F.S.; requiring the
12 articulation accountability process to include
13 independent institutions; reenacting and
14 amending s. 240.1163, F.S.; conforming
15 provisions to changes made by the act;
16 eliminating certain provisions concerning dual
17 enrollment courses and agreements; reenacting
18 and amending s. 240.117, F.S., relating to
19 common placement testing for postsecondary
20 education; conforming provisions to changes
21 made by the act; reenacting and amending s.
22 240.118, F.S., relating to postsecondary
23 feedback of information to high schools;
24 conforming provisions; reenacting and amending
25 s. 240.1201, F.S.; authorizing acceptance of an
26 electronic signature for certain applications;
27 repealing ss. 240.122, 240.124, 240.125,
28 240.126, F.S., relating to budgeting based on
29 programs and numbers of students, funding for
30 continuous enrollment in college credit
31 courses, and the consortium of postsecondary

1 education; reenacting s. 240.127, F.S.,
2 relating to the Florida Uniform Management of
3 Institutional Funds Act; reenacting and
4 amending s. 240.128, F.S.; requiring
5 legislative approval for certain acquisitions;
6 repealing s. 240.132, F.S., relating to
7 participation by students or employees in
8 disruptive activities; reenacting and amending
9 s. 240.1325, F.S.; conforming provisions
10 prohibiting hazing activities; reenacting and
11 amending s. 240.133, F.S.; revising provisions
12 governing the expulsion and discipline of
13 students; conforming provisions to changes made
14 by the act; reenacting and amending s. 240.134,
15 F.S.; requiring policies for accommodating
16 religious observance; repealing s. 240.135,
17 F.S., relating to signing vouchers for funds
18 provided by the United States; reenacting and
19 amending s. 240.136, F.S.; specifying certain
20 acts sufficient for removal from office of
21 elected student government officials; repealing
22 s. 240.139, F.S., relating to microfilming and
23 disposing of original records; reenacting and
24 amending s. 240.152, F.S.; conforming
25 provisions governing admission of students with
26 disabilities to federal guidelines and state
27 law; reenacting and amending s. 240.153, F.S.;
28 conforming provisions governing progression and
29 graduation of students with a documented
30 disability; reenacting and amending s. 240.155,
31 F.S.; providing requirements for campus master

1 plans and development agreements; including in
2 certain planning requirements land owned by a
3 university as a result of changes made by the
4 act; reenacting and amending s. 240.156, F.S.,
5 relating to the State University System
6 Concurrency Trust Fund; conforming provisions
7 to changes made by the act; reenacting and
8 amending s. 240.2011, F.S.; eliminating
9 obsolete references to the State University
10 System; creating s. 240.2012, F.S.; providing
11 for governance of the state universities and
12 colleges; limiting authority to operate or
13 regulate state postsecondary education
14 institutions; providing for the status of each
15 university and college as an independent,
16 separate legal entity; requiring the Governor
17 to appoint boards of trustees; providing for
18 Senate confirmation; providing for removal of a
19 board member based upon violation of s.
20 286.011, F.S.; creating each board of trustees
21 as a public body corporate; providing
22 requirements for suits against a board;
23 establishing terms of office; providing
24 responsibility for policy decisions;
25 establishing university and college boards of
26 trustees as instrumentalities or agencies of
27 the state for purposes of sovereign immunity;
28 creating s. 240.2013, F.S.; vesting each
29 university and college board of trustees with
30 authority to govern and set policy; providing
31 rulemaking authority; providing for selecting,

1 compensating, and evaluating a president;
2 requiring a planning process; requiring each
3 board to provide for academic freedom and
4 academic responsibility; requiring an
5 institutional budget request; authorizing
6 program approval and termination; requiring
7 legislative approval for certain programs;
8 providing requirements for managing real
9 property owned by the state or by the
10 institution; retaining certain authority
11 delegated to the Board of Internal Improvement
12 Trust Fund and Division of State Lands;
13 authorizing each board of trustees to secure
14 certain appraisals and surveys in compliance
15 with rules of the Board of Internal Improvement
16 Trust Fund; providing for certain contracts
17 without competitive selection; authorizing
18 agreements for and use of certain credit
19 transactions; authorizing establishment of a
20 personnel program; authorizing a board to use,
21 maintain, protect, and control certain
22 property, names, trademarks, and other
23 proprietary marks; authorizing restrictions on
24 certain activities and facilities; authorizing
25 a board to prioritize and impose charges for
26 the use of space, property, equipment, and
27 resources; providing for the establishment and
28 coordination of policies relating to
29 educational offerings; requiring that each
30 board establish a procurement program;
31 authorizing each board to sell, lease, license,

1 or otherwise provide goods, materials, and
2 services; requiring that a board comply with
3 certain provisions in procuring professional
4 services; requiring that a board establish and
5 administer faculty practice plans for the
6 academic health science centers; authorizing a
7 board to exercise the right of eminent domain,
8 subject to approval by the State Board of
9 Education; requiring that a board comply with
10 specified provisions with respect to
11 procurement and construction contracts;
12 providing certain exemptions; requiring that a
13 board establish a program for the maintenance
14 and construction of facilities; requiring that
15 a board secure workers' compensation coverage
16 for certain contractors and subcontractors;
17 prohibiting naming a school, college, or center
18 for a living person unless approved by the
19 State Board of Education; providing
20 requirements for a board in managing
21 enrollment; requiring that a board advise
22 certain students of the availability of
23 programs at other universities and colleges and
24 the admissions requirement of such programs;
25 providing that a board ensure that at least
26 half of the required coursework for any
27 baccalaureate degree in the system is offered
28 at the lower-division level, except in program
29 areas approved by the State Board of Education;
30 requiring that a board ensure that university
31 and college students are aware of program

1 prerequisites for certain programs; authorizing
2 a board to rent or lease parking facilities;
3 requiring a board to implement the university
4 facilities plan in accordance with certain laws
5 and guidelines; providing that for purposes of
6 ch. 284, F.S., university and college boards of
7 trustees are state agencies; providing an
8 exception; creating s. 240.2014, F.S.;
9 specifying powers and duties of each university
10 or college president; requiring an approval
11 process for certain contracts; providing
12 requirements for procuring professional
13 services; providing for removing a president
14 from office for certain violations of s.
15 286.011, F.S.; authorizing a president to
16 delegate certain authority; repealing ss.
17 240.202, 240.203, 240.205, 240.207, 240.209
18 F.S.; relating to authority of university
19 presidents, responsibilities of the State Board
20 of Education, and the appointment and duties of
21 the Board of Regents; reenacting and amending
22 s. 240.2093, F.S.; authorizing the State Board
23 of Education to request the issuance of bonds
24 or other forms of indebtedness; eliminating
25 obsolete provisions; authorizing conditions
26 under which the State Board of Education may
27 approve the issuance of bonds or other forms of
28 indebtedness by a direct-support organization;
29 reenacting and amending s. 240.2094, F.S.;
30 requiring that funds for the operation of state
31 universities and colleges be requested and

1 appropriated as grants and aids; eliminating
2 obsolete provisions with respect to positions
3 and salary rates; repealing ss. 240.20941,
4 240.2095, 240.2097, F.S., relating to vacant
5 faculty positions, program approval by the
6 Board of Regents, and required rules;
7 reenacting and amending s. 240.2098, F.S.;
8 requiring each college and university to have a
9 student ombudsman office; providing for an
10 appeal procedure; eliminating a requirement
11 that the appeal procedure must be included in
12 the university catalog; reenacting and amending
13 s. 240.2099, F.S.; requiring that the State
14 Board of Education establish the Florida Center
15 for Advising and Academic Support; eliminating
16 obsolete provisions; providing for an oversight
17 committee; requiring the universities,
18 colleges, and community colleges to implement
19 the system; repealing ss. 240.2111, 240.2112,
20 F.S., relating to an employee recognition
21 program and employee bonuses; reenacting and
22 amending s. 240.213, F.S.; authorizing
23 university and college boards of trustees to
24 secure, or otherwise provide as a self-insurer,
25 general liability insurance for the boards and
26 others; eliminating references to the State
27 University System; providing that general
28 liability insurance for certain not-for-profit
29 corporations and its officers, employees, and
30 agents, is subject to approval of the
31 self-insurance program council and the

1 university or college board of trustees;
2 requiring a board of trustees to adopt rules;
3 providing that if the self-insurance program is
4 established for health or veterinary services,
5 the Vice President of Health Affairs or his or
6 her designee shall serve as chair of the
7 governing council; requiring an annual actuary
8 review to establish funding requirements;
9 providing that the self-insurance program
10 assets shall be deposited outside the State
11 Treasury; requiring an annual post audit and
12 audit review; providing for funding the
13 self-insurance program; providing for the
14 assets of the self-insurance program to be the
15 property of a university or college board of
16 trustees and used only for certain expenses;
17 providing requirements for investment income;
18 providing rulemaking authority; reenacting and
19 amending s. 240.214, F.S.; eliminating obsolete
20 provisions; requiring the State Board of
21 Education to submit an annual accountability
22 report; repealing s. 240.2145, F.S., relating
23 to an annual evaluation of the State University
24 System accountability process; reenacting and
25 amending s. 240.215, F.S.; providing for
26 payment of costs in a civil action against
27 officers, agents, members, or employees of a
28 university or college board of trustees;
29 authorizing a university or college board of
30 trustees to obtain insurance; conforming
31 provisions to changes made by the act;

1 repealing ss. 240.217, 240.219, F.S., relating
2 to eminent domain and representation by the
3 Department of Legal Affairs in condemnation
4 proceedings; reenacting and amending s.
5 240.222, F.S.; clarifying the assent of the
6 Legislature to the Hatch Act and Morrill
7 Land-Grant Acts for the University of Florida
8 and Florida Agricultural and Mechanical
9 University; reenacting and amending s. 240.223,
10 F.S.; conforming provisions to changes made by
11 the act; authorizing each university and
12 college board of trustees to act as trustees;
13 providing that all prior acts of and
14 appointments by the former Board of Regents are
15 approved, ratified, confirmed, and validated;
16 reenacting and amending s. 240.229, F.S.;
17 providing powers of universities and colleges
18 with respect to patents, copyrights, and
19 trademarks; repealing s. 240.231, F.S.,
20 relating to payment of costs of civil actions;
21 reenacting and amending s. 240.233, F.S.;
22 providing for rules governing the admission of
23 students, subject to approval by the State
24 Board of Education; providing registration
25 requirements with respect to transfer students;
26 providing requirements for orientation
27 programs; reenacting and amending s. 240.2333,
28 F.S.; eliminating certain rulemaking authority
29 of the Articulation Coordinating Committee;
30 reenacting and amending s. 240.235, F.S.;
31 requiring each university and college board of

1 trustees to set matriculation and tuition fees;
2 providing for the fees to take effect;
3 providing a cap on certain fees; eliminating
4 obsolete dates relating to initial aggregate
5 athletic fees; providing for a nonrefundable
6 application fee; providing for an orientation
7 fee; providing for a fee for security, access,
8 or identification cards; providing for material
9 and supplies fees; providing for a Capital
10 Improvement Trust Fund fee; providing for a
11 building fee; providing for a financial aid
12 fee; requiring that proceeds of the financial
13 aid fee remain at each campus and replace
14 existing financial aid fees; requiring the
15 State Board of Education to specify limits on
16 the percent of the fees to be carried forward
17 to the following fiscal year; providing for a
18 portion of funds from the student financial aid
19 fee be used to provide financial aid based on
20 absolute need; providing award criteria;
21 providing for certain user fees; providing an
22 admissions deposit fee for the University of
23 Florida College of Dentistry; providing for
24 registration fees; providing for service
25 charges; providing for deposit of
26 installment-fee revenues; providing for late
27 registration and payment fees; providing for
28 waiver of certain fees; providing a fee for
29 miscellaneous health-related charges; providing
30 for housing rental rates and miscellaneous
31 housing charges; providing for charges on

1 overdue accounts; providing for service charges
2 in lieu of interest and administrative handling
3 charges; providing for a fee for certain
4 off-campus courses; providing for library fees
5 and fines; providing fees for duplicating,
6 photocopying, binding, and microfilming;
7 providing for fees for copyright services;
8 providing for fees for testing; providing for
9 fees and fines relating to loss and damage of
10 facilities and equipment; providing for
11 returned-check fees; providing for traffic and
12 parking fines and charges; providing a fee for
13 the educational research center for child
14 development; providing for fees for transcripts
15 and diploma replacement; providing for
16 replacement card fees; providing for a
17 systemwide standard fee schedule; authorizing a
18 board of trustees to approve the expenditure of
19 fee revenues; providing for a differential
20 out-of-state tuition fee for certain
21 universities and colleges; providing that the
22 assessment of additional fees is subject to
23 approval by the State Board of Education;
24 reenacting and amending s. 240.237, F.S.;
25 providing that each university and college
26 board of trustees may prescribe the content and
27 custody of certain student records and reports;
28 reenacting and amending s. 240.239, F.S.;
29 requiring universities and colleges to present
30 associate in arts certificates upon request to
31 qualified students; reenacting and amending s.

1 240.241, F.S.; authorizing a university board
2 of trustees to create divisions of sponsored
3 research; providing for policies to regulate
4 the activities of divisions of sponsored
5 research; requiring the board of trustees to
6 submit reports to the State Board of Education;
7 requiring the State Board of Education to
8 report to the Legislature; providing that title
9 to real property to certain lands acquired
10 through the division of sponsored research
11 vests in a university board of trustees;
12 eliminating authorization of divisions of
13 sponsored research to pay per diem and travel
14 expenses for state officers and employees;
15 authorizing the State Board of Education to
16 establish additional positions within the
17 divisions of sponsored research; providing
18 rulemaking authority; reenacting and amending
19 s. 240.242, F.S.; requiring the State Board of
20 Education to certify the leasing of education
21 facilities in a research and development park;
22 reenacting and amending s. 240.243, F.S.;
23 requiring state universities and colleges to
24 follow the required number of classroom
25 teaching hours for faculty members; reenacting
26 and amending s. 240.245, F.S.; requiring
27 evaluations of faculty members; requiring the
28 State Board of Education to establish criteria
29 for evaluating service to public schools;
30 eliminating obsolete provisions; reenacting and
31 amending s. 240.246, F.S.; requiring the State

1 Board of Education to adopt rules to require
2 tests of spoken English for certain faculty
3 members; reenacting and amending s. 240.2475,
4 F.S.; requiring state universities and colleges
5 to maintain an employment equity and
6 accountability program; eliminating obsolete
7 provisions; requiring state university and
8 college presidents to submit an equity report
9 to the State Board of Education; requiring the
10 presidential evaluations to be submitted to the
11 State Board of Education; requiring each
12 university and college board of trustees to
13 evaluate its president on achieving annual
14 equity goals; requiring the State Board of
15 Education to submit the annual equity report to
16 the Legislature; eliminating obsolete
17 provisions; eliminating funding requirements;
18 reenacting and amending s. 240.253, F.S.;
19 requiring each university and college board of
20 trustees to adopt rules governing employee
21 records; reenacting and amending s. 240.2601,
22 F.S.; conforming provisions to changes made by
23 the act with respect to the Facility
24 Enhancement Challenge Grant Program; providing
25 for the State Board of Education to administer
26 the Alec P. Courtelis Capital Facilities
27 Matching Trust Fund; requiring the State Board
28 of Education to submit a list of eligible
29 projects to the Legislature; requiring that
30 eligible projects be approved by the State
31 Board of Education; reenacting and amending s.

1 240.2605, F.S.; eliminating obsolete
2 provisions; requiring the State Board of
3 Education to define instructions and research
4 programs for purposes of matching grants;
5 requiring the State Board of Education to
6 allocate funds to match private donations;
7 providing requirements for requests for
8 matching funds; providing state matching funds
9 for pledged contributions based on certain
10 factors; requiring foundations to report to the
11 State Board of Education; providing rulemaking
12 authority for State Board of Education to
13 specify certain donations; limiting the amount
14 of matching funds used to match a single gift;
15 providing for distribution; reenacting and
16 amending s. 240.261, F.S.; authorizing each
17 university and college board of trustees to
18 adopt rules for codes of conduct; requiring a
19 student handbook that includes student rights
20 and responsibilities, appeals procedures,
21 roster of contact persons, and the policy on
22 immune deficiency syndrome; requiring that the
23 student handbook prohibit the sale, use, or
24 possession of certain controlled substances or
25 alcoholic beverages by underage students;
26 requiring a policy with respect to instruction
27 on human immunodeficiency virus infection;
28 requiring each university and college board of
29 trustees to establish a committee to review the
30 student judicial system; reenacting and
31 amending s. 240.262, F.S.; requiring state

1 universities and colleges to establish
2 antihazing rules; eliminating a requirement
3 that antihazing rules be approved by the Board
4 of Regents; reenacting and amending s. 240.263,
5 F.S.; providing for regulation of traffic at
6 state universities and colleges; reenacting and
7 amending s. 240.264, F.S.; requiring each board
8 of trustees to adopt rules for traffic and
9 traffic penalties; reenacting and amending s.
10 240.265, F.S.; specifying penalties for
11 violating a college traffic infraction;
12 reenacting and amending s. 240.266, F.S.;
13 providing for payment of fines, jurisdiction,
14 and procedures for college traffic authorities;
15 reenacting and amending s. 240.267, F.S.;
16 providing for the use of moneys from traffic
17 and parking fines; reenacting and amending s.
18 240.268, F.S.; providing for college police;
19 eliminating obsolete provisions; providing for
20 expansion of jurisdiction for university and
21 college police to include property and
22 facilities of direct-support organizations;
23 reenacting and amending s. 240.2682, F.S.;
24 providing that state universities and colleges
25 are subject to the Florida Postsecondary
26 Education Security Information Act; reenacting
27 and amending s. 240.2683, F.S.; eliminating
28 obsolete provisions; requiring each
29 postsecondary institution to file a campus
30 crime report with the Commissioner of
31 Education; reenacting s. 240.2684, F.S.,

1 relating to the assessment of physical plant
2 safety; reenacting and amending s. 240.271,
3 F.S.; providing for funding for state
4 universities and colleges; conforming
5 provisions to changes made by the act;
6 eliminating a reference to allocations by the
7 Board of Regents; requiring the State Board of
8 Education to establish and validate a
9 cost-estimating system; eliminating obsolete
10 provisions; repealing ss. 240.272, 240.273,
11 F.S., relating to carryforward of unexpended
12 funds and the apportionment of property to the
13 State University System; reenacting and
14 amending s. 240.274, F.S.; providing a
15 mechanism for public documents to be
16 distributed to state universities and colleges;
17 eliminating obsolete provisions; reenacting and
18 amending s. 240.275, F.S.; providing that the
19 law libraries of Florida Agricultural and
20 Mechanical University and Florida International
21 University are state legal depositories;
22 eliminating obsolete provisions; repealing s.
23 240.276, F.S., relating to specified university
24 publications; reenacting and amending s.
25 240.277, F.S.; eliminating obsolete provisions;
26 providing that certain funds received by state
27 universities and colleges may be expended as
28 approved by the State Board of Education;
29 repealing s. 240.279, F.S., relating to working
30 capital trust funds; reenacting and amending s.
31 240.2803, F.S.; authorizing auxiliary

1 enterprises; repealing ss. 240.28031,
2 240.28035, F.S., relating to the Ancillary
3 Facilities Construction Trust Fund and the
4 Education-Contracts, Grants, and Donations
5 Trust Fund; reenacting and amending s.
6 240.2805, F.S.; requiring the State Board of
7 Education to administer the Capital Improvement
8 Fee Trust Fund and the Building Fee Trust Fund;
9 eliminating obsolete provisions; reenacting and
10 amending s. 240.281, F.S.; authorizing the
11 deposit of funds received by state universities
12 and colleges outside the State Treasury;
13 repealing ss. 240.283, 240.285, 240.287,
14 240.289, F.S., relating to extra compensation
15 for State University System employees, the
16 transfer of funds, the investment of university
17 agency and activity funds, and use of credit,
18 charge, and debit cards; reenacting and
19 amending s. 240.291, F.S.; authorizing state
20 universities and colleges to collect on
21 delinquent accounts; providing rulemaking
22 authority for boards of trustees; reenacting
23 and amending s. 240.293, F.S.; authorizing
24 contracts for certain goods and services;
25 reenacting and amending s. 240.2945, F.S.;
26 exempting state universities and colleges from
27 local amendments to the Florida Building Code
28 and the Fire Prevention Code; reenacting and
29 amending s. 240.295, F.S.; eliminating obsolete
30 provisions; authorizing fixed capital outlay
31 projects for state universities and colleges;

1 providing for the State Board of Education to
2 adopt rules; requiring prior consultation with
3 the student government association for certain
4 projects; requiring each university and college
5 board of trustees to assess campus hurricane
6 shelters and submit a report; reenacting and
7 amending s. 240.296, F.S.; providing for a
8 facilities loan and debt surety program for
9 state universities and colleges; eliminating
10 obsolete provisions; requiring the State Board
11 of Education to adopt rules governing secondary
12 credit enhancement; repealing s. 240.2985,
13 F.S., relating to the Ethics in Business
14 Scholarship Program; reenacting and amending s.
15 240.299, F.S.; providing for direct-support
16 organizations; eliminating obsolete provisions;
17 providing for certification by the State Board
18 of Education of direct-support organizations;
19 authorizing the university and college boards
20 of trustees to adopt rules prescribing certain
21 conditions for compliance by direct-support
22 organizations; requiring each board and the
23 State Board of Education to review audit
24 reports; requiring the State Board of Education
25 to approve facility agreements; reenacting and
26 amending s. 240.2995, F.S.; providing for
27 college health services support organizations;
28 authorizing boards of trustees to establish
29 health services support organizations;
30 authorizing the the State Board of Education to
31 adopt rules prescribing compliance with certain

1 conditions for the health services support
2 organizations; eliminating obsolete provisions;
3 authorizing a university and college board of
4 trustees to appoint representatives to the
5 board of directors of the health services
6 support organization; reenacting and amending
7 s. 240.2996, F.S., relating to confidentiality
8 of information for college health services
9 support organizations; eliminating obsolete
10 provisions; amending s. 240.2997, F.S.,
11 relating to the Florida State University
12 College of Medicine; eliminating obsolete
13 provisions; reenacting and amending s. 240.301,
14 F.S., relating to the definition, mission, and
15 responsibility of community colleges;
16 eliminating references to the State Board of
17 Community Colleges; providing for community
18 colleges to offer baccalaureate degrees;
19 reenacting and amending s. 240.303, F.S.;
20 defining the terms "community college" and
21 "junior college" to have the same meaning;
22 reenacting and amending s. 240.3031, F.S.;
23 specifying the institutions that comprise the
24 state's community colleges; deleting obsolete
25 provisions; redesignating St. Petersburg Junior
26 College; repealing ss. 240.305, 240.309,
27 240.311, 240.3115, F.S., relating to the
28 establishment, organization, and duties of the
29 State Board of Community Colleges; reenacting
30 and amending s. 240.312, F.S.; providing
31 requirements for the director of the Division

1 of Community Colleges with respect to program
2 reviews of community colleges; deleting
3 obsolete provisions; reenacting and amending s.
4 240.313, F.S.; relating to the establishment
5 and organization of district boards of
6 trustees; defining the district board of
7 trustees, community college district, and
8 community college as one legal entity;
9 eliminating references to the number of members
10 on a district board; clarifying the time for
11 taking office; reenacting and amending s.
12 240.315, F.S.; specifying powers of the boards
13 of trustees as corporations; reenacting and
14 amending s. 240.317, F.S., relating to
15 legislative intent concerning community
16 colleges; conforming provisions to changes made
17 by the act; creating s. 240.318, F.S.;
18 providing duties and powers of community
19 college presidents; authorizing the president
20 to delegate such powers and duties; reenacting
21 and amending s. 240.319, F.S.; providing duties
22 and powers of community college district boards
23 of trustees; authorizing district boards of
24 trustees to delegate such powers and duties;
25 eliminating obsolete provisions; providing
26 duties and powers of the State Board of
27 Education; transferring specified duties from
28 the Department of Education to the district
29 boards of trustees; reenacting s. 240.3191,
30 F.S., relating to community college student
31 handbooks; reenacting s. 240.3192, F.S.,

1 relating to HIV and AIDS policy; reenacting s.
2 240.3193, F.S., relating to the student
3 ombudsman office; reenacting and amending s.
4 240.3195, F.S.; revising provisions governing
5 the community college retirement system;
6 conforming provisions to changes made by the
7 act; repealing s. 240.32, F.S., relating to the
8 approval of new programs at community colleges;
9 reenacting and amending s. 240.321, F.S.;
10 requiring district boards to adopt rules
11 governing admissions; conforming provisions to
12 changes made by the act; reenacting and
13 amending s. 240.3215, F.S.; providing standards
14 for student performance for the award of
15 degrees and certificates; reenacting and
16 amending s. 240.323, F.S., relating to student
17 records; transferring duties from the State
18 Board of Community Colleges to the State Board
19 of Education; reenacting and amending s.
20 240.324, F.S.; providing requirements for
21 community college district boards of trustees
22 with respect to accountability and evaluations;
23 repealing s. 240.325, F.S., relating to minimum
24 standards, definitions, and guidelines for
25 community colleges; reenacting and amending s.
26 240.326, F.S.; requiring each board of trustees
27 to adopt an antihazing policy; removing a
28 requirement that the State Board of Education
29 approve such policy; reenacting s. 240.327,
30 F.S., relating to planning and construction of
31 community college facilities; amending and

1 reenacting s. 240.331, F.S., relating to
2 community college direct-support organizations;
3 requiring that the audit report be submitted to
4 the Commissioner of Education; conforming
5 provisions to changes made by the act;
6 reenacting and amending s. 240.3315, F.S.,
7 relating to statewide community college
8 direct-support organizations; requiring
9 certification by the State Board of Education;
10 requiring the Commissioner of Education to
11 appoint a representative to the organization's
12 board and executive committee; reenacting and
13 amending s. 240.333, F.S.; providing for the
14 purchase of land by a municipality; reenacting
15 and amending s. 240.3335, F.S.; specifying
16 duties of the State Board of Education with
17 respect to centers of technology innovation;
18 conforming provisions to changes made by the
19 act; reenacting and amending s. 240.334, F.S.,
20 relating to technology transfer centers at
21 community colleges; specifying duties of the
22 State Board of Education; reenacting s.
23 240.3341, F.S., relating to incubator
24 facilities for small businesses; reenacting and
25 amending s. 240.335, F.S., relating to
26 employment of community college personnel;
27 clarifying employment authority of the
28 president, district board of trustees, and
29 State Board of Education; reenacting and
30 amending s. 240.3355, F.S.; providing duties of
31 the State Board of Education and the director

1 of the Division of Community Colleges with
2 respect to the employment equity accountability
3 program for community colleges; conforming
4 provisions to changes made by the act;
5 reenacting and amending s. 240.337, F.S.;
6 requiring each district board of trustees to
7 adopt rules governing personnel records;
8 reenacting and amending s. 240.339, F.S.;
9 providing for a letter of appointment for
10 administrative and instructional staff;
11 reenacting and amending s. 240.341, F.S.;
12 revising requirements for required classroom
13 contact hours; reenacting and amending s.
14 240.343, F.S., relating to sick leave; deleting
15 obsolete provisions; reenacting 240.344, F.S.,
16 relating to retirement annuities; reenacting
17 and amending s. 240.345, F.S., relating to
18 financial support of community colleges;
19 requiring the State Board of Education to adopt
20 rules for deferring student fees; reenacting
21 and amending s. 240.347, F.S., relating to the
22 State Community College Program Fund; deleting
23 obsolete provisions; reenacting s. 240.349,
24 F.S., relating to requirements for
25 participation in the Community College Program
26 Fund; reenacting and amending s. 240.35, F.S.,
27 relating to student fees; authorizing a
28 district board of trustees to set matriculation
29 and tuition fees, based on a fee schedule
30 adopted by the State Board of Education;
31 reenacting s. 240.353, F.S., relating to a

1 procedure for determining the number of
2 instruction units; reenacting and amending s.
3 240.3575, F.S., relating to economic
4 development centers; authorizing the State
5 Board of Education to award grants; reenacting
6 and amending s. 240.359, F.S., relating to
7 state financial support and annual
8 apportionment of funds; eliminating provisions
9 providing for funding programs for disabled
10 students; conforming provisions to changes made
11 by the act; reenacting and amending s. 240.36,
12 F.S.; renaming the Dr. Philip Benjamin Academic
13 Improvement Program for Community Colleges;
14 consolidating current matching grant programs;
15 establishing guidelines for contributions;
16 revising the allocation process; reenacting and
17 amending s. 240.361, F.S., relating to budgets
18 for community colleges; requiring the Division
19 of Community Colleges to review budgets;
20 reenacting and amending s. 240.363, F.S.,
21 relating to financial accounting and
22 expenditures; requiring the State Board of
23 Education to adopt rules; authorizing a
24 district board of trustees to adopt rules for
25 transferring funds to direct-support
26 organizations; reenacting s. 240.364, F.S.,
27 relating to prohibited expenditures; reenacting
28 s. 240.365, F.S., relating to delinquent
29 accounts; reenacting and amending s. 240.367,
30 F.S., relating to current loans to community
31 college district boards of trustees;

1 transferring approval power from the Department
2 of Education to the State Board of Education;
3 reenacting s. 240.369, F.S., relating to an
4 exemption provided for community colleges from
5 regulation by a county civil service
6 commission; reenacting s. 240.371, F.S.,
7 relating to the transfer of benefits arising
8 under local or special acts; reenacting and
9 amending s. 240.375, F.S., relating to costs
10 for civil actions against officers, employees,
11 or agents of district boards of trustees;
12 providing that failure of a board to take
13 certain actions does not constitute a cause of
14 action against the board; reenacting and
15 amending s. 240.376, F.S.; providing
16 responsibilities of a board of trustees with
17 respect to property held for the benefit of the
18 community colleges; reenacting and amending s.
19 240.3763, F.S.; providing requirements for a
20 district board of trustees with respect to
21 self-insurance services; reenacting and
22 amending s. 240.377, F.S.; clarifying the
23 authority of a district board of trustees over
24 the budget for promotions and public relations;
25 reenacting s. 240.379, F.S., relating to the
26 applicability of certain laws to community
27 colleges; reenacting and amending s. 240.38,
28 F.S., relating to community college police;
29 defining the term "campus"; eliminating
30 requirements that certain personnel rules
31 conform to the Career Service System;

1 reenacting s. 240.3815, F.S., relating to
2 reporting campus crime statistics; reenacting
3 and amending s. 240.382, F.S., relating to
4 child development training centers; conforming
5 provisions to changes made by the act;
6 reenacting and amending s. 240.383, F.S.,
7 relating to the State Community College
8 Facility Enhancement Challenge Grant Program;
9 conforming provisions to changes made by the
10 act; reenacting and amending s. 240.3836, F.S.,
11 relating to site-determined baccalaureate
12 access; specifying duties of the State Board of
13 Education; reenacting and amending s. 240.384,
14 F.S., relating to training school consolidation
15 pilot projects; providing for the State Board
16 of Education to make certain budget requests
17 with respect to a project; redesignating part
18 IV of ch. 240, F.S., as "State-funded Student
19 Assistance"; reenacting s. 240.40, F.S.,
20 relating to the State Student Financial
21 Assistance Trust Fund; reenacting and amending
22 s. 240.4015, F.S.; redesignating the Florida
23 Merit Scholarship Program as the Florida
24 Medallion Scholarship Program; reenacting and
25 amending s. 240.40201, F.S.; revising the
26 eligibility period for the Florida Bright
27 Futures Scholarship Program; conforming
28 provisions to changes made by the act;
29 reenacting and amending ss. 240.40202,
30 240.40203, 240.40204, F.S.; revising
31 eligibility requirements for the Florida Bright

1 Futures Scholarship Program; revising
2 application dates; providing for initial
3 acceptance of a scholarship to conform to
4 changes made by the act; prohibiting awards to
5 students earning credit hours designated at the
6 postbaccalaureate level; eliminating obsolete
7 provisions; reenacting and amending ss.
8 240.40205, 240.40206, 240.40207, F.S., relating
9 to Florida Academic Scholars awards; conforming
10 provisions to changes made by the act;
11 eliminating obsolete provisions; providing for
12 the calculation of awards; repealing s.
13 240.40208, F.S., relating to a transition from
14 certain scholarships to the Bright Futures
15 Program; reenacting and amending s. 240.40209,
16 F.S.; requiring that awards be calculated using
17 fees prescribed by the Department of Education;
18 reenacting s. 240.40242, F.S., relating to the
19 use of criteria under the Bright Futures
20 Program for scholarships for children of
21 deceased or disabled veterans; reenacting and
22 amending s. 240.404, F.S.; revising eligibility
23 requirements for state-funded student
24 assistance; conforming provisions to changes
25 made by the act; reenacting and amending s.
26 240.40401, F.S.; revising requirements for
27 developing the state-funded student assistance
28 database; reenacting ss. 240.4041, 240.4042,
29 F.S., relating to state financial aid for
30 students with a disability and the appeal
31 process for financial aid; creating s.

1 240.4043, F.S.; providing state-funded fee
2 waivers for certain students at state
3 universities, public postsecondary education
4 institutions, technical centers, and community
5 colleges; reenacting and amending s. 240.405,
6 F.S.; providing for state-funded assistance for
7 school employees; requiring that the Department
8 of Education administer the program; providing
9 for loan repayments and tuition reimbursement
10 of college expenses for students who are
11 employed in areas of certain critical
12 shortages; providing for a loan forgiveness
13 program; providing for a grant program;
14 providing for a minority teacher education
15 scholars program; providing eligibility
16 requirements; repealing ss. 240.4063, 240.4064,
17 240.4065, F.S., relating to the Florida Teacher
18 Scholarship and Forgivable Loan Program, the
19 Critical Teacher Shortage Tuition Reimbursement
20 Program, and the Critical Teacher Shortage
21 Program; reenacting s. 240.4067, F.S., relating
22 to the Medical Education Reimbursement and Loan
23 Repayment Program; repealing s. 240.40685,
24 F.S., relating to the Certified Education
25 Paraprofessional Welfare Transition Program;
26 reenacting and amending s. 240.4069, F.S.,
27 relating to the Virgil Hawkins Fellows
28 Assistance Program; providing for the
29 fellowship to be available to minority students
30 enrolled at all public law schools in the
31 state; conforming provisions to changes made by

1 the act; reenacting ss. 240.4075, 240.4076,
2 F.S., relating to the Nursing Student Loan
3 Forgiveness Program and the nursing scholarship
4 program; repealing s. 240.4082, F.S., relating
5 to the Teacher/Quest Scholarship Program;
6 reenacting and amending s. 240.409, F.S.;
7 providing for a Student Assistance Grant
8 Program; incorporating provisions governing
9 certain need-based student grants; revising the
10 eligibility period for certain state-funded,
11 need-based student assistance programs;
12 conforming provisions to changes made by the
13 act; requiring the State Board of Education to
14 adopt rules; repealing ss. 240.4095, 240.4097,
15 F.S., relating to the Florida Private Student
16 Assistance Grant Program and the Florida
17 Postsecondary Student Assistance Grant Program;
18 reenacting and amending s. 240.4098, F.S.;
19 providing requirements for state-funded student
20 assistance; repealing s. 240.40985, F.S.,
21 relating to Elderly Education Program Grants;
22 reenacting and amending s. 240.412, F.S.,
23 relating to the Jose Marti Scholarship
24 Challenge Grant Program; revising eligibility
25 requirements; reenacting s. 240.4125, F.S.,
26 relating to the Mary McLeod Bethune Scholarship
27 Program; reenacting and amending s. 240.4126,
28 F.S.; authorizing certain scholarships under
29 the Rosewood Family Scholarship Program;
30 reenacting s. 240.4128, F.S., relating to the
31 minority teacher education scholars program;

1 reenacting and amending s. 240.4129, F.S.;

2 revising the appointment of members to the

3 Florida Fund for Minority Teachers, Inc., to

4 conform to changes made by the act; reenacting

5 and amending s. 240.413, F.S., relating to the

6 Seminole and Miccosukee Indian Scholarships;

7 revising eligibility requirements; repealing

8 ss. 240.414, 240.4145, 240.4146, 240.417, F.S.,

9 relating to the Latin American and Caribbean

10 Basin Scholarship Program, the African and

11 Afro-Caribbean Scholarship Program, the

12 Nicaraguan and Haitian Scholarship Program, and

13 increased registration or tuition fees for

14 funding financial aid programs; reenacting s.

15 240.418, F.S., relating to need-based financial

16 aid; reenacting and amending s. 240.421, F.S.;

17 creating the Florida Advisory Council for

18 State-Funded Student Assistance; conforming

19 provisions to changes made in the act;

20 reenacting and amending s. 240.424, F.S.;

21 revising duties of the Department of Education

22 to conform to changes made in the act;

23 reenacting ss. 240.429, 240.431, F.S., relating

24 to certain activities of the department and

25 funding; reenacting and amending s. 240.437,

26 F.S.; providing for developing and

27 administering state-funded student assistance;

28 reenacting ss. 240.439, 240.441, 240.447,

29 240.449, 240.451, 240.453, 240.457, 240.459,

30 240.4595, 240.461, 240.463, F.S., relating to

31 the Student Loan Program; reenacting and

1 amending s. 240.465, F.S., relating to the
2 handling of delinquent accounts by the
3 Department of Education; reenacting ss. 240.47,
4 240.471, 240.472, 240.473, 240.474, 240.475,
5 240.476, 240.477, 240.478, 240.479, 240.48,
6 240.481, 240.482, 240.483, 240.484, 240.485,
7 240.486, 240.487, 240.488, 240.489, 240.49,
8 240.491, 240.492, 240.493, 240.494, 240.495,
9 240.496, 240.497, F.S., relating to the Florida
10 Higher Education Loan Act; reenacting s.
11 240.4975, F.S., relating to the authority of
12 the State Board of Administration to borrow and
13 lend funds to finance student loans; reenacting
14 and amending s. 240.498, F.S.; revising
15 requirements for appointing members to the
16 board of the Florida Education Fund; repealing
17 s. 240.4986, F.S., relating to the Health Care
18 Education Quality Enhancement Challenge Grant
19 Program for Community Colleges; reenacting and
20 amending s. 240.4987, F.S.; expanding the
21 institutions participating in the Florida
22 Minority Medical Education Program; reenacting
23 ss. 240.4988, 240.4989, F.S., relating to the
24 Theodore R. and Vivian M. Johnson Scholarship
25 Program and educational leadership enhancement
26 grants; creating s. 240.499, F.S.; providing
27 for the William L. Boyd, IV, Florida resident
28 access grants; providing requirements for
29 eligibility; providing a funding formula;
30 creating s. 240.4991, F.S.; providing for an
31 Ethics in Business Scholarship Program;

1 creating s. 240.4992, F.S.; providing for
2 ethics in business scholarships; authorizing
3 the State Board of Education to adopt rules;
4 creating s. 240.4993, F.S.; providing for a
5 Florida Work Experience Program; providing for
6 eligibility; requiring the department to adopt
7 rules; reenacting and amending s. 240.501,
8 F.S.; revising provisions authorizing the Board
9 of Trustees of the University of Florida to
10 receive grants of money appropriated under a
11 specified Act of Congress; requiring that
12 agricultural and home economics extension work
13 be carried on in connection with the Institute
14 of Food and Agricultural Sciences; repealing s.
15 240.503, F.S., relating to assent by the
16 Legislature to receive certain grants; creating
17 s. 240.504, F.S.; providing the assent of the
18 Legislature to provisions of a specified Act of
19 Congress; authorizing the Board of Trustees of
20 Florida Agricultural and Mechanical University
21 to receive certain grants; reenacting and
22 amending s. 240.505, F.S.; providing for the
23 administration of and program support for the
24 Florida Cooperative Extension Service;
25 providing for extension agents to be appointed
26 as faculty members; providing for joint
27 employment and personnel policies; requiring
28 availability of certain program materials;
29 reenacting and amending s. 240.507, F.S.;
30 authorizing the Institute of Food and
31 Agricultural Sciences to pay the employer's

1 share of certain required premiums; reenacting
2 s. 240.5095, F.S., relating to research and
3 development programs funded by pari-mutual
4 wagering revenues; reenacting and amending s.
5 240.511, F.S.; authorizing acceptance of
6 certain federal appropriations for the
7 Institute of Food and Agricultural Sciences;
8 reenacting and amending s. 240.5111, F.S.,
9 relating to the Multidisciplinary Center for
10 Affordable Housing; conforming provisions to
11 changes made by the act; reenacting and
12 amending ss. 240.512, 240.5121, F.S.; revising
13 certain provisions for use of lands and
14 facilities on the campus of the University of
15 South Florida; revising requirements for the
16 not-for-profit corporation operating the H. Lee
17 Moffitt Cancer Center and Research Institute;
18 establishing an approval process for
19 not-for-profit corporate subsidiaries;
20 providing conditions for sovereign immunity for
21 the not-for-profit corporation and its
22 subsidiaries; providing duties of a chief
23 executive officer; providing duties of the
24 State Board of Education; conforming provisions
25 to changes made by the act; authorizing the
26 State Board of Education to adopt rules;
27 reenacting and amending s. 240.513, F.S.,
28 relating to the J. Hillis Miller Health Center
29 at the University of Florida; including
30 additional teaching hospitals as part of the
31 center; providing duties of the university

1 board of trustees; conforming provisions to
2 changes made by the act; reenacting and
3 amending s. 240.5135, F.S., relating to Shands
4 Jacksonville Healthcare, Inc.; authorizing the
5 Board of Trustees of the University of Florida
6 to secure liability coverage; eliminating
7 references to the Board of Regents; reenacting
8 and amending s. 240.514, F.S.; eliminating
9 authorization of the Louis De La Parte Florida
10 Mental Health Institute to use the pay plan of
11 the State University System; reenacting s.
12 240.515, F.S., relating to the Florida Museum
13 of Natural History; reenacting s. 240.516,
14 F.S., relating to vertebrate paleontological
15 sites and remains; reenacting s. 240.5161,
16 F.S., relating to the program of vertebrate
17 paleontology within the Florida Museum of
18 Natural History; reenacting and amending s.
19 240.5162, F.S., relating to field investigation
20 permits; conforming a cross-reference;
21 reenacting s. 240.5163, F.S., relating to the
22 preservation of certain rights of mine or
23 quarry operators and dragline or heavy
24 equipment operations; reenacting and amending
25 s. 240.517, F.S., relating to the furnishing of
26 books by the Clerk of the Supreme Court;
27 eliminating references to the Board of Regents;
28 reenacting s. 240.518, F.S., relating to the
29 Historically Black College and University
30 Library Improvement Program; amending s.
31 240.5185, F.S.; providing for small grants to

1 faith-based organizations for partnerships with
2 universities and colleges; eliminating obsolete
3 reporting requirements; repealing s.
4 240.5186(10), F.S., relating to the community
5 computer access grant program; eliminating
6 obsolete reporting requirements; repealing ss.
7 240.519, 240.52, F.S., relating to a school of
8 optometry and collections management for
9 museums and galleries of the State University
10 System; reenacting and amending s. 240.527,
11 F.S., relating to the University of South
12 Florida at St. Petersburg; providing duties of
13 the State Board of Education; eliminating
14 obsolete funding requirements; providing
15 rulemaking authority; amending s. 240.5275,
16 F.S., relating to the University of South
17 Florida Sarasota/Manatee; conforming provisions
18 to changes made by the act; providing
19 rulemaking authority; amending s. 240.5277,
20 F.S., relating to New College of Florida;
21 conforming provisions; providing that the
22 student body president is an ex officio, voting
23 member of the board of trustees; amending s.
24 240.5278, F.S.; revising requirements for
25 certain policies of St. Petersburg College;
26 providing duties of the State Board of
27 Education; requiring that the Commissioner of
28 Education resolve issues involving
29 upper-division students; eliminating obsolete
30 provisions; repealing ss. 240.528, 240.5285,
31 F.S., relating to the Broward County campuses

1 of Florida Atlantic University and the Florida
2 Atlantic University campuses; reenacting and
3 amending s. 240.529, F.S., relating to public
4 accountability and state approval for teacher
5 preparation programs; eliminating obsolete
6 provisions; authorizing colleges to establish
7 preteacher and teacher education pilot
8 programs; repealing ss. 240.52901, 240.5291,
9 240.53, F.S., relating to rules for teaching
10 students with limited English proficiency,
11 teaching profession enhancement grants, and
12 postdoctoral programs to train faculty to
13 provide middle childhood education training and
14 technical assistance; reenacting and amending
15 s. 240.531, F.S.; providing for governance of
16 educational research centers by the university
17 board of trustees rather than the Board of
18 Regents; authorizing boards of trustees to
19 adopt rules; authorizing funding using a
20 portion of the Capital Improvement Trust Fund;
21 reenacting and amending s. 240.5321, F.S.;
22 requiring the State Board of Education rather
23 than the Board of Regents to establish a Center
24 for Brownfield Rehabilitation Assistance;
25 reenacting and amending s. 240.5325, F.S.;
26 providing duties of the State Board of
27 Education and the Commissioner of Education
28 with respect to research activities relating to
29 solid and hazardous waste management;
30 eliminating obsolete provisions; repealing s.
31 240.5326, F.S., relating to research protocols

1 to determine the most appropriate pollutant
2 dispersal agents; reenacting s. 240.5329, F.S.,
3 relating to the Florida LAKEWATCH Program;
4 reenacting and amending s. 240.533, F.S.;
5 creating the Council on Equity in Athletics
6 from among the state universities and colleges;
7 requiring the Commissioner of Education to
8 serve as chair of the council; providing for
9 membership on the council; requiring the State
10 Board of Education to determine the level of
11 funding and support for women's intercollegiate
12 athletics; requiring gender equity plans;
13 eliminating obsolete provisions; repealing ss.
14 240.5339, 240.5340, 240.5341, 240.5342,
15 240.5343, 240.5344, 240.5345, 240.5346,
16 240.5347, 240.5348, 240.5349, F.S., relating to
17 the Collegiate Athletic Association Compliance
18 Enforcement Procedures Act; reenacting and
19 amending s. 240.535, F.S.; assigning the New
20 World School of the Arts to the State Board of
21 Education and other entities; conforming
22 provisions to changes made by the act;
23 repealing ss. 240.539, 240.540, 240.541, F.S.,
24 relating to advanced technology research, the
25 incubator facilities program, and postsecondary
26 education programs of excellence; amending s.
27 240.551, F.S., relating to the Florida Prepaid
28 College Program; conforming provisions to
29 changes made by the act; including certain
30 colleges within state postsecondary
31 institutions; providing for the Attorney

1 General, the Chief Financial Officer, the
2 Director of the Division of Colleges and
3 Universities, and the Director of the Division
4 of Community Colleges to be members of the
5 Florida Prepaid College Board; requiring the
6 Chief Financial Officer to approve qualified
7 public depositories; providing for strategic
8 alliances with certain entities; reenacting s.
9 240.552, F.S., relating to the Florida Prepaid
10 Tuition Scholarship Program; reenacting and
11 amending s. 240.553, F.S.; authorizing the
12 Florida College Savings Program Board to
13 establish agreements with colleges; authorizing
14 alliances with certain entities; repealing ss.
15 240.6045, 240.605, 240.6054, 240.606, F.S.,
16 relating to the limited-access competitive
17 grant program, William L. Boyd, IV, Florida
18 resident access grants, ethics in business
19 scholarships, and the Florida Work Experience
20 Program; reenacting and amending s. 240.607,
21 F.S.; authorizing community college boards of
22 trustees to develop and sign articulation
23 agreements; eliminating obsolete provisions;
24 repealing ss. 240.6071, 240.6072, 240.6073,
25 240.6074, 240.6075, 240.609, F.S., relating to
26 the occupational therapist or physical
27 therapist critical shortage program, a student
28 loan forgiveness program, a scholarship loan
29 program, a tuition reimbursement program, and
30 postsecondary endowment grants; reenacting and
31 amending s. 240.61, F.S., relating to the

1 college reach-out program; conforming
2 provisions to changes made by the act;
3 eliminating a requirement that the State Board
4 of Education give preference to a program that
5 identifies participants from among students who
6 are not already enrolled in similar programs;
7 eliminating a requirement that certain
8 appropriations be for initiatives and
9 performances; revising the membership of the
10 advisory council; requiring that the
11 Commissioner of Education appoint members to
12 the advisory council unless otherwise provided;
13 authorizing representation from the Council for
14 Education Policy Research and Improvement,
15 state colleges, universities, community
16 colleges, and equal opportunity coordinators;
17 revising reporting requirements; eliminating
18 funding requirements; reenacting s. 240.631,
19 F.S., relating to the Institute for
20 Nonviolence; reenacting and amending s.
21 240.632, F.S.; requiring the State Board of
22 Education to establish the Institute for
23 Nonviolence; revising membership of the
24 advisory board; reenacting ss. 240.633,
25 240.634, F.S., relating to the powers and
26 duties of the Institute for Nonviolence and
27 institute fellowships; reenacting and amending
28 s. 240.636, F.S., relating to research of the
29 Rosewood incident; eliminating obsolete
30 provisions; reenacting and amending s. 240.70,
31 F.S.; including state colleges in provisions

1 for courses to assist substance-abuse
2 recognition and referral; reenacting and
3 amending s. 240.701, F.S.; including state
4 colleges in provisions establishing incentives
5 for internships for disadvantaged areas;
6 reenacting and amending s. 240.702, F.S.;
7 authorizing the Commissioner of Education to
8 designate a conflict resolution consortium
9 center; eliminating obsolete provisions;
10 reenacting and amending s. 240.705, F.S.;
11 authorizing colleges to participate in
12 partnerships to develop child protection
13 workers; reenacting and amending s. 240.706,
14 F.S., relating to the Leadership Board for
15 Applied Public Services; conforming provisions
16 to changes made by the act; reenacting and
17 amending s. 240.709, F.S.; including state
18 colleges in provisions creating the Institute
19 on Urban Policy and Commerce; amending s.
20 240.710, F.S.; authorizing the State Board of
21 Education to create the Digital Media Education
22 Coordination Group; eliminating obsolete
23 provisions; amending ss. 240.7101, 240.7105,
24 F.S., relating to the colleges of law at
25 Florida International University and Florida
26 Agricultural and Mechanical University;
27 conforming provisions to changes made by the
28 act; amending s. 240.711, 242.3305, F.S.,
29 relating to the Ringling Center for Cultural
30 Arts and the School for the Deaf and the Blind;
31 conforming cross-references; amending ss.

1 243.01, 243.105, 243.141, 243.151, F.S.,
2 relating to the educational institutions law;
3 providing for the State Board of Education to
4 assume the duties of the former Board of
5 Regents; eliminating obsolete references;
6 authorizing university and college boards of
7 trustees to enter into certain agreements to
8 lease land, purchase, or lease-purchase certain
9 lands, facilities, and related improvements;
10 providing that all agreements executed by the
11 former Board of Regents for certain purposes
12 are validated, ratified, and confirmed;
13 amending s. 243.52, F.S.; revising definitions
14 governing the funding of educational facilities
15 to conform to changes made by the act; amending
16 s. 282.005, F.S., relating to information
17 resources management; assigning certain
18 functions to the boards of trustees of
19 universities, colleges, and community colleges;
20 amending ss. 282.103, 282.105, F.S.; requiring
21 state universities, colleges, and other
22 entities to use SUNCOM; amending s. 282.106,
23 F.S.; providing for SUNCOM service to the
24 libraries of state colleges and universities;
25 amending s. 282.3031, F.S.; assigning functions
26 of information resources management to boards
27 of trustees of universities, colleges, and
28 community colleges; amending ss. 282.3063,
29 282.310, F.S.; eliminating a requirement that
30 the State University System submit a specified
31 planning and management report to the State

1 Technology Office; requiring that an annual
2 report include such planning and management
3 information from annual reports prepared by the
4 university and college boards of trustees and
5 the community college district boards of
6 trustees; eliminating obsolete provisions;
7 amending s. 284.34, F.S.; excluding
8 professional medical liability and nuclear
9 energy liability of the university boards of
10 trustees from the State Risk Management Trust
11 Fund; eliminating obsolete provisions; amending
12 s. 287.042, F.S., relating to state purchasing;
13 conforming a cross-reference to changes made by
14 the act; amending s. 447.203, F.S.;
15 establishing the university and college boards
16 of trustees as a public employer rather than
17 the former Board of Regents; eliminating
18 provisions authorizing graduate assistants as
19 nonpublic employees; providing that the
20 university or college board of trustees is the
21 legislative body for purposes of collective
22 bargaining; providing requirements for
23 selecting a student representative for
24 collective bargaining purposes; amending s.
25 447.301, F.S.; eliminating provisions
26 authorizing reimbursement for university
27 representatives for travel and per diem
28 expenses from student activity fees; amending
29 s. 447.403, F.S.; revising provisions for
30 resolving disputes involving a collective
31

1 bargaining agreement; eliminating obsolete
2 provisions; providing effective dates.

3

4 Be It Enacted by the Legislature of the State of Florida:

5

6 Section 1. Section 11.061, Florida Statutes, is
7 amended to read:

8 11.061 State, university, college, and community
9 college employee lobbyists; registration; recording
10 attendance; penalty; exemptions.--

11 (1) Any person employed by any executive, judicial, or
12 quasi-judicial department of the state or community college,
13 college, or university of the state who seeks to encourage the
14 passage, defeat, or modification of any legislation by
15 personal appearance or attendance before the House of
16 Representatives or the Senate, or any committee thereof,
17 shall, prior thereto, register as a lobbyist with the joint
18 legislative office on a form to be provided by the joint
19 legislative office in the same manner as any other lobbyist is
20 required to register, whether by rule of either house or
21 otherwise. This shall not preclude any person from contacting
22 her or his legislator regarding any matter during hours other
23 than the established business hours of the person's respective
24 agency, university, college, or community college.

25 (2)(a) Each state, university, college, or community
26 college employee ~~or employee of a community college~~ registered
27 pursuant to the provisions of this section shall:

28 1. Record with the chair of the committee any
29 attendance before any committee during established business
30 hours of the agency, university, college, or community college
31 employing the person.

1 2. Record with the joint legislative office any
2 attendance in the legislative chambers, committee rooms,
3 legislative offices, legislative hallways, and other areas in
4 the immediate vicinity during the established business hours
5 of the agency, university, college, or community college
6 employing the person.

7 (b) Any person who appears before a committee or
8 subcommittee of the House of Representatives or the Senate at
9 the request of the committee or subcommittee chair as a
10 witness or for informational purposes shall be exempt from the
11 provisions of this subsection.

12 (3) Any state, university, college, or community
13 college employee ~~or employee of a community college~~ who
14 violates any provision of this section by not registering with
15 the joint legislative office as a lobbyist or by failing to
16 record hours spent as a lobbyist in areas and activities as
17 set forth in this section during the established business
18 hours of the agency, university, college, or community college
19 employing the person shall have deducted from her or his
20 salary an amount equivalent to her or his hourly wage times
21 the number of hours that she or he was in violation of this
22 section.

23 (4) Any person employed by any executive, judicial, or
24 quasi-judicial department of the state or by any community
25 college, college, or university of the state whose position is
26 designated in that department's budget as being used during
27 all, or a portion of, the fiscal year for lobbying shall
28 comply with the provisions of subsection (1), but shall be
29 exempt from the provisions of subsections (2) and (3).

30 Section 2. Paragraphs (a), (b), and (c) of subsection
31 (2) of section 11.062, Florida Statutes, are amended to read:

1 11.062 Use of state funds for lobbying prohibited;
2 penalty.--

3 (2)(a) A department of the executive branch, a state
4 university, a state college, a community college, or a water
5 management district may not use public funds to retain a
6 lobbyist to represent it before the legislative or executive
7 branch. However, full-time employees of a department of the
8 executive branch, a state university, a state college, a
9 community college, or a water management district may register
10 as lobbyists and represent that employer before the
11 legislative or executive branch. Except as a full-time
12 employee, a person may not accept any public funds from a
13 department of the executive branch, a state university, a
14 state college, a community college, or a water management
15 district for lobbying.

16 (b) A department of the executive branch, a state
17 university, a state college, a community college, or a water
18 management district that violates this subsection may be
19 prohibited from lobbying the legislative or executive branch
20 for a period not exceeding 2 years.

21 (c) This subsection shall not be construed to prohibit
22 a department of the executive branch, a state university, a
23 state college, a community college, or a water management
24 district from retaining a lobbyist for purposes of
25 representing the entity before the executive or legislative
26 branch of the Federal Government. Further, any person so
27 retained is not subject to the prohibitions of this
28 subsection.

29 Section 3. Paragraphs (b), (c), (f), (g), and (h) of
30 subsection (2) of section 110.123, Florida Statutes, are
31 amended to read:

1 110.123 State group insurance program.--

2 (2) DEFINITIONS.--As used in this section, the term:

3 (b) "Enrollee" means all state officers and employees,
4 retired state officers and employees, surviving spouses of
5 deceased state officers and employees, and terminated
6 employees or individuals with continuation coverage who are
7 enrolled in an insurance plan offered by the state group
8 insurance program."Enrollee" includes all state university
9 and college officers and employees, retired state university
10 and college officers and employees, surviving spouses of
11 deceased state university and college officers and employees,
12 and terminated university and college employees or individuals
13 with continuation coverage who are enrolled in an insurance
14 plan offered by the state group insurance program.

15 (c) "Full-time state employees" includes all full-time
16 employees of all branches or agencies of state government
17 holding salaried positions and paid by state warrant or from
18 agency funds, and employees paid from regular salary
19 appropriations for 8 months' employment, including university
20 personnel on academic contracts, but in no case shall "state
21 employee" or "salaried position" include persons paid from
22 other-personal-services (OPS) funds."Full-time employees"
23 includes all full-time employees of the state universities and
24 colleges.

25 (f) "Part-time state employee" means any employee of
26 any branch or agency of state government paid by state warrant
27 from salary appropriations or from agency funds, and who is
28 employed for less than the normal full-time workweek
29 established by the department or, if on academic contract or
30 seasonal or other type of employment which is less than
31 year-round, is employed for less than 8 months during any

1 12-month period, but in no case shall "part-time" employee
2 include a person paid from other-personal-services (OPS)
3 funds.Part-time state employee" includes any part-time
4 employee of the state universities and colleges.

5 (g) "Retired state officer or employee" or "retiree"
6 means any state, university, or college officer or state,
7 university, or college employee who retires under a state
8 retirement system or a state optional annuity or retirement
9 program or is placed on disability retirement, and who was
10 insured under the state group insurance program at the time of
11 retirement, and who begins receiving retirement benefits
12 immediately after retirement from state, university, or
13 college office or employment.

14 (h) "State agency" or "agency" means any branch,
15 department, or agency of state government."State agency" or
16 "agency" includes any state university or college for purposes
17 of this section only.

18 Section 4. Subsection (6) of section 120.52, Florida
19 Statutes, is amended to read:

20 120.52 Definitions.--As used in this act:

21 (6) "Educational unit" means a local school district,
22 a community college district, the Florida School for the Deaf
23 and the Blind, a state university, or a state college ~~or a~~
24 ~~unit of the State University System other than the Board of~~
25 ~~Regents.~~

26 Section 5. Paragraph (a) of subsection (1) and
27 paragraph (a) of subsection (4) of section 120.55, Florida
28 Statutes, are amended to read:

29 120.55 Publication.--

30 (1) The Department of State shall:

31

1 (a)1. Publish in a permanent compilation entitled
2 "Florida Administrative Code" all rules adopted by each
3 agency, citing the specific rulemaking authority pursuant to
4 which each rule was adopted, all history notes as authorized
5 in s. 120.545(9), and complete indexes to all rules contained
6 in the code. Supplementation shall be made as often as
7 practicable, but at least monthly. The department may
8 contract with a publishing firm for the publication, in a
9 timely and useful form, of the Florida Administrative Code;
10 however, the department shall retain responsibility for the
11 code as provided in this section. This publication shall be
12 the official compilation of the administrative rules of this
13 state. The Department of State shall retain the copyright
14 over the Florida Administrative Code.

15 2. Rules general in form but applicable to only one
16 school district, community college district, or county, or a
17 part thereof, or university or college rules relating to
18 internal personnel or business and finance shall not be
19 published in the Florida Administrative Code. Exclusion from
20 publication in the Florida Administrative Code shall not
21 affect the validity or effectiveness of such rules.

22 3. At the beginning of the section of the code dealing
23 with an agency that files copies of its rules with the
24 department, the department shall publish the address and
25 telephone number of the executive offices of each agency, the
26 manner by which the agency indexes its rules, a listing of all
27 rules of that agency excluded from publication in the code,
28 and a statement as to where those rules may be inspected.

29 4. Forms shall not be published in the Florida
30 Administrative Code; but any form which an agency uses in its
31 dealings with the public, along with any accompanying

1 instructions, shall be filed with the committee before it is
2 used. Any form or instruction which meets the definition of
3 "rule" provided in s. 120.52 shall be incorporated by
4 reference into the appropriate rule. The reference shall
5 specifically state that the form is being incorporated by
6 reference and shall include the number, title, and effective
7 date of the form and an explanation of how the form may be
8 obtained.

9 (4)(a) Each year the Department of State shall furnish
10 the Florida Administrative Weekly, without charge and upon
11 request, as follows:

12 1. One subscription to each federal and state court
13 having jurisdiction over the residents of the state; the
14 Legislative Library; each state university library; each state
15 college; the State Library; each depository library designated
16 pursuant to s. 257.05; and each standing committee of the
17 Senate and House of Representatives and each state legislator.

18 2. Two subscriptions to each state department.

19 3. Three subscriptions to the library of the Supreme
20 Court of Florida, the library of each state district court of
21 appeal, the division, the library of the Attorney General,
22 each law school library in Florida, the Secretary of the
23 Senate, and the Clerk of the House of Representatives.

24 4. Ten subscriptions to the committee.

25 Section 6. Paragraphs (e) and (g) of subsection (1) of
26 section 120.81, Florida Statutes, are amended to read:

27 120.81 Exceptions and special requirements; general
28 areas.--

29 (1) EDUCATIONAL UNITS.--

30 (e) Educational units, other than the state
31 universities and colleges ~~units of the State University System~~

1 and the Florida School for the Deaf and the Blind, shall not
2 be required to make filings with the committee of the
3 documents required to be filed by s. 120.54 or s.
4 120.55(1)(a)4.

5 (g) Sections 120.569 and 120.57 do not apply to any
6 proceeding in which the substantial interests of a student are
7 determined by a state university, a state college ~~the State~~
8 ~~University System~~ or a community college district. Each
9 university and college board of trustees ~~The Board of Regents~~
10 shall establish a committee, at least half of whom shall be
11 appointed by the student government association ~~Council of~~
12 ~~Student Body Presidents~~, which shall establish rules and
13 guidelines ensuring fairness and due process in judicial
14 proceedings involving students in the state university or
15 college ~~State University System~~.

16 Section 7. Section 231.621, Florida Statutes, is
17 repealed.

18 Section 8. Notwithstanding subsection (7) of section 3
19 of chapter 2000-321, Laws of Florida, section 239.117, Florida
20 Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted and
22 amended to read:

23 239.117 Workforce development postsecondary student
24 fees.--

25 (1) This section applies to students enrolled in
26 workforce development programs who are reported for funding
27 through the Workforce Development Education Fund, except that
28 college credit fees for the community colleges are governed by
29 s. 240.35.

30 (2) All students shall be charged fees except students
31 who are exempt from fees or students whose fees are waived.

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

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

7 ~~(b) A student who has a high school diploma or its~~
8 ~~equivalent and who has academic skills at or below the eighth~~
9 ~~grade level pursuant to state board rule. A student is~~
10 ~~eligible for this exemption from fees if the student's skills~~
11 ~~are at or below the eighth grade level as measured by a test~~
12 ~~administered in the English language and approved by the~~
13 ~~Department of Education, even if the student has skills above~~
14 ~~that level when tested in the student's native language.~~

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

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

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

21 ~~(c) A student for whom the state is paying a foster~~
22 ~~care board payment pursuant to s. 409.145(3) or pursuant to~~
23 ~~parts II and III of chapter 39, for whom the permanency~~
24 ~~planning goal pursuant to part III of chapter 39 is long-term~~
25 ~~foster care or independent living, or who is adopted from the~~
26 ~~Department of Children and Family Services after May 5, 1997.~~
27 ~~Such exemption includes fees associated with enrollment in~~
28 ~~vocational-preparatory instruction and completion of the~~
29 ~~college-level communication and computation skills testing~~
30 ~~program. Such exemption shall be available to any student~~
31 ~~adopted from the Department of Children and Family Services~~

1 ~~after May 5, 1997; however, the exemption shall be valid for~~
2 ~~no more than 4 years after the date of graduation from high~~
3 ~~school.~~

4 ~~(d) A student enrolled in an employment and training~~
5 ~~program under the welfare transition program. The regional~~
6 ~~workforce board shall pay the community college or school~~
7 ~~district for costs incurred for welfare transition program~~
8 ~~participants.~~

9 ~~(e) A student who lacks a fixed, regular, and adequate~~
10 ~~nighttime residence or whose primary nighttime residence is a~~
11 ~~public or private shelter designed to provide temporary~~
12 ~~residence for individuals intended to be institutionalized, or~~
13 ~~a public or private place not designed for, or ordinarily used~~
14 ~~as, a regular sleeping accommodation for human beings.~~

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

1 ~~postsecondary education institution confirms that the~~
2 ~~conditions of this paragraph have been met.~~

3 (3)~~(5)~~ School districts and community colleges may
4 waive fees for any fee-nonexempt student. The total value of
5 fee waivers granted by the school district or community
6 college may not exceed the amount established annually in the
7 General Appropriations Act. Any student whose fees are waived
8 in excess of the authorized amount may not be reported for
9 state funding purposes. Any school district or community
10 college that waives fees and requests state funding for a
11 student in violation of the provisions of this section shall
12 be penalized at a rate equal to 2 times the value of the
13 full-time student enrollment reported.

14 (4)~~(6)~~(a) The Commissioner of Education shall provide
15 to the State Board of Education no later than December 31 of
16 each year a schedule of fees for workforce development
17 education, excluding continuing workforce education, for
18 school districts and community colleges. The fee schedule
19 shall be based on the amount of student fees necessary to
20 produce 25 percent of the prior year's average cost of a
21 course of study leading to a certificate or diploma. At the
22 discretion of a school board or a community college, this fee
23 schedule may be implemented over a 3-year period, with full
24 implementation in the 1999-2000 school year. In years
25 preceding that year, if fee increases are necessary for some
26 programs or courses, the fees shall be raised in increments
27 designed to lessen their impact upon students already
28 enrolled. Fees for students who are not residents for tuition
29 purposes must offset the full cost of instruction.
30 Fee-nonexempt students enrolled in vocational-preparatory
31 instruction shall be charged fees equal to the fees charged

1 for certificate career education instruction. Each community
2 college that conducts college-preparatory and
3 vocational-preparatory instruction in the same class section
4 may charge a single fee for both types of instruction.

5 (b) Fees for continuing workforce education shall be
6 locally determined by the school board or community college.
7 However, at least 50 percent of the expenditures for the
8 continuing workforce education program provided by the
9 community college or school district must be derived from
10 fees.

11 (c) The State Board of Education shall adopt a fee
12 schedule for school districts that produces the fee revenues
13 calculated pursuant to paragraph (a). The schedule so
14 calculated shall take effect, unless otherwise specified in
15 the General Appropriations Act.

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

19 (5)~~(7)~~ Each year the State Board of Community Colleges
20 shall review and evaluate the percentage of the cost of adult
21 programs and certificate career education programs supported
22 through student fees. For students who are residents for
23 tuition purposes, the schedule so adopted must produce
24 revenues equal to 25 percent of the prior year's average
25 program cost for college-preparatory and certificate-level
26 workforce development programs. Fees for continuing workforce
27 education shall be locally determined by the school board or
28 community college. However, at least 50 percent of the
29 expenditures for the continuing workforce education program
30 provided by the community college or school district must be
31

1 derived from fees. Fees for students who are not residents for
2 tuition purposes must offset the full cost of instruction.

3 (6)~~(8)~~ Each school board and community college board
4 of trustees may establish a separate fee for financial aid
5 purposes in an additional amount of up to 10 percent of the
6 student fees collected for workforce development programs
7 funded through the Workforce Development Education Fund. All
8 fees collected shall be deposited into a separate workforce
9 development student financial aid fee trust fund of the
10 district or community college to support students enrolled in
11 workforce development programs. Any undisbursed balance
12 remaining in the trust fund and interest income accruing to
13 investments from the trust fund shall increase the total funds
14 available for distribution to workforce development education
15 students. Awards shall be based on student financial need and
16 distributed in accordance with a nationally recognized system
17 of need analysis approved by the State Board for Career
18 Education. Fees collected pursuant to this subsection shall be
19 allocated in an expeditious manner.

20 (7)~~(9)~~ The State Board of Education and the State
21 Board of Community Colleges shall adopt rules to allow the
22 deferral of registration and tuition fees for students
23 receiving financial aid from a federal or state assistance
24 program when such aid is delayed in being transmitted to the
25 student through circumstances beyond the control of the
26 student. The failure to make timely application for such aid
27 is an insufficient reason to receive a deferral of fees. The
28 rules must provide for the enforcement and collection or other
29 settlement of delinquent accounts.

30 (8)~~(10)~~ Any veteran or other eligible student who
31 receives benefits under chapter 30, chapter 31, chapter 32,

1 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106
2 of Title 10, U.S.C., is entitled to one deferment each
3 academic year and an additional deferment each time there is a
4 delay in the receipt of benefits.

5 (9)~~(11)~~ Each school district and community college
6 shall be responsible for collecting all deferred fees. If a
7 school district or community college has not collected a
8 deferred fee, the student may not earn state funding for any
9 course for which the student subsequently registers until the
10 fee has been paid.

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

24 (11)~~(13)~~ Each school district and community college
25 shall report only those students who have actually enrolled in
26 instruction provided or supervised by instructional personnel
27 under contract with the district or community college in
28 calculations of actual full-time enrollments for state funding
29 purposes. A student who has been exempted from taking a
30 course or who has been granted academic or vocational credit
31 through means other than actual coursework completed at the

1 granting institution may not be calculated for enrollment in
2 the course from which the student has been exempted or for
3 which the student has been granted credit. School districts
4 and community colleges that report enrollments in violation of
5 this subsection shall be penalized at a rate equal to 2 times
6 the value of such enrollments. Such penalty shall be charged
7 against the following year's allocation from the Workforce
8 Development Education Fund and shall revert to the General
9 Revenue Fund.

10 (12)~~(14)~~ School boards and community college boards of
11 trustees may establish scholarship funds using donations. If
12 such funds are established, school boards and community
13 college boards of trustees shall adopt rules that provide for
14 the criteria and methods for awarding scholarships from the
15 fund.

16 (13)~~(15)~~ Each school board and community college board
17 of trustees may establish a separate fee for capital
18 improvements, technology enhancements, or equipping buildings
19 which may not exceed 5 percent of the matriculation fee for
20 resident students or 5 percent of the matriculation and
21 tuition fee for nonresident students. Funds collected by
22 community colleges through these fees may be bonded only for
23 the purpose of financing or refinancing new construction and
24 equipment, renovation, or remodeling of educational
25 facilities. The fee shall be collected as a component part of
26 the registration and tuition fees, paid into a separate
27 account, and expended only to construct and equip, maintain,
28 improve, or enhance the certificate career education or adult
29 education facilities of the school district or community
30 college. Projects funded through the use of the capital
31 improvement fee must meet the survey and construction

1 requirements of chapter 235. Pursuant to s. 216.0158, each
2 school board and community college board of trustees shall
3 identify each project, including maintenance projects,
4 proposed to be funded in whole or in part by such fee. Capital
5 improvement fee revenues may be pledged by a board of trustees
6 as a dedicated revenue source to the repayment of debt,
7 including lease-purchase agreements and revenue bonds, with a
8 term not to exceed 20 years, and not to exceed the useful life
9 of the asset being financed, only for the new construction and
10 equipment, renovation, or remodeling of educational
11 facilities. Community colleges may use the services of the
12 Division of Bond Finance of the State Board of Administration
13 to issue any bonds authorized through the provisions of this
14 subsection. Any such bonds issued by the Division of Bond
15 Finance shall be in compliance with the provisions of the
16 State Bond Act. Bonds issued pursuant to the State Bond Act
17 shall be validated in the manner provided by chapter 75. The
18 complaint for such validation shall be filed in the circuit
19 court of the county where the seat of state government is
20 situated, the notice required to be published by s. 75.06
21 shall be published only in the county where the complaint is
22 filed, and the complaint and order of the circuit court shall
23 be served only on the state attorney of the circuit in which
24 the action is pending. A maximum of 15 cents per credit hour
25 may be allocated from the capital improvement fee for child
26 care centers conducted by the school board or community
27 college board of trustees.

28 (14)~~(16)~~ Community colleges and district school boards
29 are not authorized to charge students enrolled in workforce
30 development programs any fee that is not specifically
31 authorized by statute. In addition to matriculation, tuition,

1 financial aid, capital improvement, and technology fees, as
2 authorized in this section, community colleges and district
3 school boards are authorized to establish fee schedules for
4 the following user fees and fines: laboratory fees; parking
5 fees and fines; library fees and fines; fees and fines
6 relating to facilities and equipment use or damage; access or
7 identification card fees; duplicating, photocopying, binding,
8 or microfilming fees; standardized testing fees; diploma
9 replacement fees; transcript fees; application fees;
10 graduation fees; and late fees related to registration and
11 payment. Such user fees and fines shall not exceed the cost of
12 the services provided and shall only be charged to persons
13 receiving the service. Parking fee revenues may be pledged by
14 a community college board of trustees as a dedicated revenue
15 source for the repayment of debt, including lease-purchase
16 agreements and revenue bonds with terms not exceeding 20 years
17 and not exceeding the useful life of the asset being financed.
18 Community colleges shall use the services of the Division of
19 Bond Finance of the State Board of Administration to issue any
20 revenue bonds authorized by the provisions of this subsection.
21 Any such bonds issued by the Division of Bond Finance shall be
22 in compliance with the provisions of the State Bond Act. Bonds
23 issued pursuant to the State Bond Act shall be validated in
24 the manner established in chapter 75. The complaint for such
25 validation shall be filed in the circuit court of the county
26 where the seat of state government is situated, the notice
27 required to be published by s. 75.06 shall be published only
28 in the county where the complaint is filed, and the complaint
29 and order of the circuit court shall be served only on the
30 state attorney of the circuit in which the action is pending.
31

1 ~~(15)(17)~~ Each district school board and community
2 college district board of trustees is authorized to establish
3 specific fees for workforce development instruction not
4 reported for state funding purposes or for workforce
5 development instruction not reported as state funded full-time
6 equivalent students. District school boards and district
7 boards of trustees are not required to charge any other fee
8 specified in this section for this type of instruction.

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

23 Section 9. Notwithstanding subsection (7) of section 3
24 of chapter 2000-321, Laws of Florida, section 240.105, Florida
25 Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 (Substantial rewording of section. See
29 s. 240.105, F.S., for present text.)

30 240.105 Statement of purpose and mission.--

31

1 (1) The Legislature finds that postsecondary education
2 is an integral part of the systemwide support structure that
3 upholds the principles of Florida's educational mission. Under
4 these principles, postsecondary education is to maintain
5 effective coordination with other levels and sectors of
6 education, center its efforts and accomplishments on students,
7 continuously improve student access and equity, and promote
8 accountability for student achievement and improvement to the
9 highest possible level of academic excellence. This level of
10 excellence requires each participant in postsecondary
11 educational efforts to promote education which:
12 (a) Is of the highest possible quality.
13 (b) Enables students of all ages, backgrounds, and
14 levels of income to participate in the search for knowledge
15 and individual development.
16 (c) Stresses undergraduate teaching as its main
17 priority.
18 (d) Offers selected professional, graduate, and
19 research programs with emphasis on state and national needs.
20 (e) Fosters diversity of educational opportunity.
21 (f) Promotes service to the public.
22 (g) Makes effective and efficient use of human and
23 physical resources.
24 (h) Functions cooperatively with other educational
25 institutions and systems.
26 (i) Promotes internal coordination and the wisest
27 possible use of resources.
28 (2) In providing postsecondary education, the state's
29 mission is to develop the workforce and human resources, to
30 discover and disseminate knowledge, and to extend knowledge
31 and its application beyond the campus to the benefit and

1 stimulation of society. Postsecondary education may accomplish
2 its mission only if it develops in students heightened
3 intellectual, cultural, and humane sensitivities; scientific,
4 professional, and technological expertise; and a sense of
5 purpose. Inherent in this broad mission are methods of
6 instruction, research, extended training, and public service
7 designed to educate people and improve the human condition.
8 Basic to every purpose of the system is the search for truth.

9 Section 10. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.107,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted to read:

13 240.107 College-level communication and computation
14 skills examination.--

15 (1) It is the intent of the Legislature that the
16 examination of college-level communication and computation
17 skills provided in s. 229.551 serve as a mechanism for
18 students to demonstrate that they have mastered the academic
19 competencies prerequisite to upper-division undergraduate
20 instruction. It is further intended that the examination
21 serve as both a summative evaluation instrument prior to
22 student enrollment in upper-division programs and as a source
23 of information for student advisers. It is not intended that
24 student passage of the examination supplant the need for a
25 student to complete the general education curriculum
26 prescribed by an institution.

27 (2) State universities and community colleges shall
28 conduct a minimum of two administrations, one of which may
29 consist of an alternative administration, of the college-level
30 communication and computation skills examination per academic
31 term. Such administrations shall be available to all

1 lower-division students seeking associate in arts or
2 baccalaureate degrees upon completion of at least 18 semester
3 hours or the equivalent. State universities and community
4 colleges shall report at a minimum the examination scores of
5 all students tested at each administration of the
6 college-level communication and computation skills
7 examination.

8 (3) No state university or community college shall
9 confer an associate in arts or baccalaureate degree upon any
10 student who fails to complete successfully the examination of
11 college-level communication and computation skills. Students
12 who received their associate in arts degree prior to September
13 1, 1982, shall be exempt from the provisions of this
14 subsection.

15 (4) The State Board of Education, by rule, shall set
16 the minimum scores that constitute successful completion of
17 the examination. In establishing the minimum scores that
18 constitute successful completion of the examination, the State
19 Board of Education shall consider any possible negative impact
20 of the tests on minority students. Determinations regarding a
21 student's successful completion of the examination shall be
22 based on the minimum standards prescribed by rule for the date
23 the student initially takes the examination.

24 (5) Any student who, in the best professional opinion
25 of the university, has a specific learning disability such
26 that the student can not demonstrate successful completion of
27 one or more sections of the college-level communication and
28 computation skills examination and is achieving at the college
29 level in every area except that of the disability, and whose
30 diagnosis indicates that further remediation will not succeed
31 in overcoming the disability, may appeal through the

1 appropriate dean to a committee appointed by the president or
2 vice president for academic affairs for special consideration.
3 The committee shall examine the evidence of the student's
4 academic and medical records and may hear testimony relevant
5 to the case. The committee may grant a waiver for one or more
6 sections of the college-level communication and computation
7 skills examination based on the results of its review.

8 (6) Each community college president and university
9 president shall establish a committee to consider requests for
10 waivers from the provisions of subsection (3). The committee
11 shall be chaired by the chief academic officer of the
12 institution and shall have four additional members appointed
13 by the president: a member of the mathematics department, a
14 member of the English department, the institutional test
15 administrator, and a fourth faculty member from a department
16 other than English or mathematics. Any student who has taken a
17 subtest of the examination required by this section at least
18 four times and has not achieved a passing score, but has
19 otherwise demonstrated proficiency in coursework in the same
20 subject area, may request a waiver from that particular
21 subtest. Waivers shall be considered only after students have
22 been provided test adaptations or other administrative
23 adjustments to permit the accurate measurement of the
24 student's proficiency in the subject areas measured by the
25 examination authorized in this section. The committee shall
26 consider the student's educational records and other evidence
27 as to whether the student should be able to pass the subtest
28 under consideration. A waiver may be recommended to the
29 president upon majority vote of the committee. The president
30 may approve or disapprove the recommendation. The president
31 may not approve a request which the committee has disapproved.

1 If a waiver for a given subtest is approved, the student's
2 transcript shall include a statement that the student did not
3 meet the requirements of subsection (3) and that a waiver was
4 granted.

5 (7) The State Board of Education, by rule, shall
6 establish fees for the administration of the examination to
7 private postsecondary students.

8 (8) The State Board of Education, by rule, shall
9 establish fees for the administration of the examination at
10 times other than regularly scheduled dates to accommodate
11 examinees who are unable to be tested on those dates. The
12 board shall establish the conditions under which examinees may
13 be admitted to the special administrations.

14 (9) Any student fulfilling one or both of the
15 following requirements before completion of associate in arts
16 degree requirements or baccalaureate degree requirements is
17 exempt from the testing requirements of this section:

18 (a) Achieves a score that meets or exceeds a minimum
19 score on a nationally standardized examination, as established
20 by the Articulation Coordinating Committee; or

21 (b) Demonstrates successful remediation of any
22 academic deficiencies identified by the college placement test
23 and achieves a cumulative grade point average of 2.5 or above,
24 on a 4.0 scale, in postsecondary-level coursework identified
25 by the Postsecondary Education Planning Commission. The
26 Department of Education shall specify the means by which a
27 student may demonstrate successful remediation.

28
29 Any student denied a degree prior to January 1, 1996, based on
30 the failure of at least one subtest of the CLAST may use
31 either of the alternatives specified in this subsection for

1 receipt of a degree if such student meets all degree program
2 requirements at the time of application for the degree under
3 the exemption provisions of this subsection. This section does
4 not require a student to take the CLAST before being given the
5 opportunity to use any of the alternatives specified in this
6 subsection. The exemptions provided herein do not apply to
7 requirements for certification as provided in s. 231.17.

8 Section 11. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.115,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.115 Articulation agreement; acceleration
14 mechanisms.--

15 (1)(a) Articulation between secondary and
16 postsecondary education; admission of associate in arts degree
17 graduates from Florida community colleges and state
18 universities; admission of applied technology diploma program
19 graduates from public community colleges or technical centers;
20 admission of technical ~~associate in science degree and~~
21 ~~associate in applied science~~ degree graduates from Florida
22 community colleges; the use of acceleration mechanisms,
23 including nationally standardized examinations through which
24 students may earn credit; general education requirements and
25 statewide common ~~course code~~ numbers ~~as provided for in s.~~
26 ~~229.551(1)~~; and articulation among programs in nursing shall
27 be governed by the articulation agreement, as established by
28 the State Board ~~Department~~ of Education. The articulation
29 agreement must specifically provide that every associate in
30 arts graduate of a Florida community college shall have met
31 all general education requirements and must be granted

1 admission to the upper division of a state university except
2 to a limited access or teacher certification program or a
3 major program requiring an audition. After admission has been
4 granted to students under provisions of this section and to
5 university students who have successfully completed 60 credit
6 hours of coursework, including 36 hours of general education,
7 and demonstrated college-level communication and computation
8 skills as required in ~~met the requirements of s. 240.107,~~
9 admission shall be granted to state university ~~State~~
10 ~~University System~~ and ~~Florida~~ community college students who
11 have successfully completed 60 credit hours of work, including
12 36 hours of general education. Community college associate in
13 arts graduates shall receive priority for admission to a state
14 university over out-of-state students. Orientation programs
15 and student handbooks provided to freshman enrollees and
16 transfer students at state universities must include an
17 explanation of this provision of the articulation agreement.

18 (b) Any student who transfers among postsecondary
19 institutions that are fully accredited by a regional or
20 national accrediting agency recognized by the United States
21 Department of Education and that participate in the statewide
22 course numbering system ~~common course designation and~~
23 ~~numbering system~~ shall be awarded credit by the receiving
24 institution for courses satisfactorily completed by the
25 student at the previous institutions. Credit shall be awarded
26 if the courses are judged by the appropriate statewide course
27 numbering system ~~common course designation and numbering~~
28 ~~system faculty committee task force representing school~~
29 ~~districts, community colleges, public universities, and~~
30 ~~participating nonpublic postsecondary education institutions~~
31 to be academically equivalent to courses offered at the

1 receiving institution, including equivalency of faculty
2 credentials, regardless of the public or nonpublic control of
3 the previous institution. The Department of Education shall
4 ensure that credits to be accepted by a receiving institution
5 are generated in courses for which the faculty possess
6 credentials that are comparable to those required by the
7 accrediting association of the receiving institution. The
8 award of credit may be limited to courses that are entered in
9 the statewide course numbering system ~~common course~~
10 ~~designation and numbering system~~. Credits awarded pursuant to
11 this subsection shall satisfy institutional requirements on
12 the same basis as credits awarded to native students.

13 (c) The articulation agreement must guarantee the
14 statewide articulation of appropriate workforce development
15 programs and courses between school districts and community
16 colleges and specifically provide that every applied
17 technology diploma graduate must be granted the same amount of
18 credit upon admission to a technical ~~an associate in science~~
19 ~~degree or associate in applied science~~ degree program unless
20 it is a limited access program. Preference for admission must
21 be given to graduates who are residents of Florida.

22 (d) ~~By fall semester 1998,~~The articulation agreement
23 must guarantee the statewide articulation of appropriate
24 courses within associate in science degree programs to
25 baccalaureate degree programs, according to standards
26 established by the Articulation Coordinating Committee after
27 consultation with the Division of Colleges and Universities
28 and the Division of ~~Board of Regents and the State Board of~~
29 Community Colleges. Courses within an associate in applied
30 science degree program may articulate into a baccalaureate
31

1 degree program on an individual or block basis as authorized
2 in local interinstitutional articulation agreements.

3 (e) The Commissioner of Education, in conjunction with
4 the Florida Partnership for School Readiness, the Council for
5 Education Policy Research and Improvement ~~Postsecondary~~
6 ~~Education Planning Commission~~, and the Education Standards
7 Commission, shall conduct a statewide assessment to determine
8 the extent and nature of instruction for those who work or are
9 training to work in the fields of child care and early
10 childhood education, as well as an assessment of the market
11 demand for individuals trained at various levels. Based on
12 this assessment, the Articulation Coordinating Committee shall
13 establish an articulated career path for school
14 readiness-related professions, which shall lead from
15 entry-level employment in child care and early childhood
16 education to a baccalaureate degree. The career path shall
17 provide for the articulation of:

18 1. Technical ~~Vocational~~ credit to college credit for
19 associate in science degrees;

20 2. Credit earned in associate in science or associate
21 in arts degree programs to credit in baccalaureate degree
22 programs;

23 3. Credit awarded by public and private institutions;
24 and

25 4. Credit for experiential learning associated with
26 minimum training requirements for employment. The Articulation
27 Coordinating Committee shall ensure that the articulation of
28 such credit does not jeopardize the receiving institution's
29 accreditation status.

30
31

1 ~~Before the printing of the catalog for the fall semester 2002,~~
2 The articulation agreement must guarantee the statewide
3 articulation of appropriate coursework as established in the
4 career path.

5 (2) The universities, community colleges ~~college~~
6 ~~district boards of trustees, and school districts may district~~
7 ~~school boards are authorized to~~ establish intrainstitutional
8 and interinstitutional programs to promote ~~maximize this~~
9 articulation. Programs may include upper-division-level
10 courses offered at the community college, distance education
11 ~~learning~~, transfer agreements that facilitate the transfer of
12 credits between public and nonpublic postsecondary
13 institutions, and the concurrent enrollment of students at a
14 community college and a state university to enable students to
15 take any level of baccalaureate degree coursework. If these
16 programs conflict with ~~Should the establishment of these~~
17 ~~programs necessitate the waiver of~~ existing State Board of
18 Education rules or require the ~~reallocation of funds or~~
19 revision or modification of student fees, each college or
20 university shall submit the proposed articulation program to
21 the State Board of Education for review and approval. The
22 State Board of Education may ~~is authorized to~~ waive its rules
23 and make appropriate reallocations, revisions, or
24 modifications to support articulation innovations ~~in~~
25 ~~accordance with the above.~~

26 (3) The ~~universities and~~ boards of trustees of the
27 community colleges and universities shall identify their core
28 curricula, including ~~which shall include~~ courses required by
29 the State Board of Education. The universities and community
30 colleges shall work with their school districts to assure that
31 high school curricula coordinate with the core curricula and

1 to prepare students for college-level work. The State Board of
2 Education shall adopt in rule core curricula for associate in
3 arts programs, including shall be adopted in rule by the State
4 Board of Education and shall include 36 semester hours of
5 general education courses in the subject areas of
6 communication, mathematics, social sciences, humanities, and
7 natural sciences. ~~By January 1, 1996,~~ General education
8 coursework shall be identified by statewide common course code
9 numbers, consistent with the recommendations of the
10 Articulation Coordinating Committee, pursuant to s.
11 229.551(1)(f)4. ~~By fall semester 1996, degree program~~
12 ~~prerequisite courses and course substitutions shall be~~
13 ~~available at community colleges. With the exception of~~
14 ~~programs approved by the Board of Regents pursuant to s.~~
15 ~~240.209(5)(f),~~ Degree program prerequisite courses shall be
16 common across delivery systems, available at community
17 colleges, and shall be identified by their statewide common
18 course code number consistent with the recommendations of the
19 Articulation Coordinating Committee, pursuant to s.
20 229.551(1)(f)5. A college or university may not offer any
21 unique program or program prerequisite unless it is
22 recommended by the Articulation Coordinating Committee and
23 approved by the State Board of Education or the director of
24 the Division of Colleges and Universities, if the board
25 delegates that responsibility.

26 ~~(4) The levels of postsecondary education shall~~
27 ~~collaborate in further developing and providing articulated~~
28 ~~programs in which students can proceed toward their~~
29 ~~educational objectives as rapidly as their circumstances~~
30 ~~permit. Time-shortened educational programs, as well as the~~
31 ~~use of acceleration mechanisms, shall include, but not be~~

1 ~~limited to, the International Baccalaureate, credit by~~
2 ~~examination or demonstration of competency, advanced~~
3 ~~placement, early admissions, and dual enrollment.~~

4 ~~(4)(5)~~ By fall semester of 1995, Each state university
5 and community college shall offer to all students each
6 semester, prior to drop-add, nationally standardized
7 examinations listed in the articulation agreement, or
8 institutionally developed examinations, through which students
9 may earn credit in those general subject areas which are
10 required or may be applied toward general education
11 requirements for a baccalaureate degree at that university or
12 associate degree at the community college. A student
13 satisfactorily completing such examinations shall receive full
14 credit for the course the same as if it had been taken,
15 completed, and passed.

16 ~~(5)(6)~~ An associate in arts degree requires ~~shall~~
17 ~~require~~ no more than 60 semester hours of college credit,
18 including 36 semester hours of general education coursework.
19 Except for college-preparatory coursework required pursuant to
20 s. 240.117, all required coursework shall count toward the
21 associate in arts degree or the baccalaureate degree. ~~By fall~~
22 ~~semester of 1996,~~ A baccalaureate degree program requires
23 ~~shall require~~ no more than 120 semester hours of college
24 credit, including 36 semester hours of general education
25 coursework, unless prior approval has been granted by the
26 State Board of Education or the director of the Division of
27 Colleges and Universities if the board delegates that
28 responsibility ~~Board of Regents.~~ Of the credit hours in
29 courses required for each baccalaureate degree, a student must
30 be able to earn at least half through courses designated as
31 lower-division courses, except in degree programs approved by

1 the State Board of Education or the director of the Division
2 of Colleges and Universities, if the board delegates that
3 responsibility. Any community college may offer a course
4 designated as lower division.

5 (6)(7) A student who received an associate in arts
6 degree for successfully completing 60 semester credit hours
7 may continue to earn additional credits at a community
8 college. The university must provide credit toward the
9 student's baccalaureate degree for an additional community
10 college course if, according to the statewide course numbering
11 ~~common course numbering and designation~~ system, the community
12 college course is a course listed in the university catalog as
13 required for the degree or as prerequisite to a course
14 required for the degree.

15 Section 12. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.116,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section, as amended by section
19 6 of chapter 2001-254, Laws of Florida, is reenacted and
20 amended to read:

21 240.116 Articulated acceleration.--

22 (1) ~~It is the intent of the Legislature that a variety~~
23 ~~of Articulated acceleration mechanisms~~ should be widely be
24 ~~available for secondary and postsecondary students attending~~
25 ~~public educational institutions. It is intended that~~
26 ~~articulated acceleration serve to shorten the time~~ needed to
27 ~~earn necessary for a student to complete the requirements~~
28 ~~associated with the conference of a high school diploma and a~~
29 ~~postsecondary degree, broaden the scope of curricular options~~
30 ~~available to students, or increase the depth of study~~
31 ~~available for a particular subject. Eligible~~ It is the intent

1 ~~of the Legislature that~~ students who meet the eligibility
2 requirements of this subsection and who choose to participate
3 in dual enrollment programs, including early admissions
4 programs, are ~~be~~ exempt from the ~~payment of~~ registration,
5 matriculation, and laboratory fees. Annually, the Legislature
6 shall reimburse ~~Such fees for dually enrolled students shall~~
7 ~~be reimbursed to~~ participating postsecondary institutions as
8 provided ~~annually~~ in the General Appropriations Act; however,
9 a postsecondary institution that earns dual enrollment FTE
10 funds from the Florida Education Finance Program as a charter
11 school is not ~~shall not be~~ eligible for the tuition
12 reimbursement. Articulated acceleration mechanisms ~~shall~~
13 include at least, ~~but not be limited to,~~ dual enrollment,
14 early admission, advanced placement, credit by examination,
15 and the International Baccalaureate Program. A student is
16 exempt from the payment of any fees for administration of an
17 examination required to earn college credit after enrollment
18 in an advanced placement or International Baccalaureate
19 Program. The State Board of Education shall adopt rules for
20 any dual enrollment programs involving requirements for high
21 school graduation.

22 (2)(a)1. The dual enrollment program is the enrollment
23 of an eligible secondary student in a postsecondary course
24 creditable toward a technical ~~vocational~~ certificate or an
25 associate or baccalaureate degree. For the purpose of this
26 subparagraph, an eligible secondary student is a student who
27 is enrolled in a Florida public secondary school or in a
28 Florida nonpublic secondary school that ~~which~~ is in compliance
29 with s. 229.808 and conducts a secondary curriculum pursuant
30 to s. 232.246. A student may ~~Students enrolled in~~
31 ~~postsecondary instruction that is not creditable toward the~~

1 ~~high school diploma shall~~ not be classified as a dual
2 enrollment student unless the student's postsecondary course
3 work provides credit toward the high school diploma
4 enrollments. Eligible students may ~~who are eligible for dual~~
5 ~~enrollment pursuant to this section shall be permitted to~~
6 enroll in dual enrollment courses regardless of whether they
7 are conducted during school hours, after school hours, or ~~and~~
8 during the summer term. Instructional time for such enrollment
9 may exceed 900 hours; however, the school district may ~~only~~
10 report the student for a maximum of 1.0 FTE, as provided in s.
11 236.013(5). The following courses are not dual enrollment
12 courses: ~~Any student so enrolled is exempt from the payment of~~
13 ~~registration, matriculation, and laboratory fees. With the~~
14 ~~exception of~~ vocational-preparatory instruction,
15 college-preparatory instruction, any ~~and~~ other forms of
16 precollegiate instruction, and ~~as well as~~ physical education
17 or recreation and leisure studies courses that focus on the
18 physical execution of a skill rather than the intellectual
19 attributes of the activity, ~~are ineligible for inclusion in~~
20 ~~the dual enrollment program. Recreation and leisure studies~~
21 ~~courses shall be evaluated individually in the same manner as~~
22 ~~physical education courses for potential inclusion in the~~
23 ~~program.~~

24 2. The Department of Education shall adopt guidelines
25 designed to achieve comparability across school districts of
26 both student qualifications and teacher qualifications for
27 dual enrollment courses. A qualified student ~~qualifications~~
28 must demonstrate readiness for the level of coursework in
29 which the student wishes to enroll ~~college-level coursework if~~
30 ~~the student is to be enrolled in college courses.~~ The
31 interinstitutional articulation agreement must identify any

1 additional participation requirements, such as specific
2 grade-point averages.~~Student qualifications must demonstrate~~
3 ~~readiness for vocational-level coursework if the student is to~~
4 ~~be enrolled in vocational courses. In addition to the common~~
5 ~~placement examination, student qualifications for enrollment~~
6 ~~in college credit dual enrollment courses must include a 3.0~~
7 ~~unweighted grade point average, and student qualifications for~~
8 ~~enrollment in vocational certificate dual enrollment courses~~
9 ~~must include a 2.0 unweighted grade point average. Exceptions~~
10 ~~to the required grade point averages may be granted if the~~
11 ~~educational entities agree and the terms of the agreement are~~
12 ~~contained within the dual enrollment interinstitutional~~
13 ~~articulation agreement. Community college boards of trustees~~
14 ~~may establish additional admissions criteria, which shall be~~
15 ~~included in the district interinstitutional articulation~~
16 ~~agreement developed according to s. 240.1161, to ensure~~
17 ~~student readiness for postsecondary instruction.~~~~Additional~~
18 ~~requirements included in the agreement may shall not~~
19 ~~arbitrarily prohibit students who have demonstrated the~~
20 ~~ability to master advanced courses from participating in dual~~
21 ~~enrollment courses. School districts may not refuse to enter~~
22 ~~into an agreement with a local community college if that~~
23 ~~community college has the capacity to offer dual enrollment~~
24 ~~courses.~~

25 (b) ~~Vocational~~ Dual enrollment in career and technical
26 education programs is ~~shall be provided as a curricular option~~
27 ~~for secondary students who seek to pursue in order to earn a~~
28 ~~series of elective credits toward the high school diploma.~~
29 ~~However, vocational~~ dual enrollment shall not permit a student
30 to bypass the high school ~~supplant student acquisition of the~~
31 ~~diploma. Vocational~~ Dual enrollment shall be available for

1 secondary students seeking a degree or a career and technical
2 education credential certificate from a complete
3 job-preparatory program, but shall not sustain student
4 enrollment in isolated technical ~~vocational~~ courses. Student
5 enrollment in a dual enrollment program should reflect the
6 interests and aptitudes of the student. The Legislature
7 supports ~~It is the intent of the Legislature that vocational~~
8 ~~dual enrollment be implemented as a positive measure. The~~
9 ~~provision of a comprehensive academic and~~ technical ~~vocational~~
10 dual enrollment program within the technical
11 ~~vocational-technical~~ center or community college, but such a
12 program is supportive of legislative intent; however, such
13 ~~provision~~ is not mandatory.

14 (c)1. Each school district shall inform all secondary
15 students of dual enrollment as an educational option and
16 mechanism for acceleration. Students shall be informed of
17 eligibility criteria, the option for taking dual enrollment
18 courses beyond the regular school year, and the 24 minimum
19 academic credits required for graduation. School districts
20 shall annually assess the demand for dual enrollment and other
21 advanced courses, and the district school board shall consider
22 strategies and programs to meet that demand.

23 2. The Articulation Coordinating Committee shall
24 develop a statement on transfer guarantees which will inform
25 students, prior to enrollment in a dual enrollment course, of
26 the potential for the dual enrollment course to articulate as
27 an elective or a general education course into a postsecondary
28 education certificate or degree program. The statement shall
29 be provided to each district superintendent of schools, who
30 shall include the statement in the information provided to all
31 secondary students as required pursuant to this paragraph. The

1 statement may also include additional information including,
2 but not limited to, dual enrollment options, guarantees,
3 privileges, and responsibilities.

4 3. In calculating grade point averages or weighting
5 grades, a school district may not discriminate against dual
6 enrollment foreign language courses and dual enrollment
7 courses that meet high school graduation requirements in the
8 four academic core areas of language arts, mathematics,
9 science, and social studies, as determined by the Articulation
10 Coordinating Committee. School districts, community colleges,
11 and universities must weigh these dual enrollment courses the
12 same as honors, advanced placement, or international
13 baccalaureate courses when calculating grade point averages
14 for any purpose.

15 4. The commissioner may approve dual enrollment
16 agreements for limited course offerings that have statewide
17 appeal.

18 (3) Early admission ~~is shall be~~ a form of dual
19 enrollment through which eligible secondary students enroll in
20 a postsecondary institution on a full-time basis in courses
21 that are creditable toward the high school diploma and the
22 associate or baccalaureate degree. ~~Students enrolled pursuant~~
23 ~~to this subsection shall be exempt from the payment of~~
24 ~~registration, matriculation, and laboratory fees.~~

25 (4) Early admission in career and technical education
26 programs is a form of dual enrollment through which eligible
27 secondary students enroll full time in a technical center or a
28 community college in courses that are creditable toward the
29 high school diploma and a technical certificate or associate
30 degree. Early admission into a career and technical education
31 program is limited to students who have completed a minimum of

1 six semesters of full-time secondary enrollment, including
2 studies undertaken in the ninth grade. Students enrolled in
3 dual enrollment or early admissions are exempt from
4 registration, matriculation, and laboratory fees.

5 ~~(5)(4)~~ Advanced placement shall be the enrollment of
6 an eligible secondary student in a course offered through the
7 Advanced Placement Program administered by the College Board.
8 Postsecondary credit for an advanced placement course shall be
9 limited to students who score a minimum of 3, on a 5-point
10 scale, on the corresponding Advanced Placement Examination.
11 The Articulation Coordinating Committee shall determine the
12 specific courses for which students receive such credit ~~shall~~
13 ~~be determined by the community college or university that~~
14 ~~accepts the student for admission. Students enrolled pursuant~~
15 ~~to this subsection shall be exempt from the payment of any~~
16 ~~fees for administration of the examination.~~

17 ~~(6)(5)~~ Credit by examination is ~~shall be~~ the program
18 through which secondary and postsecondary students generate
19 postsecondary credit based on the receipt of a specified
20 minimum score on nationally standardized general or
21 subject-area examinations. For ~~the purpose of~~ statewide
22 application, such examinations and the corresponding minimum
23 scores required for an award of credit must be listed ~~shall be~~
24 ~~delineated by the State Board of Education in the statewide~~
25 articulation agreement. A student may not generate additional
26 credit by examination if the student has already taken and
27 passed a postsecondary course whose content is covered by the
28 examination. ~~The maximum credit generated by a student~~
29 ~~pursuant to this subsection shall be mitigated by any related~~
30 ~~postsecondary credit earned by the student prior to the~~
31 ~~administration of the examination. This subsection shall not~~

1 ~~preclude~~ Community colleges and universities may also award
2 ~~from awarding~~ credit by examination based on student
3 performance on examinations developed within and recognized by
4 the ~~individual postsecondary~~ institutions.

5 ~~(7)(6)~~ The International Baccalaureate Program is
6 ~~shall be the curriculum in which eligible secondary students~~
7 ~~are enrolled in a program of studies~~ offered through the
8 International Baccalaureate Program administered by the
9 International Baccalaureate Office. The State Board of
10 Education shall ~~establish rules which~~ specify the cutoff
11 scores and International Baccalaureate Examinations that ~~which~~
12 will be used to grant postsecondary credit at community
13 colleges and universities. If the board raises ~~Any such rules,~~
14 ~~which have the effect of raising~~ the required cutoff score or
15 changes of changing the correlation of the International
16 Baccalaureate Examinations and ~~which will be used to grant~~
17 postsecondary credit, that action applies ~~shall only apply~~ to
18 students who take the examination after the change is made
19 ~~taking International Baccalaureate Examinations after such~~
20 ~~rules are adopted by the State Board of Education.~~ Students
21 may earn ~~shall be awarded~~ a maximum of 30 semester credit
22 hours through the International Baccalaureate Program pursuant
23 ~~to this subsection.~~ The Articulation Coordinating Committee
24 shall determine the specific course for which a student
25 receives such credit ~~shall be determined by the community~~
26 ~~college or university that accepts the student for admission.~~
27 Students enrolled in an International Baccalaureate Program
28 are pursuant to this subsection ~~shall be exempt from the~~
29 ~~payment of any fees for administration of the examinations.~~
30 ~~During the 1997-1998, 1998-1999, and 1999-2000 school years,~~
31 ~~the Department of Education shall assist up to three school~~

1 ~~districts in conducting a pilot of the Advanced International~~
2 ~~Certificate of Education Program administered by the~~
3 ~~University of Cambridge Local Examinations Syndicate. The~~
4 ~~department shall produce an evaluation report and~~
5 ~~recommendations regarding the comparability of the Advanced~~
6 ~~International Certificate of Education Program to the~~
7 ~~International Baccalaureate Program and submit the report to~~
8 ~~the President of the Senate and the Speaker of the House of~~
9 ~~Representatives on or before October 1, 2000.~~

10 (8)(7)(a) It is the intent of the Legislature to
11 provide articulated acceleration mechanisms for students who
12 are in home education programs, as defined in s. 228.041(34),
13 consistent with the educational opportunities available to
14 public and private secondary school students. Home education
15 students may participate in dual enrollment for college credit
16 or technical credit, ~~vocational dual enrollment~~, early
17 admission, and credit by examination. Credit earned by home
18 education students through dual enrollment applies ~~shall apply~~
19 toward the completion of a home education program that meets
20 the requirements of s. 232.0201.

21 (b) The dual enrollment program for home education
22 students consists of the enrollment of an eligible home
23 education secondary student in a postsecondary course
24 creditable toward an associate degree, a technical ~~vocational~~
25 certificate, or a baccalaureate degree. To participate in the
26 dual enrollment program, an eligible home education secondary
27 student must:

28 1. Provide proof of enrollment in a home education
29 program pursuant to s. 232.0201.

30 2. Be responsible for his or her own instructional
31 materials and transportation unless provided for otherwise.

1 (c) Each community college and each state university
2 shall:

3 1. Delineate courses and programs for dually enrolled
4 home education students. Courses and programs may be added,
5 revised, or deleted at any time.

6 2. Identify eligibility criteria for home education
7 student participation, not to exceed those required of other
8 dually enrolled students.

9 (9)~~(8)~~ The State Board of Education may adopt rules
10 necessary to implement the provisions of this section pursuant
11 to ss. 120.536(1) and 120.54.

12 Section 13. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.1161,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.1161 District interinstitutional articulation
18 agreements.--

19 (1) Superintendents of schools and community college
20 presidents shall jointly develop and implement a comprehensive
21 articulated acceleration program for the students enrolled in
22 their respective school districts and service areas. Within
23 this general responsibility, each superintendent and president
24 shall develop a comprehensive interinstitutional articulation
25 agreement for the school district and community college that
26 serves the school district. The superintendent and president
27 shall establish an articulation committee for the purpose of
28 developing this agreement. Each state university president is
29 encouraged to designate a university representative to
30 participate in the development of the interinstitutional
31

1 articulation agreements for each school district within the
2 university service area.

3 (2) The district interinstitutional articulation
4 agreement for each school year must be completed before high
5 school registration for the fall term of the following school
6 year. The agreement must include, but is not limited to, the
7 following components:

8 (a) A ratification or modification of all existing
9 articulation agreements.

10 1. A delineation of the requirements for participation
11 in the dual enrollment program. These requirements must
12 include passing the common placement examination and earning
13 at least an unweighted grade-point average of 3.0 for college
14 credit dual enrollment or 2.0 for technical credit dual
15 enrollment. Exceptions to the grade-point-average requirement
16 are allowed if the educational agencies agree and the terms of
17 the agreement are contained in the dual enrollment
18 interinstitutional articulation agreement.

19 2.1. A delineation of courses and programs available
20 to students eligible to participate in dual enrollment. This
21 delineation must include a plan for the community college to
22 provide guidance services to participating students on the
23 selection of courses in the dual enrollment program. The
24 process of community college guidance should make maximum use
25 of the Statewide Student Advisement System and any other
26 automated advisement systems used by public and nonpublic
27 colleges and universities ~~automated advisement system for~~
28 ~~community colleges~~. The plan must assure that each dual
29 enrollment student is encouraged to identify a postsecondary
30 education objective with which to guide the course selection.
31 At a minimum, each student's plan should include a list of

1 courses that will result in an Applied Technology Diploma, an
2 Associate in Science degree, or an Associate in Arts degree.
3 If the student identifies a baccalaureate degree as the
4 objective, the plan must include courses that will meet the
5 general education requirements and any prerequisite
6 requirements for entrance into a selected baccalaureate degree
7 program.

8 3.2. A delineation of the process by which students
9 and their parents are informed about opportunities to
10 participate in articulated acceleration programs.

11 4.3. A delineation of the process by which students
12 and their parents exercise their option to participate in an
13 articulated acceleration program.

14 ~~4. A delineation of high school credits earned for~~
15 ~~completion of each dual enrollment course.~~

16 5. Provision for postsecondary courses that meet the
17 criteria for inclusion in a district articulated acceleration
18 program to be counted toward meeting the graduation
19 requirements of s. 232.246.

20 6. An identification of eligibility criteria for
21 student participation in dual enrollment courses and programs.

22 7. A delineation of institutional responsibilities
23 regarding student screening prior to enrollment and monitoring
24 student performance subsequent to enrollment in dual
25 enrollment courses and programs.

26 8. An identification of the criteria by which the
27 quality of dual enrollment courses and programs are to be
28 judged and a delineation of institutional responsibilities for
29 the maintenance of instructional quality.

30 9. A delineation of institutional responsibilities for
31 assuming the cost of dual enrollment courses and programs that

1 includes such responsibilities for student instructional
2 materials.

3 10. An identification of responsibility for providing
4 student transportation if the dual enrollment instruction is
5 conducted at a facility other than the high school campus.

6 11. A delineation of high school credits earned for
7 completion of each dual enrollment course,~~the process for~~
8 ~~converting college credit hours earned through dual enrollment~~
9 ~~and early admission programs to high school credit based on~~
10 ~~mastery of course outcomes~~ as determined by the Articulation
11 Coordinating Committee in accordance with s. 229.551(1)(f)6.

12 (c) Mechanisms and strategies for reducing the
13 incidence of postsecondary remediation in math, reading, and
14 writing for first-time-enrolled recent high school graduates,
15 based upon all available data on graduates' performance in
16 college and the workplace ~~the findings in the postsecondary~~
17 ~~readiness-for-college report produced pursuant to s. 240.118.~~
18 Each articulation committee shall annually analyze and assess
19 the effectiveness of the mechanisms toward meeting the goal of
20 reducing postsecondary remediation needs. Results of the
21 assessment shall be annually presented to participating
22 district school boards and community college boards of
23 trustees, ~~and shall include, but not be limited to:~~

- 24 1. ~~Mechanisms currently being initiated.~~
25 2. ~~An analysis of problems and corrective actions.~~
26 3. ~~Anticipated outcomes.~~
27 4. ~~Strategies for the better preparation of students~~
28 ~~upon graduation from high school.~~
29 5. ~~An analysis of costs associated with the~~
30 ~~implementation of postsecondary remedial education and~~
31 ~~secondary-level corrective actions.~~

1 ~~6. The identification of strategies for reducing costs~~
2 ~~of the delivery of postsecondary remediation for recent high~~
3 ~~school graduates, including the consideration and assessment~~
4 ~~of alternative instructional methods and services such as~~
5 ~~those produced by private providers.~~

6
7 Wherever possible, public schools and community colleges are
8 encouraged to share resources, form partnerships with private
9 industries, and implement innovative strategies and mechanisms
10 such as distance education learning, summer student and
11 faculty workshops, parental involvement activities, and the
12 distribution of information over the Internet. The Legislature
13 may provide performance incentive funds for the effective
14 implementation of remedial reduction plans developed and
15 implemented pursuant to this paragraph. The district
16 interinstitutional articulation agreement shall include a plan
17 that outlines the mechanisms and strategies for improving the
18 preparation of elementary, middle, and high school teachers.
19 Effective collaboration among school districts, postsecondary
20 institutions, and practicing educators is essential to
21 improving teaching in Florida's elementary and secondary
22 schools and consequently, the retention and success of
23 students through high school graduation and into postsecondary
24 education. Professional development programs shall be
25 developed cooperatively and include curricular content which
26 focuses upon local and state needs and responds to state,
27 national, and district policy and program priorities. School
28 districts and community colleges are encouraged to develop
29 plans which utilize new technologies, address critical needs
30 in their implementation, and include both preservice and
31 inservice initiatives.

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

8 (3) The superintendent of schools is responsible for
9 incorporating, either directly or by reference, all dual
10 enrollment courses contained within the district
11 interinstitutional articulation agreement within the district
12 pupil progression plan.

13 (4) The Articulation Coordinating Committee shall
14 review each articulation agreement and certify the statewide
15 ~~common~~ course ~~code~~ number of postsecondary courses that meet
16 each district's graduation requirements.

17 (5) School districts and community colleges may enter
18 into additional interinstitutional articulation agreements
19 with state universities for the purposes of this section.
20 School districts may also enter into interinstitutional
21 articulation agreements with eligible independent colleges and
22 universities pursuant to s. 236.081(1)(g). State universities
23 and community colleges may enter into interinstitutional
24 articulation agreements with nonpublic secondary schools
25 pursuant to s. 240.116.

26 (6) The Articulation Coordinating Committee shall
27 approve any course for inclusion in the dual enrollment
28 program that is contained within the statewide ~~common~~ course
29 ~~designation and~~ numbering system. However,
30 college-preparatory and other forms of precollegiate
31 instruction, and physical education and other courses that

1 focus on the physical execution of a skill rather than the
2 intellectual attributes of the activity, may not be so
3 approved, but must be evaluated individually for potential
4 inclusion in the dual enrollment program.

5 (7) The Department of Education shall provide the
6 Articulation Coordinating Committee with the staff support and
7 resources necessary to administer the requirements ~~implement~~
8 ~~the provisions~~ of this section.

9 (8) The State Board of Education may adopt rules
10 necessary to implement the provisions of this section pursuant
11 to ss. 120.536(1) and 120.54.

12 Section 14. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.1162,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.1162 Articulation accountability process.--The
18 State Board of Education shall develop articulation
19 accountability measures which assess the status of systemwide
20 articulation processes authorized under s. 240.115. The State
21 Board of Education shall establish an articulation
22 accountability process which at a minimum shall address:

23 (1) The impact of articulation processes on ensuring
24 educational continuity and the orderly and unobstructed
25 transition of students between public secondary and
26 postsecondary education systems and between the public and
27 independent sectors.

28 (2) The adequacy of preparation of public secondary
29 students to smoothly articulate to a public postsecondary
30 institution.

31

1 (3) The effectiveness of articulated acceleration
2 mechanisms available to secondary students.

3 (4) The smooth transfer of community college associate
4 in arts degree graduates to a state university.

5 (5) An examination of degree requirements which exceed
6 the parameters of 60 credit hours for an associate degree and
7 120 hours for a baccalaureate degree in public postsecondary
8 programs.

9 (6) The relationship between the College Level
10 Academic Skills Test Program and articulation to the upper
11 division in public postsecondary institutions.

12 Section 15. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.1163,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.1163 Joint dual enrollment and advanced placement
18 instruction.--

19 (1) Each school district, community college, and state
20 university may conduct advanced placement instruction within
21 dual enrollment courses. Each joint dual enrollment and
22 advanced placement course shall be incorporated within and
23 subject to the provisions of the district interinstitutional
24 articulation agreement pursuant to s. 240.1161. Such agreement
25 shall certify that each joint dual enrollment and advanced
26 placement course integrates, at a minimum, the course
27 structure recommended by the College Board and the structure
28 that corresponds to the statewide ~~common~~ course number.

29 (2) Each student enrolled in a joint dual enrollment
30 and advanced placement course may be funded pursuant to either
31 the dual enrollment or advanced placement formula specified in

1 s. 236.081; however, no student shall be funded through both
2 programs for enrollment in a course provided through this
3 section. The district school board reporting enrollments for
4 such courses shall utilize the funding formula that more
5 closely approximates the cost of conducting the course. No
6 student shall be reported for advanced placement funding who
7 fails to meet the examination requirement for such funding.

8 (3) Postsecondary credit for student completion of a
9 joint dual enrollment and advanced placement course shall be
10 awarded, based on the stated preference of the student, as
11 either dual enrollment or advanced placement credit; however,
12 an award of advanced placement credit shall be limited to
13 students who score a minimum of 3, on a 5-point scale, on the
14 Advanced Placement Examination. No student shall claim double
15 credit based on the completion of a single joint dual
16 enrollment and advanced placement course, nor shall any
17 student enrolled pursuant to this section be required to
18 complete the Advanced Placement Examination.

19 ~~(4) School districts and community colleges must weigh~~
20 ~~college-level dual enrollment courses the same as honors~~
21 ~~courses and advanced placement courses when grade point~~
22 ~~averages are calculated. Alternative grade calculation or~~
23 ~~weighting systems that discriminate against dual enrollment~~
24 ~~courses are prohibited.~~

25 ~~(5) The Commissioner of Education may approve dual~~
26 ~~enrollment agreements for limited course offerings that have~~
27 ~~statewide appeal. Such programs shall be limited to a single~~
28 ~~site with multiple county participation.~~

29 Section 16. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.117,
31 Florida Statutes, shall not stand repealed January 7, 2003, as

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.117 Common placement testing for public
4 postsecondary education.--

5 (1) The State Board of Education shall develop and
6 implement a common placement test to assess ~~for the purpose of~~
7 ~~assessing~~ the basic computation and communication skills of
8 students who intend to enter a degree program at any public
9 community college or state university. The State Board of
10 Education shall adopt rules which enable the community
11 colleges and state universities to implement appropriate
12 modifications of the test instruments or test procedures for
13 students with disabilities.

14 (2) The common placement testing program shall include
15 at a minimum the following: the capacity to diagnose basic
16 competencies in the areas of English, reading, and mathematics
17 which are essential to perform college-level work;
18 prerequisite skills that relate to progressively advanced
19 instruction in mathematics, such as algebra and geometry;
20 prerequisite skills that relate to progressively advanced
21 instruction in language arts, such as English composition and
22 literature; prerequisite skills which relate to the College
23 Level Academic Skills Test (CLAST); and provision of test
24 information to students on the specific deficiencies.

25 (3) The Articulation Coordinating Committee shall
26 recommend and the State Board of Education shall adopt rules
27 that would require high schools to give the common placement
28 test prescribed in this section, or an equivalent test
29 identified by the State Board of Education, at the beginning
30 of the tenth grade year before enrollment in the eleventh
31 grade year in public high school for the purpose of obtaining

1 remedial instruction prior to entering public postsecondary
2 education.

3 (4)(a) Community college or state university students
4 who have been identified as requiring additional preparation
5 pursuant to subsection (1) shall enroll in college-preparatory
6 or other adult education pursuant to s. 239.301 in community
7 colleges to develop needed college-entry skills. These
8 students shall be permitted to take courses within their
9 degree program concurrently in other curriculum areas for
10 which they are qualified while enrolled in college-preparatory
11 instruction courses. A student enrolled in a
12 college-preparatory course may concurrently enroll only in
13 college credit courses that do not require the skills
14 addressed in the college-preparatory course. The Articulation
15 Coordinating Committee shall recommend and the State Board of
16 Education ~~Community Colleges~~ shall specify the college credit
17 courses that are acceptable for students enrolled in each
18 college-preparatory skill area, ~~pursuant to s. 240.311(3)(g)~~.
19 A student who wishes to earn an associate in arts or a
20 baccalaureate degree, but who is required to complete a
21 college-preparatory course, must successfully complete the
22 required college-preparatory studies by the time the student
23 has accumulated 12 hours of lower-division college credit
24 degree coursework; however, a student may continue enrollment
25 in degree-earning coursework provided the student maintains
26 enrollment in college-preparatory coursework for each
27 subsequent semester until college-preparatory coursework
28 requirements are completed, and the student demonstrates
29 satisfactory performance in degree-earning coursework. To
30 complete college-preparatory studies, a student must earn a
31 passing score on a standardized, institutionally developed

1 ~~test of~~ must be achieved ~~before a student is considered to~~
2 ~~have met~~ basic computation and communication skills
3 ~~requirements~~; however, a no student is not ~~shall be~~ required
4 to retake any test or subtest that the student has already ~~was~~
5 ~~previously passed by said student~~. If a student enrolls ~~shall~~
6 ~~be funded to enroll~~ in the same college-preparatory course
7 more than ~~class~~ within a skill area only twice, ~~after which~~
8 ~~time~~ the student shall pay 100 percent of the full cost of
9 instruction to support continuous enrollment of that student
10 in the same class and ~~such student~~ shall not be included in
11 calculations of full-time equivalent enrollments for state
12 funding purposes; however, students who withdraw or fail a
13 class due to extenuating circumstances may be granted an
14 exception only once for each class, provided approval is
15 granted according to policy established by the board of
16 trustees. Each community college may ~~shall have the authority~~
17 ~~to~~ review and reduce fees paid by individual students who need
18 to continue ~~due to continued~~ enrollment in a
19 college-preparatory class and who have ~~on an individual basis~~
20 ~~contingent upon the student's~~ financial hardship, pursuant to
21 definitions and fee levels established by the board of
22 trustees ~~State Board of Community Colleges~~. Credit awarded for
23 college-preparatory instruction may not be counted towards
24 ~~fulfilling the number of credits required for~~ a degree.

25 (b) The administrators of a state university may
26 contract with a community college board of trustees for the
27 community college to provide such instruction on the state
28 university campus. Any state university in which the
29 percentage of incoming students requiring college-preparatory
30 instruction equals or exceeds the average percentage of such
31 students for the community college system may offer

1 college-preparatory instruction without contracting with a
2 community college; however, any state university offering
3 college-preparatory instruction as of January 1, 1996, may
4 continue to provide such services.

5 (5) A student may not be enrolled in a dual-enrollment
6 college credit mathematics or English course ~~on a dual~~
7 ~~enrollment basis~~ unless the student has demonstrated adequate
8 precollegiate preparation on the appropriate section of the
9 basic computation and communication skills assessment required
10 pursuant to subsection (1) ~~that is appropriate for successful~~
11 ~~student participation in the course.~~

12 Section 17. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.118,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.118 Postsecondary feedback of information to high
18 schools.--

19 (1) The State Board of Education shall adopt rules
20 that require the Commissioner of Education to report to the
21 State Board of Education, the Legislature, and the school
22 districts on the performance of each
23 first-time-in-postsecondary education student from each public
24 high school in this state who is enrolled in a university,
25 community college, or public technical center. Such reports
26 must be based on information databases maintained by the
27 Division of Colleges and Universities, Division of Community
28 Colleges, and Division of Workforce Development. In addition,
29 the universities, community colleges, and technical centers
30 shall provide school districts access to information on
31 student performance in regular and preparatory courses and

1 shall indicate students referred for remediation pursuant to
2 s. 240.117 or s. 239.213.

3 (2) The Commissioner of Education shall report, by
4 high school, to the State Board of Education and the
5 Legislature, no later than November 31 of each year, on the
6 number of prior year Florida high school graduates who
7 enrolled for the first time in public postsecondary education
8 in this state during the previous summer, fall, or spring
9 term, indicating the number of students whose scores on the
10 common placement test indicated the need for remediation
11 through college-preparatory or vocational-preparatory
12 instruction pursuant to s. 240.117 or s. 239.213.

13 (3) The Commissioner of Education shall organize
14 school summary reports and student-level records by school
15 district and high school in which the postsecondary education
16 students were enrolled and report the information to each
17 school district no later than January 31 of each year.

18 (4) As a part of the school improvement plan pursuant
19 to s. 229.592, the State Board of Education shall ensure that
20 each school district and high school develops strategies to
21 improve student readiness for the public postsecondary level
22 based on annual analysis of the feedback report data.

23 (5) The Commissioner of Education shall annually
24 recommend to the Legislature statutory changes to reduce the
25 incidence of postsecondary remediation in mathematics,
26 reading, and writing for first-time-enrolled recent high
27 school graduates.

28 Section 18. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.1201,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.1201 Determination of resident status for tuition
4 purposes.--Students shall be classified as residents or
5 nonresidents for the purpose of assessing tuition fees in
6 public community colleges and universities.

7 (1) As defined under this section:

8 (a) The term "dependent child" means any person,
9 whether or not living with his or her parent, who is eligible
10 to be claimed by his or her parent as a dependent under the
11 federal income tax code.

12 (b) The term "institution of higher education" means
13 any of the constituent institutions under the jurisdiction of
14 the State University System or the Florida Community College
15 System.

16 (c) A "legal resident" or "resident" is a person who
17 has maintained his or her residence in this state for the
18 preceding year, has purchased a home which is occupied by him
19 or her as his or her residence, or has established a domicile
20 in this state pursuant to s. 222.17.

21 (d) The term "parent" means the natural or adoptive
22 parent or legal guardian of a dependent child.

23 (e) A "resident for tuition purposes" is a person who
24 qualifies as provided in subsection (2) for the in-state
25 tuition rate; a "nonresident for tuition purposes" is a person
26 who does not qualify for the in-state tuition rate.

27 (2)(a) To qualify as a resident for tuition purposes:

28 1. A person or, if that person is a dependent child,
29 his or her parent or parents must have established legal
30 residence in this state and must have maintained legal
31

1 residence in this state for at least 12 months immediately
2 prior to his or her qualification.

3 2. Every applicant for admission to an institution of
4 higher education shall be required to make a statement as to
5 his or her length of residence in the state and, further,
6 shall establish that his or her presence or, if the applicant
7 is a dependent child, the presence of his or her parent or
8 parents in the state currently is, and during the requisite
9 12-month qualifying period was, for the purpose of maintaining
10 a bona fide domicile, rather than for the purpose of
11 maintaining a mere temporary residence or abode incident to
12 enrollment in an institution of higher education.

13 (b) However, with respect to a dependent child living
14 with an adult relative other than the child's parent, such
15 child may qualify as a resident for tuition purposes if the
16 adult relative is a legal resident who has maintained legal
17 residence in this state for at least 12 months immediately
18 prior to the child's qualification, provided the child has
19 resided continuously with such relative for the 5 years
20 immediately prior to the child's qualification, during which
21 time the adult relative has exercised day-to-day care,
22 supervision, and control of the child.

23 (c) The legal residence of a dependent child whose
24 parents are divorced, separated, or otherwise living apart
25 will be deemed to be this state if either parent is a legal
26 resident of this state, regardless of which parent is entitled
27 to claim, and does in fact claim, the minor as a dependent
28 pursuant to federal individual income tax provisions.

29 (3) An individual shall not be classified as a
30 resident for tuition purposes and, thus, shall not be eligible
31 to receive the in-state tuition rate until he or she has

1 provided such evidence related to legal residence and its
2 duration as may be required by officials of the institution of
3 higher education from which he or she seeks the in-state
4 tuition rate.

5 (4) With respect to a dependent child, the legal
6 residence of such individual's parent or parents is prima
7 facie evidence of the individual's legal residence, which
8 evidence may be reinforced or rebutted, relative to the age
9 and general circumstances of the individual, by the other
10 evidence of legal residence required of or presented by the
11 individual. However, the legal residence of an individual
12 whose parent or parents are domiciled outside this state is
13 not prima facie evidence of the individual's legal residence
14 if that individual has lived in this state for 5 consecutive
15 years prior to enrolling or reregistering at the institution
16 of higher education at which resident status for tuition
17 purposes is sought.

18 (5) In making a domiciliary determination related to
19 the classification of a person as a resident or nonresident
20 for tuition purposes, the domicile of a married person,
21 irrespective of sex, shall be determined, as in the case of an
22 unmarried person, by reference to all relevant evidence of
23 domiciliary intent. For the purposes of this section:

24 (a) A person shall not be precluded from establishing
25 or maintaining legal residence in this state and subsequently
26 qualifying or continuing to qualify as a resident for tuition
27 purposes solely by reason of marriage to a person domiciled
28 outside this state, even when that person's spouse continues
29 to be domiciled outside of this state, provided such person
30 maintains his or her legal residence in this state.

31

1 (b) A person shall not be deemed to have established
2 or maintained a legal residence in this state and subsequently
3 to have qualified or continued to qualify as a resident for
4 tuition purposes solely by reason of marriage to a person
5 domiciled in this state.

6 (c) In determining the domicile of a married person,
7 irrespective of sex, the fact of the marriage and the place of
8 domicile of such person's spouse shall be deemed relevant
9 evidence to be considered in ascertaining domiciliary intent.

10 (6) Any nonresident person, irrespective of sex, who
11 marries a legal resident of this state or marries a person who
12 later becomes a legal resident may, upon becoming a legal
13 resident of this state, accede to the benefit of the spouse's
14 immediately precedent duration as a legal resident for
15 purposes of satisfying the 12-month durational requirement of
16 this section.

17 (7) A person shall not lose his or her resident status
18 for tuition purposes solely by reason of serving, or, if such
19 person is a dependent child, by reason of his or her parent's
20 or parents' serving, in the Armed Forces outside this state.

21 (8) A person who has been properly classified as a
22 resident for tuition purposes but who, while enrolled in an
23 institution of higher education in this state, loses his or
24 her resident tuition status because the person or, if he or
25 she is a dependent child, the person's parent or parents
26 establish domicile or legal residence elsewhere shall continue
27 to enjoy the in-state tuition rate for a statutory grace
28 period, which period shall be measured from the date on which
29 the circumstances arose that culminated in the loss of
30 resident tuition status and shall continue for 12 months.

31 However, if the 12-month grace period ends during a semester

1 or academic term for which such former resident is enrolled,
2 such grace period shall be extended to the end of that
3 semester or academic term.

4 (9) Any person who ceases to be enrolled at or who
5 graduates from an institution of higher education while
6 classified as a resident for tuition purposes and who
7 subsequently abandons his or her domicile in this state shall
8 be permitted to reenroll at an institution of higher education
9 in this state as a resident for tuition purposes without the
10 necessity of meeting the 12-month durational requirement of
11 this section if that person has reestablished his or her
12 domicile in this state within 12 months of such abandonment
13 and continuously maintains the reestablished domicile during
14 the period of enrollment. The benefit of this subsection
15 shall not be accorded more than once to any one person.

16 (10) The following persons shall be classified as
17 residents for tuition purposes:

18 (a) Active duty members of the Armed Services of the
19 United States residing or stationed in this state, their
20 spouses, and dependent children.

21 (b) Active duty members of the Armed Services of the
22 United States and their spouses attending a public community
23 college or university within 50 miles of the military
24 establishment where they are stationed, if such military
25 establishment is within a county contiguous to Florida.

26 (c) United States citizens living on the Isthmus of
27 Panama, who have completed 12 consecutive months of college
28 work at the Florida State University Panama Canal Branch, and
29 their spouses and dependent children.

30 (d) Full-time instructional and administrative
31 personnel employed by state public schools, community

1 colleges, and institutions of higher education, as defined in
2 s. 228.041, and their spouses and dependent children.

3 (e) Students from Latin America and the Caribbean who
4 receive scholarships from the federal or state government.
5 Any student classified pursuant to this paragraph shall
6 attend, on a full-time basis, a Florida institution of higher
7 education.

8 (f) Southern Regional Education Board's Academic
9 Common Market graduate students attending Florida's state
10 universities.

11 (g) Full-time employees of state agencies or political
12 subdivisions of the state when the student fees are paid by
13 the state agency or political subdivision for the purpose of
14 job-related law enforcement or corrections training.

15 (h) McKnight Doctoral Fellows and Finalists who are
16 United States citizens.

17 (i) United States citizens living outside the United
18 States who are teaching at a Department of Defense Dependent
19 School or in an American International School and who enroll
20 in a state university ~~Board of Regents-approved~~ graduate level
21 education program which leads to a Florida teaching
22 certificate.

23 (j) Active duty members of the Canadian military
24 residing or stationed in this state under the North American
25 Air Defense (NORAD) agreement, and their spouses and dependent
26 children, attending a public community college or university
27 within 50 miles of the military establishment where they are
28 stationed.

29 (11) The State Board of Education shall by rule
30 designate classifications of students as residents or
31

1 nonresidents for tuition purposes at public community colleges
2 and universities.

3 (12) An electronic signature may be accepted on an
4 admissions application and statement of residency for tuition
5 purposes.

6 Section 19. Sections 240.122, 240.124, 240.125, and
7 240.126, Florida Statutes, are repealed.

8 Section 20. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.127,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted to read:

12 240.127 Florida Uniform Management of Institutional
13 Funds Act.--

14 (1) SHORT TITLE.--This section may be cited as the
15 "Florida Uniform Management of Institutional Funds Act."

16 (2) DEFINITIONS.--As used in this section:

17 (a) "Institution" means an incorporated or
18 unincorporated organization organized and operated exclusively
19 for educational purposes, or a governmental entity to the
20 extent that it holds funds exclusively for educational
21 purposes.

22 (b) "Institutional fund" means a fund held by an
23 institution for its exclusive use, benefit, or purposes, but
24 does not include a fund held for an institution by a trustee
25 that is not an institution or a fund in which a beneficiary
26 that is not an institution has an interest, other than
27 possible rights that could arise upon violation or failure of
28 the purposes of the fund.

29 (c) "Endowment fund" means an institutional fund, or
30 any part thereof, not wholly expendable by the institution on
31

1 a current basis under the terms of the applicable gift
2 instrument.

3 (d) "Governing board" means the body responsible for
4 the management of an institution or of an institutional fund.

5 (e) "Historic dollar value" means the aggregate fair
6 value in dollars of an endowment fund at the time it became an
7 endowment fund, each subsequent donation to the fund at the
8 time it is made, and each accumulation made pursuant to a
9 direction in the applicable gift instrument at the time the
10 accumulation is added to the fund. The determination of
11 historic dollar value made in good faith by the institution is
12 conclusive.

13 (f) "Gift instrument" means a will, deed, grant,
14 conveyance, agreement, memorandum, writing, or other governing
15 document, including the terms of any institutional
16 solicitations from which an institutional fund resulted, under
17 which property is transferred to or held by an institution as
18 an institutional fund.

19 (3) APPROPRIATION OF APPRECIATION.--The governing
20 board may appropriate for expenditure for the uses and
21 purposes for which an endowment fund is established so much of
22 the net appreciation, realized and unrealized, in the fair
23 value of the assets of an endowment fund over the historic
24 dollar value of the fund as is prudent under the standard
25 established by subsection (7). This subsection does not limit
26 the authority of the governing board to expend funds as
27 permitted under other law, the terms of the applicable gift
28 instrument, or the charter of the institution.

29 (4) RULE OF CONSTRUCTION.--Subsection (3) does not
30 apply if the applicable gift instrument indicates the donor's
31 intention that net appreciation shall not be expended. A

1 restriction upon the expenditure of net appreciation may not
2 be implied from a designation of a gift as an endowment, or
3 from a direction or authorization in the applicable gift
4 instrument to use only "income," "interest," "dividends," or
5 "rents, issues or profits," or "to preserve the principal
6 intact," or a direction which contains other words of similar
7 import. This rule of construction applies to gift instruments
8 executed or in effect before or after October 1, 1990.

9 (5) INVESTMENT AUTHORITY.--In addition to an
10 investment otherwise authorized by law or by the applicable
11 gift instrument, and without restriction to investments a
12 fiduciary may make, the governing board, subject to any
13 specific limitations set forth in the applicable gift
14 instrument or in the applicable law other than law relating to
15 investments by a fiduciary, may:

16 (a) Invest and reinvest an institutional fund in any
17 real or personal property deemed advisable by the governing
18 board, whether or not it produces a current return, including
19 mortgages, stocks, bonds, debentures, and other securities of
20 profit or nonprofit corporations, shares in or obligations of
21 associations, partnerships, or individuals, and obligations of
22 any government or subdivision or instrumentality thereof.

23 (b) Retain property contributed by a donor to an
24 institutional fund for as long as the governing board deems
25 advisable.

26 (c) Include all or any part of an institutional fund
27 in any pooled or common fund maintained by the institution.

28 (d) Invest all or any part of an institutional fund in
29 any other pooled or common fund available for investment,
30 including shares or interests in regulated investment
31 companies, mutual funds, common trust funds, investment

1 partnerships, real estate investment trusts, or similar
2 organizations in which funds are commingled and investment
3 determinations are made by persons other than the governing
4 board.

5 (6) DELEGATION OF INVESTMENT MANAGEMENT.--Except as
6 otherwise provided by the applicable gift instrument or by
7 applicable law relating to governmental institutions or funds,
8 the governing board may delegate to its committees, officers
9 or employees of the institution or the fund, or agents,
10 including investment counsel, the authority to act in place of
11 the board in investment and reinvestment of institutional
12 funds; contract with independent investment advisers,
13 investment counsel or managers, banks, or trust companies, so
14 to act; and authorize the payment of compensation for
15 investment advisory or management services.

16 (7) STANDARD OF CONDUCT.--In the administration of the
17 powers to appropriate appreciation, to make and retain
18 investments, and to delegate investment management of
19 institutional funds, members of a governing board shall
20 exercise ordinary business care and prudence under the facts
21 and circumstances prevailing at the time of the action or
22 decision. In so doing they shall consider long and short term
23 needs of the institution in carrying out its educational
24 purposes, its present and anticipated financial requirements,
25 expected total return on its investments, price level trends,
26 and general economic conditions.

27 (8) RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.--

28 (a) With the written consent of the donor, the
29 governing board may release, in whole or in part, a
30 restriction imposed by the applicable gift instrument on the
31 use or investment of an institutional fund.

1 (b) If written consent of the donor cannot be obtained
2 by reason of his or her death, disability, unavailability, or
3 impossibility of identification, the governing board may apply
4 in the name of the institution to the circuit court of the
5 county in which the institution is located for release of a
6 restriction imposed by the applicable gift instrument on the
7 use or investment of an institutional fund. The Attorney
8 General shall be notified of the application and shall be
9 given an opportunity to be heard. If the court finds that the
10 restriction is obsolete, inappropriate, or impracticable, it
11 may by order release the restriction in whole or in part. A
12 release under this subsection may not change an endowment fund
13 to a fund that is not an endowment fund.

14 (c) A release under this section may not allow a fund
15 to be used for purposes other than the educational purposes of
16 the institution affected.

17 (d) This subsection does not limit the application of
18 the doctrine of cy-pres.

19 (9) UNIFORMITY OF APPLICATION AND CONSTRUCTION.--This
20 act shall be so applied and construed as to effectuate its
21 general purpose to make uniform the law with respect to the
22 subject of this act among those states which enact it.

23 Section 21. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.128,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.128 Approval required for certain
29 university-related facility acquisitions.--~~A~~ No university or
30 university direct-support organization may not ~~shall~~ accept or
31 purchase facilities for which the state will be asked for

1 operating funds without first obtaining approval from ~~unless~~
2 ~~there has been prior approval for acquisition granted by the~~
3 ~~Legislature.~~

4 Section 22. Section 240.132, Florida Statutes, is
5 repealed.

6 Section 23. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.1325,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted and
10 amended to read:

11 240.1325 Hazing prohibited.--

12 ~~(1) As used in this section, "hazing" means any action~~
13 ~~or situation which recklessly or intentionally endangers the~~
14 ~~mental or physical health or safety of a student for the~~
15 ~~purpose of initiation or admission into or affiliation with~~
16 ~~any organization operating under the sanction of a~~
17 ~~postsecondary institution. Such term includes, but is not~~
18 ~~limited to, any brutality of a physical nature, such as~~
19 ~~whipping, beating, branding, forced calisthenics, exposure to~~
20 ~~the elements, forced consumption of any food, liquor, drug, or~~
21 ~~other substance, or other forced physical activity which could~~
22 ~~adversely affect the physical health or safety of the student,~~
23 ~~and also includes any activity which would subject the student~~
24 ~~to extreme mental stress, such as sleep deprivation, forced~~
25 ~~exclusion from social contact, forced conduct which could~~
26 ~~result in extreme embarrassment, or other forced activity~~
27 ~~which could adversely affect the mental health or dignity of~~
28 ~~the student.~~

29 (1)(2) Public and independent ~~private~~ colleges and
30 universities whose students receive state student financial
31 assistance must adopt a written antihazing policy and under

1 such policy must adopt rules prohibiting students or other
2 persons associated with any student organization from engaging
3 in hazing.

4 ~~(2)(3)~~ Public and independent ~~private~~ colleges and
5 universities must provide a program for the enforcement of
6 such rules and must adopt appropriate penalties for violations
7 of such rules, to be administered by the person at the college
8 or university responsible for student activities of the
9 college or university organization.

10 Section 24. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.133,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.133 Expulsion and discipline of students of public
16 postsecondary educational institutions ~~the State University~~
17 ~~System and community colleges.--~~

18 (1) Each student in a public postsecondary educational
19 institution ~~the State University System and each student in a~~
20 ~~community college~~ is subject to federal and state law,
21 respective county and municipal ordinances, and all rules and
22 regulations of the educational institution ~~Board of Regents or~~
23 ~~board of trustees of the community college.~~

24 (2) Violation of these published laws, ordinances, or
25 rules and regulations may subject the violator to appropriate
26 action by the institution's ~~university or community college~~
27 authorities.

28 (3) Each president of a university or community
29 college, and each superintendent of a school district with a
30 public technical center ~~has in the State University System and~~
31 ~~each president of a community college shall have~~ authority,

1 after notice to the student of the charges and after a hearing
2 thereon, to expel, suspend, or otherwise discipline any
3 student who is found to have violated any law, ordinance, or
4 rule or regulation of the Board of Regents or of the board of
5 trustees of the community college. A student may be entitled
6 to waiver of expulsion:

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

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

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

17 Section 25. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.134,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

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

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

6 Section 26. Section 240.135, Florida Statutes, is
7 repealed.

8 Section 27. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.136,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.136 Suspension and removal from office of elected
14 student government officials; referendum.--Each state
15 university and ~~community~~ college student government
16 association shall establish a process ~~within 60 days of this~~
17 ~~act becoming a law~~ to provide for the removal from office of
18 any elected student government official for malfeasance,
19 misfeasance, neglect of duty, incompetence, or permanent
20 inability to perform his or her official duties or for
21 pleading nolo contendere to, or being found guilty of, a crime
22 ~~who has been convicted of a violation of criminal law or has~~
23 ~~been found civilly liable for an act of moral turpitude, after~~
24 ~~all available rights of judicial appeal have been exercised or~~
25 ~~waived or have expired.~~ The process shall include a procedure
26 for the immediate suspension of the student government
27 official from elected office following the conviction or civil
28 finding and during any appeal, and shall provide for the
29 temporary successor to the subject office pending completion
30 of any appeal. The process must also include a procedure for
31 registered students to petition for a referendum recommending

1 to the student government association the removal of a student
2 official from elected office. The referendum must be held
3 within 60 days after ~~of~~ filing of the petition. The
4 recommendation ~~to remove the subject official from elected~~
5 ~~office shall be made~~ by majority vote of the students
6 participating in the referendum is sufficient for removal. The
7 university or college president or his or her designee may
8 appeal an action of a student government association under
9 this section ~~shall be subject to an appeal to the university~~
10 ~~or community college president or designee~~.

11 Section 28. Section 240.139, Florida Statutes, is
12 repealed.

13 Section 29. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.152,
15 Florida Statutes, shall not stand repealed January 7, 2003, as
16 scheduled by that law, but that section is reenacted and
17 amended to read:

18 240.152 Students with documented disabilities ~~Impaired~~
19 ~~and learning disabled persons~~; admission to postsecondary
20 institutions; substitute requirements; rules.--Any person who
21 has a documented disability is ~~is hearing impaired, visually~~
22 ~~impaired, or dyslexic, or who has a specific learning~~
23 ~~disability, shall be~~ eligible for reasonable substitution for
24 any requirement for admission to a state university, community
25 college, or public degree career technical center ~~education~~
26 ~~institution~~ where documentation can be provided that the
27 person's failure to meet the admission requirement is related
28 to the disability. The State Board of Education, ~~the Board of~~
29 ~~Regents, and the State Board of Community Colleges~~ shall adopt
30 rules to implement this section and shall develop substitute
31 admission requirements where appropriate.

1 Section 30. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.153,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

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

24 Section 31. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.155,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted and
28 amended to read:

29 240.155 Campus master plans and campus development
30 agreements.--

31

1 (1) This section contains provisions for campus
2 planning and concurrency management that supersede the
3 requirements of part II of chapter 163, except when stated
4 otherwise in this section. These special growth management
5 provisions are adopted in recognition of the unique
6 relationship between campuses of the state universities ~~State~~
7 ~~University System~~ and the local governments in which they are
8 located. While the campuses provide research and educational
9 benefits of statewide and national importance, and further
10 provide substantial educational, economic, and cultural
11 benefits to their host local governments, they may also have
12 an adverse impact on the public facilities and services and
13 natural resources of host governments. On balance, however,
14 universities should be considered as vital public facilities
15 of the state and local governments. The intent of this
16 section is to address this unique relationship by providing
17 for the preparation of campus master plans and associated
18 campus development agreements.

19 (2) As used in this section:

20 (a) "Affected local government" means a unit of local
21 government that provides public services to or is responsible
22 for maintaining facilities within a campus of an institution
23 in the State University System or is directly affected by
24 development that is proposed for a campus.

25 (b) "Affected person" means a host local government;
26 an affected local government; any state, regional, or federal
27 agency; or a person who resides, owns property, or owns or
28 operates a business within the boundaries of a host local
29 government or affected local government.

30 (c) "Host local government" means a local government
31 within the jurisdiction of which all or part of a campus of an

1 institution is located, but does not include a county if no
2 part of an institution is located within its unincorporated
3 area.

4 (d) "Institution" means a state university ~~in the~~
5 ~~State University System.~~

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

1 approve the master plan of each university to assure
2 consistency with its strategic plan. Master plans must be
3 updated and reviewed by the state board at least every 5
4 years.

5 (4) Campus master plans may contain additional
6 elements at the discretion of the board of trustees ~~Regents~~;
7 however, such elements are not subject to review under this
8 section. These additional elements may include the academic
9 mission of the institution, academic program, utilities,
10 public safety, architectural design, landscape architectural
11 design, and facilities maintenance.

12 (5) Subject to the right of the board of trustees
13 ~~Regents~~ to initiate the dispute resolution provisions of
14 subsection (8), a campus master plan must not be in conflict
15 with the comprehensive plan of the host local government and
16 the comprehensive plan of any affected local governments. A
17 campus master plan must be consistent with the state
18 comprehensive plan.

19 (6) Before a campus master plan is adopted, a copy of
20 the draft master plan must be sent for review to the host and
21 any affected local governments, the state land planning
22 agency, the Department of Environmental Protection, the
23 Department of Transportation, the Department of State, the
24 Fish and Wildlife Conservation Commission, and the applicable
25 water management district and regional planning council. These
26 agencies must be given 90 days after receipt of the campus
27 master plans in which to conduct their review and provide
28 comments to the board of trustees ~~Regents~~. The commencement of
29 this review period must be advertised in newspapers of general
30 circulation within the host local government and any affected
31 local government to allow for public comment. Following

1 receipt and consideration of all comments, and the holding of
2 at least two public hearings within the host jurisdiction, the
3 board of trustees ~~Regents~~ shall adopt the campus master plan.
4 It is the intent of the Legislature that the board of trustees
5 ~~Regents~~ comply with the notice requirements set forth in s.
6 163.3184(15) to ensure full public participation in this
7 planning process. Campus master plans developed under this
8 section are not rules and are not subject to chapter 120
9 except as otherwise provided in this section.

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

29 (8) Following receipt of a petition, the petitioning
30 party or parties and the board of trustees ~~Regents~~ shall
31 mediate the issues in dispute as follows:

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

5 (b) If resolution of the matter cannot be achieved
6 within 60 days, the issues must be submitted to the state land
7 planning agency. The state land planning agency has 60 days
8 to hold informal hearings, if necessary, identify the issues
9 remaining in dispute, prepare a record of the proceedings, and
10 submit the matter to the Administration Commission for final
11 action. The report to the Administration Commission must list
12 each issue in dispute, describe the nature and basis for each
13 dispute, identify alternative resolutions of the dispute, and
14 make recommendations.

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

1 campus development. The final order of the Administration
2 Commission is subject to judicial review as provided in s.
3 120.68.

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

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

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

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

17 (10) Upon adoption of a campus master plan, the board
18 of trustees ~~Regents~~ shall draft a proposed campus development
19 agreement for each local government and send it to the local
20 government within 270 days after the adoption of the relevant
21 campus master plan.

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

23 (a) Must identify the geographic area of the campus
24 and local government covered by the campus development
25 agreement.

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

28 (c) Must address public facilities and services
29 including roads, sanitary sewer, solid waste, drainage,
30 potable water, parks and recreation, and public
31 transportation.

1 (d) Must, for each of the facilities and services
2 listed in paragraph (c), identify the level-of-service
3 standard established by the applicable local government,
4 identify the entity that will provide the service to the
5 campus, and describe any financial arrangements between the
6 board of trustees ~~Regents~~ and other entities relating to the
7 provision of the facility or service.

8 (e) Must, for each of the facilities and services
9 listed in paragraph (c), determine the impact of existing and
10 proposed campus development reasonably expected over the term
11 of the campus development agreement on each service or
12 facility and any deficiencies in such service or facility
13 which the proposed campus development will create or to which
14 it will contribute.

15 (f) May, if proposed by the board of trustees ~~Regents~~,
16 address the issues prescribed in paragraphs (d) and (e) with
17 regard to additional facilities and services, including, but
18 not limited to, electricity, nonpotable water, law
19 enforcement, fire and emergency rescue, gas, and telephone.

20 (g) Must, to the extent it addresses issues addressed
21 in the campus master plan and host local government
22 comprehensive plan, be consistent with the adopted campus
23 master plan and host local government comprehensive plan.

24 (12)(a) Each proposed campus development agreement
25 must clearly identify the lands to which the board of trustees
26 ~~Regents~~ intends the campus development agreement to apply.

27 (b) Such land may include:

28 1. Land ~~to be~~ purchased by the board of trustees
29 ~~Regents~~ and titled in the name of the Board of Trustees of the
30 Internal Improvement Trust Fund for use by an institution over
31 the life of the campus development agreement.

1 2. Land not owned by the Board of Trustees of the
2 Internal Improvement Trust Fund if the university board of
3 trustees ~~Regents~~ intends to undertake development activities
4 on the land during the term of the campus development
5 agreement.

6 3. Land that is not owned by the Board of Trustees of
7 the Internal Improvement Trust Fund because the university
8 board of trustees purchases that land after the effective date
9 of this act.

10 (c) Land owned by the Board of Trustees of the
11 Internal Improvement Trust Fund for lease to the university
12 board of trustees ~~Regents acting on behalf of the institution~~
13 may be excluded, but any development activity undertaken on
14 excluded land is subject to part II of chapter 163.

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

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

22 (b) The university board of trustees ~~Regent's~~ fair
23 share of the cost of the measures identified in paragraph (a)
24 must be stated in the campus development agreement. In
25 determining the fair share, the effect of any demand
26 management techniques, which may include such techniques as
27 flexible work hours and carpooling, that are used by the board
28 of trustees ~~Regents~~ to minimize the offsite impacts shall be
29 considered.

30
31

1 (c) The board of trustees ~~Regents~~ is responsible for
2 paying the fair share identified in paragraph (b), and it may
3 do so by:

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

6 2. Taking on full responsibility for the improvements,
7 selected from the list of improvements identified in paragraph
8 (a), and agreed to between the host local government and the
9 board of trustees ~~Regents~~, the total cost of which equals the
10 contribution identified in paragraph (b).

11 (d) All concurrency management responsibilities of the
12 board of trustees ~~Regents~~ are fulfilled if the board of
13 trustees ~~Regents~~ expends the total amount of funds identified
14 in paragraph (b) notwithstanding that the board of trustees
15 ~~Regents~~ may not have undertaken or made contributions to some
16 of the measures identified in paragraph (a).

17 (e) Capital projects included in the campus
18 development agreement may be used by the local government for
19 the concurrency management purposes.

20 (f) Funds provided by universities in accordance with
21 campus development agreements are subject to appropriation by
22 the Legislature. A development authorized by a campus
23 development agreement may not be built until the funds to be
24 provided pursuant to paragraph (b) are appropriated by the
25 Legislature.

26 (14) A campus development agreement may not address or
27 include any standards or requirements for onsite development,
28 including environmental management requirements or
29 requirements for site preparation.

30 (15) Once the board of trustees ~~Regents~~ and host local
31 government agree on the provisions of the campus development

1 agreement, the campus development agreement shall be executed
2 by the board of trustees ~~Regents~~ and the host local government
3 in a manner consistent with the requirements of s. 163.3225.
4 Once the campus development agreement is executed, it is
5 binding upon the board of trustees ~~Regents~~ and host local
6 government. A copy of the executed campus development
7 agreement must be sent to the state land planning agency
8 within 14 days after the date of execution.

9 (16) If, within 180 days following the host local
10 government's receipt of the proposed campus development
11 agreement, the board of trustees ~~Regents~~ and host local
12 government cannot reach agreement on the provisions of the
13 campus development agreement, the following procedures for
14 resolving the matter must be followed:

15 (a) The matter must be submitted to the state land
16 planning agency, which has 60 days to hold informal hearings,
17 if necessary, and identify the issues remaining in dispute,
18 prepare a record of the proceedings, and submit the matter to
19 the Administration Commission for final action. The report to
20 the Administration Commission must list each issue in dispute,
21 describe the nature and basis for each dispute, identify
22 alternative resolutions of each dispute, and make
23 recommendations.

24 (b) After receiving the report from the state land
25 planning agency, the Administration Commission shall take
26 action to resolve the issues in dispute. In deciding upon a
27 proper resolution, the Administration Commission shall
28 consider the nature of the issues in dispute, the compliance
29 of the parties with this section, the extent of the conflict
30 between the parties, the comparative hardships, and the public
31 interest involved. In resolving the matter, the

1 Administration Commission may prescribe, by order, the
2 contents of the campus development agreement.

3 (17) Disputes that arise in the implementation of an
4 executed campus development agreement must be resolved as
5 follows:

6 (a) Each party shall select one mediator and notify
7 the other in writing of the selection. Thereafter, within 15
8 days after their selection, the two mediators selected by the
9 parties shall select a neutral, third mediator to complete the
10 mediation panel.

11 (b) Each party is responsible for all costs and fees
12 payable to the mediator selected by it and shall equally bear
13 responsibility for the costs and fees payable to the third
14 mediator for services rendered and costs expended in
15 connection with resolving disputes pursuant to the campus
16 development agreement.

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

20 (d) Within 60 days after the convening of the panel,
21 the panel shall issue a report containing a recommended
22 resolution of the issues in dispute.

23 (e) If either the board of trustees ~~Regents~~ or local
24 government rejects the recommended resolution of the issues in
25 dispute, the disputed issues must be resolved pursuant to the
26 procedures provided by subsection (16).

27 (18) Once the campus development agreement is
28 executed, all campus development may proceed without further
29 review by the host local government if it is consistent with
30 the adopted campus master plan and associated campus
31 development agreement.

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

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

5 (b) If either party delays by more than 12 months the
6 construction of a capital improvement identified in the
7 agreement.

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

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

22 (22) In consultation with the state land planning
23 agency, the Board of Regents shall adopt rules implementing
24 subsections (3)-(6) within 180 days after July 1, 1993. The
25 rules must set specific schedules and procedures for the
26 development and adoption of campus master plans.

27 (23) Until the campus master plan and campus
28 development agreement for an institution have been finalized,
29 any dispute between the board of trustees ~~Regents~~ and a local
30 government relating to campus development for that institution
31

1 shall be resolved by the process established in subsection
2 (8).

3 Section 32. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.156,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.156 State University System Concurrency Trust
9 Fund.--Notwithstanding any other provision of law, the general
10 revenue service charge deducted pursuant to s. 215.20 on
11 revenues raised by any local option motor fuel tax levied
12 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
13 Laws of Florida, shall be deposited in the State University
14 System Concurrency Trust Fund, which is hereby created. Moneys
15 in such trust fund shall be for the purpose of funding ~~State~~
16 ~~University System~~ offsite improvements to state universities
17 that are required to meet concurrency standards adopted under
18 part II of chapter 163. In addition, in any year in which
19 campus master plans are updated pursuant to s. 240.155, but no
20 more frequently than once every 5 years, up to 25 percent of
21 the balance in the trust fund for that year may be used to
22 defray the costs incurred in updating those campus master
23 plans.

24 Section 33. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.2011,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted and
28 amended to read:

29 240.2011 State universities and colleges ~~University~~
30 ~~System~~ defined.--The state universities and colleges
31 ~~University System~~ shall consist of ~~the following~~:

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

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

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

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

10 (4)~~(5)~~ The University of South Florida, with a main
11 campus located in Hillsborough County and two fiscally
12 autonomous campuses, one in Pinellas County, named the
13 University of South Florida St. Petersburg, and the other
14 named the University of South Florida Sarasota/Manatee.

15 (5)~~(6)~~ The Florida Atlantic University, with partner
16 campuses located in Palm Beach County and Broward County.

17 (6)~~(7)~~ The University of West Florida, with a main
18 campus located in Escambia County.

19 (7)~~(8)~~ The University of Central Florida, with a main
20 campus located in Orange County.

21 (8)~~(9)~~ The University of North Florida, with a main
22 campus located in Duval County.

23 (9)~~(10)~~ The Florida International University, with a
24 main campus located in Dade County.

25 (10)~~(11)~~ The Florida Gulf Coast University, with a
26 main campus located in Fort Myers.

27 (11)~~(12)~~ New College of Florida, located in Sarasota
28 County, which is the 4-year residential liberal arts honors
29 college of the State of Florida.

30 Section 34. Section 240.2012, Florida Statutes, is
31 created to read:

1 240.2012 Board of trustees of the state universities
2 and colleges.--

3 (1)(a) It is the intent of the Legislature that each
4 state university and college shall be governed by a board of
5 trustees and that no department, bureau, division, agency, or
6 subdivision of the state shall exercise any responsibility or
7 authority to operate or regulate any state university or
8 college except as is specifically provided by law. Each state
9 university and college shall be an independent, separate legal
10 entity. The university and college boards of trustees and the
11 state universities and colleges are not state agencies unless
12 specifically provided by law.

13 (b) The Governor shall appoint for each state
14 university and college a 12-member board of trustees. Each
15 member is subject to confirmation by the Senate in the regular
16 legislative session immediately following his or her
17 appointment. In addition to the 12 members of the board of
18 trustees, a main campus student body president shall serve as
19 an ex officio voting member of the board of trustees. There
20 shall be no state residency requirement for university and
21 college board members, but the Governor shall consider
22 diversity and regional representation. Members of the boards
23 of trustees shall receive no compensation, but may be
24 reimbursed for travel and per diem expenses as provided in s.
25 112.061.

26 (c) The Governor may remove a trustee for cause. Upon
27 a determination by a court of a second violation of s. 286.011
28 by a member of a university or college board of trustees, the
29 member is subject to removal for cause. Upon a determination
30 by a court that a member has knowingly violated s. 286.011,
31 the member shall be removed. The Governor shall appoint a new

1 member of the board pursuant to subsection (1). The penalties
2 imposed by this paragraph are cumulative to the penalties
3 imposed under s. 286.011. Violations of s. 286.011 prior to
4 the enactment of this paragraph shall not constitute
5 violations for purposes of this paragraph.

6 (2) Each board of trustees shall be a public body
7 corporate by the name of "The (name of university or college)
8 Board of Trustees," with all the powers of a body corporate,
9 including a corporate seal, the power to contract and be
10 contracted with, to sue and be sued, to plead and be impleaded
11 in all courts of law or equity, and to give and receive
12 donations. In all suits against a board of trustees, service
13 of process shall be made on the chair of the board or, in the
14 absence of the chair, on the corporate secretary or designee.
15 In any suit, a change in personnel of the board shall not
16 abate the suit, which shall proceed as if such change had not
17 taken place.

18 (3) Boards of trustees' members shall be appointed for
19 staggered 4-year terms, and may be reappointed for additional
20 terms not to exceed 8 years of service.

21 (4) Each board of trustees shall select its chair and
22 vice chair from the appointed members at its first regular
23 meeting after July 1. The chair shall serve for 2 years and
24 may be reselected for one additional consecutive term. The
25 duties of the chair shall include presiding at all meetings of
26 the board, calling special meetings of the board, attesting to
27 actions of the board, and notifying the Governor in writing
28 whenever a board member fails to attend three consecutive
29 regular board meetings in any fiscal year, which failure may
30 be grounds for removal. The duty of the vice chair is to act
31 as chair during the absence or disability of the chair.

1 (5) The university or college president shall serve as
2 executive officer and corporate secretary of the board of
3 trustees and shall be responsible to the board for all
4 operations of the university or college and for setting the
5 agenda for meetings of the board in consultation with the
6 chair.

7 (6) The boards of trustees shall be responsible for
8 cost-effective policy decisions appropriate to the mission of
9 the state university or college; the implementation and
10 maintenance of high-quality education programs within law and
11 rules of the State Board of Education; the measurement of
12 performance, the reporting of information; and the provision
13 of input regarding state policy, budgeting, and education
14 standards.

15 (7) University and college boards of trustees shall be
16 corporations primarily acting as instrumentalities or agencies
17 of the state, pursuant to s. 768.28(2), for purposes of
18 sovereign immunity.

19 Section 35. Section 240.2013, Florida Statutes, is
20 created to read:

21 240.2013 Powers and duties of university and college
22 boards of trustees.--

23 (1) Each university and college board of trustees is
24 vested with the authority to govern and set policy for its
25 university or college in accordance with law and with rules of
26 the State Board of Education. Each board of trustees shall
27 perform all duties assigned by law or by rule of the State
28 Board of Education.

29 (2) Each university and college board of trustees may
30 adopt rules, pursuant to chapter 120, and policies consistent
31 with the university and college mission, with law, and with

1 the rules of the State Board of Education, including rules and
2 policies for:

3 (a) Selecting the president to serve at the pleasure
4 of the board and to perform the duties assigned by the board
5 or otherwise provided by law or by rule.

6 (b) Fixing the compensation and other conditions of
7 employment of the president.

8 (c) Conducting annual evaluations of the president,
9 submitting such evaluations to the Commissioner of Education
10 for review, and suspending or removing the president in
11 accordance with guidelines established by the State Board of
12 Education.

13 (d) Appointing a presidential search committee to make
14 recommendations to the board of trustees, from which the board
15 may select the university or college president.

16 (e) In consultation with the university or college
17 president, defining and developing a strategic plan for the
18 university or college for recommendation to the Commissioner
19 of Education and the State Board of Education, as provided by
20 law, and specifying institutional goals and objectives.

21 (f) Providing for academic freedom and academic
22 responsibility at the university or college.

23 (g) In consultation with the university or college
24 president, submitting an institutional budget request,
25 including a request for fixed capital outlay, to the
26 Commissioner of Education in accordance with guidelines
27 established by the State Board of Education.

28 (h) Approving new and terminating existing
29 undergraduate and graduate degree programs up to and including
30 the master's degree level. New colleges, schools, or
31 functional equivalents of any program leading to a degree that

1 is offered as a credential for a specific license granted
2 under the Florida Statutes or the State Constitution may not
3 be established without specific approval of the Legislature.
4 (i) Purchasing, acquiring, receiving, holding, owning,
5 managing, leasing, selling, disposing of, and conveying title
6 to real property that are not state lands in accordance with
7 the rules of the State Board of Education. Notwithstanding s.
8 253.025, university and college boards of trustees may
9 purchase, acquire, receive, hold, own, manage, lease, sell,
10 dispose of, or convey title to real property that are state
11 lands and related improvements, subject to approval of the
12 Board of Internal Improvement Trust Fund or the Division of
13 State Lands. This paragraph does not abrogate in any manner
14 the authority delegated to the Board of Trustees of the
15 Internal Improvement Trust Fund or the Division of State Lands
16 to require policies and procedures to obtain clear title to
17 parcels purchased for university or college purposes. The
18 university and college boards of trustees may secure
19 appraisals and surveys for state lands. The university and
20 college boards of trustees shall comply with the rules of the
21 Board of Trustees of the Internal Improvement Trust Fund in
22 securing appraisals for state lands. Whenever the university
23 and college boards of trustees find it necessary for timely
24 property acquisition of state lands, they may contract,
25 without the need for competitive selection, with one or more
26 appraisers whose names are contained on the list of approved
27 appraisers maintained by the Division of State Lands in the
28 Department of Environmental Protection. The university and
29 college boards of trustees may negotiate and enter into an
30 option contract before an appraisal is obtained for state
31 lands. The option contract must state that the final purchase

1 price for state lands may not exceed the maximum value allowed
2 by law. Title to state lands leased to the university and
3 college boards of trustees shall remain vested with the Board
4 of Internal Improvement Trust Fund. The university and college
5 boards of trustees shall become successors in interest to
6 leases of state lands leased to the State Board of Education
7 for use by the state universities and colleges.

8 (j) Entering into agreements for and accepting credit
9 card, charge card, and debit card payments as compensation for
10 goods, services, tuition, and fees.

11 (k) Establishing the personnel program for all
12 employees of the university or college in accordance with the
13 law and the rules of the State Board of Education, including
14 compensation and other conditions of employment, recruitment
15 and selection, nonreappointment, standards for performance and
16 conduct, evaluation, benefits and hours of work, recognition,
17 inventions and works, travel, learning opportunities, academic
18 freedom and responsibility, promotion, assignment, demotion,
19 transfer, tenure and permanent status, ethical obligations and
20 conflicts of interest, restrictive covenants, disciplinary
21 actions, complaints, appeals and grievance procedures, and
22 separation and termination from employment. The Department of
23 Management Services shall retain authority over state
24 university and college employees for programs established in
25 ss. 110.123, 110.1232, 110.1234, and 110.1238 and in chapters
26 121, 122, and 238.

27 (l) Establishing and maintaining a personnel exchange
28 program.

29 (m) Ensuring compliance with federal laws,
30 regulations, and requirements.

31

1 (n) Using, maintaining, protecting, and controlling
2 university and college owned or university and college
3 controlled buildings and grounds, property and equipment,
4 name, trademarks and other proprietary marks, and the
5 financial and other resources of the university or college.
6 Such authority may include placing restrictions on activities;
7 access to facilities; the possession of firearms, food,
8 tobacco, and alcoholic beverages; the distribution of printed
9 materials; animals or their use; and levels of sound. The
10 authority vested in the board in this subsection includes the
11 prioritization of the use of space, property, equipment, and
12 resources, and the imposition of charges for such use.

13 (o) Providing and coordinating policies relating to
14 credit and noncredit educational offerings by the university
15 or college.

16 (p) Establishing a procurement program for the
17 purchase, lease, or acquisition in any manner of goods,
18 materials, equipment, and services required by the university
19 or college, and providing university or college goods,
20 materials, and services through sale, lease, license, or any
21 other manner. University and college boards of trustees must
22 comply with s. 287.055 for the procurement of professional
23 services as defined therein.

24 (q) Establishing and administering faculty practice
25 plans for the academic health science centers.

26 (r) Exercising the right of eminent domain whenever a
27 university or college board of trustees finds it is necessary
28 for the welfare or convenience of the university or college to
29 acquire private property for the use of the university or
30 college, and the same cannot be acquired by agreement
31 satisfactory to the university or college boards of trustees

1 and parties interested in, or the owners of, said private
2 property. The university or college board of trustees may
3 exercise the right of eminent domain after receiving approval
4 from the State Board of Education and may proceed to condemn
5 the property in the manner provided by chapters 73 and 74.

6 (s) Ensuring compliance with s. 287.09451 for all
7 university or college procurement, and additionally, ss.
8 255.101 and 255.102, for construction contracts, and rules
9 pursuant thereto, relating to the use of minority business
10 enterprises, except that procurements costing less than the
11 amount provided for in CATEGORY FIVE as provided in s. 287.017
12 are not subject to s. 287.09451.

13 (t) Establishing a program for the maintenance and
14 construction of facilities for the state universities and
15 colleges and securing, or otherwise providing as a
16 self-insurer pursuant to s. 440.38(6), workers' compensation
17 coverage for contractors and subcontractors, or each of them,
18 employed by or on behalf of the university or college board of
19 trustees.

20 (u) Ensuring that a school, college, or center at a
21 state university or college is not named for a living person
22 unless approved by the State Board of Education.

23 (v) Managing university and college enrollment as
24 provided by law and the appropriation acts.

25 (w) Advising students who meet the minimum
26 requirements for admission to the upper-division of a state
27 university or college, but are denied admission to limited
28 access programs, of the availability of similar programs at
29 other state universities and colleges and the admissions
30 requirements of such programs.

31

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

5 (y) Ensuring that university and college students are
6 aware of program prerequisites for programs certified as
7 unique pursuant to s. 229.551(1)(f)5.

8 (z) Governing student activities and organizations.

9 (3) A state university or college board of trustees
10 may authorize the rent or lease of parking facilities if the
11 facilities are funded through parking fees or parking fines
12 imposed by a university or college. A board of trustees may
13 authorize a university or college to charge fees for parking
14 at such rented or leased parking facilities.

15 (4) Each board of trustees shall implement the
16 university facilities plan in accordance with law and
17 guidelines of the Commissioner of Education's Office of
18 Educational Facilities and SMART Schools Clearinghouse.

19 (5) A board of trustees shall perform any other duties
20 that are provided by law or rule of the State Board of
21 Education.

22 (6) For purposes of chapter 284, university and
23 college boards of trustees are state agencies. However, the
24 university and college boards of trustees may become exempt
25 from the provisions of chapter 284 if the Department of
26 Insurance determines that the university or college board of
27 trustees maintains insurance protection that is comparable or
28 greater than the coverage limits provided under the State Risk
29 Management Trust Fund.

30 Section 36. Section 240.2014, Florida Statutes, is
31 created to read:

1 240.2014 University and college presidents; powers and
2 duties.--

3 (1) The president is the chief executive officer of
4 the university or college, shall be corporate secretary of the
5 state university or college board of trustees, and is
6 responsible for the operation and administration of the
7 university or college. Each university and college president
8 shall:

9 (a) Recommend the adoption of rules to the state
10 university or college board of trustees to implement
11 provisions of law governing the operation and administration
12 of the university or college, which shall include the specific
13 powers and duties enumerated in this section.

14 (b) Prepare a budget request and an operating budget
15 for approval by the university or college board of trustees.

16 (c) Administer the university or college personnel
17 system within law and rules of the State Board of Education
18 and in accordance with rules or policies approved by the
19 university or college board of trustees.

20 (d) Govern admissions, subject to laws, rules, and
21 policies of the university or college board of trustees and
22 the State Board of Education.

23 (e) Approve, execute, and administer contracts for and
24 on behalf of the university or college board of trustees for
25 the acquisition of commodities, goods, licenses, equipment,
26 services, leases of real and personal property, and planning
27 and construction to be rendered to or by the university or
28 college. Any contract exceeding \$1 million must be approved by
29 the university or college board of trustees before the
30 contract is entered. University and college presidents shall
31 comply with s. 287.055 for the procurement of professional

1 services. For purposes of a university or college president's
2 contracting authority, a "continuing contract" for
3 professional services under s. 287.055 is one in which
4 construction costs do not exceed \$1 million or the fee for
5 study activity does not exceed \$100,000.

6 (f) Manage the property and other resources of the
7 university or college.

8 (g) Establish the academic calendar of the university
9 or college.

10 (h) Administer the university's or college's program
11 of intercollegiate athletics.

12 (i) Recommend to the board of trustees the
13 establishment and termination of undergraduate and
14 master's-level degree programs.

15 (j) Award degrees.

16 (k) Recommend to the board of trustees a schedule of
17 tuition and fees to be charged by the university or college,
18 within law and rules of the State Board of Education.

19 (l) Review periodically the operations of the
20 university or college in order to determine how effectively
21 and efficiently the university or college is being
22 administered and whether it is meeting the goals of its
23 strategic plan adopted by the State Board of Education.

24 (m) Enter into agreements for student-exchange
25 programs that involve students at the university or college
26 and students in other institutions of higher learning.

27 (n) Provide purchasing, contracting, and budgetary
28 review processes for student government organizations.

29 (o) Ensure compliance with federal and state laws,
30 rules, and other requirements that are applicable to the
31 university or college.

1 (p) Maintain all data and information pertaining to
2 the operation of the university or college, and report on the
3 attainment by the university or college of institutional and
4 statewide performance accountability goals.

5 (q) Administer matters relating to students such as
6 classification, attendance, progress, student accounts,
7 discipline, suspension, expulsion, and graduation subject to
8 the law, the rules of the State Board of Education, and the
9 rules of the university and college boards of trustees.

10 (r) Ensure compliance with s. 286.011. Upon a
11 determination by a court of a second violation of s. 286.011
12 by a university or college president, the university or
13 college president is subject to removal for cause. Upon a
14 determination by a court that a university or college
15 president has knowingly violated s. 286.011, the university or
16 college president shall be removed. The university or college
17 board of trustees shall appoint a new president pursuant to s.
18 240.2013. The penalties imposed by this subsection are
19 cumulative to the penalties imposed under s. 286.011.
20 Violations of s. 286.011 prior to the enactment of this
21 subsection shall not constitute violations for purposes of
22 this paragraph.

23 (2) For purposes of this chapter, the powers, duties,
24 and authority vested with a university or college shall be
25 vested with the president of the university or college or his
26 or her designee. Unless expressly prohibited by law, rule of
27 the State Board of Education, or rule of the university or
28 college board of trustees, each university and college
29 president may delegate any power, duty, or authority vested in
30 the university or college president by law, rule of the State
31

1 Board of Education, or rule of the university or college board
2 of trustees.

3 Section 37. Sections 240.202 and 240.203, Florida
4 Statutes; section 240.205, Florida Statutes, as amended by
5 section 32 of chapter 2001-170, Laws of Florida; section
6 240.207, Florida Statutes; and section 240.209, Florida
7 Statutes, as amended by section 34 of chapter 2001-170, Laws
8 of Florida, and sections 9, 10, and 52 of chapter 2001-254,
9 Laws of Florida, are repealed.

10 Section 38. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.2093,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.2093 State Board of Education ~~Board of Regents~~;
16 issuance of bonds pursuant to s. 11(f), Art. VII, State
17 Constitution.--

18 (1) Pursuant to s. 11(f), Art. VII of the State
19 Constitution, the State Board of Education ~~Board of Regents of~~
20 ~~the State University System~~, supported by the building fee,
21 the capital improvement fee, or any other revenue approved by
22 the Legislature for facilities construction, is authorized to
23 request the issuance of bonds or other forms of indebtedness
24 pursuant to the State Bond Act to finance or refinance capital
25 projects authorized by the Legislature. In order to take
26 advantage of economic conditions, the Division of Bond Finance
27 shall process requests by the State Board of Education ~~Board~~
28 ~~of Regents~~ to refinance capital projects under this section on
29 a priority basis.

30 (2) The State Board of Education ~~Board of Regents~~ may
31 approve the issuance of revenue bonds or other forms of

1 indebtedness by a direct-support organization when such
2 revenue bonds or other forms of indebtedness are used to
3 finance or refinance capital projects that ~~which~~ are to
4 provide facilities necessary and desirable to serve the needs
5 and purposes of the state universities and colleges
6 university, as determined by the ~~systemwide~~ strategic plan
7 adopted by the State Board of Education ~~Board of Regents~~, and
8 when the project has been approved by the Legislature.

9 Section 39. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.2094,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.2094 State university and college ~~University~~
15 ~~System~~ management flexibility.--

16 (1) Notwithstanding the provisions of ~~s.ss. 216.031,~~
17 ~~216.181, 216.262, and 240.271 to the contrary and pursuant to~~
18 ~~the provisions of s. 216.351~~, but subject to any guidelines
19 imposed in the General Appropriations Act, funds for the
20 operation of the state universities and colleges ~~State~~
21 ~~University System~~ shall be requested and appropriated as
22 grants and aids within budget entities, program components,
23 ~~program categories, lump sums, or special categories. Funds~~
24 ~~appropriated to the State University System for each program~~
25 ~~category, lump sum, or special category may be transferred to~~
26 ~~traditional categories for expenditure by the Board of~~
27 ~~Regents. The Board of Regents shall provide each university an~~
28 ~~approved budget based upon the appropriations act, and the~~
29 ~~universities shall develop an annual operating budget that~~
30 ~~allocates funds by program component and traditional~~
31 ~~expenditure category.~~

1 ~~(2) Notwithstanding the provisions of s. 216.181 and~~
2 ~~pursuant to the provisions of s. 216.351, but subject to any~~
3 ~~requirements imposed in the General Appropriations Act, no~~
4 ~~lump-sum plan is required to implement the special categories,~~
5 ~~program categories, or lump-sum appropriations. Upon release~~
6 ~~of the special categories, program categories, or lump-sum~~
7 ~~appropriations to the Board of Regents, the Comptroller, upon~~
8 ~~the request of the Board of Regents, shall transfer or~~
9 ~~reallocate funds to or among accounts established for each~~
10 ~~university within each budget entity, for disbursement~~
11 ~~purposes. The Board of Regents shall maintain records to~~
12 ~~account for the original appropriation.~~

13 ~~(3) Notwithstanding the provisions of ss. 216.031,~~
14 ~~216.181, 216.251, and 216.262 to the contrary and pursuant to~~
15 ~~the provisions of s. 216.351, but subject to any requirements~~
16 ~~imposed in the General Appropriations Act, the Board of~~
17 ~~Regents shall establish the authorized positions and initial~~
18 ~~approved salary rate and may amend such positions and rate,~~
19 ~~within the maximum number of total positions and salary rate~~
20 ~~authorized annually in the appropriations act.~~

21 Section 40. Sections 240.20941, 240.2095, and
22 240.2097, Florida Statutes, are repealed.

23 Section 41. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.2098,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.2098 ~~University~~ Student ombudsman office.--

29 (1) ~~There is created at~~ Each university and college
30 shall have a student ombudsman office, which is accountable to
31 the president.

1 (2) Each university and college must have an
2 established procedure by which a student may appeal to the
3 office of the ombudsman a decision that is related to the
4 student's access to courses and credit granted toward the
5 degree. Each university and college must notify students of
6 the appeal procedure.~~Detailed information concerning this~~
7 ~~procedure must be included in the university catalog.~~

8 ~~(3) Each university shall develop minimum standards~~
9 ~~for the role of ombudsman or student advocate. The standards~~
10 ~~shall address the issue of notification of students of~~
11 ~~opportunities for assistance or appeal.~~

12 Section 42. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.2099,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.2099 Computer-assisted student advising system;
18 plans.--The State Board of Education shall establish the
19 Florida Center for Advising and Academic Support whose mission
20 shall be to promote system integration and articulation among
21 K-20 educational organizations through the implementation of a
22 statewide student advising system.~~The system Board of Regents~~
23 ~~and State Board of Community Colleges shall develop plans for~~
24 ~~implementing a single, statewide computer-assisted student~~
25 ~~advising system, which must be an integral part of the process~~
26 ~~of advising, admitting, registering, and certifying students~~
27 ~~for graduation. The Plans shall include timelines for the~~
28 ~~implementation of the system and shall be submitted to the~~
29 ~~Legislature by October 1, 1996. It is intended that an~~
30 ~~advising system shall be the primary advising and tracking~~
31 ~~tool for students enrolled in community colleges, colleges,~~

1 and universities and shall be accessible to students enrolled
2 in each of the state universities, colleges,community
3 colleges, and public secondary schools. The Commissioner of
4 Education shall establish a committee to oversee the
5 development and maintenance of the advising system. The
6 university, college, and community college boards of trustees
7 shall implement the Florida Academic Counseling and Tracking
8 System.~~The State University System and the community college~~
9 ~~system shall establish a committee to oversee the development~~
10 ~~and maintenance of the advising system.~~The system shall
11 consist of a degree audit and an articulation component that
12 includes the following characteristics:

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

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

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

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

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

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

30 (3) The system must provide management information to
31 decisionmakers, including information relating student

1 enrollment patterns and course demands to plans for
2 corresponding course offerings and information useful in
3 planning the student registration process.

4 (4) The Florida Center for Advising and Academic
5 Support shall also work with the public secondary system to
6 provide computer-assisted student advising through which
7 students may obtain information related to career
8 descriptions, corresponding educational requirements,
9 admission into state universities and colleges, and financial
10 aid.

11 (5) The Florida Center for Advising and Academic
12 Support shall report annually to the President of the Senate
13 and the Speaker of the House of Representatives by December 1,
14 the universities, colleges, and community colleges that have
15 not implemented the statewide computer-assisted student
16 advising system.

17 Section 43. Sections 240.2111 and 240.2112, Florida
18 Statutes, are repealed.

19 Section 44. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.213,
21 Florida Statutes, shall not stand repealed January 7, 2003, as
22 scheduled by that law, but that section is reenacted and
23 amended to read:

24 240.213 University and college boards of trustees
25 ~~Board~~ authorized to secure liability insurance.--

26 (1) Each university and college board of trustees may
27 ~~The Board of Regents is authorized to~~ secure, or otherwise
28 provide as a self-insurer, or by a combination thereof,
29 comprehensive general liability insurance, including
30 professional liability for health care and veterinary
31 sciences, for:

1 (a) The university or college board of trustees ~~board~~.

2 (b) The students of the university or college ~~and~~
3 ~~faculty of any university within the State University System.~~

4 (c) The officers, members, employees, faculty, or
5 agents of the university or college board of trustees ~~board~~.

6 (d) The state university or college, or any college,
7 school, institute, center, or program thereof.

8 ~~(d) The professional practitioners practicing a~~
9 ~~profession within, or by virtue of employment by, any~~
10 ~~university in the State University System.~~

11 ~~(e) Any of the universities in the State University~~
12 ~~System or subdivisions thereof.~~

13 ~~(e)(f)~~ Any not-for-profit corporation organized
14 pursuant to chapter 617, and the directors, officers,
15 employees, and agents thereof, which is affiliated with a
16 state university or college ~~in the State University System~~, if
17 the corporation is operated for the benefit of a state
18 university or college in a manner consistent with the best
19 interests of the state, and if such participation is approved
20 by the self-insurance program ~~appropriate insurance trust fund~~
21 council, university or college president, and the university
22 or college board of trustees ~~Board of Regents~~.

23

24 ~~The Board of Regents is authorized to delegate to the~~
25 ~~universities, as appropriate, the authority to secure any~~
26 ~~liability insurance for the above.~~

27 (2) If a university or college board of trustees
28 adopts a self-insurance program, the university or college
29 board of trustees shall establish a governing council to
30 administer the program, including the administration of the
31 self-insurance program assets and expenditures, which shall be

1 defined by rules adopted by the university or college board of
2 trustees. If the self-insurance program is established for
3 health care or veterinary services, the vice president of
4 health affairs or his or her academic equivalent shall be the
5 chair of the governing council. Each university or college
6 board of trustees shall ensure that the governing council
7 performs an annual actuarial review to establish funding
8 requirements to maintain the fiscal integrity of the
9 self-insurance program.~~In the event the Board of Regents~~
10 ~~adopts a self-insurance program, the necessary trust funds in~~
11 ~~the State Treasury may be established pursuant to law.~~
12 ~~Provided that the annual actuarial report to the~~
13 ~~self-insurance trust fund council is provided each year to the~~
14 ~~Auditor General within 60 days after acceptance by the~~
15 ~~council,~~The assets of a self-insurance program shall may be
16 deposited outside the State Treasury, and at the option of the
17 ~~Board of Regents, in accounts established pursuant to law for~~
18 ~~that purpose. Self-insurance program trust funds shall be~~
19 administered in accordance with rules adopted by each
20 university or college board of trustees ~~established by the~~
21 ~~Board of Regents.~~ Each self-insurance program governing
22 council shall make provisions for an annual postaudit of its
23 financial accounts to be conducted by an independent certified
24 public accountant in accordance with the rules adopted by the
25 university or college board of trustees. The annual audit
26 report shall include a management letter and shall be
27 submitted, within 9 months after the end of the fiscal year,
28 to the board of trustees and the Auditor General for review.
29 The university and college boards of trustees, the Auditor
30 General, and the Office of Program Policy Analysis and
31 Government Accountability may require and receive from the

1 self-insurance program council or from its independent auditor
2 any detail or supplemental data relative to the operation of
3 the self-insurance program.

4 (3) Any self-insurance program created pursuant to
5 this section shall be funded by the entities and individuals
6 protected by such program. Funds may not be appropriated to
7 any self-insurance fund. The assets of the self-insurance
8 program shall be the property of the university or college
9 board of trustees and shall be used to pay the administrative
10 expenses of the self-insurance program and to pay any claim,
11 judgment, or claims bill arising out of activities for which
12 the self-insurance program was created. Investment income that
13 is in excess of that income necessary to ensure the solvency
14 of a self-insurance program as established by a casualty
15 actuary may be used to defray the annual contributions paid
16 into the program by the entities and individuals protected by
17 the program.~~There shall be no funds appropriated directly to~~
18 ~~any insurance trust fund. The Board of Regents is authorized~~
19 ~~to accept any payments, receipts, gifts, or donations made for~~
20 ~~the purposes of this section and deposit such funds in the~~
21 ~~appropriate insurance trust fund.~~

22 (4) No self-insurance program adopted by a university
23 or college board of trustees ~~the Board of Regents~~ may sue or
24 be sued. ~~The Board of Regents shall pay, out of the assets of~~
25 ~~a trust fund established pursuant to this section, any claim~~
26 ~~or judgment for which the self-insurance trust funds were~~
27 ~~created and which is rendered against the board.~~The claims
28 files of any such program are privileged and confidential,
29 exempt from the provisions of s. 119.07(1), and are only for
30 the use of the program in fulfilling its duties. ~~Any~~

31

1 ~~self-insurance trust fund and revenues generated by that fund~~
2 ~~shall only be used to pay claims and administration expenses.~~

3 (5) The university and college boards of trustees may
4 ~~adopt~~ Board of Regents is authorized and empowered to make
5 ~~such~~ rules as may be necessary to carry out the provisions of
6 this section, ~~including the delegation of authority, other~~
7 ~~than rulemaking authority, to appropriate levels of~~
8 ~~administration within the State University System.~~

9 Section 45. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.214,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.214 State university and college System
15 accountability process.--It is the intent of the Legislature
16 that an accountability process be implemented which provides
17 for the systematic, ongoing evaluation of quality and
18 effectiveness of the state universities and colleges in the
19 ~~State University System~~. It is further the intent of the
20 Legislature that this accountability process monitor
21 performance at the system level in each of the major areas of
22 instruction, research, and public service, while recognizing
23 the differing missions of each of the state universities and
24 colleges. The accountability process shall provide for the
25 adoption of ~~systemwide~~ performance standards and performance
26 goals for each standard identified through a collaborative
27 effort involving the state universities and colleges State
28 ~~University System~~, the Legislature, and the Governor's Office.
29 These standards and goals shall be consistent with s.
30 216.011(1) to maintain congruity with the performance-based
31 budgeting process. This process requires that university and

1 college accountability reports reflect measures defined
2 through performance-based budgeting. The performance-based
3 budgeting measures must also reflect the elements of teaching,
4 research, and service inherent in the missions of the state
5 universities and colleges ~~institutions in the State University~~
6 ~~System.~~

7 (1) By December 31 of each year, the State Board of
8 Education ~~Board of Regents~~ shall submit an annual
9 accountability report providing information on the
10 implementation of performance standards, actions taken to
11 improve university and college achievement of performance
12 goals, the achievement of performance goals during the prior
13 year, and initiatives to be undertaken during the next year.
14 The accountability reports shall be designed in consultation
15 with the Governor's Office, the Office of Program Policy
16 Analysis and Government Accountability, and the Legislature.

17 (2) The State Board of Education ~~Board of Regents~~
18 shall recommend in the annual accountability report any
19 appropriate modifications to this section.

20 Section 46. Section 240.2145, Florida Statutes, is
21 repealed.

22 Section 47. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.215,
24 Florida Statutes, shall not stand repealed January 7, 2003, as
25 scheduled by that law, but that section is reenacted and
26 amended to read:

27 240.215 Payment of costs of civil action against
28 officers, agents, members, or employees of a university or
29 college board of trustees ~~employees or members of the Board of~~
30 ~~Regents.--~~

31

1 (1) Whenever any civil action has been brought against
2 any officer, agent, member, or employee of a university or
3 college board of trustees ~~board member or employee~~ for any act
4 or omission arising out of and in the course of the
5 performance of his or her duties and responsibilities, the
6 university or college board of trustees ~~Board of Regents~~ may
7 defray all costs of defending such action, including
8 reasonable attorney's fees and expenses together with costs of
9 appeal, and may save harmless and protect such person from any
10 financial loss resulting from the lawful performance of his or
11 her duties and responsibilities. A university or college board
12 of trustees may settle claims based on such acts or omissions
13 before or after the filing of suit.~~Claims based on such~~
14 ~~actions or omissions may, in the discretion of the Board of~~
15 ~~Regents, be settled prior to or after the filing of suit~~
16 ~~thereon.~~A university or college board of trustees ~~The Board~~
17 ~~of Regents~~ may arrange for and pay the premium for appropriate
18 insurance to cover all such losses and expenses.

19 (2) An employee or agent under the right of control of
20 a university or college board of trustees ~~the Board of Regents~~
21 who, pursuant to the university or college board of trustees'
22 ~~Board of Regents'~~ policies or rules, renders medical care or
23 treatment at any hospital or health care facility with which a
24 university or college board of trustees ~~the Board of Regents~~
25 maintains an affiliation agreement whereby the hospital or
26 health care facility provides to the university or college
27 board of trustees ~~Board of Regents~~ a clinical setting for
28 health care education, research, and services, shall not be
29 deemed to be an agent of any person other than the university
30 or college board of trustees ~~Board of Regents~~ in any civil
31 action resulting from any act or omission of the employee or

1 agent while rendering said medical care or treatment. For this
2 subsection to apply, the patient shall be provided separate
3 written conspicuous notice by the university or college board
4 of trustees ~~Board of Regents~~ or by the hospital or health care
5 facility, and shall acknowledge receipt of this notice, in
6 writing, unless impractical by reason of an emergency, either
7 personally or through another person authorized to give
8 consent for him or her, that he or she will receive care
9 provided by university or college board of trustees ~~Board of~~
10 ~~Regents~~ employees and liability, if any, that may arise from
11 that care is limited as provided by law. Compliance by a
12 hospital or health care facility with the requirements of
13 chapter 395 or s. 766.110(1) shall not be used as evidence in
14 any civil action to establish an agency relationship between
15 the hospital or health care facility and an employee or agent
16 of a university or college board of trustees ~~the Board of~~
17 ~~Regents~~ providing services within the hospital or health care
18 facility.

19 (3) All faculty physicians employed by a university or
20 college board of trustees ~~the Board of Regents~~ who are subject
21 to the requirements of s. 456.013 shall complete their risk
22 management continuing education on issues specific to academic
23 medicine. Such continuing education shall include instruction
24 for the supervision of resident physicians as required by the
25 Accreditation Council for Graduate Medical Education. The
26 boards described in s. 456.013 shall adopt rules to implement
27 the provisions of this subsection.

28 (4) The university and college boards of trustees may
29 use any funds ~~There are appropriated out of any funds~~
30 ~~available in the university system,~~ not subject to the
31 obligation of contract, covenant, or trust, or otherwise

1 restricted by law,~~the amounts~~ necessary to carry out the
2 purposes of this section.

3 (5) Failure of a university or college board of
4 trustees ~~the Board of Regents~~ or an affiliated health care
5 provider to do any act authorized by this section shall not
6 constitute a cause of action against the university or college
7 board of trustees, its members, officers, agents, or employees
8 ~~Board of Regents~~, or an affiliated health care provider, or
9 any of its ~~their~~ members, officers, or employees.

10 Section 48. Sections 240.217 and 240.219, Florida
11 Statutes, are repealed.

12 Section 49. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.222,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.222 Assent to Hatch Act and Morrill Land-Grant
18 Acts Act.--The assent of the Legislature is given to the
19 provisions and requirements of the Acts Act of Congress
20 commonly known as the "Hatch Act of 1887," ~~and the Act of~~
21 ~~Congress commonly known as the~~ "First Morrill Act of 1862,"
22 and the "Second Morrill Act of 1890,"and all acts
23 supplemental thereto., ~~and~~ The Board of Trustees of the
24 University of Florida Regents may receive grants of money
25 appropriated ~~under said acts, insofar as the same, or so much~~
26 ~~thereof, can be used and appropriated~~ for the benefit of the
27 University of Florida Institute of Food and Agricultural
28 Sciences with respect to the First Morrill Act and the Hatch
29 Act, and all acts supplemental thereto, and the Florida
30 Agricultural and Mechanical University Board of Trustees may
31 receive grants of money appropriated for the benefit of

1 Florida Agricultural and Mechanical University in the case of
2 the Second Morrill Act, and all acts supplemental thereto
3 ~~State University System~~. The provisions of chapter 3564, 1885,
4 Laws of Florida, and s. 7, chapter 1776, 1870, Laws of
5 Florida, are made applicable to such universities ~~the State~~
6 ~~University System~~ insofar as the same are or can be made
7 effective; and all estate, right, property claim, and
8 emoluments, and the rents and issues thereof, or any
9 substitutions thereof, and all claims and demands arising or
10 that may or can arise thereunder, or any Act of Congress in
11 that regard, are hereby preserved, maintained, and transferred
12 to the University of Florida Board of Trustees and Florida
13 Agricultural and Mechanical University Board of Trustees ~~Board~~
14 ~~of Regents~~ for the use and benefit of such universities under
15 the terms of the acts ~~the State University System~~.

16 Section 50. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.223,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.223 University and college boards of trustees
22 ~~Board of Regents~~ empowered to act as trustees ~~trustee~~--

23 (1) Whenever appointed by any competent court of the
24 state, or by any statute, or in any will, deed, or other
25 instrument, or in any manner whatever as trustee of any funds
26 or real or personal property in which any of the institutions
27 or agencies under its management, control, or supervision, or
28 their departments or branches or students, faculty members,
29 officers, or employees, may be interested as beneficiaries, or
30 otherwise, or for any educational purpose, the university or
31 college board of trustees may ~~Board of Regents is hereby~~

1 ~~authorized to~~ act as trustees ~~trustee~~ with full legal capacity
2 as trustees ~~trustee~~ to administer such trust property, and the
3 title thereto shall vest in the university or college board of
4 trustees ~~said board~~ as trustee. In all such cases, the
5 university or college board of trustees ~~Board of Regents~~ shall
6 have the power and capacity to do and perform all things as
7 fully as any individual trustee or other competent trustee
8 might do or perform, and with the same rights, privileges, and
9 duties, including the power, capacity, and authority to
10 convey, transfer, mortgage, or pledge such property held in
11 trust and to contract and execute all other documents relating
12 to said trust property which may be required for, or
13 appropriate to, the administration of such trust or to
14 accomplish the purposes of any such trust.

15 (2) Deeds, mortgages, leases, and other contracts of a
16 university or college board of trustees ~~the Board of Regents~~
17 relating to real property of any such trust or any interest
18 therein may be executed by the university or college board of
19 trustees ~~Board of Regents~~, as trustee, in the same manner as
20 is provided by the laws of the state for the execution of
21 similar documents by other corporations or may be executed by
22 the signatures of a majority of the members of the board of
23 trustees; however, to be effective, any such deed, mortgage,
24 or lease contract for more than 10 years of any trust
25 property, executed hereafter by the university or college
26 board of trustees ~~Board of Regents~~, shall be approved by a
27 resolution of the State Board of Education; and such approving
28 resolution may be evidenced by the signature of ~~either~~ the
29 chair ~~or the secretary~~ of the State Board of Education to an
30 endorsement on the instrument approved, reciting the date of
31 such approval, and bearing the seal of the State Board of

1 Education. Such signed and sealed endorsement shall be a part
2 of the instrument and entitled to record without further
3 proof.

4 (3) All prior acts of and appointments by the former
5 Board of Regents are hereby approved, ratified, confirmed, and
6 validated.~~Any and all such appointments of, and acts by, the~~
7 ~~Board of Regents as trustee of any estate, fund, or property~~
8 ~~prior to May 18, 1949, are hereby validated, and said board's~~
9 ~~capacity and authority to act as trustee in all of such cases~~
10 ~~is ratified and confirmed; and all deeds, conveyances, lease~~
11 ~~contracts, and other contracts heretofore executed by the~~
12 ~~Board of Regents, either by the signatures of a majority of~~
13 ~~the members of the board or in the board's name by its chair~~
14 ~~or chief executive officer, are hereby approved, ratified,~~
15 ~~confirmed, and validated.~~

16 (4) This section does not ~~Nothing herein shall be~~
17 ~~construed to authorize~~ a university or college board of
18 trustees ~~the Board of Regents~~ to contract a debt on behalf of,
19 or in any way to obligate, the state; and the satisfaction of
20 any debt or obligation incurred by a university or college
21 board of trustees ~~the Board of Regents~~ as trustee under the
22 provisions of this section shall be exclusively from the trust
23 property, mortgaged or encumbered; and nothing herein shall in
24 any manner affect or relate to the provision of part I of
25 chapter 243.

26 Section 51. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.229,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted and
30 amended to read:
31

1 240.229 Universities and colleges; powers; patents,
2 copyrights, and trademarks.--Any other law to the contrary
3 notwithstanding, each university and college is authorized, in
4 its own name, to:

5 (1) Perform all things necessary to secure letters of
6 patent, copyrights, and trademarks on any work products and to
7 enforce its rights therein. The university and college shall
8 consider contributions by university or college personnel in
9 the development of trademarks, copyrights, and patents and
10 shall enter into written contracts with such personnel
11 establishing the interests of the university or college and
12 such personnel in each trademark, copyright, or patent.

13 (2) License, lease, assign, or otherwise give written
14 consent to any person, firm, or corporation for the
15 manufacture or use thereof, on a royalty basis or for such
16 other consideration as the university or college shall deem
17 proper.

18 (3) Take any action necessary, including legal action,
19 to protect the same against improper or unlawful use or
20 infringement.

21 (4) Enforce the collection of any sums due the
22 university or college for the manufacture or use thereof by
23 any other party.

24 (5) Sell any of the same and execute all instruments
25 necessary to consummate any such sale.

26 (6) Do all other acts necessary and proper for the
27 execution of powers and duties herein conferred upon the
28 university or college. The university or college board of
29 trustees may adopt rules to implement, ~~including adopting~~
30 ~~rules, as necessary, in order to administer~~ this section. Any
31 proceeds therefrom shall be deposited and expended in

1 accordance with s. 240.241. Any action taken by the university
2 or college in securing or exploiting such trademarks,
3 copyrights, or patents shall, within 30 days, be reported in
4 writing by the president to the Department of State.

5 Section 52. Section 240.231, Florida Statutes, is
6 repealed.

7 Section 53. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.233,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.233 Universities and colleges; admissions of
13 students.--Each university and college board of trustees may
14 ~~is authorized to~~ adopt rules governing the admission of
15 students, subject to this section and rules of the State Board
16 of Education ~~Board of Regents~~.

17 (1) Minimum academic standards for undergraduate
18 admission to a university or college must include the
19 requirements that:

20 (a) Each student have received a high school diploma
21 pursuant to s. 232.246, or its equivalent, except as provided
22 in s. 240.116(2) and (3).

23 (b) Each student have successfully completed a
24 college-preparatory curriculum of 19 credits, as defined in
25 rules of the State Board of Education ~~Board of Regents~~,
26 including at least 2 credits of sequential foreign language at
27 the secondary level or the equivalent of such instruction at
28 the postsecondary level. A student whose native language is
29 not English is exempt from this admissions requirement,
30 provided that the student demonstrates proficiency in the
31 native language. If a standardized test is not available in

1 the student's native language for the demonstration of
2 proficiency, the university or college may provide an
3 alternative method of assessment. The State Board of
4 Education shall adopt rules for the articulation of foreign
5 language competency and equivalency between secondary and
6 postsecondary institutions. A student who received an
7 associate in arts degree prior to September 1, 1989, or who
8 enrolled in a program of studies leading to an associate
9 degree from a Florida community college prior to August 1,
10 1989, and maintains continuous enrollment shall be exempt from
11 this admissions requirement.

12 (c) Each student have submitted a test score from the
13 Scholastic Assessment Test of the College Entrance Examination
14 Board or the American College Testing Program.

15 (2) The minimum admission standards adopted by the
16 State Board of Education, ~~Board of Regents~~ or a state
17 university, or a college must permit a student to earn at
18 least 4 of the 19 credits constituting the college-preparatory
19 curriculum required for admission as electives in any one of
20 the following manners:

21 (a) Successful completion of any course identified in
22 the Department of Education course code directory as level two
23 or higher in one or more of the following subject areas:
24 English, mathematics, natural science, social science, and
25 foreign language;

26 (b) Successful completion of any course identified in
27 the Department of Education course code directory as level
28 three in the same or related disciplines;

29 (c) Any combination of the courses identified in
30 paragraphs (a) and (b); or

31

1 (d) Successful completion of two credits from the
2 courses identified in paragraph (a), plus no more than two
3 total credits from the following categories of courses:

4 1. Courses identified in the Department of Education
5 course code directory as ROTC and military training;

6 2. Courses identified in the Department of Education
7 course code directory as level two in art-visual arts, dance,
8 drama-theatre arts, language arts, or music; or

9 3. Any additional courses determined to be equivalent
10 by the Articulation Coordinating Committee.

11 (3) The State Board of Education ~~Board of Regents~~
12 shall adopt rules that ~~which~~ provide for a limited number of
13 students to be admitted to the state universities and colleges
14 ~~State University System~~, notwithstanding the admission
15 requirements of paragraph (1)(b) relating to credits in
16 foreign language, if there is evidence that the applicant is
17 expected to do successful academic work at the admitting
18 university or college. The number of applicants admitted under
19 this subsection may not exceed 5 percent of the total number
20 of freshmen who entered the state universities and colleges
21 ~~State University System~~ the prior year. Any lower-division
22 student admitted without meeting the foreign language
23 requirement must earn such credits prior to admission to the
24 upper division of a state university or college. Any associate
25 in arts degree graduate from a public community college,
26 college, or university in Florida, or other upper-division
27 transfer student, admitted without meeting the foreign
28 language requirement, must earn such credits prior to
29 graduation from a state university or college. Students shall
30 be exempt from the provisions of this subsection if they can
31 demonstrate proficiency in American sign language equivalent

1 to that of students who have completed two credits of such
2 instruction in high school.

3 (4)(a) Nonresident students may be admitted to the
4 university or college upon such terms as the university or
5 college board of trustees may establish. However, such terms
6 shall include, but shall not be limited to: completion of a
7 secondary school curriculum which includes 4 years of English;
8 3 years each of mathematics, science, and social sciences; and
9 2 years of a foreign language.

10 (b) Within the admission standards provided for in
11 subsection (1), the State Board of Education ~~Board of Regents~~
12 shall develop procedures for weighting courses which are
13 necessary to meet the requirements of a college-preparatory
14 curriculum at a higher value than less rigorous courses.
15 Credits received in such courses shall be given greater value
16 in determining admission by universities and colleges than
17 cumulative grade point averages in high school.

18 (5) Consideration shall be given to the past actions
19 of any person applying for admission as a student to any state
20 university or college, either as a new applicant, an applicant
21 for continuation of studies, or a transfer student, when such
22 actions have been found to disrupt or interfere with the
23 orderly conduct, processes, functions, or programs of any
24 other university, college, or community college.

25 (6) In any application for admission by a student as a
26 citizen of the state, the applicant, if 18 years of age, or,
27 if a minor, his or her parents or guardian shall make and file
28 with such application a written statement under oath that such
29 applicant is a citizen and resident of the state and entitled,
30 as such, to admission upon the terms and conditions prescribed
31 for citizens and residents of the state.

1 (7) Rules of the State Board of Education shall
2 require the use of scores on tests of college-level
3 communication and computation skills provided in s. 229.551 as
4 a condition for admission of students to upper-division
5 instructional programs from community colleges, including
6 those who have been awarded associate in arts degrees. Use of
7 such test scores as an admission requirement shall extend
8 equally and uniformly to students enrolled in lower divisions
9 in the state universities and colleges ~~State University System~~
10 and to transfer students from other colleges and universities.
11 The tests shall be required for community college students
12 seeking associate in arts degrees and students seeking
13 admission to upper-division instructional programs in the
14 state universities or colleges ~~State University System~~. The
15 use of test scores prior to August 1, 1984, shall be limited
16 to student counseling and curriculum improvement.

17 (8) For the purposes of this section, American sign
18 language constitutes a foreign language. Florida high schools
19 may offer American sign language as a for-credit elective or
20 as a substitute for any already authorized foreign language
21 requirement.

22 (9) A Florida resident who is denied admission as an
23 undergraduate to a state university or college for failure to
24 meet the high school grade point average requirement may
25 appeal the decision to the university or college and request a
26 recalculation of the grade point average including in the
27 revised calculation the grades earned in up to three credits
28 of advanced fine arts courses. The university or college shall
29 provide the student with a description of the appeals process
30 at the same time as notification of the admissions decision.
31 The university or college shall recalculate the student's

1 grade point average using the additional courses and advise
2 the student of any changes in the student's admission status.
3 For purposes of this section, fine arts courses include
4 courses in music, drama, painting, sculpture, speech, debate,
5 or a course in any art form that requires manual dexterity.
6 Advanced level fine arts courses include fine arts courses
7 identified in the course code directory as Advanced Placement,
8 pre-International Baccalaureate, or International
9 Baccalaureate, or fine arts courses taken in the third or
10 fourth year of a fine arts curriculum.

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

21 Section 54. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.2333,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted and
25 amended to read:

26 240.2333 Foreign language competence; equivalence
27 determinations.--The Articulation Coordinating Committee shall
28 identify the competencies demonstrated by students upon the
29 successful completion of 2 credits of sequential high school
30 foreign language instruction. For the purpose of determining
31 postsecondary equivalence pursuant to s. 240.233(1)(b), ~~the~~

1 ~~committee shall develop rules through which~~ community colleges
2 shall correlate such competencies to the competencies required
3 of students in the colleges' respective courses. Based on
4 this correlation, each community college shall identify the
5 minimum number of postsecondary credits that students must
6 earn in order to demonstrate a level of competence in a
7 foreign language at least equivalent to that of students who
8 have completed 2 credits of such instruction in high school.
9 The committee may also specify alternative means by which
10 students can demonstrate equivalent foreign language
11 competence, including means by which a student whose native
12 language is not English may demonstrate proficiency in the
13 native language. A student who demonstrates proficiency in a
14 native language other than English is exempt from the
15 requirement of completing foreign language courses at the
16 secondary or postsecondary level.

17 Section 55. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.235,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.235 Fees.--

23 (1) Each university and college board of trustees
24 shall set the matriculation and tuition fees within proviso in
25 the General Appropriations Act and law. Unless otherwise
26 provided in the General Appropriations Act, the fees shall go
27 into effect for the following term.

28 (2) Each university and college board of trustees
29 shall establish the following fees:

30 (a) ~~Each university is authorized to establish~~

31 Separate activity and service, health, and athletic fees. When

1 | duly established, the fees shall be collected as component
2 | parts of the registration and tuition fees and shall be
3 | retained by the university or college and paid into the
4 | separate activity and service, health, and athletic funds.

5 | (a)1. Each university and college president shall
6 | establish a student activity and service fee on the main
7 | campus of the university or college. The university or college
8 | president may also establish a student activity and service
9 | fee on any branch campus or center. Any subsequent increase in
10 | the activity and service fee must be recommended by an
11 | activity and service fee committee, at least one-half of whom
12 | are students appointed by the student body president. The
13 | remainder of the committee shall be appointed by the
14 | university or college president. A chairperson, appointed
15 | jointly by the university or college president and the student
16 | body president, shall vote only in the case of a tie. The
17 | recommendations of the committee shall take effect only after
18 | approval by the university or college president, after
19 | consultation with the student body president, with final
20 | approval by the State Board of Education ~~Board of Regents~~. An
21 | increase in the activity and service fee may occur only once
22 | each fiscal year and must be implemented beginning with the
23 | fall term. ~~The Board of Regents is responsible for~~
24 | ~~promulgating the rules and timetables necessary to implement~~
25 | ~~this fee.~~

26 | 2. The student activity and service fees shall be
27 | expended for lawful purposes to benefit the student body in
28 | general. This includes ~~shall include~~, but is ~~shall not be~~
29 | limited to, student publications and grants to duly recognized
30 | student organizations, the membership of which is open to all
31 | students at the university or college without regard to race,

1 sex, or religion. The fund may not benefit activities for
2 which an admission fee is charged to students, except for
3 student-government-association-sponsored concerts. The
4 allocation and expenditure of the fund shall be determined by
5 the student government association of the university or
6 college, except that the president of the university or
7 college may veto any line item or portion thereof within the
8 budget when submitted by the student government association
9 legislative body. The university or college president shall
10 have 15 school days following ~~from~~ the date of presentation of
11 the budget to act on the allocation and expenditure
12 recommendations, which shall be deemed approved if no action
13 is taken within the 15 school days. If any line item or
14 portion thereof within the budget is vetoed, the student
15 government association legislative body shall, within 15
16 school days, make new budget recommendations for expenditure
17 of the vetoed portion of the fund. If the university or
18 college president vetoes any line item or portion thereof
19 within the new budget revisions, the university or college
20 president may reallocate by line item that vetoed portion to
21 bond obligations guaranteed by activity and service fees.
22 Unexpended funds and undisbursed funds remaining at the end of
23 a fiscal year shall be carried over and remain in the student
24 activity and service fund and be available for allocation and
25 expenditure during the next fiscal year.

26 3.(b) Each university and college president shall
27 establish a student health fee on the main campus of the
28 university or college. ~~Each~~ The university and college
29 president may also establish a student health fee on any
30 branch campus or center. Any subsequent increase in the health
31 fee must be recommended by a health committee, at least

1 one-half of whom are students appointed by the student body
2 president. The remainder of the committee shall be appointed
3 by the university or college president. A chairperson,
4 appointed jointly by the university or college president and
5 the student body president, shall vote only in the case of a
6 tie. The recommendations of the committee shall take effect
7 only after approval by the university or college president,
8 after consultation with the student body president, with final
9 approval by the State Board of Education ~~Board of Regents~~. An
10 increase in the health fee may occur only once each fiscal
11 year and must be implemented beginning with the fall term. ~~The~~
12 ~~Board of Regents is responsible for promulgating the rules and~~
13 ~~timetables necessary to implement this fee.~~

14 4.(c) Each university and college president shall
15 establish a separate athletic fee on the main campus of the
16 university or college. Each ~~The~~ university and college
17 president may also establish a separate athletic fee on any
18 branch campus or center. ~~The initial aggregate athletic fee at~~
19 ~~each university shall be equal to, but may be no greater than,~~
20 ~~the 1982-1983 per-credit-hour activity and service fee~~
21 ~~contributed to intercollegiate athletics, including women's~~
22 ~~athletics, as provided by s. 240.533. Concurrently with the~~
23 ~~establishment of the athletic fee, the activity and service~~
24 ~~fee shall experience a one-time reduction equal to the initial~~
25 ~~aggregate athletic fee.~~ Any subsequent increase in the
26 athletic fee must be recommended by an athletic fee committee,
27 at least one-half of whom are students appointed by the
28 student body president. The remainder of the committee shall
29 be appointed by the university or college president. A
30 chairperson, appointed jointly by the university or college
31 president and the student body president, shall vote only in

1 the case of a tie. The recommendations of the committee shall
2 take effect only after approval by the university or college
3 president, after consultation with the student body president,
4 with final approval by the State Board of Education ~~Board of~~
5 ~~Regents~~. An increase in the athletic fee may occur only once
6 each fiscal year and must be implemented beginning with the
7 fall term. ~~The Board of Regents is responsible for~~
8 ~~promulgating the rules and and timetables necessary to~~
9 ~~implement this fee.~~

10 5. The sum of the activity and service, health, and
11 athletic fees a student is required to pay to register for a
12 course may not exceed 40 percent of the matriculation fee
13 established in law or in the General Appropriations Act. A
14 university or college is not required to lower any fee on the
15 effective date of this act in order to comply with this
16 paragraph. Within the 40-percent cap, a university or college
17 may not increase the aggregate sum of activity and service,
18 health, and athletic fees more than 5 percent per year unless
19 specifically authorized by law or in the General
20 Appropriations Act.

21 (b) A nonrefundable application fee in an amount not
22 to exceed \$30.

23 (c) An orientation fee in an amount not to exceed \$35.

24 (d) A fee for security, access, or identification
25 cards. The annual fee for such a card may not exceed \$10 per
26 card.

27 (e) Materials and supplies fees to offset the cost of
28 materials or supplies that are consumed in the course of the
29 student's instructional activities, excluding the cost of
30 equipment replacement, repairs, and maintenance.

31

1 (f) The Capital Improvement Trust Fund fee of \$2.44
2 per credit hour per semester. The building fee is established
3 as \$2.32 per credit hour per semester.

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

18 (3) Each university or college board of trustees may
19 establish the following fees to be paid by students who
20 receive the benefits or whose actions or omissions trigger the
21 fees:

22 (a) An admissions-deposit fee for the University of
23 Florida College of Dentistry in an amount not to exceed \$200.

24 (b) Registration fees for audit, zero-hours
25 registration, and late registration in an amount not less than
26 \$50 or more than \$100 to be imposed on students who fail to
27 initiate registration during the regular registration period.

28 (c) Services charge, which may not exceed \$15, for the
29 payment of matriculation, tuition, or fees in installments,
30 subject to the approval of the State Board of Education. The
31 revenues from such service charges shall be deposited into a

1 student fee trust fund the Legislature has established and
2 assigned to the university or college for that purpose.

3 (d) A late-payment fee in an amount not less than \$50
4 or more than \$100 to be imposed on students who fail to pay or
5 fail to make appropriate arrangements to pay, by means of
6 installment payment, deferment, or third-party billing,
7 matriculation or tuition by the deadline set by each
8 university or college. Each university and college may waive
9 the late-payment fee for minor underpayments.

10 (e) A fee for miscellaneous health-related charges for
11 services provided at cost by the university or college health
12 center which are not covered by the health fee.

13 (f) Housing rental rates and miscellaneous housing
14 charges for services provided by the university or college at
15 the request of the student.

16 (g) A charge representing the reasonable cost of
17 efforts to collect payment of overdue accounts.

18 (h) A service charge on university or college loans in
19 lieu of interest and administrative handling charges.

20 (i) A fee for off-campus course offerings when the
21 location results in specific, identifiable increased costs to
22 the university or college.

23 (j) Library fees and fines, including charges for
24 damaged and lost library materials, overdue reserve library
25 books, interlibrary loans, and literature searches.

26 (k) Fees relating to duplicating, photocopying,
27 binding, and microfilming; copyright services; and
28 standardized testing. These fees may be charged only to those
29 who receive the services.

30 (l) Fees and fines relating to the use, late return,
31 and loss and damage of facilities and equipment.

1 (m) A returned-check fee as authorized by s. 832.07(1)
2 for unpaid checks returned to the university or college.

3 (n) Traffic and parking fines, charges for parking
4 decals, and transportation-access fees.

5 (o) A fee for child care and services offered by the
6 Educational Research Center for Child Development.

7 (p) Fees for transcripts and diploma replacement, not
8 to exceed \$10 per item.

9 (q) A fee for replacement of security, access, or
10 identification cards. The maximum amount charged for a
11 replacement card may not exceed \$15.

12 ~~(2) The university may permit the deferral of~~
13 ~~registration and tuition fees for those students receiving~~
14 ~~financial aid from federal or state assistance programs when~~
15 ~~such aid is delayed in being transmitted to the student~~
16 ~~through circumstances beyond the control of the student.~~
17 ~~Failure to make timely application for such aid shall be~~
18 ~~insufficient reason to receive such deferral. Veterans and~~
19 ~~other eligible students receiving benefits under chapter 30,~~
20 ~~chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C.,~~
21 ~~or chapter 106, 10 U.S.C., shall be entitled to one deferment~~
22 ~~each academic year and an additional deferment each time there~~
23 ~~is a delay in the receipt of their benefits.~~

24 (4) When the General Appropriations Act requires a new
25 fee schedule, the university and college boards of trustees
26 shall establish a systemwide standard fee schedule required to
27 produce the total fee revenue established in the General
28 Appropriations Act based on the product of the assigned
29 enrollment and the fee schedule. Each university or college
30 board of trustees may approve the expenditure of any fee

31

1 revenues resulting from the product of the fee schedule
2 adopted pursuant to this section and the assigned enrollment.

3 ~~(3) The Board of Regents shall establish rules to~~
4 ~~waive any or all application, course registration, and related~~
5 ~~fees for persons 60 years of age or older who are residents of~~
6 ~~this state and who attend classes for credit. No academic~~
7 ~~credit shall be awarded for attendance in classes for which~~
8 ~~fees are waived under this subsection. This privilege may be~~
9 ~~granted only on a space-available basis, if such classes are~~
10 ~~not filled as of the close of registration. A university may~~
11 ~~limit or deny the privilege for courses which are in programs~~
12 ~~for which the Board of Regents has established selective~~
13 ~~admissions criteria. Persons paying full fees and state~~
14 ~~employees taking courses on a space-available basis shall have~~
15 ~~priority over those persons whose fees are waived in all cases~~
16 ~~where classroom spaces are limited.~~

17 ~~(4) Students enrolled in a dual enrollment or early~~
18 ~~admission program pursuant to s. 240.116 shall be exempt from~~
19 ~~the payment of registration, matriculation, and laboratory~~
20 ~~fees. Students enrolled in accordance with this subsection may~~
21 ~~be calculated as the proportional shares of full-time~~
22 ~~equivalent enrollments each such student generates for state~~
23 ~~funding purposes.~~

24 ~~(5)(a) Any student for whom the state is paying a~~
25 ~~foster care board payment pursuant to s. 409.145(3) or parts~~
26 ~~II and III of chapter 39, for whom the permanency planning~~
27 ~~goal pursuant to part III of chapter 39 is long-term foster~~
28 ~~care or independent living, or who is adopted from the~~
29 ~~Department of Children and Family Services after May 5, 1997,~~
30 ~~shall be exempt from the payment of all undergraduate fees,~~
31 ~~including fees associated with enrollment in~~

1 ~~college preparatory instruction or completion of college-level~~
2 ~~communication and computation skills testing programs. Before~~
3 ~~a fee exemption can be given, the student shall have applied~~
4 ~~for and been denied financial aid, pursuant to s. 240.404,~~
5 ~~which would have provided, at a minimum, payment of all~~
6 ~~undergraduate fees. Such exemption shall be available to any~~
7 ~~student adopted from the Department of Children and Family~~
8 ~~Services after May 5, 1997; however, the exemption shall be~~
9 ~~valid for no more than 4 years after the date of graduation~~
10 ~~from high school.~~

11 ~~(b) Any student qualifying for a fee exemption under~~
12 ~~this subsection shall receive such an exemption for not more~~
13 ~~than 4 consecutive years or 8 semesters unless the student is~~
14 ~~participating in college preparatory instruction or is~~
15 ~~requiring additional time to complete the college-level~~
16 ~~communication and computation skills testing programs. Such a~~
17 ~~student shall be eligible to receive a fee exemption for a~~
18 ~~maximum of 5 consecutive years or 10 semesters.~~

19 ~~(c) As a condition for continued fee exemption, a~~
20 ~~student shall have earned a grade point average of at least~~
21 ~~2.0 on a 4.0 scale for the previous term, maintain at least an~~
22 ~~overall 2.0 average for college work, or have an average below~~
23 ~~2.0 for only the previous term and be eligible for continued~~
24 ~~enrollment in the institution.~~

25 ~~(6) Any proprietor, owner, or worker of a company~~
26 ~~whose business has been at least 50 percent negatively~~
27 ~~financially impacted by the buyout of property around Lake~~
28 ~~Apopka by the State of Florida is exempt from the payment of~~
29 ~~registration, matriculation, and laboratory fees. A student~~
30 ~~receiving a fee exemption in accordance with this subsection~~
31 ~~must not have received compensation because of the buyout,~~

1 ~~must be designated a Florida resident for tuition purposes~~
2 ~~pursuant to s. 240.1201, and must first have applied for and~~
3 ~~been denied financial aid, pursuant to s. 240.404, which would~~
4 ~~have provided, at a minimum, payment of all student fees. The~~
5 ~~student is responsible for providing evidence to the~~
6 ~~postsecondary education institution verifying that the~~
7 ~~conditions of this subsection have been met, including support~~
8 ~~documentation provided by the Department of Revenue. The~~
9 ~~student must be currently enrolled in, or begin coursework~~
10 ~~within, a program area by fall semester 2000. The exemption is~~
11 ~~valid for a period of 4 years from the date that the~~
12 ~~postsecondary education institution confirms that the~~
13 ~~conditions of this subsection have been met.~~

14 ~~(7) Each university may assess a service charge for~~
15 ~~the payment of tuition and fees in installments. Such service~~
16 ~~charge must be approved by the Board of Regents. The revenues~~
17 ~~from such service charges shall be deposited into a student~~
18 ~~fee trust fund the Legislature has established and assigned to~~
19 ~~the university for that purpose.~~

20 ~~(8) Any graduate student enrolled in a state-approved~~
21 ~~school psychology training program shall be entitled to a~~
22 ~~waiver of registration fees for internship credit hours~~
23 ~~applicable to an internship in the public school system under~~
24 ~~the supervision of a Department of Education certified school~~
25 ~~psychologist employed by the school system.~~

26 ~~(9) The Board of Regents shall exempt one-half of all~~
27 ~~tuition and course-related fees for certain members of the~~
28 ~~active Florida National Guard pursuant to the provisions of s.~~
29 ~~250.10(8).~~

30 ~~(10) The Board of Regents may establish rules to allow~~
31 ~~for the waiver of out-of-state fees for nondegree-seeking~~

1 ~~students enrolled at State University System institutions if~~
2 ~~the earned student credit hours generated by such students are~~
3 ~~nonfundable and the direct cost for the program of study is~~
4 ~~recovered from the fees charged to all students.~~

5 (5)(11) Students who are enrolled in Programs in
6 Medical Sciences are ~~considered~~ graduate students for the
7 purpose of enrollment and student fees.

8 (6) Subject to the approval of the State Board of
9 Education, a university or college board of trustees may
10 implement an individual university or college plan for a
11 differential out-of-state tuition fee for a university or
12 college that has a service area that borders another state.

13 (7) The assessment of additional fees is subject to
14 the approval of the State Board of Education.

15 Section 56. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.237,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted and
19 amended to read:

20 240.237 Student records.--~~Each~~ The university and
21 college board of trustees may prescribe the content and
22 custody of records and reports which the university or college
23 may maintain on its students. Such records are confidential
24 and exempt from the provisions of s. 119.07(1) and are open to
25 inspection only as provided in s. 228.093.

26 Section 57. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.239,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted and
30 amended to read:

31 240.239 Associate in arts degrees; issuance.--

1 (1) The purpose of this section is to require state
2 universities and colleges to present associate in arts
3 certificates upon request to qualified students.

4 (2) Students at state universities and colleges may
5 request associate in arts certificates if they have
6 successfully completed the minimum requirements for the degree
7 of associate in arts (A.A.).

8 (3) An associate in arts degree shall not be granted
9 unless a student has successfully completed minimum
10 requirements for college-level communication and computation
11 skills adopted by the State Board of Education and 60 academic
12 semester hours or the equivalent within a degree program area,
13 with 36 semester hours in general education courses in the
14 subject areas of communication, mathematics, social sciences,
15 humanities, and natural sciences, consistent with the general
16 education requirements specified in the articulation agreement
17 pursuant to s. 240.115.

18 Section 58. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.241,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted and
22 amended to read:

23 240.241 Divisions of sponsored research at state
24 universities.--

25 (1) Each university board of trustees, with the
26 approval of the Department of Education, is authorized to
27 create, as it deems advisable, divisions of sponsored research
28 which will serve the function of administration and promotion
29 of the programs of research, including sponsored training
30 programs, of the university at which they are located.

31

1 (2) Each ~~The~~ university board of trustees shall set
2 such policies to regulate the activities of the divisions of
3 sponsored research as it may consider necessary to effectuate
4 the purposes of this act and to administer the research
5 programs in a manner which assures efficiency and
6 effectiveness, producing the maximum benefit for the
7 educational programs and maximum service to the state. To
8 this end, materials that relate to methods of manufacture or
9 production, potential trade secrets, potentially patentable
10 material, actual trade secrets, business transactions, or
11 proprietary information received, generated, ascertained, or
12 discovered during the course of research conducted within the
13 state universities shall be confidential and exempt from the
14 provisions of s. 119.07(1), except that a division of
15 sponsored research shall make available upon request the title
16 and description of a research project, the name of the
17 researcher, and the amount and source of funding provided for
18 such project.

19 (3) A division of sponsored research created under the
20 provisions of this act shall be under the supervision of the
21 president of that university, ~~who is authorized to appoint a~~
22 ~~director; to employ full-time and part-time staff, research~~
23 ~~personnel, and professional services; to employ on a part-time~~
24 ~~basis personnel of the university; and to employ temporary~~
25 ~~employees whose salaries are paid entirely from the permanent~~
26 ~~sponsored research development fund or from that fund in~~
27 ~~combination with other nonstate sources, with such positions~~
28 ~~being exempt from the requirements of the Florida Statutes~~
29 ~~relating to salaries, except that no such appointment shall be~~
30 ~~made for a total period of longer than 1 year.~~

31

1 (4) The president of the university where a division
2 of sponsored research is created, or his or her designee, is
3 authorized to negotiate, enter into, and execute research
4 contracts; to solicit and accept research grants and
5 donations; and to fix and collect fees, other payments, and
6 donations that may accrue by reason thereof. The president or
7 his or her designee may negotiate, enter into, and execute
8 contracts on a cost-reimbursement basis and may provide
9 temporary financing of such costs prior to reimbursement from
10 moneys on deposit in the sponsored research development fund,
11 except as may be prohibited elsewhere by law.

12 (5) A division of sponsored research shall be financed
13 from the moneys of a university which are on deposit or
14 received for use in the research or related programs of that
15 particular university. Such moneys shall be deposited by the
16 university in a permanent sponsored research development fund
17 in a depository or depositories approved for the deposit of
18 state funds and shall be accounted for and disbursed subject
19 to regular audit by the Auditor General.

20 (6) The fund balance on hand in any existing research
21 trust fund in the respective university, at the time a
22 division of sponsored research is created, shall be
23 transferred to a permanent sponsored research development fund
24 established for the university, and thereafter the fund
25 balance of the sponsored research development fund at the end
26 of any fiscal period may be used during any succeeding period
27 for the purposes and in the manner authorized by this act.

28 (7) Moneys deposited in the permanent sponsored
29 research development fund of a university shall be disbursed
30 in accordance with the terms of the contract, grant, or
31 donation under which they are received. Moneys received for

1 overhead or indirect costs and other moneys not required for
2 the payment of direct costs shall be applied to the cost of
3 operating the division of sponsored research. Any surplus
4 moneys shall be used to support other research or sponsored
5 training programs in any area of the university. Moneys
6 allocated for the payment of salaries from the sponsored
7 research development fund shall be paid out by the Comptroller
8 of the state in the same manner as salaries from other state
9 funds. Transportation and per diem expense allowances shall be
10 the same as those provided by law for state employees in s.
11 112.061, except that non-State of Florida personnel performing
12 travel under a sponsored research subcontract may be
13 reimbursed for travel expenses in accordance with the
14 provisions of the applicable prime contract or grant and the
15 travel allowances established by the subcontractor, subject to
16 the requirements of subsection (9), or except as provided in
17 subsection (13).

18 (8)(a) Each university board of trustees shall submit
19 to the State Board of Education ~~Board of Regents~~ a report of
20 the activities of each division of sponsored research together
21 with an estimated budget for the next fiscal year.

22 (b) Not less than 90 days prior to the convening of
23 each regular session of the Legislature in which an
24 appropriation shall be made, the State Board of Education
25 ~~Board of Regents~~ shall submit to the chair of the
26 appropriations committee of each house of the Legislature a
27 compiled report, together with a compiled estimated budget for
28 the next fiscal year. A copy of such report and estimated
29 budget shall be furnished to the ~~State Board of Education and~~
30 ~~to the~~ Governor, as the chief budget officer of the state.

31

1 (9) All purchases of a division of sponsored research
2 shall be made in accordance with the policies and procedures
3 of the university; however, in compliance with policies and
4 procedures established by the university and concurred in by
5 the Department of Education, whenever a director of sponsored
6 research certifies to the president that, in a particular
7 instance, it is necessary for the efficient or expeditious
8 prosecution of a research project, the purchase of material,
9 supplies, equipment, or services for research purposes shall
10 be exempt from the general purchasing requirement of the
11 Florida Statutes.

12 (10) The university may authorize the construction,
13 alteration, or remodeling of buildings when the funds used are
14 derived entirely from the sponsored research development fund
15 of a university or from that fund in combination with other
16 nonstate sources, provided that such construction, alteration,
17 or remodeling is for use exclusively in the area of research;
18 it also may authorize the acquisition of real property when
19 the cost is entirely from said funds. Title to all real
20 property acquired pursuant to this subsection which are not
21 state lands shall vest in the university board of trustees
22 ~~Board of Trustees of the Internal Improvement Trust Fund and~~
23 ~~shall only be transferred or conveyed by it.~~

24 (11) The sponsored research programs of the Institute
25 of Food and Agricultural Sciences, the University of Florida
26 Health Science Center, and the engineering and industrial
27 experiment station shall continue to be centered at the
28 University of Florida as heretofore provided by law. Indirect
29 cost reimbursements of all grants deposited in the Division of
30 Sponsored Research shall be distributed directly to the above
31 units in direct proportion to the amounts earned by each unit.

1 (12) The operation of the divisions of sponsored
2 research and the conduct of the sponsored research program are
3 expressly exempted from the provisions of any other laws or
4 portions of laws in conflict herewith and are, subject to the
5 requirements of subsection (9), exempted from the provisions
6 of chapters 215, 216, and 283.

7 (13) The divisions of sponsored research may pay, by
8 advancement or reimbursement, or a combination thereof, the
9 costs of per diem of officers, and employees, ~~of the state~~ and
10 of other authorized persons, as defined in s. 112.061(2)(e),
11 for foreign travel up to the current rates as stated in the
12 grant and contract terms and may also pay incidental expenses
13 as authorized by s. 112.061(8). This subsection applies to any
14 ~~state~~ officer or employee traveling in foreign countries for
15 sponsored programs of the university, if such travel expenses
16 are approved in the terms of the contract or grant. The
17 provisions of s. 112.061, other than those relating to per
18 diem, apply to the travel described in this subsection. As
19 used in this subsection, "foreign travel" means any travel
20 outside the United States and its territories and possessions
21 and Canada. Persons traveling in foreign countries pursuant
22 to this section shall not be entitled to reimbursements or
23 advancements pursuant to s. 112.061(6)(a)2. for such travel.

24 (14) Each division of sponsored research is authorized
25 to advance funds to any principal investigator who, under the
26 contract or grant terms, will be performing a portion of his
27 or her research at a site that is remote from the university.
28 Funds shall be advanced only to employees who have executed a
29 proper power of attorney with the university to ensure the
30 proper collection of such advanced funds if it becomes
31 necessary. As used in this subsection, the term "remote"

1 means so far removed from the university as to render normal
2 purchasing and payroll functions ineffective.

3 (15) Notwithstanding the provisions of s.
4 216.262(1)(a), each division of sponsored research is
5 authorized, upon approval of the State Board of Education
6 ~~Board of Regents~~, to establish additional positions as needed
7 to implement new contracts and grants, but in no instance
8 shall any such position become permanently established without
9 legislative approval.

10 (16) Notwithstanding the provisions of s. 216.351, s.
11 216.346 does not apply to contracts or subcontracts among
12 ~~between~~ state universities, colleges, ~~or between~~ community
13 colleges, ~~or between state universities and community~~
14 ~~colleges.~~

15 (17) Each university board of trustees may ~~president~~
16 ~~is authorized to~~ adopt rules, ~~as necessary,~~ to administer this
17 section.

18 Section 59. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.242,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted and
22 amended to read:

23 240.242 University leasing in affiliated research and
24 development park.--A university is exempt from the
25 requirements of s. 255.25(3), (4), and (8) when leasing
26 educational facilities in a research and development park with
27 which the university is affiliated and when the State Board of
28 Education ~~Board of Regents~~ certifies in writing that the
29 leasing of said educational facilities is in the best
30 interests of the university ~~State University System~~ and that

31

1 the exemption from competitive bid requirements would not be
2 detrimental to the state.

3 Section 60. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.243,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.243 Required number of classroom teaching hours
9 for university and college faculty members.--

10 (1) As used in this section:

11 (a) "State funds" means those funds appropriated
12 annually in the General Appropriations Act.

13 (b) "Classroom contact hour" means a regularly
14 scheduled 1-hour period of classroom activity in a course of
15 instruction which has been approved by the university or
16 college.

17 (2) Each full-time equivalent teaching faculty member
18 at a university or college who is paid wholly from state funds
19 shall teach a minimum of 12 classroom contact hours per week
20 at such university or college. However, any faculty member who
21 is assigned by his or her departmental chair or other
22 appropriate university or college administrator professional
23 responsibilities and duties in furtherance of the mission of
24 the university or college shall teach a minimum number of
25 classroom contact hours in proportion to 12 classroom hours
26 per week as such especially assigned aforementioned duties and
27 responsibilities bear to 12 classroom contact hours per week.
28 Any full-time faculty member who is paid partly from state
29 funds and partly from other funds or appropriations shall
30 teach a minimum number of classroom contact hours in such
31 proportion to 12 classroom contact hours per week as his or

1 her salary paid from state funds bears to his or her total
2 salary. In determining the appropriate hourly weighting of
3 assigned duties other than classroom contact hours, the
4 universities and colleges shall develop and apply a formula
5 designed to equate the time required for nonclassroom duties
6 with classroom contact hours. "Full-time equivalent teaching
7 faculty member" shall be interpreted to mean all faculty
8 personnel budgeted in the instruction and research portion of
9 the budget, exclusive of those full-time equivalent positions
10 assigned to research, public service, administrative duties,
11 and academic advising. Full-time administrators, librarians,
12 and counselors shall be exempt from the provisions of this
13 section; and colleges of medicine and law and others which are
14 required for purposes of accreditation to meet national
15 standards prescribed by the American Medical Association, the
16 American Bar Association, or other professional associations
17 shall be exempt from the provisions of this section to the
18 extent that the requirements of this section differ from the
19 requirements of accreditation.

20 Section 61. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.245,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.245 Evaluations of faculty members; report.--

26 (1) For the purpose of evaluating faculty members,
27 each university and college shall adopt procedures for the
28 assignment of duties and responsibilities to faculty members.
29 These assigned duties or responsibilities shall be conveyed to
30 each faculty member at the beginning of each academic term, in
31 writing, by his or her departmental chair or other appropriate

1 university or college administrator making the assignment. In
2 evaluating the competencies of a faculty member, primary
3 assessment shall be in terms of his or her performance of the
4 assigned duties and responsibilities, and such evaluation
5 shall be given adequate consideration for the purpose of
6 salary adjustments, promotions, reemployment, and tenure. A
7 faculty member who is assigned full-time teaching duties as
8 provided by law shall be rewarded with salary adjustments,
9 promotions, reemployment, or tenure for meritorious teaching
10 and other scholarly activities related thereto.

11 (2) The State Board of Education ~~Board of Regents~~
12 shall establish criteria for evaluating the quantity and
13 quality of service to public schools by university and college
14 faculty members and shall require consideration of this
15 service in promotion, tenure, and other reward measures. Each
16 university and college shall ensure that the following
17 policies are implemented:

18 (a) Flexible criteria for rewarding faculty members,
19 consistent with the educational goals and objectives of the
20 university or college, shall be established, which criteria
21 shall include quality teaching and service to public schools
22 as major factors in determining salary adjustments,
23 promotions, reemployment, or tenure.

24 (b) Measures shall be taken to increase the
25 recognition, reinforcements, and rewards given quality
26 teaching and service to public schools. Such measures might
27 include grants for professional development, curriculum
28 improvement, and instructional innovation, as well as awards
29 of varying kinds for meritorious teaching.

30 (c) The means of identifying and evaluating quality
31 teachers and outstanding service to public schools shall be

1 determined in accordance with established guidelines of the
2 university or college.

3 (3) Each university and college ~~The vice presidents~~
4 ~~for academic affairs for the nine state universities~~ shall
5 disseminate information to all faculty members which clearly
6 states that service to public schools is one of the criteria
7 used to determine salary adjustments, promotions,
8 reemployment, and tenure for faculty members.

9 Section 62. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.246,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.246 Faculty members; test of spoken English.--The
15 State Board of Education ~~Board of Regents~~ shall adopt rules
16 requiring that all faculty members in the state universities
17 and colleges ~~State University System~~, other than those persons
18 who teach courses that are conducted primarily in a foreign
19 language, be proficient in the oral use of English, as
20 determined by a satisfactory grade on the "Test of Spoken
21 English" of the Educational Testing Service or a similar test
22 approved by the State Board of Education ~~board~~.

23 Section 63. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.2475,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.2475 State university and college ~~System~~
29 employment equity accountability program.--

30 (1) Each state university and college shall maintain
31 an annual equity plan for appropriate representation of women

1 and minorities in senior-level administrative positions,
2 within tenure-track faculty, and within faculty-granted
3 tenure. Such plan shall be maintained until appropriate
4 representation has been achieved. As used in this subsection,
5 the term:

6 (a) "Appropriate representation" means category
7 employment representation that at least meets comparable
8 national standards for at least two consecutive reporting
9 periods.

10 (b) "Category" means major executive, administrative,
11 and professional grouping, including senior-level
12 administrative and professional positions, senior academic
13 administrative-level positions, and tenure-track faculty.

14 (2)(a) By April 1 of each year, each state university
15 and college president shall submit an annual equity report to
16 the State Board of Education ~~Chancellor and the Board of~~
17 ~~Regents~~. The equity report shall consist of a status update,
18 an analysis, and a status report of selected personnel
19 transactions. As used in this paragraph, the term, "selected
20 personnel transactions" means new hires in, promotions into,
21 tenure actions in, and terminations from a category. Each
22 university and college shall provide the job classification
23 title, gender, race, and appointment status of selected
24 personnel transactions. The status update shall assess
25 underrepresentation in each category. The status report shall
26 consist of current category employment representation,
27 comparable national standards, an evaluation of
28 representation, and annual goals to address
29 underrepresentation.

30 (b) After 1 year of implementation of a plan, and
31 annually thereafter, for those categories in which prior year

1 goals were not achieved, each university and college shall
2 provide, in its annual equity report, a narrative explanation
3 and a plan for achievement of equity. The plan shall include
4 guidelines for ensuring balanced membership on selection
5 committees and specific steps for developing a diverse pool of
6 candidates for each vacancy in the category. The plan shall
7 also include a systematic process by which those responsible
8 for hiring are provided information and are evaluated
9 regarding their responsibilities pursuant to this section.

10 (c) The equity report shall include an ~~analysis and~~
11 ~~assessment of the university's accomplishment of~~ annual goals
12 achieved, as specified in the university's or college's
13 affirmative action plan, for increasing the representation of
14 women and minorities in tenure-earning and senior-level
15 administrative positions.

16 (d) The equity report shall also include the current
17 rank, race, and gender of faculty eligible for tenure in a
18 category. In addition, each university and college shall
19 report representation of the pool of tenure-eligible faculty
20 at each stage of the transaction process and provide
21 certification that each eligible faculty member was apprised
22 annually of progress toward tenure. Each university and
23 college shall also report on the dissemination of standards
24 for achieving tenure; racial and gender composition of
25 committees reviewing recommendations at each transaction
26 level; and dissemination of guidelines for equitable
27 distribution of assignments.

28 (3)(a) A factor in the evaluation of university and
29 college presidents, vice presidents, deans, and chairpersons
30 shall be their annual progress in achieving the annual and
31 long-range hiring and promotional goals and objectives, as

1 specified in the ~~university's~~ equity plan and affirmative
2 action plan. Annual budget allocations for positions and
3 funding shall be based on this evaluation. A summary of such
4 evaluations shall be submitted to the State Board of Education
5 ~~Chancellor and the Board of Regents~~ as part of the
6 ~~university's~~ annual equity report.

7 (b) Each university and college board of trustees ~~The~~
8 ~~Chancellor and the Board of Regents~~ shall annually evaluate
9 the performance of the president of the university or college
10 ~~presidents~~ in achieving the annual equity goals and
11 objectives. A summary of the results of such evaluations
12 shall be included as part of the annual equity progress report
13 submitted by the State Board of Education ~~Board of Regents~~ to
14 the Legislature ~~and the State Board of Education~~.

15 (4) The State Board of Education ~~Board of Regents~~
16 shall submit an annual equity progress report to the President
17 of the Senate and ~~the~~ Speaker of the House of
18 Representatives, ~~and the State Board of Education~~ on or before
19 August 1 of each year.

20 (5) Each university and college shall develop a
21 budgetary incentive plan to support and ensure attainment of
22 the goals developed pursuant to this section. The plan shall
23 specify, at a minimum, how resources shall be allocated to
24 support the achievement of goals and the implementation of
25 strategies in a timely manner. ~~After prior review and~~
26 ~~approval by the university president and the Board of Regents,~~
27 The plan shall be submitted as part of the annual equity
28 report submitted by each university and college to the State
29 Board of Education ~~Board of Regents~~.

30
31

1 (6) Relevant components of each university's and
2 college's affirmative action plan may be used to satisfy the
3 requirements of this section.

4 ~~(7) Subject to available funding, the Legislature~~
5 ~~shall provide an annual appropriation to the Board of Regents~~
6 ~~to be allocated to the universities to further enhance equity~~
7 ~~initiatives and related priorities that support the mission of~~
8 ~~departments, divisions, or colleges in recognition of the~~
9 ~~attainment of equity goals and objectives.~~

10 Section 64. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.253,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.253 Personnel records.--

16 (1) Each university and college board of trustees
17 shall adopt rules prescribing the content and custody of
18 limited-access records that the university or college may
19 maintain on its employees. Such limited-access records are
20 confidential and exempt from the provisions of s. 119.07(1).
21 Such records are limited to the following:

22 (a) Records containing information reflecting academic
23 evaluations of employee performance shall be open to
24 inspection only by the employee and by officials of the
25 university or college responsible for supervision of the
26 employee.

27 (b) Records maintained for the purposes of any
28 investigation of employee misconduct, including but not
29 limited to a complaint against an employee and all information
30 obtained pursuant to the investigation of such complaint,
31 shall be confidential until the investigation ceases to be

1 active or until the university or college provides written
2 notice to the employee who is the subject of the complaint
3 that the university or college has either:

4 1. Concluded the investigation with a finding not to
5 proceed with disciplinary action;

6 2. Concluded the investigation with a finding to
7 proceed with disciplinary action; or

8 3. Issued a letter of discipline.

9
10 For the purpose of this paragraph, an investigation shall be
11 considered active as long as it is continuing with a
12 reasonable, good faith anticipation that a finding will be
13 made in the foreseeable future. An investigation shall be
14 presumed to be inactive if no finding is made within 90 days
15 after the complaint is filed.

16 (c) Records maintained for the purposes of any
17 disciplinary proceeding brought against an employee shall be
18 confidential until a final decision is made in the
19 proceeding. The record of any disciplinary proceeding,
20 including any evidence presented, shall be open to inspection
21 by the employee at all times.

22 (d) Records maintained for the purposes of any
23 grievance proceeding brought by an employee for enforcement of
24 a collective bargaining agreement or contract shall be
25 confidential and shall be open to inspection only by the
26 employee and by officials of the university or college
27 conducting the grievance proceeding until a final decision is
28 made in the proceeding.

29 (2) Notwithstanding the foregoing, any records or
30 portions thereof which are otherwise confidential by law shall
31 continue to be exempt from the provisions of s. 119.07(1). In

1 addition, for sexual harassment investigations, portions of
2 such records which identify the complainant, a witness, or
3 information which could reasonably lead to the identification
4 of the complainant or a witness are limited-access records.

5 (3) Except as required for use by the president in the
6 discharge of his or her official responsibilities, the
7 custodian of limited-access records may release information
8 from such records only upon authorization in writing from the
9 employee or upon order of a court of competent jurisdiction.

10 (4) Notwithstanding the provisions of subsection (1),
11 records comprising the common core items contained in the
12 State University System Student Assessment of Instruction
13 instrument may not be prescribed as limited-access records.

14 (5) This section applies ~~act shall apply~~ to records
15 created after July 1, 1995.

16 Section 65. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.2601,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.2601 State Universities and Colleges ~~University~~
22 ~~System~~ Facility Enhancement Challenge Grant Program.--

23 (1) The Legislature recognizes that the state
24 universities and colleges ~~State University System~~ do ~~does~~ not
25 have sufficient physical facilities to meet the current
26 demands of their ~~its~~ instructional and research programs. It
27 further recognizes that, to strengthen and enhance the state
28 universities and colleges ~~State University System~~, it is
29 necessary to provide facilities in addition to those currently
30 available from existing revenue sources. It further
31 recognizes that there are sources of private support that, if

1 matched with state support, can assist in constructing
2 much-needed facilities and strengthen the commitment of
3 citizens and organizations in promoting excellence throughout
4 the state universities and colleges. Therefore, it is the
5 intent of the Legislature to establish a trust fund to provide
6 the opportunity for each state university and college to
7 receive and match challenge grants for instructional and
8 research-related capital facilities within the university or
9 college.

10 (2) There is ~~hereby~~ established the Alec P. Courtelis
11 State Universities and Colleges ~~University System~~ Facility
12 Enhancement Challenge Grant Program for the purpose of
13 assisting the state universities and colleges ~~State University~~
14 ~~System~~ build high priority instructional and research-related
15 capital facilities, including common areas connecting such
16 facilities. The associated foundations that serve the
17 universities and colleges shall solicit gifts from private
18 sources to provide matching funds for capital facilities. For
19 the purposes of this act, private sources of funds shall not
20 include any federal, state, or local government funds that a
21 university or college may receive.

22 (3) There is established the Alec P. Courtelis Capital
23 Facilities Matching Trust Fund for the purpose of providing
24 matching funds from private contributions for the development
25 of high priority instructional and research-related capital
26 facilities, including common areas connecting such facilities,
27 within the state universities and colleges ~~State University~~
28 ~~System~~. The Legislature shall appropriate funds to be
29 transferred to the trust fund. The Public Education Capital
30 Outlay and Debt Service Trust Fund, Capital Improvement Trust
31 Fund, Division of Sponsored Research Trust Fund, and Contracts

1 and Grants Trust Fund shall not be used as the source of the
2 state match for private contributions. All appropriated funds
3 deposited into the trust fund shall be invested pursuant to
4 the provisions of s. 18.125. Interest income accruing to that
5 portion of the trust fund shall increase the total funds
6 available for the challenge grant program. Interest income
7 accruing from the private donations shall be returned to the
8 participating foundation upon completion of the project. The
9 State Board of Education ~~Board of Regents~~ shall administer the
10 trust fund and all related construction activities.

11 (4) No project shall be initiated unless all private
12 funds for planning, construction, and equipping the facility
13 have been received and deposited in the trust fund and the
14 state's share for the minimum amount of funds needed to begin
15 the project has been appropriated by the Legislature. The
16 Legislature may appropriate the state's matching funds in one
17 or more fiscal years for the planning, construction, and
18 equipping of an eligible facility. However, these requirements
19 shall not preclude the university or college from expending
20 available funds from private sources to develop a prospectus,
21 including preliminary architectural schematics and/or models,
22 for use in its efforts to raise private funds for a facility.
23 Additionally, any private sources of funds expended for this
24 purpose are eligible for state matching funds should the
25 project materialize as provided for in this section.

26 (5) To be eligible to participate in the Alec P.
27 Courtelis Capital Facilities Matching Trust Fund, a state
28 university or college shall raise a contribution equal to
29 one-half of the total cost of a facilities construction
30 project from private nongovernmental sources which shall be
31 matched by a state appropriation equal to the amount raised

1 for a facilities construction project subject to the General
2 Appropriations Act.

3 (6) If the state's share of the required match is
4 insufficient to meet the requirements of subsection (5), the
5 university or college shall renegotiate the terms of the
6 contribution with the donors. If the project is terminated,
7 each private donation, plus accrued interest, reverts to the
8 foundation for remittance to the donor.

9 (7) By September 1 of each year, the State Board of
10 Education ~~Board of Regents~~ shall transmit to the Legislature a
11 list of projects which meet all eligibility requirements to
12 participate in the Alec P. Courtelis Capital Facilities
13 Matching Trust Fund and a budget request which includes the
14 recommended schedule necessary to complete each project.

15 (8) In order for a project to be eligible under this
16 program, it must be included in the state university or
17 college ~~State University System~~ 5-year Capital Improvement
18 Plan and must receive prior approval from the State Board of
19 Education ~~Board of Regents~~ and the Legislature.

20 (9) No university's or college's project shall be
21 removed from the approved 3-year PECO priority list because of
22 its successful participation in this program until approved by
23 the Legislature and provided for in the General Appropriations
24 Act. When such a project is completed and removed from the
25 list, all other projects shall move up on the 3-year PECO
26 priority list. A university or college shall not use PECO
27 funds, including the Capital Improvement Trust Fund fee and
28 the building fee, to complete a project under this section.

29 (10) Any project funds that are unexpended after a
30 project is completed shall revert to the Capital Facilities
31 Matching Trust Fund. Fifty percent of such unexpended funds

1 shall be reserved for the university or college which
2 originally received the private contribution for the purpose
3 of providing private matching funds for future facility
4 construction projects as provided in this section. The
5 balance of such unexpended funds shall be available to any
6 state university or college for future facility construction
7 projects conducted pursuant to this section.

8 (11) The surveys, architectural plans, facility, and
9 equipment shall be the property of the State of Florida. A
10 facility constructed pursuant to this section may be named in
11 honor of a donor at the option of the university or college
12 ~~and the Board of Regents~~. No facility shall be named after a
13 living person without prior approval by the Legislature.

14 Section 66. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.2605,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 240.2605 Trust Fund for Major Gifts.--

20 (1) There is established a Trust Fund for Major Gifts.
21 The purpose of the trust fund is to enable the Board of
22 Regents Foundation, each university, and New College to
23 provide donors with an incentive in the form of matching
24 grants for donations for the establishment of permanent
25 endowments, which must be invested, with the proceeds of the
26 investment used to support libraries and instruction and
27 research programs, as defined by the State Board of Education
28 ~~procedure of the Board of Regents~~. All funds appropriated for
29 the challenge grants, new donors, major gifts, or eminent
30 scholars program must be deposited into the trust fund and
31 invested pursuant to s. 18.125 until the State Board of

1 Education Board of Regents allocates the funds to universities
2 to match private donations. Notwithstanding s. 216.301 and
3 pursuant to s. 216.351, any undisbursed balance remaining in
4 the trust fund and interest income accruing to the portion of
5 the trust fund which is not matched and distributed to
6 universities must remain in the trust fund and be used to
7 increase the total funds available for challenge grants. ~~The~~
8 ~~Board of Regents may authorize any university to encumber the~~
9 ~~state matching portion of a challenge grant from funds~~
10 ~~available under s. 240.272.~~

11 (2) The State Board of Education ~~Board of Regents~~
12 shall specify the process for submission, documentation, and
13 approval of requests for matching funds, accountability for
14 endowments and proceeds of endowments, allocations to
15 universities, restrictions on the use of the proceeds from
16 endowments, and criteria used in determining the value of
17 donations.

18 (3)(a) The State Board of Education ~~Board of Regents~~
19 shall allocate the amount appropriated to the trust fund to
20 the Board of Regents Foundation, each university, and New
21 College based on the amount of the donation and the
22 restrictions applied to the donation.

23 (b) Donations for a specific purpose must be matched
24 in the following manner:

25 1. The Board of Regents Foundation and each university
26 that raises at least \$100,000 but no more than \$599,999 from a
27 private source must receive a matching grant equal to 50
28 percent of the private contribution.

29 2. The Board of Regents Foundation and each university
30 that raises a contribution of at least \$600,000 but no more
31

1 than \$1 million from a private source must receive a matching
2 grant equal to 70 percent of the private contribution.

3 3. The Board of Regents Foundation and each university
4 that raises a contribution in excess of \$1 million but no more
5 than \$1.5 million from a private source must receive a
6 matching grant equal to 75 percent of the private
7 contribution.

8 4. The Board of Regents Foundation and each university
9 that raises a contribution in excess of \$1.5 million but no
10 more than \$2 million from a private source must receive a
11 matching grant equal to 80 percent of the private
12 contribution.

13 5. The Board of Regents Foundation and each university
14 that raises a contribution in excess of \$2 million from a
15 private source must receive a matching grant equal to 100
16 percent of the private contribution.

17 6. The amount of matching funds used to match a single
18 gift in any given year is limited to \$3 million. The total
19 amount of matching funds available for any single gift is
20 limited to \$15 million, to be distributed in equal amounts of
21 \$3 million per year over 5 years.

22 (c) ~~The State Board of Education Board of Regents~~
23 shall encumber state matching funds for any pledged
24 contributions, pro rata, based on the requirements for state
25 matching funds as specified for the particular challenge grant
26 and the amount of the private donations actually received by
27 the university or Board of Regents Foundation for the
28 respective challenge grant.

29 (4) Matching funds may be provided for contributions
30 encumbered or pledged under the Florida Endowment Trust Fund
31 for Eminent Scholars Act prior to July 1, 1994, and for

1 donations or pledges of any amount equal to or in excess of
2 the prescribed minimums which are pledged for the purpose of
3 this section.

4 (5)(a) The Board of Regents Foundation, each
5 university foundation, and New College Foundation shall
6 establish a challenge grant account for each challenge grant
7 as a depository for private contributions and state matching
8 funds to be administered on behalf of the State Board of
9 Education ~~Board of Regents~~, the university, or New College.
10 State matching funds must be transferred to a university
11 foundation or New College Foundation upon notification that
12 the university or New College has received and deposited the
13 amount specified in this section in a foundation challenge
14 grant account.

15 (b) The foundation serving a university and New
16 College Foundation each has the responsibility for the
17 maintenance and investment of its challenge grant account and
18 for the administration of the program on behalf of the
19 university or New College, pursuant to procedures specified by
20 the State Board of Education ~~Board of Regents~~. Each foundation
21 shall include in its annual report to the State Board of
22 Education ~~Board of Regents~~ information concerning collection
23 and investment of matching gifts and donations and investment
24 of the account.

25 (c) A donation of at least \$600,000 and associated
26 state matching funds may be used to designate an Eminent
27 Scholar Endowed Chair pursuant to rules adopted ~~procedures~~
28 ~~specified by the~~ State Board of Education ~~Board of Regents~~.

29 (6) The donations, state matching funds, or proceeds
30 from endowments established under this section may not be
31

1 expended for the construction, renovation, or maintenance of
2 facilities or for the support of intercollegiate athletics.

3 (7) The Board of Regents Foundation may participate in
4 the same manner as a university foundation with regard to the
5 provisions of this section.

6 Section 67. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.261,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted and
10 amended to read:

11 240.261 Codes of conduct; disciplinary measures;
12 rulemaking authority; HIV and AIDS policy; student judicial
13 system.--

14 (1) Each university and college board of trustees may
15 adopt, by rule, codes of conduct and appropriate penalties for
16 violations of rules by students and employees, to be
17 administered by the university or college. Such penalties,
18 unless otherwise provided by law, may include: reprimand;
19 restitution; fines; withholding of diplomas or transcripts
20 pending compliance with rules, completion of any student
21 judicial process or sanction, or payment of fines;
22 restrictions on the use of or removal from university and
23 college facilities; community service; educational
24 requirements; and the imposition of probation, suspension,
25 dismissal, or expulsion.

26 (2) Each university and college board of trustees may
27 adopt rules for, ~~by rule,~~ a code of conduct and appropriate
28 penalties for violations of rules by student organizations, to
29 be administered by the university or college. Such penalties,
30 unless otherwise provided by law, may include: reprimand;
31 restitution; suspension, cancellation, or revocation of the

1 registration or official recognition of a student
2 organization; and restrictions on the use of, or removal from,
3 university and college facilities.

4 (3) Sanctions authorized by university and college
5 codes of conduct may be imposed only for acts or omissions in
6 violation of rules adopted by the university or college board
7 of trustees, including rules adopted under this section, rules
8 of the State Board of Education ~~Board of Regents~~, county and
9 municipal ordinances, and the laws of this state, the United
10 States, or any other state.

11 (4) Each university and college board of trustees may
12 ~~establish and adopt~~ rules for, ~~by rule~~, codes of appropriate
13 penalties for violations of rules governing student academic
14 honesty. Such penalties, unless otherwise provided by law, may
15 include: reprimand; reduction of grade; denial of academic
16 credit; invalidation of university or college credit or of the
17 degree based upon such credit; probation; suspension;
18 dismissal; or expulsion. In addition to any other penalties
19 that may be imposed, an individual may be denied admission or
20 further registration, and the university or college may
21 invalidate academic credit for work done by a student and may
22 invalidate or revoke the degree based upon such credit if it
23 is determined that the student has made false, fraudulent, or
24 incomplete statements in the application, residence affidavit,
25 or accompanying documents or statements in connection with, or
26 supplemental to, the application for admission to or
27 graduation from the university or college.

28 (5) Each ~~The~~ university and college board of trustees
29 shall adopt rules for the lawful discipline of any student,
30 faculty member, or member of the administrative staff who
31 intentionally acts to impair, interfere with, or obstruct the

1 orderly conduct, processes, and functions of a state
2 university or college. ~~The said~~ rules may apply to acts
3 conducted on or off campus when relevant to such orderly
4 conduct, processes, and functions.

5 (6) Each university and college shall review and
6 update as necessary a student handbook that includes, but is
7 not limited to, student rights and responsibilities, appeals
8 processes available to students, a roster of contact persons
9 within the administrative staff available to respond to
10 student inquiries, and a statement as to the policy on
11 acquired immune deficiency syndrome, including the name and
12 telephone number of the university or college counselor for
13 acquired immune deficiency syndrome. Each student handbook
14 must include a statement displayed prominently which provides
15 that the university or college will not tolerate the sale,
16 possession, or use of controlled substances, with the
17 exception of medication prescribed by a physician and taken in
18 accordance with the prescribed usage, nor will the university
19 or college tolerate the consumption of alcoholic beverages by
20 students younger than 21 years of age or the sale of alcoholic
21 beverages to students younger than 21 years of age. Each
22 student handbook must also list the legal and university and
23 college sanctions that will be imposed upon students who
24 violate the law or the policies of the university or college
25 regarding controlled substances and alcoholic beverages.

26 (7) Each university and college board of trustees
27 shall develop a comprehensive policy that addresses the
28 provision of instruction, information, and activities
29 regarding human immunodeficiency virus infection and acquired
30 immune deficiency syndrome. Such instruction, information, or
31 activities shall emphasize the known modes of transmission of

1 human immunodeficiency virus infection and acquired immune
2 deficiency syndrome, signs and symptoms, associated risk
3 factors, appropriate behavior, attitude change, and means used
4 to control the spread of human immunodeficiency virus
5 infection and acquired immune deficiency syndrome.

6 (8) Each university and college board of trustees
7 shall establish a committee, at least one half of the members
8 of which shall be students appointed by the student body
9 president, to periodically review and evaluate the student
10 judicial system.

11 Section 68. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.262,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.262 Hazing prohibited at state universities and
17 colleges.--

18 (1) As used in this section, the term "hazing" means
19 any action or situation which recklessly or intentionally
20 endangers the mental or physical health or safety of a student
21 for the purpose of initiation or admission into or affiliation
22 with any organization operating under the sanction of a
23 university or college, which organization is hereinafter
24 referred to as a "college organization" or "university
25 organization." Such term includes, but is not limited to, any
26 brutality of a physical nature, such as whipping; beating;
27 branding; forced calisthenics; exposure to the elements;
28 forced consumption of any food, liquor, drug, or other
29 substance; or other forced physical activity which could
30 adversely affect the physical health or safety of the
31 individual, and also includes any activity which would subject

1 the individual to extreme mental stress, such as sleep
2 deprivation, forced exclusion from social contact, forced
3 conduct which could result in extreme embarrassment, or other
4 forced activity which could adversely affect the mental health
5 or dignity of the individual. For the purposes of this
6 section, any activity as described above upon which the
7 initiation or admission into or affiliation with a university
8 organization or college organization is directly or indirectly
9 conditioned shall be presumed to be a "forced" activity, the
10 willingness of an individual to participate in such activity
11 notwithstanding.

12 (2) Each university and college board of trustees
13 shall adopt a written antihazing policy and, pursuant to such
14 policy, shall adopt rules prohibiting students or other
15 persons associated with any university organization or college
16 organization from engaging in any activity which can be
17 described as hazing.

18 (a) Pursuant to the provisions of s. 240.261, each
19 university and college board of trustees shall provide a
20 program for the enforcement of such rules and shall adopt
21 appropriate penalties for violations of such rules, to be
22 administered by the person or agency at the university or
23 college responsible for the sanctioning of such university
24 organizations or college organizations.

25 1. Such penalties may include the imposition of fines;
26 the withholding of diplomas or transcripts pending compliance
27 with the rules or pending payment of fines; and the imposition
28 of probation, suspension, or dismissal.

29 2. In the case of a university organization or college
30 organization that ~~which~~ authorizes hazing in ~~blatant~~ disregard
31 of such rules, penalties may also include rescission of

1 permission for that organization to operate on campus property
2 or to otherwise operate under the sanction of the university
3 or college.

4 3. All penalties imposed under the authority of this
5 subsection shall be in addition to any penalty imposed for
6 violation of any of the criminal laws of this state or for
7 violation of any other university or college rule to which the
8 violator may be subject.

9 (b) Rules adopted pursuant hereto shall apply to acts
10 conducted on or off campus whenever such acts are deemed to
11 constitute hazing.

12 (3) ~~Upon approval by the Board of Regents of the~~
13 ~~antihazing policy of a university and of the rules and~~
14 ~~penalties adopted pursuant thereto, the~~ Each university and
15 college shall provide a copy of the antihazing policy along
16 with the ~~such policy, rules, and~~ penalties to each student
17 enrolled in that university or college and shall require the
18 inclusion of such policy, rules, and penalties in the bylaws
19 of every organization operating under the sanction of the
20 university or college.

21 (4) ~~Any amendments to such approved policy, rules, or~~
22 ~~penalties shall be submitted, within 10 days after the~~
23 ~~adoption of such amendments, to the Board of Regents for its~~
24 ~~approval.~~

25 Section 69. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.263,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.263 Regulation of traffic at universities and
31 colleges; definitions.--

1 (1) In construing ss. 240.263-240.268, the term:

2 (a) "Traffic," when used as a noun, means the use or
3 occupancy of, and the movement in, on, or over, streets, ways,
4 walks, roads, alleys, and parking areas by vehicles,
5 pedestrians, or ridden or herded animals.

6 (b) "Adjacent municipality" means a municipality which
7 is contiguous or adjacent to, or which contains within its
8 boundaries all or part of the grounds of, a university or
9 college; except that, if the grounds of a university or
10 college are not within or contiguous to a municipality,
11 "adjacent municipality" means the county seat of the county
12 which contains within its boundaries all or part of the
13 grounds of the university or college.

14 (c) "Grounds" includes all of the campus and grounds
15 of the university or college, whether it be the campus proper
16 or outlying or noncontiguous land of the university or college
17 within the county.

18 (d) "Law enforcement officers" include municipal
19 police, patrol officers, traffic officers, sheriffs, deputies,
20 highway patrol officers, and county traffic officers assigned
21 to duty on the grounds of the university or college, as well
22 as campus police, traffic officers, guards, parking
23 patrollers, and other noncommissioned personnel designated for
24 traffic purposes by the university or college.

25 (e) "University traffic infraction" or "college
26 traffic infraction" means a noncriminal violation of
27 university or college parking and traffic rules which is not
28 included under s. 318.14 or s. 318.17 or any municipal
29 ordinance, which is not punishable by incarceration, and for
30 which there is no right to trial by jury or to court-appointed
31 counsel.

1 (f) "Traffic authority" means an individual or a group
2 of individuals at each university and college, authorized and
3 appointed by the president of the university or college to
4 adjudicate university traffic infractions or college traffic
5 infractions.

6 (2) A traffic rule becomes enforceable ~~shall be deemed~~
7 ~~promulgated~~ when adopted by the university or college board of
8 trustees individual institution.

9 Section 70. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.264,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.264 Rules of universities and colleges; municipal
15 ordinances.--Each university and college board of trustees
16 shall adopt rules that ~~which~~ govern traffic on the grounds of
17 that university or college; that ~~which~~ provide penalties for
18 the infraction of such traffic rules; and that ~~which~~ the
19 university or college board of trustees finds necessary,
20 convenient, or advisable for the safety or welfare of the
21 students, faculty members, or other persons. Copies of such
22 rules shall be posted at the university or college on public
23 bulletin boards where notices are customarily posted, filed
24 with the city clerk or corresponding municipal or county
25 officer, and made available to any person requesting same.
26 When adopted, said rules shall be enforceable as herein
27 provided. All ordinances of the adjacent municipality
28 relating to traffic which are not in conflict or inconsistent
29 with the traffic rules adopted by the ~~individual~~ university or
30 college board of trustees shall extend and be applicable to
31 the grounds of the university or college. The provisions of

1 chapter 316 shall extend and be applicable to the grounds of
2 the university or college, and the rules adopted by the
3 ~~individual~~ university and college boards of trustees shall not
4 conflict with any section of that chapter.

5 Section 71. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.265,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.265 Violations; penalties.--Any person who
11 violates any of ~~the those~~ rules adopted by a university or
12 college board of trustees ~~the individual institution~~ shall be
13 deemed to have committed a university traffic infraction or
14 college traffic infraction and shall be fined or penalized as
15 provided by the rules adopted by the university or college
16 board of trustees ~~institution~~. Any person who violates any
17 traffic regulation enumerated in chapter 316 shall be charged,
18 and the cause shall proceed, in accordance with chapters 316
19 and 318.

20 Section 72. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.266,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.266 Payment of fines; jurisdiction and procedures
26 of university or college traffic authority; campus violation
27 fines.--

28 (1) A person charged with a university traffic
29 infraction or college traffic infraction shall elect the
30 option prescribed in paragraph (a) or the option prescribed in
31 paragraph (b). If neither option is exercised within the

1 prescribed time by the person charged with a university
2 traffic infraction or college infraction, an additional fine
3 or penalty may be assessed, and shall be payable, in
4 accordance with the rules of the university or college board
5 of trustees.

6 (a) The person charged may pay the applicable
7 infraction fine, either by mail or in person, within the time
8 period specified in the rules of the ~~individual~~ university or
9 college board of trustees. A schedule of infraction fines
10 applicable to each university and college shall be adopted by
11 the university or college board of trustees.

12 (b) The person charged may elect to appear before the
13 university or college traffic authority for administrative
14 determination pursuant to procedures enumerated in the rules
15 of such university or college board of trustees.

16 (2) Each university and college may ~~is authorized to~~
17 approve the establishment of a university or college traffic
18 authority to hear violations of traffic rules. In such cases
19 as come before the authority, the university or college
20 traffic authority shall determine whether the person is guilty
21 or not guilty of the charge. In the case of a finding of
22 guilt, the authority shall, in its discretion, impose an
23 appropriate penalty pursuant to s. 240.265.

24 (3) This section shall provide the exclusive
25 procedures for the adjudication of university traffic
26 infractions or college traffic infractions.

27 Section 73. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.267,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted and
31 amended to read:

1 240.267 Use of traffic and parking moneys.--Moneys
2 collected from parking assessments and infraction fines shall
3 be deposited in appropriate funds and shall be used to defray
4 the administrative and operating costs of the traffic and
5 parking program at the university or college institution, to
6 provide for additional parking facilities on campus, or for
7 student loan purposes.

8 Section 74. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.268,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.268 University and college police.--

14 (1) Each university and college shall ~~is empowered and~~
15 ~~directed to~~ provide for police officers for the university or
16 college, and such police officers shall hereafter be known and
17 designated as the "university police-" or "college police."

18 (2) The university police and college police are
19 ~~hereby declared to be~~ law enforcement officers of the state
20 and conservators of the peace with the right to arrest, in
21 accordance with the laws of this state, any person for
22 violation of state law or applicable county or city ordinances
23 when such violations occur on any property or facilities that
24 ~~which~~ are under the guidance, supervision, regulation, or
25 control of the state universities and colleges, including
26 property and facilities of university or college
27 direct-support organizations ~~State University System~~, except
28 that arrests may be made off campus when hot pursuit
29 originates on campus. Such officers shall have full authority
30 to bear arms in the performance of their duties and to execute
31 search warrants within their territorial jurisdiction.

1 University and college police, when requested by the sheriff
2 or local police authority, may serve subpoenas or other legal
3 process and may make arrest of any person against whom a
4 warrant has been issued or any charge has been made of
5 violation of federal or state laws or county or city
6 ordinances.

7 (3) University and college police shall promptly
8 deliver all persons arrested and charged with a felony to the
9 sheriff of the county within which the university or college
10 is located, and all persons arrested and charged with
11 misdemeanors shall be delivered to the applicable authority as
12 may be provided by law, but otherwise to the sheriff of the
13 county in which the university or college is located.

14 (4) University and college police must meet the
15 minimum standards established by the Criminal Justice
16 Standards and Training Commission and chapter 943. Each police
17 officer shall, before entering into the performance of his or
18 her duties, take the oath of office as established by the
19 university or college; and the university or college may
20 obtain and approve a bond on each officer, payable to the
21 Governor and his or her successors in office, conditioned on
22 the faithful performance of the duties of such university or
23 college police officer. The university or college may
24 determine the amount of the bond. In determining the amount of
25 the bond, the university or college may consider the amount of
26 money or property likely to be in the custody of the officer
27 at any one time. The university or college shall provide a
28 uniform set of identification credentials for each university
29 or college police officer.

30 (5) In performance of any of the powers, duties, and
31 functions authorized by law or this section, university and

1 college police shall have the same rights, protections, and
2 immunities afforded other peace or law enforcement officers.

3 ~~(6) The university, in concurrence with the Department~~
4 ~~of Law Enforcement, shall adopt rules, including, but not~~
5 ~~limited to, the appointment, employment, and removal of~~
6 ~~university police in accordance with the state Career Service~~
7 ~~System, and, further, establish in writing a policy manual,~~
8 ~~including, but not limited to, routine and emergency law~~
9 ~~enforcement situations. A policy manual shall be furnished to~~
10 ~~each university police officer.~~

11 Section 75. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.2682,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.2682 Florida Postsecondary Education Security
17 Information Act.--

18 (1) This act may be cited as the "Florida
19 Postsecondary Education Security Information Act."

20 (2) For the purposes of this act, "postsecondary
21 institution" means a state university or college identified in
22 s. 240.2011, a nonpublic college or university licensed
23 pursuant to s. 246.081, or a nonpublic college or university
24 exempt from licensure pursuant to s. 246.085.

25 Section 76. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.2683,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.2683 Report of campus crime statistics.--

31

1 (1) Each postsecondary institution shall prepare an
2 annual report of campus crime statistics for submission to the
3 respective governing or licensing boards of jurisdiction. The
4 data for these reports may be taken from the Florida
5 Department of Law Enforcement Annual Report. The Department
6 of Education shall prescribe the format for institutional
7 submission. Each postsecondary institution shall file the
8 reports with ~~The Board of Regents and State Board of~~
9 ~~Independent Colleges and Universities shall compile the~~
10 ~~reports and convey the aggregate institutional reports to the~~
11 Commissioner of Education.

12 (2) Each postsecondary institution shall prepare a
13 report of crime statistics as reported under subsection (1)
14 for the most recent 3-year period. The report shall be
15 updated annually. The institution shall give notice that this
16 report is available upon request.

17 Section 77. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.2684,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.2684 Assessment of physical plant safety.--The
22 president of each postsecondary institution shall conduct or
23 cause to be conducted an annual assessment of physical plant
24 safety. An annual report shall incorporate the findings
25 obtained through such assessment and recommendations for the
26 improvement of safety on each campus. The annual report shall
27 be submitted to the respective governing or licensing board of
28 jurisdiction no later than January 1 of each year. Each board
29 shall compile the individual institutional reports and convey
30 the aggregate institutional reports to the Commissioner of
31 Education. The Commissioner of Education shall convey these

1 reports and the reports required in s. 240.2683 to the
2 President of the Senate and the Speaker of the House of
3 Representatives no later than March 1 of each year.

4 Section 78. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.271,
6 Florida Statutes, shall not stand repealed January 7, 2003, as
7 scheduled by that law, but that section is reenacted and
8 amended to read:

9 240.271 State university and college ~~System~~
10 funding.--

11 (1) Planned enrollments for each university and
12 college as accepted or modified by the Legislature and program
13 cost categories shall be the basis for the allocation of
14 appropriated funds to the universities and colleges.

15 (2) In addition to enrollment-based appropriations,
16 categorical programs shall be established in the state
17 universities and colleges ~~University System~~ which are not
18 directly related to planned student enrollment. Such programs
19 shall be based upon the assigned missions of the institutions
20 and shall include, but not be limited to, research and public
21 service programs and authority to spend fee revenues collected
22 pursuant to subsection (5) and s. 240.235 ~~s. 240.209(3)(e)~~.

23 Appropriations by the Legislature ~~and allocations by the board~~
24 shall be based upon full costs, as determined pursuant to
25 subsection (1), and priorities established by the Legislature.

26 (3) The Legislature by line item in an appropriations
27 act may identify programs of extraordinary quality for the
28 utilization of state funds to be matched by nonstate and
29 nonfederal sources.

30 (4) The State Board of Education ~~Board of Regents~~
31 shall establish and validate a cost-estimating system

1 consistent with the requirements of subsection (1) and shall
2 report as part of its legislative budget request the actual
3 expenditures for the fiscal year ending the previous June 30.
4 The report shall include total expenditures from all sources
5 and shall be in such detail as needed to support the
6 legislative budget request.

7 (5)~~(a)~~ If the actual enrollment for any university or
8 college is less than planned enrollment by more than 5 percent
9 for any 2 consecutive fiscal years, the university or college
10 enrollment plan for the next year shall be reduced. If actual
11 enrollment exceeds planned enrollment by more than 5 percent,
12 an explanation of the excess shall be provided with the next
13 year's enrollment plan. The analysis of enrollment conducted
14 for implementing this subsection shall be based on the
15 categories of enrollment used in the education and general
16 appropriation.

17 ~~(b) Beginning in fiscal year 1995-1996, and as~~
18 ~~authorized in the General Appropriations Act, the Board of~~
19 ~~Regents shall allocate to each university the student fees~~
20 ~~collected by the university other than revenues generated by~~
21 ~~enrollment growth in excess of 5 percent above planned~~
22 ~~enrollment.~~

23 (6) The enrollment planning plus program cost data
24 established by this section shall be used as the basis for
25 preparing the legislative budget requests.

26 Section 79. Sections 240.272 and 240.273, Florida
27 Statutes, are repealed.

28 Section 80. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.274,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.274 Universities and colleges; public documents
4 distributed to libraries.--The general library of each state
5 university and college institution in the State University
6 ~~System~~ is entitled to receive copies of reports of state
7 officials, departments, and institutions and all other state
8 documents published by the state. Each officer of the state
9 empowered by law to distribute such public documents is
10 authorized to transmit without charge, except for payment of
11 shipping costs, the number of copies of each public document
12 desired upon requisition from the librarian. It is the duty
13 of the library to keep public documents in a convenient form
14 accessible to the public. The library may, ~~under rules~~
15 ~~formulated by the Board of Regents~~, is authorized to exchange
16 documents for those of other states, territories, and
17 countries.

18 Section 81. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.275,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted and
22 amended to read:

23 240.275 Law libraries of certain institutions of
24 higher learning designated as state legal depositories.--

25 (1) The law libraries of the University of Florida,
26 Florida State University, Florida Agricultural and Mechanical
27 University, Florida International University, Stetson
28 University, Nova University, and the University of Miami are
29 designated as state legal depositories.

30 (2) Each officer of the state empowered by law to
31 distribute legal publications is authorized to transmit, upon

1 payment of shipping costs or cash on delivery, to the state
2 legal depositories copies of such publications as requested.
3 However, the number of copies transmitted shall be limited to:

4 (a) Eight copies of each volume of General Acts and
5 each volume of Special Acts to each of the state legal
6 depositories;

7 (b) Up to a maximum number of each volume of the
8 Florida Statutes and each supplement volume, computed on the
9 basis of one set for every 10 students enrolled during the
10 school year, based upon the average enrollment as certified by
11 the registrar; and

12 (c) One copy of each journal of the House of
13 Representatives and each journal of the Senate to each state
14 legal depository.

15 (3) It is the duty of the librarian of any depository
16 to keep all public documents in a convenient form accessible
17 to the public.

18 (4) The libraries of all community colleges ~~in the~~
19 ~~Florida Community College System~~ as defined in s. 240.301 are
20 designated as state depositories for the Florida Statutes and
21 supplements published by or under the authority of the state;
22 these depositories each may receive upon request one copy of
23 each volume without charge, except for payment of shipping
24 costs.

25 Section 82. Section 240.276, Florida Statutes, is
26 repealed.

27 Section 83. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.277,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted and
31 amended to read:

1 240.277 Additional appropriation.--

2 (1) All moneys received by the state universities and
3 colleges ~~institutions under the management of the Board of~~
4 ~~Regents~~, other than from state and federal sources, from
5 student building and capital improvement fees, and from
6 vending machine collections, are ~~hereby~~ appropriated to ~~the~~
7 ~~use of the Board of Regents~~, for the respective state
8 university or college ~~institutions~~ collecting the moneys ~~same~~,
9 to be expended as the state university or college ~~directs~~
10 ~~Board of Regents may direct~~; however, the funds may ~~shall~~ not
11 be expended except in pursuance of ~~detailed~~ budgets approved
12 by the State Board of Education ~~filed with the Executive~~
13 ~~Office of the Governor~~ and may ~~shall~~ not be expended for the
14 construction or reconstruction of buildings except as provided
15 under s. 240.295.

16 (2) All moneys received from vending machine
17 collections by the state universities and colleges
18 ~~institutions under the management of the Board of Regents~~
19 shall be expended only as set forth in ~~detailed~~ budgets
20 approved by the State Board of Education ~~Board of Regents~~.

21 (3)(a) ~~All moneys received by institutions under the~~
22 ~~management of the Board of Regents for the Auxiliary~~
23 ~~Enterprises and Contracts, Grants and Donations budget~~
24 ~~entities, and the self-insurance program authorized in s.~~
25 ~~240.213, shall be exempt from the requirements of s. 216.023.~~
26 ~~The Board of Regents, in consultation with the appropriations~~
27 ~~committees of the Legislature, shall approve an estimated~~
28 ~~level of expenditures, salary rates, and positions for each of~~
29 ~~these budget entities. If such expenditures exceed the prior~~
30 ~~year level by more than 25 percent, the full membership of the~~
31 ~~appropriations committees shall be notified of the increase.~~

1 ~~(b)~~ No new state appropriation shall be obligated as a
2 source of matching funds for potential federal or private
3 contracts or grants. Upon the termination of any federal or
4 private contracts or grants, the state is ~~shall not be~~
5 obligated to provide continued funding for personnel or
6 project costs related to such contracts or grants.

7 Section 84. Section 240.279, Florida Statutes, is
8 repealed.

9 Section 85. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.2803,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.2803 Auxiliary enterprises; contracts, grants, and
15 donations; definitions.--As used in s. 19(f)(3), Art. III of
16 the State Constitution, the term:

17 (1) "Auxiliary enterprises" includes activities that
18 directly or indirectly provide a product or a service, or
19 both, to a university, college, or its students, faculty, or
20 staff and for which a charge is made. These auxiliary
21 enterprises are business activities of a university or college
22 which require no support from the General Revenue Fund, and
23 include activities such as housing, bookstores, student health
24 services, continuing education programs, food services,
25 college stores, operation of vending machines, specialty
26 shops, day care centers, golf courses, student activities
27 programs, data center operations, and intercollegiate
28 athletics programs.

29 (2) "Contracts, grants, and donations" includes
30 noneducational and general funding sources in support of
31 research, public services, and training. The term includes

1 grants and donations, sponsored-research contracts, and
2 Department of Education funding for developmental research
3 schools and other activities for which the funds are deposited
4 outside the State Treasury.

5 Section 86. Sections 240.28031 and 240.28035, Florida
6 Statutes, are repealed.

7 Section 87. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.2805,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.2805 Administration of capital improvement and
13 building fees trust funds.--The State Board of Education ~~Board~~
14 ~~of Regents~~ shall administer the Capital Improvement Fee Trust
15 Fund and the Building Fee Trust Fund which include receipts
16 from capital improvement and building student fee assessments,
17 interest earnings, and subsidy grants. All funds, except those
18 to be used for debt service payments, reserve requirements,
19 and educational research centers for child development,
20 pursuant to s. 240.531, shall be used to fund projects
21 appropriated by the Legislature. Projects funded pursuant to
22 this section may be expanded by the use of supplemental funds
23 such as grants, auxiliary enterprises, private donations, and
24 other nonstate sources when approved by the Executive Office
25 of the Governor.

26 Section 88. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.281,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted and
30 amended to read:

31

1 240.281 Deposit of funds received by state
2 universities and colleges institutions and agencies in the
3 ~~State University System.--All funds received by any state~~
4 ~~university or college may be deposited outside the State~~
5 ~~Treasury, except as otherwise provided by law.institution or~~
6 ~~agency in the State University System, from whatever source~~
7 ~~received and for whatever purpose, shall be deposited in the~~
8 ~~State Treasury subject to disbursement in such manner and for~~
9 ~~such purposes as the Legislature may by law provide. The~~
10 ~~following funds shall be exempt from the provisions of this~~
11 ~~section and, with the approval of the Board of Regents, may be~~
12 ~~deposited outside the State Treasury:~~

- 13 ~~(1) Student deposits.~~
- 14 ~~(2) Scholarship funds from private sources.~~
- 15 ~~(3) Student loan funds.~~
- 16 ~~(4) Contractor's bid deposits.~~
- 17 ~~(5) Vending machine collections.~~
- 18 ~~(6) Alumni association funds.~~
- 19 ~~(7) Funds received from private sources as gifts,~~
20 ~~grants, bequests, or donations.~~
- 21 ~~(8) Funds received by a faculty practice plan as~~
22 ~~provided by rule of the Board of Regents; however, the~~
23 ~~University of Florida and the University of South Florida~~
24 ~~shall prepare operating budgets at the same level of detail as~~
25 ~~that required of the education and general and Board of~~
26 ~~Regents budget entities for these funds.~~
- 27 ~~(9) Such other funds as may be approved by the Board~~
28 ~~of Regents and the Executive Office of the Governor subject to~~
29 ~~the review provisions of s. 216.177.~~

30 Section 89. Sections 240.283, 240.285, 240.287, and
31 240.289, Florida Statutes, are repealed.

1 Section 90. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.291,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.291 Delinquent accounts.--

7 (1) Each university and college may ~~is directed to~~
8 exert every effort to collect all delinquent accounts.

9 (2) Each university and college may ~~is authorized to~~
10 charge off or ~~to~~ settle ~~such~~ accounts that are ~~as may prove~~
11 uncollectible.

12 (3) Each university and college may ~~is authorized to~~
13 employ the service of a collection agency when deemed
14 advisable in collecting delinquent accounts.

15 (4) Each university and college board of trustees may
16 ~~is authorized to~~ adopt rules, ~~as necessary,~~ to implement the
17 provisions of this section, including setoff procedures,
18 payroll deductions, and restrictions on release of
19 transcripts, awarding of diplomas, and access to other
20 university or college resources and services.

21 Section 91. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.293,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted and
25 amended to read:

26 240.293 Contracts of institutions for supplies,
27 utility services, and building construction exempt from
28 operation of county or municipal ordinance or charter.--

29 (1) The state universities and colleges may ~~are~~
30 ~~authorized to~~ contract for supplies, utility services, and
31 building construction without regulation or restriction by

1 municipal or county charter or ordinance. Contractual
2 arrangements shall be in the best interests of the state and
3 shall give consideration to rates, adequacy of service, and
4 the dependability of the contractor.

5 (2) Any municipal or county charter, ordinance, or
6 regulation that serves to restrict or prohibit the intent of
7 subsection (1) shall be inoperative.

8 Section 92. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.2945,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.2945 Building construction standards;
14 exemptions.--The state universities and colleges are exempt
15 from local amendments to the Florida Building Code and the
16 Fire Prevention Code.

17 Section 93. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.295,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.295 State universities and colleges ~~University~~
23 ~~System~~; authorization for fixed capital outlay projects.--

24 (1) ~~Notwithstanding the provisions of chapter 216,~~
25 ~~including s. 216.351,~~The state universities and colleges
26 ~~University System~~ may accomplish fixed capital outlay projects
27 consistent with the provisions of this section. Projects
28 authorized by this section shall not require educational plant
29 survey approval as prescribed in chapter 235. No project which
30 upon completion requires general revenue for operation or
31

1 maintenance shall be accomplished without approval by the
2 Legislature.

3 (2) The following types of projects may be
4 accomplished pursuant to the restrictions identified in
5 subsection (1):

6 (a) Construction of any new buildings, or remodeling
7 of existing buildings, when funded from nonstate sources such
8 as federal grant funds, private gifts, grants, or lease
9 arrangements if such grants or gifts are given for the
10 specific purpose of construction;

11 (b) The replacement of any buildings destroyed by fire
12 or other calamity;

13 (c) Construction of projects financed as provided in
14 s. 240.2093 or part I of chapter 243;

15 (d) Construction of new facilities or remodeling of
16 existing facilities to meet needs for research, provided that
17 such projects are financed pursuant to s. 240.241; or

18 (e) Construction of facilities or remodeling of
19 existing facilities to meet needs as determined by the
20 university or college, provided that the amount of funds for
21 any such project does not exceed \$500,000, and the trust
22 funds, other than the funds used to accomplish projects
23 contemplated in this subsection, are authorized and available
24 for such purposes.

25 (3) Other than those projects currently authorized, no
26 project proposed by a university or college which is to be
27 funded from Capital Improvement Trust Fund fees or building
28 fees shall be submitted to the State Board of Education ~~Board~~
29 ~~of Regents~~ for approval without prior consultation with the
30 student government association of that university or college.

31

1 The State Board of Education ~~Board of Regents~~ shall adopt
2 ~~promulgate~~ rules ~~which are~~ consistent with this requirement.

3 (4) Each university and college board of trustees ~~The~~
4 ~~Board of Regents~~ shall, in consultation with local and state
5 emergency management agencies, assess existing facilities to
6 identify the extent to which each campus has public hurricane
7 evacuation shelter space. Each ~~The~~ board shall submit to the
8 Governor and the Legislature by August 1 of each year a 5-year
9 capital improvements program that identifies new or
10 retrofitted facilities that will incorporate enhanced
11 hurricane resistance standards and that can be used as public
12 hurricane evacuation shelters. Enhanced hurricane resistance
13 standards include fixed passive protection for window and door
14 applications to provide mitigation protection, security
15 protection with egress, and energy efficiencies that meet
16 standards required in the 130-mile-per-hour wind zone areas.
17 Each ~~The~~ board must also submit proposed facility retrofit
18 projects to the Department of Community Affairs for assessment
19 and inclusion in the annual report prepared in accordance with
20 s. 252.385(3). Until a regional planning council region in
21 which a campus is located has sufficient public hurricane
22 evacuation shelter space, any campus building for which a
23 design contract is entered into subsequent to July 1, 2001,
24 and which has been identified by a ~~the~~ board, with the
25 concurrence of the local emergency management agency or the
26 Department of Community Affairs, to be appropriate for use as
27 a public hurricane evacuation shelter, must be constructed in
28 accordance with public shelter standards.

29 Section 94. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.296,
31 Florida Statutes, shall not stand repealed January 7, 2003, as

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.296 State university and college system facilities
4 loan and debt surety program.--

5 (1) LEGISLATIVE INTENT.--The Legislature recognizes
6 the need for new facilities, improvements to existing
7 facilities, and equipment to accommodate university and
8 college needs for student housing, dining, parking,
9 merchandising, athletics, and other income-generating,
10 self-supporting enterprises. It is further recognized that
11 projects for these purposes must be approved by the
12 Legislature before revenue certificates may be issued on
13 behalf of the State Board of Education ~~Board of Regents~~, and
14 that the credit ratings of these revenue certificates may be
15 enhanced by a secondary pledge of unobligated trust funds. It
16 is, therefore, the intent of the Legislature to establish a
17 program to provide the opportunity for each state university
18 and college to obtain funds for these projects and to serve as
19 a source of secondary credit enhancement for revenue
20 certificates issued on behalf of the State Board of Education
21 ~~Board of Regents~~. This program shall be administered in
22 accordance with rules adopted ~~procedures established~~ by the
23 State Board of Education ~~Board of Regents~~.

24 (2) ADMINISTRATION OF THE PROGRAM.--

25 (a) Projects, including acquisition of new facilities,
26 improvements to existing facilities, and equipment to
27 accommodate university and college needs for student housing,
28 parking, dining, merchandising, athletics, or other
29 income-generating, self-supporting enterprises, shall be
30 eligible for loans or secondary credit enhancement, as the

31

1 case may be, subject to the rules adopted ~~procedures~~
2 ~~established~~ by the State Board of Education ~~Board of Regents~~.

3 (b) To be eligible for secondary credit enhancement
4 from the program, the primary revenue stream dedicated to each
5 project must be sufficient to attain a minimum debt coverage
6 ratio established by the State Board of Education ~~Board of~~
7 ~~Regents~~. The surety pledge from the program for any one
8 project shall not exceed an amount equal to 1 year's debt
9 service or lease payments and such surety pledge shall not
10 extend beyond the first 5 years of the debt, unless
11 specifically authorized by the State Board of Education ~~Board~~
12 ~~of Regents~~. The State Board of Education shall adopt rules
13 ~~Board of Regents shall establish procedures~~ for charges and
14 for repayments of draws from the program.

15 (c) To be eligible for a loan, the university or
16 college must demonstrate the project's fiscal sufficiency,
17 including loan repayment provisions.

18 (d) All construction allocations shall be acquired in
19 accordance with rules adopted by the State Board of Education
20 ~~established by the Board of Regents, pursuant to s.~~
21 ~~240.209(3)(o)~~.

22 Section 95. Section 240.2985, Florida Statutes, is
23 repealed.

24 Section 96. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.299,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted and
28 amended to read:

29 240.299 Direct-support organizations; use of property;
30 board of directors; activities; audit; facilities.--

31

1 (1) DEFINITIONS.--For the purposes of this section,
2 the term:

3 (a) "University direct-support organization" or
4 "college direct-support organization"means an organization
5 which is:

6 1. A Florida corporation not for profit incorporated
7 under the provisions of chapter 617 and approved by the
8 Department of State;

9 2. Organized and operated exclusively to receive,
10 hold, invest, and administer property and to make expenditures
11 to or for the benefit of a state university or college in
12 Florida or for the benefit of a research and development park
13 or research and development authority affiliated with a state
14 university or college and organized under part V of chapter
15 159; and

16 3. An organization that ~~which~~ the State Board of
17 Education ~~Board of Regents~~, after review, has certified to be
18 operating in a manner consistent with the goals of the
19 university or college and in the best interest of the state.
20 Any organization that ~~which~~ is denied certification by the
21 State Board of Education ~~may~~ ~~Board of Regents~~ shall not use
22 the name of the university or college ~~that~~ ~~which~~ it serves.

23 (b) "Personal services" includes full-time or
24 part-time personnel as well as payroll processing.

25 (2) USE OF PROPERTY.--

26 (a) Each university and college board of trustees may
27 ~~The Board of Regents is authorized to~~ permit the use of
28 property, facilities, and personal services at any state
29 university or college by any university direct-support
30 organization or college direct-support organization, and,
31 subject to the provisions of this section, direct-support

1 organizations may establish accounts with the State Board of
2 Administration for investment of funds pursuant to part IV of
3 chapter 218.

4 (b) Each university and college board of trustees ~~The~~
5 ~~Board of Regents~~ shall prescribe by rule conditions with which
6 a university direct-support organization or college
7 direct-support organization must comply in order to use
8 property, facilities, or personal services at any state
9 university or college. Such rules shall provide for budget
10 and audit review and oversight by the State Board of Education
11 ~~Board of Regents~~.

12 (c) A university or college board of trustees may ~~The~~
13 ~~Board of Regents~~ shall not permit the use of property,
14 facilities, or personal services at any state university or
15 college by any university direct-support organization or
16 college direct-support organization that ~~which~~ does not
17 provide equal employment opportunities to all persons
18 regardless of race, color, religion, sex, age, or national
19 origin.

20 (3) BOARD OF DIRECTORS.--Each university and college
21 board of trustees ~~The chair of the Board of Regents~~ may
22 appoint a representative to the board of directors and the
23 executive committee of any direct-support organization
24 established under this section. The president of the
25 university or college for which the direct-support
26 organization is established, or his or her designee, shall
27 also serve on the board of directors and the executive
28 committee of any direct-support organization established to
29 benefit that university or college.

30 (4) ACTIVITIES; RESTRICTION.--A university
31 direct-support organization or a college direct-support

1 organization may not give ~~is prohibited from giving~~, either
2 directly or indirectly, any gift to a political committee or
3 committee of continuous existence as defined in s. 106.011 for
4 any purpose other than those certified by a majority roll call
5 vote of the governing board of the direct-support organization
6 at a regularly scheduled meeting as being directly related to
7 the educational mission of the university or college.

8 (5) ANNUAL AUDIT.--Each direct-support organization
9 shall provide for an annual financial audit of its accounts
10 and records to be conducted by an independent certified public
11 accountant in accordance with rules adopted by the Auditor
12 General pursuant to s. 11.45(8) ~~and by the Board of Regents~~.
13 The annual audit report shall be submitted, within 9 months
14 after the end of the fiscal year, to the Auditor General and
15 the State Board of Education ~~Board of Regents~~ for review. The
16 State Board of Education, the university or college board of
17 trustees ~~Board of Regents~~, the Auditor General, and the Office
18 of Program Policy Analysis and Government Accountability may
19 ~~shall have the authority to~~ require and receive from the
20 organization or from its independent auditor any records
21 relative to the operation of the organization. The identity of
22 donors who desire to remain anonymous shall be protected, and
23 that anonymity shall be maintained in the auditor's report.
24 All records of the organization other than the auditor's
25 report, management letter, and any supplemental data requested
26 by the State Board of Education, the university or college
27 board of trustees ~~Board of Regents~~, the Auditor General, and
28 the Office of Program Policy Analysis and Government
29 Accountability shall be confidential and exempt from the
30 provisions of s. 119.07(1).

31

1 (6) FACILITIES.--In addition to issuance of
2 indebtedness pursuant to s. 240.2093(2), each direct-support
3 organization may ~~is authorized to~~ enter into agreements to
4 finance, design and construct, lease, lease-purchase,
5 purchase, or operate facilities necessary and desirable to
6 serve the needs and purposes of the university or college, as
7 determined by the ~~systemwide~~ strategic plan adopted by the
8 State Board of Education ~~Board of Regents~~, upon approval of
9 such agreements by the State Board of Education ~~Board of~~
10 ~~Regents~~ and approval of the project by the Legislature. Such
11 agreements are subject to the provisions of s. 243.151.

12 (7) ANNUAL BUDGETS ~~AND~~ REPORTS.--Each direct-support
13 organization shall submit to the university president and the
14 State Board of Education ~~Board of Regents~~ its federal Internal
15 Revenue Service Application for Recognition of Exemption form
16 (Form 1023) and its federal Internal Revenue Service Return of
17 Organization Exempt from Income Tax form (Form 990).

18 Section 97. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.2995,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted and
22 amended to read:

23 240.2995 University and college health services
24 support organizations.--

25 (1) Each state university and college board of
26 trustees ~~may is authorized to~~ establish university and college
27 health services support organizations that ~~which shall~~ have
28 the ability to enter into, for the benefit of the university
29 or college academic health sciences center, arrangements with
30 other entities as providers in other integrated health care
31 systems or similar entities. To the extent required by law or

1 rule, university and college health services support
2 organizations shall become licensed as insurance companies,
3 pursuant to chapter 624, or be certified as health maintenance
4 organizations, pursuant to chapter 641. University and
5 college health services support organizations shall have sole
6 responsibility for the acts, debts, liabilities, and
7 obligations of the organization. In no case shall the state,
8 college, or university have any responsibility for such acts,
9 debts, liabilities, and obligations incurred or assumed by
10 university or college health services support organizations.

11 (2) Each university and college health services
12 support organization shall be a Florida corporation not for
13 profit, incorporated under the provisions of chapter 617 and
14 approved by the Department of State.

15 (3) The State Board of Education ~~Board of Regents~~ may
16 prescribe, by rule, conditions with which a university or
17 college health services support organization must comply in
18 order to be certified. Each university and college board of
19 trustees may adopt rules providing the conditions with which a
20 university or college health support organization must comply
21 in order ~~and~~ to use property, facilities, or personal services
22 at the any state university or college. The rules must provide
23 for budget, audit review, and oversight by the State Board of
24 Education ~~Board of Regents~~. Such rules shall provide that the
25 university or college health services support organization may
26 provide salary supplements and other compensation or benefits
27 for university or college faculty and staff employees only as
28 set forth in the organization's budget, which is ~~shall be~~
29 subject to approval by the university or college president.

30 (4) Each university and college board of trustees ~~The~~
31 ~~chair of the Board of Regents~~ may appoint a representative to

1 the board of directors and the executive committee of any
2 university or college health services support organization
3 established under this section. The president of the
4 university or college for which the university or college
5 health services support organization is established, or the
6 president's designee, shall also serve on the board of
7 directors and the executive committee of any university or
8 college health services support organization established to
9 benefit that university or college.

10 (5) Each university and college health services
11 support organization shall provide for an annual financial
12 audit in accordance with s. 240.299(5)~~s. 240.299(4)~~. The
13 auditor's report, management letter, and any supplemental data
14 requested by the State Board of Education ~~Board of Regents~~ and
15 the Auditor General are ~~shall be considered~~ public records,
16 pursuant to s. 119.07.

17 Section 98. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.2996,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.2996 University and college health services
23 support organization; confidentiality of information.--

24 (1) All meetings of a governing board of a university
25 or college health services support organization and all
26 university and college health services support organization
27 records shall be open and available to the public in
28 accordance with s. 286.011 and s. 24(b), Art. I of the State
29 Constitution and chapter 119 and s. 24(a), Art. I of the State
30 Constitution, respectively, unless made confidential or exempt
31 by law. Records required by the Department of Insurance to

1 discharge its duties shall be made available to the department
2 upon request.

3 (2) The following ~~university health services support~~
4 ~~organization's~~ records and information of a university or
5 college health services support organization are confidential
6 and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a),
7 Art. I of the State Constitution:

8 (a) Contracts for managed care arrangements under
9 which the university or college health services support
10 organization provides health care services, preferred provider
11 organization contracts, health maintenance organization
12 contracts, alliance network arrangements, and exclusive
13 provider organization contracts, and any documents directly
14 relating to the negotiation, performance, and implementation
15 of any such contracts for managed care arrangements or
16 alliance network arrangements. As used in this paragraph, the
17 term "managed care" means systems or techniques generally used
18 by third-party payors or their agents to affect access to and
19 control payment for health care services. Managed-care
20 techniques most often include one or more of the following:
21 prior, concurrent, and retrospective review of the medical
22 necessity and appropriateness of services or site of services;
23 contracts with selected health care providers; financial
24 incentives or disincentives related to the use of specific
25 providers, services, or service sites; controlled access to
26 and coordination of services by a case manager; and payor
27 efforts to identify treatment alternatives and modify benefit
28 restrictions for high-cost patient care.

29 (b) Each university and college health services
30 support organization's marketing plan the disclosure of which
31 may reasonably be expected by the organization's governing

1 board to be used by a competitor or an affiliated provider of
2 the organization to frustrate, circumvent, or exploit the
3 purposes of the plan before it is implemented and which is not
4 otherwise known or cannot be legally obtained by a competitor
5 or an affiliated provider. However, documents that are
6 submitted to the organization's governing board as part of the
7 board's approval of the organization's budget, and the budget
8 itself, are not confidential and exempt.

9 (c) Trade secrets, as defined in s. 688.002, including
10 reimbursement methodologies and rates.

11 (d) The records of the peer review panels, committees,
12 governing board, and agents of the university or college
13 health services support organization which relate solely to
14 the evaluation of health care services and professional
15 credentials of health care providers and physicians employed
16 by or providing services under contract to the university or
17 college health services support organization. The exemptions
18 created by this paragraph shall not be construed to impair any
19 otherwise established rights of an individual health care
20 provider to inspect documents concerning the determination of
21 such provider's professional credentials.

22 (3) Any portion of a governing board or peer review
23 panel or committee meeting during which a confidential and
24 exempt contract, document, record, marketing plan, or trade
25 secret, as provided for in subsection (2), is discussed is
26 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
27 of the State Constitution.

28 (4) Those portions of any public record, such as a
29 tape recording, minutes, and notes, generated during that
30 portion of a governing board or peer review panel or committee
31 meeting which is closed to the public pursuant to this

1 section, which contain information relating to contracts,
2 documents, records, marketing plans, or trade secrets which
3 are made confidential and exempt by this section, are
4 confidential and exempt from the provisions of s. 119.07(1)
5 and s. 24(a), Art. I of the State Constitution.

6 (5) The exemptions from s. 119.07(1) and s. 24(a),
7 Art. I of the State Constitution and s. 286.011 and s. 24(b),
8 Art. I of the State Constitution provided in this section do
9 not apply if the governing board of a university or college
10 health services support organization votes to lease, sell, or
11 transfer all or any substantial part of the facilities or
12 property of the university or college health services support
13 organization to a nonpublic entity.

14 (6) Any person may petition a court of competent
15 jurisdiction for an order for the public release of those
16 portions of any public record, such as a tape recording,
17 minutes, or notes, generated during that portion of a
18 governing board meeting which is closed to the public pursuant
19 to subsection (3), which record is made confidential and
20 exempt by subsection (4). Any action pursuant to this
21 subsection must be brought in the county where the principal
22 office of the university or college health services support
23 organization is located, as reflected in the records of the
24 custodian of state records ~~Secretary of State~~. In any order
25 for the public release of a record pursuant to this
26 subsection, the court shall make a finding that a compelling
27 public interest is served by the release of the record or
28 portions thereof which exceeds the public necessity for
29 maintaining the confidentiality of such record as described in
30 s. 2, chapter 96-171, Laws of Florida, and that the release of
31 the record will not cause damage to or adversely affect the

1 interests of private persons, business entities, the
2 university or college health services support organization, or
3 the affiliated university or college.

4 (7) Those portions of any public record, such as a
5 tape recording, minutes, or notes, generated during that
6 portion of a governing board meeting at which negotiations for
7 contracts for managed-care arrangements occur, are reported
8 on, or are acted on by the governing board, which record is
9 made confidential and exempt by subsection (4), shall become
10 public records 2 years after the termination or completion of
11 the term of the contract to which such negotiations relate or,
12 if no contract was executed, 2 years after the termination of
13 the negotiations. Notwithstanding paragraph (2)(a) and
14 subsection (4), a university or college health services
15 support organization must make available, upon request, the
16 title and general description of a contract for managed-care
17 arrangements, the names of the contracting parties, and the
18 duration of the contract term. All contracts for managed-care
19 arrangements which are made confidential and exempt by
20 paragraph (2)(a), except those portions of any contract
21 containing trade secrets which are made confidential and
22 exempt by paragraph (2)(c), shall become public 2 years after
23 the termination or completion of the term of the contract.

24 (8) A university or college health services support
25 organization may petition a court of competent jurisdiction to
26 continue the confidentiality of any public record made
27 nonconfidential by this section, upon a showing of good cause.
28 In determining good cause, the court shall balance the
29 property, privacy, and economic interests of any affected
30 person or business entity with those of the university or
31 college health services support organization and with the

1 public interest and must make a finding that a substantial
2 public interest is served by the continued confidentiality of
3 the public record for an additional time period. The length of
4 time for this continued exemption may be no longer than is
5 necessary to protect that substantial public interest.

6 (9) This act does not preclude discovery of records
7 and information that are otherwise discoverable under the
8 Florida Rules of Civil Procedure or any statutory provision
9 allowing discovery or presuit disclosure of such records and
10 information for the purpose of civil actions.

11 Section 99. Subsection (14) of section 240.2997,
12 Florida Statutes, is amended to read:

13 240.2997 Florida State University College of
14 Medicine.--

15 (14) INDEMNIFICATION FROM LIABILITY.--This section
16 shall be construed to authorize the Florida State University,
17 ~~for and on behalf of the Board of Regents,~~to negotiate and
18 purchase policies of insurance to indemnify from any liability
19 those individuals or entities providing sponsorship or
20 training to the students of the medical school, professionals
21 employed by the medical school, and students of the medical
22 school.

23 Section 100. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.301,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.301 Community colleges; definition, mission, and
29 responsibilities.--

30 (1) State community colleges shall consist of all
31 public educational institutions operated by community college

1 district boards of trustees under the law ~~statutory authority~~
2 and rules of the State Board of Education ~~and the State Board~~
3 ~~of Community Colleges~~. A community college may provide adult
4 education services, including adult basic education, adult
5 general education, adult secondary education, and general
6 educational development test instruction. The state community
7 colleges are locally based and governed entities with
8 statutory and funding ties to state government. As such, the
9 community colleges' mission reflects a commitment to be
10 responsive to local educational needs and challenges. In
11 achieving this mission, the community colleges shall strive to
12 maintain sufficient local authority and flexibility while
13 preserving appropriate legal accountability to the state.

14 (2) As comprehensive institutions, the community
15 colleges shall provide high-quality, affordable education and
16 training opportunities, shall foster a climate of excellence,
17 and shall provide opportunities to all while combining high
18 standards with an open-door admission policy. The community
19 colleges shall, as open-access institutions, serve all who can
20 benefit, without regard to age, race, gender, creed, or ethnic
21 or economic background, while emphasizing the achievement of
22 social and educational equity so that all can be prepared for
23 full participation in society.

24 (3) The primary mission and responsibility of public
25 community colleges is responding to community needs for
26 postsecondary academic education and degree career education.
27 This mission and responsibility includes being responsible
28 for:

29 (a) Providing lower level undergraduate instruction
30 and awarding associate degrees, and providing upper-level
31

1 instruction and awarding baccalaureate degrees as specifically
2 authorized by law.

3 (b) Preparing students directly for vocations
4 requiring less than baccalaureate degrees. This may include
5 preparing for job entry, supplementing of skills and
6 knowledge, and responding to needs in new areas of technology.
7 Career education in the community college shall consist of
8 certificate career education programs leading to certificates
9 for occupational completion points, credit courses leading to
10 associate in science degrees and associate in applied
11 technology degrees, and other programs in fields requiring
12 substantial academic work, background, or qualifications. A
13 community college may offer vocational programs in fields
14 having lesser academic or technical requirements.

15 (c) Providing student development services, including
16 assessment, student tracking, support for disabled students,
17 advisement, counseling, financial aid, career development, and
18 remedial and tutorial services, to ensure student success.

19 (d) Promoting economic development for the state
20 within each community college district through the provision
21 of special programs, including, but not limited to, the:

- 22 1. Enterprise Florida-related programs.
- 23 2. Technology transfer centers.
- 24 3. Economic development centers.
- 25 4. Workforce literacy programs.

26 (4) A separate and secondary role for community
27 colleges includes the offering of programs in:

28 (a) Community services that ~~which~~ are not directly
29 related to academic or occupational advancement.

30 (b) Adult general education.

31 (c) Recreational and leisure services.

1 (5) Funding for community colleges shall reflect their
2 mission as follows:

3 (a) Postsecondary academic and vocational education
4 programs and adult general education programs shall have first
5 priority in community college funding.

6 (b) Community service programs shall be presented to
7 the Legislature with rationale for state funding. The
8 Legislature may identify priority areas for use of these
9 funds.

10 (6) Community colleges are authorized to offer such
11 programs and courses as are necessary to fulfill their mission
12 and are authorized to grant associate in arts degrees,
13 associate in science degrees, associate in applied science
14 degrees, certificates, awards, and diplomas. Each community
15 college is also authorized to provide access to baccalaureate
16 degrees through concurrent-use partnerships or through
17 offering a limited number of baccalaureate degrees as
18 authorized by law, and to make provisions for the general
19 educational development examination.

20 Section 101. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.303,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.303 "Community college" and "junior college" used
26 interchangeably.--~~whenever~~ The terms term "community college"
27 and "junior college," as used ~~appears~~ in the Florida Statutes
28 in reference to a tax-supported institution, have the same
29 meaning.it shall be construed to mean a "junior college."

30 Section 102. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.3031,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted and
3 amended to read:

4 240.3031 Florida community colleges ~~College System~~
5 defined.--Florida's ~~The Florida~~ community colleges ~~College~~
6 ~~System~~ shall consist of the following:

7 ~~(1) The State Board of Community Colleges of the~~
8 ~~Division of Community Colleges of the Department of Education.~~

- 9 (1)~~(2)~~ Brevard Community College.
10 (2)~~(3)~~ Broward Community College.
11 (3)~~(4)~~ Central Florida Community College.
12 (4)~~(5)~~ Chipola Junior College.
13 (5)~~(6)~~ Daytona Beach Community College.
14 (6)~~(7)~~ Edison Community College.
15 (7)~~(8)~~ Florida Community College at Jacksonville.
16 (8)~~(9)~~ Florida Keys Community College.
17 (9)~~(10)~~ Gulf Coast Community College.
18 (10)~~(11)~~ Hillsborough Community College.
19 (11)~~(12)~~ Indian River Community College.
20 (12)~~(13)~~ Lake City Community College.
21 (13)~~(14)~~ Lake-Sumter Community College.
22 (14)~~(15)~~ Manatee Community College.
23 (15)~~(16)~~ Miami-Dade Community College.
24 (16)~~(17)~~ North Florida Community College.
25 (17)~~(18)~~ Okaloosa-Walton Community College.
26 (18)~~(19)~~ Palm Beach Community College.
27 (19)~~(20)~~ Pasco-Hernando Community College.
28 (20)~~(21)~~ Pensacola Junior College.
29 (21)~~(22)~~ Polk Community College.
30 (22)~~(23)~~ St. Johns River Community College.
31 (23)~~(24)~~ St. Petersburg ~~Junior~~ College.

- 1 ~~(24)(25)~~ Santa Fe Community College.
2 ~~(25)(26)~~ Seminole Community College.
3 ~~(26)(27)~~ South Florida Community College.
4 ~~(27)(28)~~ Tallahassee Community College.
5 ~~(28)(29)~~ Valencia Community College.

6 Section 103. Sections 240.305 and 240.309, Florida
7 Statutes; section 240.311, Florida Statutes, as amended by
8 section 34 of chapter 2001-170 and section 77 of chapter
9 2001-266, Laws of Florida; and section 240.3115, Florida
10 Statutes, are repealed.

11 Section 104. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.312,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.312 Community colleges; program review.--The
17 director of the Division of Community Colleges shall develop
18 guidelines for the review of all academic programs in
19 community colleges. Program reviews, to be conducted in
20 conjunction with the Council for Education Policy Research and
21 Improvement, shall document how individual programs are
22 achieving stated learning and program objectives within the
23 context of the institution's mission. The results of the
24 program reviews shall inform the strategic planning, program
25 development, and budgeting decisions at the institutional
26 level.~~Program reviews for the community college system shall~~
27 ~~be coordinated with the Postsecondary Education Planning~~
28 ~~Commission every year.~~Every major program shall be reviewed
29 every 5 years or whenever the effectiveness or efficiency of a
30 program is jeopardized, except that certificate career
31 education programs and programs leading to an associate in

1 science degree shall be reviewed every 3 years. ~~Indicators of~~
2 ~~quality and criteria for the program reviews shall be defined.~~
3 ~~The results of these program reviews shall be tied to the~~
4 ~~budget request for the community college system.~~

5 Section 105. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.313,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.313 Community college districts; establishment and
11 organization of boards of trustees.--

12 (1) Each community college district authorized by law
13 and the Department of Education is an independent, separate,
14 legal entity created for the operation of a community college.
15 The district board of trustees, the community college
16 district, and the community college are one and the same legal
17 entity, a political subdivision of the state, for all purposes
18 under this section, including, without limitation, the
19 ownership of property and the transaction of business.

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

30 (3) Trustees shall be appointed by the Governor,
31 ~~approved by four members of the State Board of Education, and~~

1 confirmed by the Senate in regular session; however, an ~~no~~
2 appointee shall take office on an interim basis pending Senate
3 action until such action or the end of the next regular
4 session, whichever occurs earlier.~~after his or her~~
5 ~~appointment has been approved by four members of the State~~
6 ~~Board of Education; further, the State Board of Education~~
7 ~~shall develop rules and procedures for review and approval of~~
8 ~~the appointees. Prior to the time the Governor appoints any~~
9 ~~member of any community college district board of trustees,~~
10 ~~the school board or boards in the community college district~~
11 ~~may submit to the Governor for his or her consideration the~~
12 ~~names of two or more persons for each office.~~

13 (4) Members of the district board of trustees shall
14 receive no salary but may receive reimbursement for expenses
15 as provided in s. 112.061, including mileage to and from
16 official board meetings.

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

29 (6) A community college president shall be the
30 executive officer and corporate secretary of the district
31 board of trustees as well as the chief administrative officer

1 of the community college, and all the components of the
2 institution and all aspects of its operation are responsible
3 to the district board of trustees through the president.

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

10 Section 106. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.315,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.315 Community college district board of trustees;
16 board to constitute a corporation.--Each community college
17 district board of trustees is constituted a body corporate by
18 the name of "The District Board of Trustees of ...(name of
19 community college)..., Florida--" with all powers of a body
20 corporate, including a corporate seal, the power to contract
21 and be contracted with, to sue and be sued, to plead and be
22 impleaded in all courts of law or equity, and to give and
23 receive donations.In all suits against a district board,
24 service of process shall be made on the chair of the district
25 board or, in the absence of the chair, on another member of
26 the district board.

27 Section 107. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.317,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted and
31 amended to read:

1 240.317 Community colleges; legislative intent.--It is
2 the legislative intent that community colleges, constituted as
3 political subdivisions of the state, continue to be operated
4 by district boards of trustees as provided in s. 240.315 and
5 that no department, bureau, division, agency, or subdivision
6 of the state exercise any responsibility and authority to
7 operate any community college of the state except as
8 specifically provided by law or rules of the State Board of
9 Education ~~and State Board of Community Colleges.~~

10 Section 108. Section 240.318, Florida Statutes, is
11 created to read:

12 240.318 Community college presidents; powers and
13 duties.--

14 (1) The president is the chief executive officer of
15 the community college, shall be corporate secretary of the
16 community college district board of trustees, and is
17 responsible for the operation and administration of the
18 community college. Consistent with the law, the mission of the
19 community college, the rules of the State Board of Education,
20 and the rules of the community college district boards of
21 trustees, each community college president shall:

22 (a) Recommend the adoption of rules to the community
23 college district board of trustees to implement provisions of
24 law governing the operation and administration of the
25 community college, which shall include the specific powers and
26 duties enumerated in this section.

27 (b) Prepare a budget request and an operating budget
28 for approval by the community college district board of
29 trustees.

30 (c) Administer the community college personnel
31 program, including, but not limited to, recruiting,

1 appointing, transferring, promoting, compensating, evaluating,
2 rewarding, demoting, disciplining, suspending, and removing
3 personnel.

4 (d) Govern admissions.

5 (e) Approve, execute, and administer contracts for and
6 on behalf of the community college district board of trustees
7 for the acquisition of commodities, goods, licenses,
8 equipment, services, leases of real and personal property, and
9 planning and construction to be rendered to or by the
10 community college. Any contract exceeding \$1 million must be
11 approved by the community college district board of trustees
12 before the contract is entered. Community college presidents
13 shall comply with s. 287.055 for the procurement of
14 professional services. For purposes of a community college
15 president's contracting authority, a continuing contract for
16 professional services under s. 287.055 is one in which
17 construction costs do not exceed \$1 million or the fee for
18 study activity does not exceed \$100,000.

19 (f) Manage the property and other resources of the
20 community college.

21 (g) Establish the academic calendar of the community
22 college.

23 (h) Administer the community college's program of
24 intercollegiate athletics.

25 (i) Recommend to the community college district board
26 of trustees the establishment and termination of degree and
27 other programs.

28 (j) Award degrees.

29 (k) Recommend to the community college district board
30 of trustees a schedule of tuition and fees to be charged by
31

1 the community college, within law and rules of the State Board
2 of Education.

3 (l) Review periodically the operations of the
4 community college in order to determine how effectively and
5 efficiently the community college is being administered and
6 whether it is meeting the goals of its strategic plan adopted
7 by the State Board of Education.

8 (m) Enter into agreements for student exchange
9 programs which involve students at the community college and
10 students in other institutions of higher learning.

11 (n) Provide purchasing, contracting, and budgetary
12 review processes for student government organizations.

13 (o) Ensure compliance with federal and state laws,
14 rules, and other requirements that are applicable to the
15 community college.

16 (p) Maintain all data and information pertaining to
17 the operation of the community college, and report on the
18 attainment by the community college of institutional and
19 statewide performance accountability goals.

20 (q) Administer matters relating to students such as
21 classification, attendance, progress, student accounts,
22 discipline, suspension, expulsion, and graduation, subject to
23 the law, the rules of the State Board of Education, and the
24 rules of the community college district boards of trustees.

25 (r) Ensure compliance with s. 286.011. Upon a
26 determination by a court of a second violation of s. 286.011
27 by a community college president, the community college
28 president is subject to removal for cause. Upon a
29 determination by a court that a community college president
30 has knowingly violated s. 286.011, the community college
31 president shall be removed. The community college district

1 board of trustees shall appoint a new president pursuant to s.
2 240.319. The penalties imposed by this subsection are
3 cumulative to the penalties imposed under s. 286.011.
4 Violations of s. 286.011 prior to the enactment of this
5 paragraph do not constitute violations for purposes of this
6 subsection.

7 (2) For purposes of this chapter, the powers, duties,
8 and authority vested with a community college are vested with
9 the president of the community college or his or her designee.
10 Unless expressly prohibited by law, rule of the State Board of
11 Education, or rule of the community college district board of
12 trustees, each community college president may delegate any
13 power, duty, or authority vested in the president by law, rule
14 of the State Board of Education, or rule of the community
15 college district board of trustees.

16 Section 109. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.319,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.319 Community college district boards of trustees;
22 duties and powers.--

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

29 (2) The district board of trustees, after considering
30 recommendations submitted by the community college president,
31 ~~may has authority to~~ adopt rules pursuant to ss. 120.536(1)

1 and 120.54 to implement the provisions of law conferring
2 duties upon it. ~~These rules may supplement those prescribed~~
3 ~~by the State Board of Education and the State Board of~~
4 ~~Community Colleges if they will contribute to the more orderly~~
5 ~~and efficient operation of the Florida Community College~~
6 ~~System.~~

7 (3) Each community college district board of trustees
8 is specifically authorized to adopt rules that are related to
9 its mission and, procedures, and policies, consistent with law
10 and the rules of the State Board of Education. Unless
11 expressly prohibited by law, each community college district
12 board of trustees may delegate any power, duty, or authority
13 vested in the district board of trustees, in whole or in part,
14 to its respective president.~~and State Board of Community~~
15 ~~Colleges, related to its mission and responsibilities as set~~
16 ~~forth in s. 240.301, its governance, personnel, budget and~~
17 ~~finance, administration, programs, curriculum and instruction,~~
18 ~~buildings and grounds, travel and purchasing, technology,~~
19 ~~students, contracts and grants, or college property.~~

20 (4) The ~~Such~~ rules, ~~procedures, and policies~~ for the
21 district boards of trustees include, but are not limited to,
22 the following:

23 (a) Each district board of trustees shall appoint,
24 suspend, or remove the president of the community college. The
25 district board of trustees may appoint a search committee that
26 reflects the gender and ethnic diversity of the community,
27 faculty, students, and staff. The district board of trustees
28 shall conduct annual ~~periodic~~ evaluations of the president in
29 accordance with rules of the State Board of Education
30 ~~Community Colleges~~ and submit such evaluations to the State
31 Board of Education ~~Community Colleges~~ for review.

1 (b) Each district board of trustees has responsibility
2 for the establishment, discontinuance, and review the
3 ~~establishment and discontinuance~~ of program and course
4 offerings; provision for instructional and noninstructional
5 community services, location of classes, and services
6 provided; and dissemination of information concerning such
7 programs and services.

8 (c) Each district board of trustees shall review new
9 associate degree, diploma, and certificate programs for
10 relationship to student demand; conduct periodic reviews of
11 existing programs; and terminate associate degree or
12 certificate programs when excessive duplication exists.

13 (d) Each district board of trustees shall conduct an
14 annual administrative review of the community college and
15 forward the review to the State Board of Education.

16 1. The review must include, but is not limited to, the
17 administrator-to-faculty ratio, the percent of funds for
18 administrative costs in the total budget, and the percent of
19 funds in support programs compared to the percent of funds in
20 instructional programs, and may include other indicators of
21 quality as necessary.

22 2. The review shall also include all courses offered
23 by the community college outside its district. Courses offered
24 outside the home district which are not approved by the
25 district board of trustees may not be counted for funding
26 purposes or for purposes of meeting enrollment assignments.
27 For purposes of this subparagraph, electronically originated
28 instruction, including satellite, broadcast, and
29 Internet-delivered instruction, is exempt. Exemption is only
30 permitted when the community college's intent is to offer the
31 instruction for students residing within the community

1 college's home district and to market the instruction only to
2 students residing within the community college's home
3 district. If a community college's intent is to market the
4 electronically originated instruction outside its home
5 district and thus recruit students outside its home district,
6 the community college must receive the approval of the State
7 Board of Education. The State Board of Education may review
8 any electronically originated instruction for compliance with
9 this section.

10 (e)(e) Each district board of trustees constitutes the
11 contracting agent of the community college. It may, when
12 acting as a body, make contracts, sue, and be sued in the name
13 of the district board of trustees and may plead and be
14 impleaded in all courts of law or equity. In any suit, a
15 change in personnel of the board shall not abate the suit,
16 which shall proceed as if such change had not taken place.
17 Each district board may adopt rules, ~~procedures, and policies~~
18 related to contracts and contract management.

19 (f)(d) Whenever the district board of trustees
20 ~~Department of Education~~ finds it necessary for the welfare and
21 convenience of the any community college to acquire private
22 property for the use of the community college and the property
23 cannot be acquired by agreement satisfactory to the district
24 board of trustees of the community college and the parties
25 interested in, or the owners of, the private property, the
26 district board of trustees may exercise the right of eminent
27 domain after receiving approval therefor from the State Board
28 of Education and may then proceed to condemn the property in
29 the manner provided by chapters 73 and 74.

30 (g)(e) Each district board of trustees may enter into
31 lease-purchase arrangements with private individuals or

1 corporations for necessary grounds and buildings for community
2 college purposes, other than dormitories, or for buildings
3 other than dormitories to be erected for community college
4 purposes. Such arrangements shall be paid from capital outlay
5 and debt service funds as provided by s. 240.359(2), with
6 terms not to exceed 30 years at a stipulated rate. The
7 provisions of such contracts, including building plans, are
8 subject to approval by the State Board ~~Department~~ of
9 Education, and no such contract may be entered into without
10 such approval. The State Board of Education may adopt ~~such~~
11 rules ~~as it deems~~ necessary to administer this paragraph.

12 ~~(h)(f)~~ Each district board of trustees may purchase,
13 acquire, receive, hold, own, manage, lease, sell, dispose of,
14 and convey title to real property, in the best interests of
15 the community college, pursuant to rules adopted by the State
16 Board of Education.

17 ~~(i)(g)~~ Each district board of trustees may is
18 ~~authorized to~~ enter into agreements for, and accept, credit,
19 charge, and debit card payments as compensation for goods,
20 services, tuition, and fees. Each community college may is
21 ~~further authorized to~~ establish accounts in credit card banks
22 for the deposit of credit, charge, and debit card sales
23 invoices.

24 ~~(j)(h)~~ Each district board of trustees may adopt, by
25 rule, a uniform code of appropriate penalties for violations
26 of its rules by students and employees. Such penalties, unless
27 otherwise provided by law, may include fines, the withholding
28 of diplomas or transcripts pending compliance with rules or
29 payment of fines, and the imposition of probation, suspension,
30 or dismissal.

31

1 (k) Each district board of trustees may develop and
2 adopt guidelines relating to official travel by community
3 college employees.

4 (l)(i) Each district board of trustees may consider
5 the past actions of any person applying for admission,
6 enrollment, or employment and may adopt rules to deny provide,
7 by board rule or procedure, for denying admission, enrollment,
8 or employment to a person because of misconduct if determined
9 to be in the best interest of the past actions have been found
10 to disrupt or interfere with the orderly conduct, processes,
11 functions, or programs of any other university, college, or
12 community college.

13 (m)(j) Each district board of trustees may is
14 authorized to develop and produce work products relating to
15 educational endeavors which are subject to trademark,
16 copyright, or patent statutes. To this end, the district
17 board shall consider the relative contribution by the
18 personnel employed in the development of such work products
19 and shall enter into binding agreements with such personnel,
20 organizations, corporations, or government entities, which
21 agreements shall establish the percentage of ownership of such
22 trademarks, copyrights, or patents. Any other law to the
23 contrary notwithstanding, the district board may is authorized
24 in its own name ~~to~~:

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

28 2. License, lease, assign, or otherwise give written
29 consent to any person, firm, or corporation for the
30 manufacture or use thereof on a royalty basis or for such
31 other consideration as the district board deems proper.

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

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

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

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

10 ~~(n)(k)~~ Each district board of trustees shall provide
11 rules governing parking and the direction and flow of traffic
12 within campus boundaries and may hire appropriate personnel to
13 enforce campus parking rules. ~~Such persons have no authority~~
14 ~~to arrest or issue citations for moving traffic violations.~~

15 The district board of trustees may adopt, by rule, a uniform
16 code of appropriate penalties for violations. Such penalties,
17 unless otherwise provided by law, may include the levying of
18 fines, the withholding of diplomas or transcripts pending
19 compliance with rules or payment of fines, and the imposition
20 of probation, suspension, or dismissal. ~~Moneys collected from~~
21 ~~parking rule infractions shall be deposited in appropriate~~
22 ~~funds at each community college for student financial aid~~
23 ~~purposes.~~

24 ~~(o)(l)~~1. Each district board of trustees may adopt
25 rules, procedures, and policies related to the appointment,
26 employment, and removal of personnel. The district board
27 shall determine the compensation, including salaries and
28 fringe benefits, and other conditions of employment for such
29 personnel, including the president.

30 2. The district board may ~~is authorized to~~ enter into
31 a contract with the president in accordance with the

1 provisions of this chapter. Any such contract may fix the
2 duration of employment and the compensation therefor and may
3 contain any other terms and conditions the district board
4 deems appropriate. In addition, the district board may furnish
5 the president with the use of a motor vehicle or an allowance
6 in lieu thereof. If any such vehicle is furnished, the
7 district board shall determine and fix the maximum noncollege
8 use of the same. Each district board of trustees shall adopt,
9 by rule, procedures governing the employment and dismissal of
10 the community college president. Such rule shall be
11 incorporated into the contract for employment.

12 ~~(p)(m)~~ Each district board of trustees may provide for
13 recognition of employees who have contributed outstanding and
14 meritorious service in their fields and may adopt and
15 implement a program of meritorious service awards to employees
16 who propose procedures or ideas that are adopted and that will
17 result in eliminating or reducing community college
18 expenditures or improving community college operations. The
19 community college district board of trustees may ~~is authorized~~
20 ~~to~~ expend funds for such recognition and awards. ~~An award~~
21 ~~granted under the provisions of this paragraph may not exceed~~
22 ~~\$2,000 or 10 percent of the first year's gross savings,~~
23 ~~whichever is greater.~~

24 ~~(q)(n)~~ Each district board of trustees may adopt
25 ~~rules, procedures, and policies~~ related to students,
26 enrollment of students, student activities, loans,
27 scholarships, and other student services.

28 ~~(r)(o)~~ Each district board of trustees may adopt
29 ~~rules, procedures, and policies~~ related to risk management,
30 safety, security, and law enforcement operations. Each board
31

1 of trustees may ~~is authorized to~~ employ personnel to carry out
2 the duties imposed by this paragraph.

3 (s)~~(p)~~ Each district board of trustees may ~~is~~
4 ~~authorized to~~ contract for the purchase, lease, or acquisition
5 in any manner~~(including purchase by installment or~~
6 ~~lease-purchase contract which may provide for the payment of~~
7 ~~interest on the unpaid portion of the purchase price and for~~
8 ~~the granting of a security interest in the items purchased)~~of
9 goods, materials, equipment, and services required by the
10 college. The district board of trustees may choose to
11 consolidate equipment contracts under master equipment
12 financing agreements made pursuant to s. 287.064.

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

1 ~~participating in the exchange program shall be the same as~~
2 ~~those of the person he or she replaces.~~

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

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

21 (w)~~(t)~~ Each district board of trustees may is
22 ~~authorized to~~ borrow funds and incur debt, including entering
23 into lease-purchase agreements and the issuance of revenue
24 bonds as specifically authorized and only for the purposes
25 authorized in ss. 239.117(15) and (16) and 240.35(10) and (11)
26 ~~240.35(14) and (15)~~. At the option of the district board of
27 trustees, bonds may be issued which are secured by a
28 combination of revenues authorized to be pledged to bonds
29 pursuant to ss. 239.117(15) and 240.35(10)~~240.35(14)~~ or ss.
30 239.117(16) and 240.35(11)~~240.35(15)~~. Lease-purchase
31 agreements may be secured by a combination of revenues as

1 specifically authorized pursuant to ss. 239.117(18) and
2 240.35(12)~~240.35(16)~~.

3 ~~(x)(u)~~ Each district board of trustees may adopt
4 rules, ~~procedures, and policies~~ related to compliance with
5 federal laws, regulations, and requirements.

6 ~~(y)(v)~~ Each district board of trustees may adopt
7 rules, ~~procedures, and policies~~ related to institutional
8 governance, administration, and management in order to promote
9 orderly and efficient operation, including, but not limited
10 to, financial management, budget management, physical plant
11 management, and property management.

12 ~~(z)(w)~~ Each district board of trustees may adopt
13 rules, ~~procedures, and policies~~ related to data or technology,
14 including but not limited to, information systems,
15 communications systems, computer hardware and software, and
16 networks. These systems shall be compatible with the state's
17 information systems to facilitate the sharing of data related
18 to the community colleges.

19 ~~(aa)(x)~~ Each district board of trustees may adopt
20 rules, ~~procedures, and policies~~ related to the use,
21 maintenance, protection, and control of buildings and grounds,
22 property, or equipment. The authority vested in the district
23 board of trustees in this subsection includes the
24 prioritization of the use of space, property, equipment, and
25 resources and the imposition of charges for the same.

26 ~~(bb)~~ Each district board of trustees may enter into
27 contracts and enter into consortia with the state, other
28 community college boards of trustees, state university boards
29 of trustees, school boards, and private educational
30 institutions for the purpose of providing health and welfare
31

1 insurances for employees, which include, but are not limited
2 to health, dental, disability, and long-term insurances.

3 (cc) Each district board of trustees may participate
4 in deferred compensation programs offered by the state to its
5 employees, as appropriate.

6 Section 110. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.3191,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted to read:

10 240.3191 Community college student handbooks.--

11 (1) Each community college shall compile and update
12 annually a student handbook that includes, but is not limited
13 to, a comprehensive calendar that emphasizes important dates
14 and deadlines, student rights and responsibilities, appeals
15 processes available to students, and a roster of contact
16 persons within the administrative staff available to respond
17 to student inquiries.

18 (2) Each student handbook shall list the legal and
19 community college specific sanctions that will be imposed upon
20 students who violate the law or community college policies
21 regarding controlled substances and alcoholic beverages.

22 (3) Each student handbook shall provide information
23 related to acquired immune deficiency syndrome (AIDS)
24 education or identify sites from which AIDS education
25 information may be obtained.

26 Section 111. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.3192,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.3192 Community colleges; HIV and AIDS

31 policy.--Each community college shall develop a comprehensive

1 policy that addresses the provision of instruction,
2 information, and activities regarding human immunodeficiency
3 virus infection and acquired immune deficiency syndrome. Such
4 instruction, information, or activities shall emphasize the
5 known modes of transmission of human immunodeficiency virus
6 infection and acquired immune deficiency syndrome, signs and
7 symptoms, associated risk factors, appropriate behavior and
8 attitude change, and means used to control the spread of human
9 immunodeficiency virus infection and acquired immune
10 deficiency syndrome.

11 Section 112. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.3193,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted to read:

15 240.3193 Community college student ombudsman office.--

16 (1) There is created at each community college a
17 student ombudsman office, which is accountable to the
18 president.

19 (2) Each community college must have an established
20 procedure by which a student may appeal to the office of the
21 ombudsman a decision that is related to the student's access
22 to courses and credit granted toward the degree. Detailed
23 information concerning this procedure must be included in the
24 community college catalog.

25 (3) Each community college shall develop minimum
26 standards for the role of ombudsman or student advocate. The
27 standards shall address the issue of notification of students
28 of opportunities for assistance or appeal.

29 Section 113. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.3195,
31 Florida Statutes, shall not stand repealed January 7, 2003, as

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.3195 State Community College ~~System~~ Optional
4 Retirement Program.--Each community college may implement an
5 optional retirement program, if such program is established
6 therefor pursuant to s. 240.319(4)(r), under which annuity
7 contracts providing retirement and death benefits may be
8 purchased by, and on behalf of, eligible employees who
9 participate in the program. Except as otherwise provided
10 herein, this retirement program, which shall be known as the
11 State Community College ~~System~~ Optional Retirement Program,
12 may be implemented and administered only by an individual
13 community college or by a consortium of community colleges.

14 (1) As used in this section, the term:

15 (a) "Activation" means the date upon which an optional
16 retirement program is first made available by the program
17 administrator to eligible employees.

18 (b) "College" means public community colleges ~~that are~~
19 ~~members of the Florida Community College System.~~

20 (c) "Department" means the Department of Management
21 Services.

22 (d) "Program administrator" means the individual
23 college or consortium of colleges responsible for implementing
24 and administering an optional retirement program.

25 (e) "Program participant" means an eligible employee
26 who has elected to participate in an available optional
27 retirement program as authorized by this section.

28 (2) Participation in the optional retirement program
29 provided by this section is limited to employees who satisfy
30 the criteria set forth in s. 121.051(2)(c).

31

1 (3)(a) With respect to any employee who is eligible to
2 participate in the optional retirement program by reason of
3 qualifying employment commencing before the program's
4 activation:

5 1. The employee may elect to participate in the
6 optional retirement program in lieu of participation in the
7 Florida Retirement System. To become a program participant,
8 the employee must file with the personnel officer of the
9 community college, within 60 days after the program's
10 activation, both a written election on a form provided by the
11 department and a completed application for an individual
12 contract or certificate.

13 2. An employee's participation in the optional
14 retirement program commences on the first day of the next full
15 calendar month following the filing of the election and
16 completed application with the program administrator and
17 receipt of such election by the department. An employee's
18 membership in the Florida Retirement System terminates on this
19 same date.

20 3. Any such employee who fails to make an election to
21 participate in the optional retirement program within 60 days
22 after its activation has elected to retain membership in the
23 Florida Retirement System.

24 (b) With respect to any employee who becomes eligible
25 to participate in an optional retirement program by reason of
26 qualifying employment commencing on or after the program's
27 activation:

28 1. The employee may elect to participate in the
29 optional retirement program in lieu of participation in the
30 Florida Retirement System. To become a program participant,
31 the employee must file with the personnel officer of the

1 community college, within 60 days after commencing qualifying
2 employment, both a written election on a form provided by the
3 department and a completed application for an individual
4 contract or certificate.

5 2. An employee's participation in the optional
6 retirement program commences on the first day of the next full
7 calendar month following the filing of the election and
8 completed application with the program administrator and
9 receipt of such election by the department. An employee's
10 membership in the Florida Retirement System terminates on this
11 same date.

12 3. If the employee makes an election to participate in
13 the optional retirement program before the community college
14 submits its initial payroll for the employee, participation in
15 the optional retirement program commences on the first date of
16 employment.

17 4. Any such employee who fails to make an election to
18 participate in the optional retirement program within 60 days
19 after commencing qualifying employment has elected to retain
20 membership in the Florida Retirement System.

21 (c) Any employee who, on or after an optional
22 retirement program's activation, becomes eligible to
23 participate in the program by reason of a change in status due
24 to the subsequent designation of the employee's position as
25 one of those referenced in subsection (2), or due to the
26 employee's appointment, promotion, transfer, or
27 reclassification to a position referenced in subsection (2),
28 must be notified by the community college of the employee's
29 eligibility to participate in the optional retirement program
30 in lieu of participation in the Florida Retirement System.
31 These eligible employees are subject to the provisions of

1 paragraph (b) and may elect to participate in the optional
2 retirement program in the same manner as those employees
3 described in paragraph (b), except that the 60-day election
4 period commences upon the date notice of eligibility is
5 received by the employee.

6 (d) Program participants must be fully and immediately
7 vested in the optional retirement program.

8 (e) The election by an eligible employee to
9 participate in the optional retirement program is irrevocable
10 for so long as the employee continues to meet the eligibility
11 requirements set forth in this section and in s.
12 121.051(2)(c), except as provided in paragraph (i).

13 (f) If a program participant becomes ineligible to
14 continue participating in the optional retirement program
15 pursuant to the criteria referenced in subsection (2), the
16 employee becomes a member of the Florida Retirement System if
17 eligible. The community college must notify the department of
18 an employee's change in eligibility status within 30 days
19 after the event that makes the employee ineligible to continue
20 participation in the optional retirement program.

21 (g) An eligible employee who is a member of the
22 Florida Retirement System at the time of election to
23 participate in the optional retirement program retains all
24 retirement service credit earned under the Florida Retirement
25 System at the rate earned. Additional service credit in the
26 Florida Retirement System may not be earned while the employee
27 participates in the optional retirement program, nor is the
28 employee eligible for disability retirement under the Florida
29 Retirement System.

30
31

1 (h) A program participant may not simultaneously
2 participate in any other state-administered retirement system,
3 plan, or class.

4 (i) Except as provided in s. 121.052(6)(d), a program
5 participant who is or who becomes dually employed in two or
6 more positions covered by the Florida Retirement System, one
7 of which is eligible for an optional retirement program
8 pursuant to this section and one of which is not, is subject
9 to the dual employment provisions of chapter 121.

10 (4)(a) ~~Through June 30, 2001, each college must~~
11 ~~contribute on behalf of each program participant an amount~~
12 ~~equal to the normal cost portion of the employer retirement~~
13 ~~contribution which would be required if the program~~
14 ~~participant were a member of the Regular Class of the Florida~~
15 ~~Retirement System as provided in s. 121.071, plus the portion~~
16 ~~of the contribution rate required in s. 112.363(8) that would~~
17 ~~otherwise be assigned to the Retiree Health Insurance Subsidy~~
18 ~~Trust Fund. Effective July 1, 2001, Each community college~~
19 must contribute on behalf of each program participant an
20 amount equal to 10.43 percent of the participant's gross
21 monthly compensation. The community college shall deduct an
22 amount approved by the district board of trustees ~~community~~
23 ~~college~~ to provide for the administration of the optional
24 retirement program. Payment of this contribution must be made
25 either directly by the community college or through the
26 program administrator to the designated company contracting
27 for payment of benefits to the program participant.

28 (b) Each community college must contribute on behalf
29 of each program participant an amount equal to the unfunded
30 actuarial accrued liability portion of the employer
31 contribution which would be required if the program

1 participant were a member of the Regular Class of the Florida
2 Retirement System. Payment of this contribution must be made
3 directly by the college to the department for deposit in the
4 Florida Retirement System Trust Fund.

5 (c) Each program participant who has executed an
6 annuity contract may contribute by way of salary reduction or
7 deduction a percentage of the program participant's gross
8 compensation, but this percentage may not exceed the
9 corresponding percentage contributed by the community college
10 to the optional retirement program. Payment of this
11 contribution may be made either directly by the community
12 college or through the program administrator to the designated
13 company contracting for payment of benefits to the program
14 participant.

15 (d) Contributions to an optional retirement program by
16 a community college or a program participant are in addition
17 to, and have no effect upon, contributions required now or in
18 future by the federal Social Security Act.

19 (5)(a) The benefits to be provided to program
20 participants must be provided through individual contracts or
21 group annuity contracts, which may be fixed, variable, or
22 both. Each individual contract or certificate must state the
23 type of annuity contract on its face page, and must include at
24 least a statement of ownership, the contract benefits, annuity
25 income options, limitations, expense charges, and surrender
26 charges, if any.

27 (b) Benefits are payable under the optional retirement
28 program to program participants or their beneficiaries, and
29 the benefits must be paid only by the designated company in
30 accordance with the terms of the annuity contracts applicable
31 to the program participant, provided that benefits funded by

1 employer contributions are payable only as a lifetime annuity
2 to the program participant, except for:

3 1. A lump-sum payment to the program participant's
4 beneficiary or estate upon the death of the program
5 participant; or

6 2. A cash-out of a de minimis account upon the request
7 of a former program participant who has been terminated for a
8 minimum of 6 months from the employment that caused the
9 participant to be eligible for participation. A de minimis
10 account is an account with a designated company containing
11 employer contributions and accumulated earnings of not more
12 than \$3,500. The cash-out must be a complete liquidation of
13 the account balance with that designated company and is
14 subject to the provisions of the Internal Revenue Code.

15 (c) The benefits payable to any person under the
16 optional retirement program, and any contribution accumulated
17 under the program, are not subject to assignment, execution,
18 attachment, or to any legal process whatsoever.

19 (6)(a) The optional retirement program authorized by
20 this section must be implemented and administered by the
21 program administrator under s. 403(b) of the Internal Revenue
22 Code. The program administrator has the express authority to
23 contract with a third party to fulfill any of the program
24 administrator's duties.

25 (b) The program administrator shall solicit
26 competitive bids or issue a request for proposal and select no
27 more than four companies from which annuity contracts may be
28 purchased under the optional retirement program. In making
29 these selections, the program administrator shall consider the
30 following factors:

31 1. The financial soundness of the company.

1 2. The extent of the company's experience in providing
2 annuity contracts to fund retirement programs.

3 3. The nature and extent of the rights and benefits
4 provided to program participants in relation to the premiums
5 paid.

6 4. The suitability of the rights and benefits provided
7 to the needs of eligible employees and the interests of the
8 community college in the recruitment and retention of
9 employees.

10
11 In lieu of soliciting competitive bids or issuing a request
12 for proposals, the program administrator may authorize the
13 purchase of annuity contracts under the optional retirement
14 program from those companies currently selected by the
15 department to offer such contracts through the State
16 University System Optional Retirement Program, as set forth in
17 s. 121.35.

18 (c) Optional retirement program annuity contracts must
19 be approved in form and content by the program administrator
20 in order to qualify. The program administrator may use the
21 same annuity contracts currently used by state universities
22 and colleges ~~within the State University System Optional~~
23 ~~Retirement Program~~, as set forth in s. 121.35.

24 (d) The provision of each annuity contract applicable
25 to a program participant must be contained in a written
26 program description that includes a report of pertinent
27 financial and actuarial information on the solvency and
28 actuarial soundness of the program and the benefits applicable
29 to the program participant. The company must furnish the
30 description annually to the program administrator, and to each
31

1 program participant upon commencement of participation in the
2 program and annually thereafter.

3 (e) The program administrator must ensure that each
4 program participant is provided annually with an accounting of
5 the total contributions and the annual contributions made by
6 and on the behalf of the program participant.

7 Section 114. Section 240.32, Florida Statutes, is
8 repealed.

9 Section 115. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.321,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

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

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

23 (2) Admission to associate degree programs is subject
24 to minimum standards adopted by the State Board of Education
25 and shall require:

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

1 education program pursuant to the requirements of s. 232.0201.
2 Students who are enrolled in a dual enrollment or early
3 admission program pursuant to s. 240.116 and secondary
4 students enrolled in college-level instruction creditable
5 toward the associate degree, but not toward the high school
6 diploma, shall be exempt from this requirement.

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

13 (c) Any other requirements established by the board of
14 trustees.

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

18
19 ~~Each board of trustees shall establish policies that notify~~
20 ~~students about, and place students into, adult basic~~
21 ~~education, adult secondary education, or other instructional~~
22 ~~programs that provide students with alternatives to~~
23 ~~traditional college preparatory instruction, including private~~
24 ~~provider instruction. Such notification shall include a~~
25 ~~written listing or a prominent display of information on~~
26 ~~alternative remedial options that must be available to each~~
27 ~~student who scores below college level in any area on the~~
28 ~~common placement test. The list or display shall include, but~~
29 ~~is not limited to, options provided by the community college,~~
30 ~~adult education programs, and programs provided by private~~
31 ~~sector providers. The college shall not endorse, recommend,~~

1 ~~evaluate, or rank any of the providers. The list of providers~~
2 ~~or the display materials shall include all those providers~~
3 ~~that request to be included. The written list must provide~~
4 ~~students with specific contact information and disclose the~~
5 ~~full costs of the course tuition, laboratory fees, and~~
6 ~~instructional materials of each option listed.~~A student who
7 elects a private provider for remedial instruction is entitled
8 to enroll in up to 12 credits of college-level courses in
9 skill areas other than those for which the student is being
10 remediated. A student is prohibited from enrolling in
11 additional college-level courses until the student scores
12 above the cut-score on all sections of the common placement
13 test.

14 Section 116. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.3215,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 240.3215 Community college district board of trustees;
20 degrees and certificates; tests for certain skills.--

21 (1) Each district board of trustees shall adopt rules
22 establishing student performance standards for the award of
23 degrees and certificates.

24 (2) Each district board of trustees shall require the
25 use of scores on tests for college-level communication and
26 computation skills provided in s. 229.551 as a condition for
27 graduation with an associate in arts degree.

28 Section 117. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.323,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.323 Student records.--Rules of the State Board of
4 Education ~~Community Colleges~~ may prescribe the content and
5 custody of records and reports that ~~which~~ a community college
6 may maintain on its students. Such records are confidential
7 and exempt from s. 119.07(1) and are open to inspection only
8 as provided in s. 228.093.

9 Section 118. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.324,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.324 Community college accountability process.--

15 (1) It is the intent of the Legislature that a
16 management and accountability process be implemented which
17 provides for the systematic, ongoing improvement and
18 assessment of the improvement of the quality and efficiency of
19 the community colleges ~~Florida Community College System~~.

20 Accordingly, the State Board of Education ~~Community Colleges~~
21 and the community college district boards of trustees shall
22 develop and implement an accountability plan to improve and
23 evaluate the instructional and administrative efficiency and
24 effectiveness of the community colleges ~~Florida Community~~
25 ~~College System~~. This plan shall be designed in consultation
26 with staff of the Governor and the Legislature and must
27 address the following issues:

28 (a) Graduation rates of A.A. and A.S. degree-seeking
29 students compared to first-time-enrolled students seeking the
30 associate degree.

31 (b) Minority student enrollment and retention rates.

1 (c) Student performance, including student performance
2 in college-level academic skills, mean grade point averages
3 for community college A.A. transfer students, and community
4 college student performance on state licensure examinations.

5 (d) Job placement rates of community college
6 vocational students.

7 (e) Student progression by admission status and
8 program.

9 (f) Vocational accountability standards identified in
10 s. 239.229.

11 (g) Institutional assessment efforts related to the
12 requirements of s. III in the Criteria for Accreditation of
13 the Commission on Colleges of the Southern Association of
14 Colleges and Schools.

15 (h) Other measures as identified by the Council for
16 Education Policy Research and Improvement ~~Postsecondary~~
17 ~~Education Planning Commission~~ and approved by the State Board
18 of Education ~~Community Colleges~~.

19 (2) Each district board of trustees ~~Beginning~~
20 ~~September 1, 1998, the State Board of Community Colleges~~ shall
21 submit an annual report, to coincide with the submission of
22 the agency strategic plan required by law, providing the
23 results of initiatives taken during the prior year and the
24 initiatives and related objective performance measures
25 proposed for the next year.

26 (3) The Commissioner of Education ~~State Board of~~
27 ~~Community Colleges~~ shall address within the annual evaluation
28 of the performance of the ~~executive~~ director of the Division
29 of Community Colleges, and the district boards of trustees
30 shall address within the annual evaluation of the presidents,
31

1 the achievement of the performance goals established by the
2 accountability process.

3 Section 119. Section 240.325, Florida Statutes, is
4 repealed.

5 Section 120. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.326,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.326 Hazing prohibited at community colleges.--

11 (1) As used in this section, "hazing" means any action
12 or situation which recklessly or intentionally endangers the
13 mental or physical health or safety of a student for the
14 purpose of initiation or admission into or affiliation with
15 any organization operating under the sanction of a community
16 college, which organization is hereinafter referred to as a
17 "community college organization." Such term includes, but is
18 not limited to, any brutality of a physical nature, such as
19 whipping; beating; branding; forced calisthenics; exposure to
20 the elements; forced consumption of any food, liquor, drug, or
21 other substance; or other forced physical activity which could
22 adversely affect the physical health or safety of the
23 individual, and also includes any activity which would subject
24 the individual to extreme mental stress, such as sleep
25 deprivation, forced exclusion from social contact, forced
26 conduct which could result in extreme embarrassment, or other
27 forced activity which could adversely affect the mental health
28 or dignity of the individual. For the purposes of this
29 section, any activity as described above upon which the
30 initiation or admission into or affiliation with a community
31 college organization is directly or indirectly conditioned

1 shall be presumed to be a "forced" activity, the willingness
2 of an individual to participate in such activity
3 notwithstanding.

4 (2) Each community college district board of trustees
5 shall adopt a written antihazing policy and, pursuant to such
6 policy, shall adopt rules prohibiting students or other
7 persons associated with any community college organization
8 from engaging in any activity which can be described as
9 hazing.

10 (a) Each community college district board of trustees
11 shall provide a program for the enforcement of such rules and
12 shall adopt appropriate penalties for violations of such
13 rules, to be administered by the person or agency at the
14 community college responsible for the sanctioning of such
15 community college organizations.

16 1. Such penalties may include the imposition of fines;
17 the withholding of diplomas or transcripts pending compliance
18 with the rules or pending payment of fines; and the imposition
19 of probation, suspension, or dismissal.

20 2. In the case of a community college organization
21 which authorizes hazing in blatant disregard of such rules,
22 penalties may also include rescission of permission for that
23 organization to operate on campus property or to otherwise
24 operate under the sanction of the community college.

25 3. All penalties imposed under the authority of this
26 subsection shall be in addition to any penalty imposed for
27 violation of any of the criminal laws of this state or for
28 violation of any other community college rule to which the
29 violator may be subject.

30
31

1 (b) Rules adopted pursuant to this section hereto
2 ~~shall~~ apply to acts conducted on or off campus whenever such
3 acts are deemed to constitute hazing.

4 (3) ~~Upon approval by the State Board of Education of~~
5 ~~the antihazing policy of a community college and of the rules~~
6 ~~and penalties adopted pursuant thereto,~~The community college
7 district board of trustees shall provide a copy of such
8 policy, rules, and penalties to each student enrolled in that
9 community college and shall require the inclusion of such
10 policy, rules, and penalties in the bylaws of every
11 organization operating under the sanction of the community
12 college.

13 (4) ~~Any amendments to such approved policy, rules, or~~
14 ~~penalties shall be submitted, within 10 days after the~~
15 ~~adoption of such amendments, to the State Board of Education~~
16 ~~for its approval.~~

17 Section 121. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.327,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.327 Planning and construction of community college
22 facilities; property acquisition.--

23 (1) The need for community college facilities shall be
24 established by a survey conducted pursuant to chapter 235; the
25 facilities recommended by such survey must be approved by the
26 State Board of Education; and the projects must be constructed
27 according to the provisions of chapter 235 and State Board of
28 Education rules.

29 (2) No community college may expend public funds for
30 the acquisition of additional property without the specific
31 approval of the Legislature.

1 (3) No facility may be acquired or constructed by a
2 community college or its direct-support organization if such
3 facility requires general revenue funds for operation or
4 maintenance upon project completion or in subsequent years of
5 operation, unless prior approval is received from the
6 Legislature.

7 Section 122. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.331,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.331 Community college direct-support
13 organizations.--

14 (1) DEFINITIONS.--For the purposes of this section,
15 the term:

16 (a) "Community college direct-support organization"
17 means an organization that is:

18 1. A Florida corporation not for profit, incorporated
19 under the provisions of chapter 617 and approved by the
20 Department of State.

21 2. Organized and operated exclusively to receive,
22 hold, invest, and administer property and to make expenditures
23 to, or for the benefit of, a community college in this state.

24 3. An organization that the district board of
25 trustees, after review, has certified to be operating in a
26 manner consistent with the goals of the community college and
27 in the best interest of the state. Any organization that is
28 denied certification by the board of trustees may not use the
29 name of the community college that it serves.

30 (b) "Personal services" includes full-time or
31 part-time personnel as well as payroll processing.

1 (2) BOARD OF DIRECTORS.--The chair of the district
2 board of trustees shall appoint a representative to the board
3 of directors and the executive committee of each
4 direct-support organization established under this section,
5 including those established before July 1, 1998. The president
6 of the community college for which the direct-support
7 organization is established, or the president's designee,
8 shall also serve on the board of directors and the executive
9 committee of the direct-support organization, including any
10 direct-support organization established before July 1, 1998.

11 (3) USE OF PROPERTY.--

12 (a) The district board of trustees is authorized to
13 permit the use of property, facilities, and personal services
14 at any state community college by any community college
15 direct-support organization, subject to the provisions of this
16 section.

17 (b) The district board of trustees is authorized to
18 prescribe by rule any condition with which a community college
19 direct-support organization must comply in order to use
20 property, facilities, or personal services at any state
21 community college.

22 (c) The district board of trustees may not permit the
23 use of property, facilities, or personal services at any state
24 community college by any community college direct-support
25 organization that does not provide equal employment
26 opportunities to all persons regardless of race, color,
27 national origin, sex, age, or religion.

28 (4) ACTIVITIES; RESTRICTIONS.--

29 (a) A direct-support organization may, at the request
30 of the district board of trustees, provide residency
31 opportunities on or near campus for students.

1 (b) A direct-support organization that constructs
2 facilities for use by a community college or its students must
3 comply with all requirements of this chapter relating to the
4 construction of facilities by a community college, including
5 requirements for competitive bidding.

6 (c) Any transaction or agreement between one
7 direct-support organization and another direct-support
8 organization or between a direct-support organization and a
9 center of technology innovation designated under s. 240.3335
10 must be approved by the district board of trustees.

11 (d) A community college direct-support organization is
12 prohibited from giving, either directly or indirectly, any
13 gift to a political committee or committee of continuous
14 existence as defined in s. 106.011 for any purpose other than
15 those certified by a majority roll call vote of the governing
16 board of the direct-support organization at a regularly
17 scheduled meeting as being directly related to the educational
18 mission of the community college.

19 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
20 organization shall submit to the district board of trustees
21 its federal Internal Revenue Service Application for
22 Recognition of Exemption form (Form 1023) and its federal
23 Internal Revenue Service Return of Organization Exempt from
24 Income Tax form (Form 990).

25 (6) ANNUAL AUDIT.--Each direct-support organization
26 shall provide for an annual financial audit in accordance with
27 rules adopted by the Auditor General pursuant to s. 11.45(8).
28 The annual audit report must be submitted, within 9 months
29 after the end of the fiscal year, to the Auditor General, the
30 Commissioner of Education ~~State Board of Community Colleges~~,
31 and the district board of trustees for review. The district

1 board of trustees, the Auditor General, and the Office of
2 Program Policy Analysis and Government Accountability may
3 require and receive from the organization or from its
4 independent auditor any detail or supplemental data relative
5 to the operation of the organization. The identity of donors
6 and prospective donors who desire to remain anonymous shall be
7 protected, and that anonymity shall be maintained in the
8 auditor's report. All records of the organization, other than
9 the auditor's report, any information necessary for the
10 auditor's report, any information related to the expenditure
11 of funds, and any supplemental data requested by the district
12 board of trustees, the Auditor General, and the Office of
13 Program Policy Analysis and Government Accountability, shall
14 be confidential and exempt from the provisions of s.
15 119.07(1).

16 Section 123. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.3315,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.3315 Statewide community college direct-support
22 organizations.--

23 (1) DEFINITIONS.--For the purposes of this section,
24 the term:

25 (a) "Statewide community college direct-support
26 organization" means an organization that is:

27 1. A Florida corporation not for profit, incorporated
28 under the provisions of chapter 617 and approved by the
29 Department of State.

30 2. Organized and operated exclusively to receive,
31 hold, invest, and administer property and to make expenditures

1 to, or for the benefit of, the community colleges ~~College~~
2 ~~System~~ in this state.

3 3. An organization that the State Board of Education
4 ~~Community Colleges~~, after review, has certified to be
5 operating in a manner consistent with the goals of the
6 community colleges ~~College System~~ and in the best interest of
7 the state. Any organization that is denied certification by
8 the State Board of Education ~~Community Colleges~~ may not use
9 the name of any community college.

10 (b) "Personal services" includes full-time or
11 part-time personnel as well as payroll processing.

12 (2) BOARD OF DIRECTORS.--The Commissioner of Education
13 ~~chair of the State Board of Community Colleges~~ may appoint a
14 representative to the board of directors and the executive
15 committee of any statewide, direct-support organization
16 established under this section or s. 240.331. The Commissioner
17 ~~of Education chair of the State Board of Community Colleges~~,
18 or the commissioner's ~~chair's~~ designee, shall also serve on
19 the board of directors and the executive committee of any
20 direct-support organization established to benefit community
21 ~~colleges the Florida Community College System~~.

22 (3) USE OF PROPERTY.--

23 (a) The Commissioner of Education ~~State Board of~~
24 ~~Community Colleges~~ may permit the use of property, facilities,
25 and personal services of the ~~Division of~~ community colleges by
26 any statewide community college direct-support organization,
27 subject to the provisions of this section.

28 (b) The State Board of Education ~~Community Colleges~~
29 may prescribe by rule any condition with which a statewide
30 community college direct-support organization must comply in
31

1 order to use property, facilities, or personal services of the
2 ~~Division of~~ community colleges.

3 (c) The State Board of Education ~~Community Colleges~~
4 may not permit the use of property, facilities, or personal
5 services of the ~~Division of~~ community colleges by any
6 statewide community college direct-support organization that
7 does not provide equal employment opportunities to all persons
8 regardless of race, color, national origin, sex, age, or
9 religion.

10 (4) RESTRICTIONS.--

11 (a) A statewide, direct-support organization may not
12 use public funds to acquire, construct, maintain, or operate
13 any facilities.

14 (b) Any transaction or agreement between a statewide,
15 direct-support organization and any other direct-support
16 organization or between a statewide, direct-support
17 organization and a center of technology innovation designated
18 under s. 240.3335 must be approved by the State Board of
19 Education ~~Community Colleges~~.

20 (c) A statewide community college direct-support
21 organization is prohibited from giving, either directly or
22 indirectly, any gift to a political committee or committee of
23 continuous existence as defined in s. 106.011 for any purpose
24 other than those certified by a majority roll call vote of the
25 governing board of the direct-support organization at a
26 regularly scheduled meeting as being directly related to the
27 educational mission of the ~~State Board of~~ community colleges.

28 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
29 organization shall submit to the State Board of Education
30 ~~Community Colleges~~ its federal Internal Revenue Service
31 Application for Recognition of Exemption form (Form 1023) and

1 its federal Internal Revenue Service Return of Organization
2 Exempt from Income Tax form (Form 990).

3 (6) ANNUAL AUDIT.--A statewide community college
4 direct-support organization shall provide for an annual
5 financial audit in accordance with s. 240.331. The identity of
6 a donor or prospective donor who desires to remain anonymous
7 and all information identifying such donor or prospective
8 donor are confidential and exempt from the provisions of s.
9 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
10 anonymity shall be maintained in the auditor's report.

11 Section 124. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.333,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.333 Purchase of land by municipality.--Any
17 municipality wherein a community college (as defined by s.
18 228.041(1)) is situated is authorized and empowered to
19 purchase land with municipal funds and to donate and convey
20 such land or any other land to the community college district
21 ~~school~~ board of trustees of the district wherein such
22 municipality is located for the use of any such community
23 college.

24 Section 125. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.3335,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted and
28 amended to read:

29 240.3335 Centers of technology innovation.--

30 (1) The State Board of Education ~~Community Colleges~~
31 may designate centers of technology innovation at single

1 community colleges, consortia of community colleges, or
2 consortia of community colleges with other educational
3 institutions. The state board shall adopt rules necessary to
4 implement the provisions of this section. The State Board of
5 Education ~~Community Colleges~~ shall cooperate with the Jobs and
6 Partnership of Enterprise Florida in the designation of the
7 centers as it relates to the centers of applied technology.

8 (2) Centers shall be designated when a community
9 college or consortia provides evidence that it has developed
10 expertise in one or more specialized technologies. To be
11 designated, the community college or consortia must provide
12 benefits to the community college system and the state, which
13 may include, but are not limited to:

14 (a) Curriculum development.

15 (b) Faculty development.

16 (c) Research, testing, and technology transfer.

17 (d) Instructional equipment and materials
18 identification and development.

19 (e) Partnerships with industries dependent upon
20 staying current in the related technologies and in the
21 development of workforce capabilities.

22 (f) Partnerships with industries needing to convert
23 their existing technology base to other technologies in order
24 to continue conducting business in Florida, including
25 converting defense-related technologies to other technologies.

26 (3) Centers may provide services to their service area
27 and receive funding through:

28 (a) Serving as a technology transfer center, as
29 created in s. 240.334.

30 (b) Serving as an incubator facility for small
31 business concerns, as created in s. 240.3341.

1 (c) Serving as an economic development center, as
2 created in s. 240.3575.

3 (4) Centers may provide instruction, as follows:

4 (a) To students enrolled in the community college,
5 especially for purposes of providing training for technicians
6 in areas that support the employers involved in the technology
7 specialization.

8 (b) To students enrolled at the undergraduate and
9 graduate level in a community college, college, or university
10 that ~~which~~ is a member of the designated consortia. Such
11 enrollment shall be funded by the enrolling institution.

12 (c) To employees in the service area needing training
13 and retraining in the technology of specialization, which may
14 include, but is not limited to, the retraining necessary to
15 convert defense-related technologies to other technologies.

16 (d) To secondary school students and teachers where
17 such instruction will stimulate interest in further education.

18 (5) The State Board of Education ~~Community Colleges~~
19 shall give priority in the designation of centers to those
20 community colleges that specialize in technology in
21 environmental areas and in areas related to target industries
22 of ~~the Department of Commerce or Enterprise Florida~~. Priority
23 in designation shall also be given to community colleges that
24 develop new and improved manufacturing techniques and related
25 business practices.

26 (6) Centers, including the facilities of the center,
27 may be made available to the public agencies of the state, the
28 counties and cities of the service area, and the employers of
29 the state and service area. Centers may also be used for
30 applied research in the area of specialization.

31

1 (7) Each center shall have a board of directors with
2 at least five members who shall be appointed by the district
3 board of trustees. The board of directors is responsible for
4 overseeing the operation of the center, approval of the annual
5 budget, and setting policy to guide the director in the
6 operation of the center. The board of directors shall consist
7 of at least the following:

8 (a) The director of the center.

9 (b) The vice president of academic affairs, or the
10 equivalent, of the community college.

11 (c) The vice president of business affairs, or the
12 equivalent, of the community college.

13 (d) Two members designated by the president of the
14 community college.

15 (8) Each center shall establish a schedule of fees or
16 rates to be charged to all who use the facilities of the
17 center. In addition, each center may negotiate user contracts
18 with governmental users, industrial users, researchers, public
19 or private educational institutions, or individuals for use of
20 the facilities. It is the intent of the Legislature that the
21 centers of technology innovation established pursuant to this
22 act shall not seek any additional state funding. Centers may
23 solicit and accept grants and donations, including, but not
24 limited to, federal and state grants to assist companies in
25 converting defense-related technologies to other technologies.

26 (9) The State Board of Education may award grants to
27 designated centers for the purposes of this section. Grants
28 awarded shall be in accordance with rules established by the
29 State Board of Education ~~Community Colleges~~, which rules shall
30 require an annual report.

31

1 Section 126. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.334,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.334 Technology transfer centers at community
7 colleges.--

8 (1) Each public community college may establish a
9 technology transfer center for the purpose of providing
10 institutional support to local business and industry and
11 governmental agencies in the application of new research in
12 technology. The primary responsibilities of such centers may
13 include: identifying technology research developed by
14 universities, research institutions, businesses, industries,
15 the United States Armed Forces, and other state or federal
16 governmental agencies; determining and demonstrating the
17 application of technologies; training workers to integrate
18 advanced equipment and production processes; and determining
19 for business and industry the feasibility and efficiency of
20 accommodating advanced technologies.

21 (2) The district board of trustees shall set such
22 policies to regulate the activities of the technology transfer
23 center as it may consider necessary to effectuate the purposes
24 of this act and to administer the programs of the center in a
25 manner which assures efficiency and effectiveness, producing
26 the maximum benefit for the educational programs and maximum
27 service to the state. To this end, materials that relate to
28 methods of manufacture or production, potential trade secrets,
29 potentially patentable material, actual trade secrets,
30 business transactions, or proprietary information received,
31 generated, ascertained, or discovered during the course of

1 activities conducted within the community colleges shall be
2 confidential and exempt from the provisions of s. 119.07(1),
3 except that a community college shall make available upon
4 request the title and description of a project, the name of
5 the investigator, and the amount and source of funding
6 provided for such project.

7 (3) A technology transfer center created under the
8 provisions of this act shall be under the supervision of the
9 board of trustees of that community college, which is
10 authorized to appoint a director; to employ full-time and
11 part-time staff, research personnel, and professional
12 services; to employ on a part-time basis personnel of the
13 community college; and to employ temporary employees whose
14 salaries are paid entirely from the permanent technology
15 transfer fund or from that fund in combination with other
16 nonstate sources, with such positions being exempt from the
17 requirements of the Florida Statutes relating to salaries,
18 except that no such appointment shall be made for a total
19 period of longer than 1 year.

20 (4) The district board of trustees of the community
21 college in which a technology transfer center is created, or
22 its designee, may negotiate, enter into, and execute
23 contracts; solicit and accept grants and donations; and fix
24 and collect fees, other payments, and donations that may
25 accrue by reason thereof for technology transfer activities.
26 The district board of trustees or its designee may negotiate,
27 enter into, and execute contracts on a cost-reimbursement
28 basis and may provide temporary financing of such costs prior
29 to reimbursement from moneys on deposit in the technology
30 transfer fund, except as may be prohibited elsewhere by law.

31

1 (5) A technology transfer center shall be financed
2 from the Academic Improvement Program or from moneys of a
3 community college which are on deposit or received for use in
4 the activities conducted in the center. Such moneys shall be
5 deposited by the community college in a permanent technology
6 transfer fund in a depository or depositories approved for the
7 deposit of state funds and shall be accounted for and
8 disbursed subject to regular audit by the Auditor General.

9 (6) The fund balance in any existing research trust
10 fund of a community college at the time a technology transfer
11 center is created shall be transferred to a permanent
12 technology transfer fund established for the community
13 college, and thereafter the fund balance of the technology
14 transfer fund at the end of any fiscal period may be used
15 during any succeeding period pursuant to this section.

16 (7) Moneys deposited in the permanent technology
17 transfer fund of a community college shall be disbursed in
18 accordance with the terms of the contract, grant, or donation
19 under which they are received. Moneys received for overhead
20 or indirect costs and other moneys not required for the
21 payment of direct costs shall be applied to the cost of
22 operating the technology transfer center.

23 (8) All purchases of a technology transfer center
24 shall be made in accordance with the policies and procedures
25 of the community college.

26 (9) The district board of trustees may authorize the
27 construction, alteration, or remodeling of buildings when the
28 funds used are derived entirely from the technology transfer
29 fund of a community college or from that fund in combination
30 with other nonstate sources, provided that such construction,
31 alteration, or remodeling is for use exclusively by the

1 center. It also may authorize the acquisition of real property
2 when the cost is entirely from said funds. Title to all real
3 property shall vest in the board of trustees.

4 (10) The State Board of Education ~~Community Colleges~~
5 may award grants to community colleges, or consortia of public
6 and private colleges and universities and other public and
7 private entities, for the purpose of supporting the objectives
8 of this section. Grants awarded pursuant to this subsection
9 shall be in accordance with rules of the State Board of
10 Education ~~Community Colleges~~. Such rules shall include the
11 following provisions:

12 (a) The number of centers established with state funds
13 provided expressly for the purpose of technology transfer
14 shall be limited, but shall be geographically located to
15 maximize public access to center resources and services;

16 (b) Grants to centers funded with state revenues
17 appropriated specifically for technology transfer activities
18 shall be reviewed and approved by the State Board of Education
19 ~~Community Colleges~~ using proposal solicitation, evaluation,
20 and selection procedures established by the board in
21 consultation with Enterprise Florida, Inc. Such procedures may
22 include designation of specific areas or applications of
23 technology as priorities for the receipt of funding; and

24 (c) Priority for the receipt of state funds
25 appropriated specifically for the purpose of technology
26 transfer shall be given to grant proposals developed jointly
27 by community colleges and public and private colleges and
28 universities.

29 (11) Each technology transfer center established under
30 the provisions of this section shall establish a technology
31 transfer center advisory committee. Each committee shall

1 include representatives of a university or universities
2 conducting research in the area of specialty of the center.
3 Other members shall be determined by the community college
4 district board of trustees.

5 Section 127. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.3341,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted to read:

9 240.3341 Incubator facilities for small business
10 concerns.--

11 (1) Each community college established pursuant to s.
12 240.3031 may provide incubator facilities to eligible small
13 business concerns. As used in this section, "small business
14 concern" shall be defined as an independently owned and
15 operated business concern incorporated in Florida which is not
16 an affiliate or a subsidiary of a business dominant in its
17 field of operation, and which employs 25 or fewer full-time
18 employees. "Incubator facility" shall be defined as a facility
19 in which small business concerns share common space,
20 equipment, and support personnel and through which such
21 concerns have access to professional consultants for advice
22 related to the technical and business aspects of conducting a
23 commercial enterprise. The community college board of
24 trustees shall authorize concerns for inclusion in the
25 incubator facility.

26 (2) Each community college that provides an incubator
27 facility shall provide the following:

28 (a) Management and maintenance of the incubator
29 facility;

30 (b) Secretarial and other support personnel,
31 equipment, and utilities; and

1 (c) Mechanisms to assist with the acquisition of
2 technical, management, and entrepreneurial expertise to
3 resident and other local small business concerns.

4 (3) The incubator facility and any improvements to the
5 facility shall be owned or leased by the community college.
6 The community college may charge residents of the facility all
7 or part of the cost for facilities, utilities, and support
8 personnel and equipment. No small business concern shall
9 reside in the incubator facility for more than 5 calendar
10 years. The state shall not be liable for any act or failure
11 to act of any small business concern residing in an incubator
12 facility pursuant to this section or of any such concern
13 benefiting from the incubator facilities program.

14 (4) Community colleges are encouraged to establish
15 incubator facilities through which emerging small businesses
16 supportive of spaceport endeavors and other high-technology
17 enterprises may be served.

18 (5) Community colleges are encouraged to establish
19 incubator facilities through which emerging small businesses
20 supportive of development of content and technology for
21 digital broadband media and digital broadcasting may be
22 served.

23 Section 128. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.335,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.335 Employment of community college personnel;
29 discrimination in granting salary prohibited.--

30 (1)(a) Employment of all personnel in each community
31 college shall be upon recommendation of the president, subject

1 to rejection for cause by the district board of trustees and
2 subject to the rules ~~and regulations~~ of the State Board of
3 Education ~~relative to certification, tenure, leaves of absence~~
4 ~~of all types, including sabbaticals, remuneration, and such~~
5 ~~other conditions of employment as the State Board of Community~~
6 ~~Colleges deems necessary and proper; and to policies of the~~
7 ~~board of trustees not inconsistent with law.~~

8 (b) Any internal auditor employed by a community
9 college shall be hired by the board of trustees of the
10 community college and shall report directly to the board.

11 (2) Each board of trustees shall undertake a program
12 to eradicate any discrimination on the basis of gender, race,
13 or physical handicap in the granting of salaries to employees.

14 Section 129. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.3355,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 240.3355 Community college ~~system~~ employment equity
20 accountability program.--

21 (1) Each community college shall include in its annual
22 equity update a plan for increasing the representation of
23 women and minorities in senior-level administrative positions
24 and in full-time faculty positions, and for increasing the
25 representation of women and minorities who have attained
26 continuing-contract status. Positions shall be defined in the
27 personnel data element directory of the State Board of
28 Education Division of Community Colleges. The plan must
29 include specific measurable goals and objectives, specific
30 strategies and timelines for accomplishing these goals and
31 objectives, and comparable national standards as provided by

1 the State Board of Education ~~Division of Community Colleges~~.

2 The goals and objectives shall be based on meeting or
3 exceeding comparable national standards and shall be reviewed
4 and recommended by the Commissioner of Education ~~State Board~~
5 ~~of Community Colleges as appropriate~~. Such plans shall be
6 maintained until appropriate representation has been achieved
7 and maintained for at least 3 consecutive reporting years.

8 (2)(a) On or before May 1 of each year, each community
9 college president shall submit an annual employment
10 accountability plan to the ~~Executive~~ director of the Division
11 ~~State Board~~ of Community Colleges. The accountability plan
12 must show faculty and administrator employment data according
13 to requirements specified on the federal Equal Employment
14 Opportunity (EEO-6) report.

15 (b) The plan must show the following information for
16 those positions including, but not limited to:

- 17 1. Job classification title.
- 18 2. Gender.
- 19 3. Ethnicity.
- 20 4. Appointment status.
- 21 5. Salary information. At each community college,
22 salary information shall also include the salary ranges in
23 which new hires were employed compared to the salary ranges
24 for employees with comparable experience and qualifications.
- 25 6. Other comparative information including, but not
26 limited to, composite information regarding the total number
27 of positions within the particular job title classification
28 for the community college by race, gender, and salary range
29 compared to the number of new hires.

30 7. A statement certifying diversity and balance in the
31 gender and ethnic composition of the selection committee for

1 each vacancy, including a brief description of guidelines used
2 for ensuring balanced and diverse membership on selection and
3 review committees.

4 (c) The annual employment accountability plan shall
5 also include an analysis and an assessment of the community
6 college's attainment of annual goals and of long-range goals
7 for increasing the number of women and minorities in faculty
8 and senior-level administrative positions, and a corrective
9 action plan for addressing underrepresentation.

10 (d) Each community college's employment accountability
11 plan must also include:

12 1. The requirements for receiving a continuing
13 contract.

14 2. A brief description of the process used to grant
15 continuing-contract status.

16 3. A brief description of the process used to annually
17 apprise each eligible faculty member of progress toward
18 attainment of continuing-contract status.

19 (3) Community college presidents and the heads of each
20 major administrative division shall be evaluated annually on
21 the progress made toward meeting the goals and objectives of
22 the community college's employment accountability plan.

23 (a) The community college presidents, or the
24 presidents' designees, shall annually evaluate each department
25 chairperson, dean, provost, and vice president in achieving
26 the annual and long-term goals and objectives. A summary of
27 the results of such evaluations shall be reported annually by
28 the president of the community college to the board of
29 trustees. Annual budget allocations by the board of trustees
30 for positions and funding must take into consideration these
31 evaluations.

1 (b) Community college district boards of trustees
2 shall annually evaluate the performance of the community
3 college presidents in achieving the annual and long-term goals
4 and objectives. A summary of the results of such evaluations
5 shall be reported to the ~~Executive~~ director of the Division
6 ~~State Board~~ of Community Colleges as part of the community
7 college's annual employment accountability plan, and to the
8 Legislature ~~and State Board of Education~~ as part of the annual
9 equity progress report ~~submitted by the State Board of~~
10 ~~Community Colleges~~.

11 (4) The State Board of Education ~~Community Colleges~~
12 shall submit an annual equity progress report to the President
13 of the Senate and, the Speaker of the House of
14 Representatives, ~~and the State Board of Education~~ on or before
15 January 1 of each year.

16 (5) Each community college president shall develop a
17 budgetary incentive plan to support and ensure attainment of
18 the goals developed pursuant to this section. The plan shall
19 specify, at a minimum, how resources shall be allocated to
20 support the achievement of goals and the implementation of
21 strategies in a timely manner. After ~~prior~~ review and
22 approval by the district board of trustees ~~community college~~
23 ~~president and the State Board of Community Colleges~~, the plan
24 shall be submitted as part of the annual employment
25 accountability plan submitted by each community college to the
26 State Board of Education ~~Community Colleges~~.

27 (6) Subject to available funding, the Legislature
28 shall provide an annual appropriation to the ~~State Board of~~
29 ~~community colleges to be allocated to community college~~
30 ~~presidents, faculty, and administrative personnel~~ to further
31 enhance equity initiatives and related priorities that support

1 the mission of colleges and departments in recognition of the
2 attainment of the equity goals and objectives.

3 Section 130. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.337,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.337 Records of personnel.--Rules of the district
9 board of trustees ~~State Board of Community Colleges~~ shall
10 prescribe the content and custody of limited-access records
11 that ~~which~~ a community college may maintain on its employees.
12 Such records shall be limited to information reflecting
13 evaluations of employee performance and shall be open to
14 inspection only by the employee and by officials of the
15 college who are responsible for supervision of the employee.
16 Such limited access employee records are confidential and
17 exempt from the provisions of s. 119.07(1). Except as required
18 for use by the president in the discharge of his or her
19 official responsibilities, the custodian of limited access
20 employee records may release information from such records
21 only upon authorization in writing from the employee or the
22 president or upon order of a court of competent jurisdiction.

23 Section 131. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.339,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.339 Contracts with administrative and
29 instructional staff.--Each person employed in an
30 administrative or instructional capacity in a community
31 college shall be entitled to a contract or letter of

1 ~~appointment as provided by rules of the State Board of~~
2 ~~Community Colleges.~~

3 Section 132. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.341,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.341 Teaching faculty; minimum teaching hours per
9 week.--Each full-time member of the teaching faculty at a any
10 ~~institution under the supervision of the State Board of~~
11 ~~community college Colleges of the Department of Education~~ who
12 is paid wholly from funds appropriated from the state
13 community college program fund shall teach a minimum of 15
14 classroom contact hours per week at such institution.

15 However, the required classroom contact hours per week may be
16 reduced upon approval of the president of the institution in
17 direct proportion to specific duties and responsibilities
18 assigned the faculty member by his or her departmental chair
19 or other appropriate college administrator, which may include
20 class schedules for compressed or extended sessions. Such
21 specific duties may include specific research duties, specific
22 duties associated with developing television, video tape, or
23 other specifically assigned innovative teaching techniques or
24 devices, or assigned responsibility for off-campus student
25 internship or work-study programs. A "classroom contact hour"
26 consists of a regularly scheduled classroom activity of not
27 less than 50 minutes in a course of instruction which has been
28 approved by the district board of trustees of the community
29 college. Any full-time faculty member who is paid partly from
30 state community college program funds and partly from other
31 funds or appropriations shall teach a minimum number of

1 classroom contact hours per week in such proportion to 15
2 classroom contact hours as his or her salary paid from state
3 community college program funds bears to his or her total
4 salary.

5 Section 133. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.343,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.343 Sick leave.--Each community college district
11 board of trustees shall adopt rules whereby any full-time
12 employee who is unable to perform his or her duties at the
13 college on account of personal sickness, accident disability,
14 or extended personal illness, or because of illness or death
15 of the employee's father, mother, brother, sister, husband,
16 wife, child, or other close relative or member of the
17 employee's own household, and who consequently has to be
18 absent from work shall be granted leave of absence for
19 sickness by the president or by the president's designated
20 representative. The following provisions shall govern sick
21 leave:

22 (1) DEFINITIONS.--As used in this section, unless the
23 context otherwise requires, the term:

24 (a) "Educational support employee" means any person
25 employed by a community college as an education or
26 administrative paraprofessional; a member of the operations,
27 maintenance, or comparable department; or a secretary,
28 clerical, or comparable level support employee.

29 (b) "Instructional staff" shall be used synonymously
30 with the word "teacher" or "faculty" and includes faculty
31

1 members, librarians, counselors, and other comparable members
2 engaged in an instructional capacity in the community college.

3 (2) EXTENT OF LEAVE WITH COMPENSATION.--

4 (a) Each full-time employee shall earn 1 day of sick
5 leave with compensation for each calendar month or major
6 fraction of a calendar month of service, not to exceed 12 days
7 for each fiscal year. Such leave shall be taken only when
8 necessary because of sickness as herein prescribed. Such sick
9 leave shall be cumulative from year to year. Accumulated sick
10 leave may be transferred from another Florida community
11 college, the Florida Department of Education, the state
12 universities and colleges ~~University System~~, a Florida
13 district school board, or a state agency, provided that at
14 least one-half of the sick leave accumulated at any time must
15 have been established in the college in which such employee is
16 currently employed.

17 (b) A district board of trustees may establish rules
18 and prescribe procedures whereby a full-time employee may, at
19 the beginning date of employment in any year, be credited with
20 12 days of sick leave with compensation in excess of the
21 number of days the employee has earned. Upon termination of
22 employment, the employee's final compensation shall be
23 adjusted in an amount necessary to ensure that sick leave with
24 compensation does not exceed the days of earned sick leave as
25 provided herein.

26 (c) A district board of trustees may establish rules
27 and prescribe standards to permit a full-time employee to be
28 absent no more than 4 days for personal reasons. However, such
29 absences for personal reasons shall be charged only to accrued
30 sick leave, and leave for personal reasons shall be
31 noncumulative.

1 (d) A district board of trustees may establish rules
2 to provide terminal pay for accumulated sick leave to
3 full-time instructional staff and educational support
4 employees or to the employee's beneficiary if service is
5 terminated by death. However, such terminal pay may not exceed
6 an amount determined as follows:

7 1. During the first 3 years of service, the daily rate
8 of pay multiplied by 35 percent times the number of days of
9 accumulated sick leave.

10 2. During the next 3 years of service, the daily rate
11 of pay multiplied by 40 percent times the number of days of
12 accumulated sick leave.

13 3. During the next 3 years of service, the daily rate
14 of pay multiplied by 45 percent times the number of days of
15 accumulated sick leave.

16 4. During the 10th year of service, the daily rate of
17 pay multiplied by 50 percent times the number of days of
18 accumulated sick leave.

19 5. During the next 20 years of service, the daily rate
20 of pay multiplied by 50 percent plus up to an additional 2.5
21 percent per year for each year of service beyond 10 years,
22 times the number of days of accumulated sick leave.

23
24 If an employee receives terminal pay benefits based on unused
25 sick leave credit, all unused sick leave credit shall become
26 invalid; however, if an employee terminates his or her
27 employment without receiving terminal pay benefits and is
28 reemployed, his or her sick leave credit shall be reinstated.

29 (e) A district board of trustees may, by rule, provide
30 for terminal pay for accumulated unused sick leave to be paid
31 to any full-time employee of a community college other than

1 instructional staff or educational support employees. If
2 termination of employment is by death of the employee, any
3 terminal pay to which the employee may have been entitled
4 shall be made to the employee's beneficiary.

5 1. For unused sick leave accumulated before July 1,
6 2001, terminal pay shall be made pursuant to rules or policies
7 of the board of trustees which are in effect on June 30, 2001.

8 2. For unused sick leave accumulated on or after July
9 1, 2001, terminal payment may not exceed an amount equal to
10 one-fourth of the employee's unused sick leave or 60 days of
11 the employee's pay, whichever amount is less.

12 3. If the employee has an accumulated sick leave
13 balance of 60 days or more on June 30, 2001, sick leave earned
14 after that date may not be accumulated for terminal pay
15 purposes until the accumulated leave balance as of June 30,
16 2001, is less than 60 days.

17 (3) CLAIM MUST BE FILED.--Any full-time employee who
18 finds it necessary to be absent from his or her duties because
19 of illness as defined in this section shall notify the
20 president or a college official designated by the president,
21 if possible before the opening of college on the day on which
22 the employee must be absent or during the day, except when he
23 or she is absent for emergency reasons recognized by the board
24 of trustees as valid. Any employee shall, before claiming and
25 receiving compensation for the time absent from his or her
26 duties while absent because of sick leave as prescribed in
27 this section, make and file a written certificate which shall
28 set forth the day or days absent, that such absence was
29 necessary, and that he or she is entitled or not entitled to
30 receive pay for such absence in accordance with the provisions
31 of this section. The district board of trustees may prescribe

1 rules under which the president may require a certificate of
2 illness from a licensed physician or from the county health
3 officer.

4 (4) COMPENSATION.--Any full-time employee who has
5 unused sick leave credit shall receive full-time compensation
6 for the time justifiably absent on sick leave; no compensation
7 may be allowed beyond that provided in subsection (6).

8 (5) EXPENDITURE AUTHORIZED.--Community college
9 district boards of trustees may ~~are authorized to~~ expend
10 public funds for payment to employees on account of sickness.
11 The expending and excluding of such funds shall be in
12 compliance with rules adopted by the Department of Management
13 Services pursuant to chapter 650.

14 (6) SICK LEAVE POOL.--Notwithstanding any other
15 provision of this section, a district board of trustees may,
16 by rule, based upon the maintenance of reliable and accurate
17 records by the community college showing the amount of sick
18 leave which has been accumulated and is unused by employees in
19 accordance with this section, establish a plan allowing
20 participating full-time employees of the community college to
21 pool sick leave accrued and allowing any sick leave thus
22 pooled to be disbursed to any participating employee who is in
23 need of sick leave in excess of that amount he or she has
24 personally accrued. Such rules shall include, but not be
25 limited to, the following provisions:

26 (a) Participation in the sick leave pool shall at all
27 times be voluntary on the part of employees.

28 (b) Any full-time employee shall be eligible for
29 participation in the sick leave pool after 1 year of
30 employment with the community college, provided such employee
31

1 has accrued a minimum amount of unused sick leave, which
2 minimum shall be established by rule.

3 (c) Any sick leave pooled pursuant to this section
4 shall be removed from the personally accumulated sick leave
5 balance of the employee donating such leave.

6 (d) Participating employees shall make equal
7 contributions to the sick leave pool. There shall be
8 established a maximum amount of sick leave which may be
9 contributed to the pool by an employee. After the initial
10 contribution which an employee makes upon electing to
11 participate, no further contributions shall be required except
12 as may be necessary to replenish the pool. Any such further
13 contribution shall be equally required of all employees
14 participating in the pool.

15 (e) Any sick leave time drawn from the pool by a
16 participating employee must be used for that employee's
17 personal illness, accident, or injury.

18 (f) A participating employee will not be eligible to
19 use sick leave from the pool until all of his or her sick
20 leave has been depleted. There shall be established a maximum
21 number of days for which an employee may draw sick leave from
22 the sick leave pool.

23 (g) A participating employee who uses sick leave from
24 the pool will not be required to recontribute such sick leave
25 to the pool, except as otherwise provided herein.

26 (h) A participating employee who chooses to no longer
27 participate in the sick leave pool will not be eligible to
28 withdraw any sick leave already contributed to the pool.

29 (i) Alleged abuse of the use of the sick leave pool
30 shall be investigated, and, on a finding of wrongdoing, the
31 employee shall repay all of the sick leave credits drawn from

1 the sick leave pool and shall be subject to such other
2 disciplinary action as is determined by the board to be
3 appropriate. Rules adopted for the administration of this
4 program shall provide for the investigation of the use of sick
5 leave utilized by the participating employee in the sick leave
6 pool.

7 Section 134. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.344,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.344 Retirement annuities authorized.--Each
12 community college district board of trustees is authorized to
13 purchase annuities for its community college personnel who
14 have 25 or more years of creditable service and who have
15 reached age 55 and have applied for retirement under the
16 Florida Retirement System. No such annuity may provide for
17 more than the total difference in retirement income between
18 the retirement benefit based on average monthly compensation
19 and creditable service as of the member's early retirement
20 date and the early retirement benefit. Community college
21 district boards of trustees may also purchase annuities for
22 members of the Florida Retirement System who have out-of-state
23 teaching service in another state or country which is
24 documented as valid by the appropriate educational entity.
25 Such annuities may be based on no more than 5 years of
26 out-of-state teaching service and may equal, but not exceed,
27 the benefits that would be payable under the Florida
28 Retirement System if credit for out-of-state teaching was
29 authorized under that system. Each district board of trustees
30 is authorized to invest funds, purchase annuities, or provide
31 local supplemental retirement programs for purposes of

1 providing retirement annuities for community college
2 personnel. All such retirement annuities shall comply with s.
3 14, Art. X of the State Constitution.

4 Section 135. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.345,
6 Florida Statutes, shall not stand repealed January 7, 2003, as
7 scheduled by that law, but that section is reenacted and
8 amended to read:

9 240.345 Financial support of community colleges.--

10 (1) STATE SUPPORT OF COMMUNITY COLLEGES.--Each
11 community college, as defined in s. 240.3031, which ~~that~~ has
12 been approved by the Department of Education and meets the
13 requirements of law and regulations of the State Board of
14 Education shall participate in the state community college
15 program fund. However, funds to support workforce development
16 programs conducted by community colleges shall be provided by
17 the Workforce Development Education Fund pursuant to s.
18 239.115.

19 (2) STUDENT FEES.--

20 (a) Fees may be charged to students attending a
21 community college only as authorized by this part.

22 ~~(b) The State Board of Community Colleges shall adopt~~
23 ~~rules permitting the deferral of registration and tuition fees~~
24 ~~for those students who receive financial aid from federal or~~
25 ~~state assistance programs when such aid is delayed in being~~
26 ~~transmitted to the student through circumstances beyond the~~
27 ~~control of the student. The failure to make timely~~
28 ~~application for such aid control of the student. The failure~~
29 ~~to make timely application for such aid is insufficient reason~~
30 ~~to receive such deferral.~~

31

1 ~~1. A veteran or other eligible student who receives~~
2 ~~benefits under chapter 30, chapter 31, chapter 32, chapter 34,~~
3 ~~or chapter 35, 38 U.S.C., or chapter 106, 10 U.S.C., is~~
4 ~~entitled to one deferment each academic year and an additional~~
5 ~~deferment each time there is a delay in the receipt of his or~~
6 ~~her benefits.~~

7 ~~1.2.~~ Each community college shall be responsible for
8 collecting all deferred fees pursuant to s. 240.4043. If a
9 community college has not collected a deferred fee, the
10 student shall not earn full-time equivalent student enrollment
11 for any course for which the student subsequently registers
12 until the fee has been paid.

13 ~~2.3.~~ In adopting such rules, the State Board of
14 Education ~~Community Colleges~~ is required to enforce the
15 collection of or otherwise settle delinquent accounts.

16 ~~3.4.~~ The State Board of Education shall require that
17 each ~~institution within the~~ community college ~~system~~ withdraw
18 all requests for course approval from the United States
19 Department of Veterans Affairs for education programs offered
20 in correctional facilities which are provided through state
21 funding at no cost to the inmate.

22 ~~(b)(c)~~ The spouse of a deceased state employee is
23 entitled, when eligible for the payment of student fees by the
24 state as employer pursuant to s. 440.16, in lieu of such
25 payment, to a full waiver of student fees for up to 80
26 semester hours in any community college.

27 Section 136. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.347,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted and
31 amended to read:

1 240.347 State Community College Program Fund.--
2 (1) There is established a State Community College
3 Program Fund. This fund shall comprise all appropriations made
4 by the Legislature for the support of the current operating
5 program and shall be apportioned and distributed to the
6 community college districts of the state on the basis of
7 procedures established by law and regulations of the State
8 Board of Education ~~and the State Board of Community Colleges.~~
9 The annual apportionment for each community college district
10 shall be distributed monthly in payments as nearly equal as
11 possible.

12 (2) For each year's ~~Beginning with the 1985-1987~~
13 ~~legislative~~ budget request, the prior year's June 30 adjusted
14 expenditure database for salaries and benefits shall be
15 included in the budget request for the State Community College
16 Program Fund within the following categories: "Instructional"
17 with subcategories including "Faculty," "Nonfaculty," "Faculty
18 Other Personal Services," and "Nonfaculty Other Personal
19 Services"; and "Noninstructional" with subcategories including
20 "Administrative," "Professional," "Nonprofessional," and
21 "Noninstructional Other Personal Services." Within the
22 foregoing categories and subcategories, the following shall be
23 reported: salaries and employer contributions for retirement,
24 social security, health insurance, life insurance, and other
25 employer-paid personnel benefits.

26 Section 137. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.349,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.349 Requirements for participation in Community
31 College Program Fund.--Each district which participates in the

1 state appropriations for the Community College Program Fund
2 shall provide evidence of its effort to maintain an adequate
3 community college program which shall:

4 (1) Meet the minimum standards prescribed by the State
5 Board of Education in accordance with s. 240.325.

6 (2) Effectively fulfill the mission of the community
7 colleges in accordance with s. 240.301.

8 Section 138. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.35,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section, as amended by
12 sections 8 and 11 of chapter 2001-254, Laws of Florida, is
13 reenacted and amended to read:

14 240.35 Student fees.--Unless otherwise provided, the
15 provisions of this section apply only to fees charged for
16 community college credit instruction leading to an associate
17 in arts degree, an associate in applied science degree, or an
18 associate in science degree and noncollege credit
19 college-preparatory courses defined in s. 239.105.

20 (1) The State Board of Education ~~Community Colleges~~
21 shall establish the matriculation and tuition fees for
22 college-preparatory instruction and for credit instruction
23 which may be counted toward an associate in arts degree, an
24 associate in applied science degree, or an associate in
25 science degree.

26 ~~(2)(a) Any student for whom the state is paying a~~
27 ~~foster care board payment pursuant to s. 409.145(3) or parts~~
28 ~~II and III of chapter 39, for whom the permanency planning~~
29 ~~goal pursuant to part III of chapter 39 is long-term foster~~
30 ~~care or independent living, or who is adopted from the~~
31 ~~Department of Children and Family Services after May 5, 1997,~~

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

13 ~~(b) Any student qualifying for a fee exemption under~~
14 ~~this subsection shall receive such an exemption for not more~~
15 ~~than 2 consecutive years or 4 semesters, unless the student is~~
16 ~~participating in college-preparatory instruction or requires~~
17 ~~additional time to complete the college-level communication~~
18 ~~and computation skills testing program. Such a student is~~
19 ~~eligible to receive a fee exemption for a maximum of 3~~
20 ~~consecutive years or 6 semesters.~~

21 ~~(c) As a condition for continued fee exemption, a~~
22 ~~student shall earn a grade point average of at least 2.0 on a~~
23 ~~4.0 scale for the previous term, maintain at least an overall~~
24 ~~2.0 average for college work, or have an average below 2.0 for~~
25 ~~only the previous term and be eligible for continued~~
26 ~~enrollment in the institution.~~

27 ~~(3) Students enrolled in dual enrollment and early~~
28 ~~admission programs under s. 240.116 and students enrolled in~~
29 ~~employment and training programs under the welfare transition~~
30 ~~program are exempt from the payment of registration,~~
31 ~~matriculation, and laboratory fees; however, such students may~~

1 ~~not be included within calculations of fee-waived enrollments.~~
2 ~~The regional workforce board shall pay the community college~~
3 ~~for costs incurred by that participant related to that~~
4 ~~person's classes or program. Other fee-exempt instruction~~
5 ~~provided under this subsection generates an additional~~
6 ~~one-fourth full-time equivalent enrollment.~~

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

27 ~~(5)(a) Fees shall be waived for certain members of the~~
28 ~~active Florida National Guard pursuant to s. 250.10(8).~~

29 ~~(b) Community colleges may waive fees for any~~
30 ~~fee-nonexempt student. A student whose fees are waived in~~
31 ~~excess of the amount authorized annually in the General~~

1 ~~Appropriations Act may not be included in calculations of~~
2 ~~full-time equivalent enrollments for state funding purposes.~~
3 ~~Any community college that waives fees and requests state~~
4 ~~funding for a student in violation of the provisions of this~~
5 ~~subsection shall be penalized at a rate equal to two times the~~
6 ~~value of the full-time equivalent student enrollment reported~~
7 ~~served. Such penalty shall be charged against the following~~
8 ~~year's allocation from the Community College Program Fund.~~

9 (2)(6) The State Board of Education ~~Community Colleges~~
10 shall adopt by December 31 of each year a resident fee
11 schedule for the following fall for advanced and professional,
12 associate in science degree, and college-preparatory programs
13 that produce revenues in the amount of 25 percent of the full
14 prior year's cost of these programs. However, the district
15 board may not adopt an annual fee increase in any program for
16 resident students which exceeds 10 percent. Fees for courses
17 in college-preparatory programs and associate in arts and
18 associate in science degree programs may be established at the
19 same level. In the absence of a provision to the contrary in
20 an appropriations act, the fee schedule shall take effect and
21 the colleges shall expend the funds on instruction. If the
22 Legislature provides for an alternative fee schedule in an
23 appropriations act, the fee schedule shall take effect the
24 subsequent fall semester.

25 (3)(7) Each community college board of trustees shall
26 establish matriculation and tuition fees, which may vary no
27 more than 10 percent below and 15 percent above the fee
28 schedule adopted by the State Board of Education ~~Community~~
29 ~~Colleges~~, provided that any amount from 10 to 15 percent above
30 the fee schedule is used only to support safety and security
31 purposes. In order to assess an additional amount for safety

1 and security purposes, a community college district board of
2 trustees must provide written justification to the State Board
3 of Education ~~Community Colleges~~ based on criteria approved by
4 the local board of trustees, including but not limited to
5 criteria such as local crime data and information, and
6 strategies for the implementation of local safety plans. ~~For~~
7 ~~1999-2000, each community college is authorized to increase~~
8 ~~the sum of the matriculation fee and technology fee by not~~
9 ~~more than 5 percent of the sum of the matriculation and local~~
10 ~~safety and security fees in 1998-1999. However, no fee in~~
11 ~~1999-2000 shall exceed the prescribed statutory limit. Should~~
12 ~~a college decide to increase the matriculation fee, the funds~~
13 ~~raised by increasing the matriculation fee must be expended~~
14 ~~solely for additional safety and security purposes and shall~~
15 ~~not supplant funding expended in the 1998-1999 budget for~~
16 ~~safety and security purposes.~~

17 (4)~~(8)~~ The sum of nonresident student matriculation
18 and tuition fees must be sufficient to defray the full cost of
19 each program. The annual fee increases for nonresident
20 students established by the district board, in the absence of
21 legislative action to the contrary in an appropriations act,
22 may not exceed 25 percent.

23 (5)~~(9)~~ The State Board of Education ~~Community Colleges~~
24 shall adopt a rule specifying the definitions and procedures
25 to be used in the calculation of the percentage of cost paid
26 by students. The rule must provide for the calculation of the
27 full cost of educational programs based on the allocation of
28 all funds provided through the general current fund to
29 programs of instruction, and other activities as provided in
30 the annual expenditure analysis. The rule shall be developed
31 in consultation with the Legislature.

1 (6)~~(10)~~ Each community college district board of
2 trustees may establish a separate activity and service fee not
3 to exceed 10 percent of the matriculation fee, according to
4 rules of the State Board of Education. The student activity
5 and service fee shall be collected as a component part of the
6 registration and tuition fees. The student activity and
7 service fees shall be paid into a student activity and service
8 fund at the community college and shall be expended for lawful
9 purposes to benefit the student body in general. These
10 purposes include, but are not limited to, student publications
11 and grants to duly recognized student organizations, the
12 membership of which is open to all students at the community
13 college without regard to race, sex, or religion.

14 (7)~~(11)~~(a) Each community college is authorized to
15 establish a separate fee for financial aid purposes in an
16 additional amount up to, but not to exceed, 5 percent of the
17 total student tuition or matriculation fees collected. Each
18 community college may collect up to an additional 2 percent if
19 the amount generated by the total financial aid fee is less
20 than \$250,000. If the amount generated is less than \$250,000,
21 a community college that charges tuition and matriculation
22 fees at least equal to the average fees established by rule
23 may transfer from the general current fund to the scholarship
24 fund an amount equal to the difference between \$250,000 and
25 the amount generated by the total financial aid fee
26 assessment. No other transfer from the general current fund to
27 the loan, endowment, or scholarship fund, by whatever name
28 known, is authorized.

29 (b) All funds collected under this program shall be
30 placed in the loan and endowment fund or scholarship fund of
31 the college, by whatever name known. Such funds shall be

1 disbursed to students as quickly as possible. An amount not
2 greater than 40 percent of the fees collected in a fiscal year
3 may be carried forward unexpended to the following fiscal
4 year. However, funds collected prior to July 1, 1989, and
5 placed in an endowment fund may not be considered part of the
6 balance of funds carried forward unexpended to the following
7 fiscal year.

8 (c) Up to 25 percent or \$300,000, whichever is
9 greater, of the financial aid fees collected may be used to
10 assist students who demonstrate academic merit; who
11 participate in athletics, public service, cultural arts, and
12 other extracurricular programs as determined by the
13 institution; or who are identified as members of a targeted
14 gender or ethnic minority population. The financial aid fee
15 revenues allocated for athletic scholarships and fee
16 exemptions provided pursuant to subsection (13) ~~(17)~~ for
17 athletes shall be distributed equitably as required by s.
18 228.2001(3)(d). A minimum of 50 percent of the balance of
19 these funds shall be used to provide financial aid based on
20 absolute need, and the remainder of the funds shall be used
21 for academic merit purposes and other purposes approved by the
22 district boards of trustees. Such other purposes shall
23 include the payment of child care fees for students with
24 financial need. The State Board of Education Community
25 ~~Colleges~~ shall develop criteria for making financial aid
26 awards. Each college shall report annually to the Department
27 of Education on the criteria used to make awards, the amount
28 and number of awards for each criterion, and a delineation of
29 the distribution of such awards. Awards which are based on
30 financial need shall be distributed in accordance with a
31 nationally recognized system of need analysis approved by the

1 State Board of Education ~~Community Colleges~~. An award for
2 academic merit shall require a minimum overall grade point
3 average of 3.0 on a 4.0 scale or the equivalent for both
4 initial receipt of the award and renewal of the award.

5 (d) These funds may not be used for direct or indirect
6 administrative purposes or salaries.

7 (8)~~(12)~~ Any community college that reports students
8 who have not paid fees in an approved manner in calculations
9 of full-time equivalent enrollments for state funding purposes
10 shall be penalized at a rate equal to two times the value of
11 such enrollments. Such penalty shall be charged against the
12 following year's allocation from the Community College Program
13 Fund and shall revert to the General Revenue Fund. The State
14 Board of Education shall specify, as necessary, by rule,
15 approved methods of student fee payment. Such methods shall
16 include, but not be limited to, student fee payment; payment
17 through federal, state, or institutional financial aid; and
18 employer fee payments. A community college may not charge any
19 fee except as authorized by law or rules of the State Board of
20 Education.

21 (9)~~(13)~~ Each community college shall report only those
22 students who have actually enrolled in instruction provided or
23 supervised by instructional personnel under contract with the
24 community college in calculations of actual full-time
25 equivalent enrollments for state funding purposes. No student
26 who has been exempted from taking a course or who has been
27 granted academic or vocational credit through means other than
28 actual coursework completed at the granting institution shall
29 be calculated for enrollment in the course from which he or
30 she has been exempted or granted credit. Community colleges
31 that report enrollments in violation of this subsection shall

1 be penalized at a rate equal to two times the value of such
2 enrollments. Such penalty shall be charged against the
3 following year's allocation from the Community College Program
4 Fund and shall revert to the General Revenue Fund.

5 ~~(10)(14)~~ Each community college district board of
6 trustees may establish a separate fee for capital
7 improvements, technology enhancements, or equipping student
8 buildings which may not exceed \$1 per credit hour or
9 credit-hour equivalent for residents and which equals or
10 exceeds \$3 per credit hour for nonresidents. Funds collected
11 by community colleges through these fees may be bonded only
12 for the purpose of financing or refinancing new construction
13 and equipment, renovation, or remodeling of educational
14 facilities. The fee shall be collected as a component part of
15 the registration and tuition fees, paid into a separate
16 account, and expended only to construct and equip, maintain,
17 improve, or enhance the educational facilities of the
18 community college. Projects funded through the use of the
19 capital improvement fee shall meet the survey and construction
20 requirements of chapter 235. Pursuant to s. 216.0158, each
21 community college shall identify each project, including
22 maintenance projects, proposed to be funded in whole or in
23 part by such fee. Capital improvement fee revenues may be
24 pledged by a board of trustees as a dedicated revenue source
25 to the repayment of debt, including lease-purchase agreements
26 and revenue bonds, with a term not to exceed 20 years, and not
27 to exceed the useful life of the asset being financed, only
28 for the new construction and equipment, renovation, or
29 remodeling of educational facilities. Community colleges may
30 use the services of the Division of Bond Finance of the State
31 Board of Administration to issue any bonds authorized through

1 the provisions of this subsection. Any such bonds issued by
2 the Division of Bond Finance shall be in compliance with the
3 provisions of the State Bond Act. Bonds issued pursuant to the
4 State Bond Act shall be validated in the manner provided by
5 chapter 75. The complaint for such validation shall be filed
6 in the circuit court of the county where the seat of state
7 government is situated, the notice required to be published by
8 s. 75.06 shall be published only in the county where the
9 complaint is filed, and the complaint and order of the circuit
10 court shall be served only on the state attorney of the
11 circuit in which the action is pending. A maximum of 15 cents
12 per credit hour may be allocated from the capital improvement
13 fee for child care centers conducted by the community college.

14 (11)~~(15)~~ In addition to matriculation, tuition,
15 financial aid, capital improvement, student activity and
16 service, and technology fees authorized in this section, each
17 board of trustees is authorized to establish fee schedules for
18 the following user fees and fines: laboratory fees; parking
19 fees and fines; library fees and fines; fees and fines
20 relating to facilities and equipment use or damage; access or
21 identification card fees; duplicating, photocopying, binding,
22 or microfilming fees; standardized testing fees; diploma
23 replacement fees; transcript fees; application fees;
24 graduation fees; and late fees related to registration and
25 payment. Such user fees and fines shall not exceed the cost of
26 the services provided and shall only be charged to persons
27 receiving the service. Community colleges are not authorized
28 to charge any fee that is not specifically authorized by
29 statute. Parking fee revenues may be pledged by a community
30 college board of trustees as a dedicated revenue source for
31 the repayment of debt, including lease-purchase agreements and

1 revenue bonds with terms not exceeding 20 years and not
2 exceeding the useful life of the asset being financed.
3 Community colleges shall use the services of the Division of
4 Bond Finance of the State Board of Administration to issue any
5 revenue bonds authorized by the provisions of this subsection.
6 Any such bonds issued by the Division of Bond Finance shall be
7 in compliance with the provisions of the State Bond Act. Bonds
8 issued pursuant to the State Bond Act shall be validated in
9 the manner established in chapter 75. The complaint for such
10 validation shall be filed in the circuit court of the county
11 where the seat of state government is situated, the notice
12 required to be published by s. 75.06 shall be published only
13 in the county where the complaint is filed, and the complaint
14 and order of the circuit court shall be served only on the
15 state attorney of the circuit in which the action is pending.

16 (12)~~(16)~~ Each community college district board of
17 trustees is authorized to establish a separate fee for
18 technology, which may not exceed \$1.80 per credit hour or
19 credit-hour equivalent for resident students and not more than
20 \$5.40 per credit hour or credit-hour equivalent for
21 nonresident students, to be expended according to technology
22 improvement plans. The technology fee may apply to both
23 college credit and college-preparatory instruction. Fifty
24 percent of technology fee revenues may be pledged by a
25 community college district board of trustees as a dedicated
26 revenue source for the repayment of debt, including
27 lease-purchase agreements, not to exceed the useful life of
28 the asset being financed. Revenues generated from the
29 technology fee may not be bonded.

30 (13)~~(17)~~ Each community college is authorized to grant
31 student fee exemptions from all fees adopted by the State

1 Board of Education ~~Community Colleges~~ and the community
2 college board of trustees for up to 40 full-time equivalent
3 students at each institution.

4 Section 139. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.353,
6 Florida Statutes, shall not stand repealed January 7, 2003, as
7 scheduled by that law, but that section is reenacted to read:

8 240.353 Procedure for determining number of
9 instruction units for community colleges.--The number of
10 instruction units for community colleges in districts which
11 meet the requirements of law for operating a community college
12 shall be determined from the full-time equivalent students in
13 the community college, provided that full-time equivalent
14 students may not be counted more than once in determining
15 instruction units. Instruction units for community colleges
16 shall be computed as follows:

17 (1) One unit for each 12 full-time equivalent students
18 at a community college for the first 420 students and one unit
19 for each 15 full-time equivalent students for all over 420
20 students, in other than vocational programs as defined by
21 rules of the State Board of Education, and one unit for each
22 10 full-time equivalent students in vocational programs and
23 compensatory education programs as defined by rules of the
24 State Board of Education. Full-time equivalent students
25 enrolled in a community college shall be defined by rules of
26 the State Board of Education.

27 (2) For each 8 instruction units in a community
28 college, 1 instruction unit or proportionate fraction of a
29 unit shall be allowed for administrative and special
30 instructional services, and for each 20 instruction units, 1
31

1 instruction unit or proportionate fraction of a unit shall be
2 allowed for student personnel services.

3 Section 140. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.3575,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.3575 Economic development centers.--

9 (1) Community colleges may establish economic
10 development centers for the purpose of serving as liaisons
11 between community colleges and the business sector. The
12 responsibilities of each center shall include:

13 (a) Promoting the economic well-being of businesses
14 and industries.

15 (b) Coordinating, with chambers of commerce,
16 government agencies, school boards, and other organizations,
17 efforts to provide educational programs which promote economic
18 development, including, but not limited to, business
19 incubators, industrial development and research parks,
20 industry recruitment efforts, publication of business research
21 and resource guides, and sponsorship of workshops,
22 conferences, seminars, and consultation services.

23 (2) The district board of trustees of a community
24 college in which an economic development center is created, or
25 its designee, may negotiate, enter into, and execute
26 contracts; solicit and accept grants and donations; and fix
27 and collect fees, other payments, and donations that may
28 accrue by reason of activities of the center and its staff.

29 (3) Economic development centers shall operate under
30 policies and procedures established by the community college
31 district board of trustees.

1 (4) The State Board of Education ~~Community Colleges~~
2 may award grants to economic development centers for the
3 purposes of this section in accordance with its rules. ~~Grants~~
4 ~~awarded pursuant to this subsection shall be in accordance~~
5 ~~with rules established by the State Board of Community~~
6 ~~Colleges.~~

7 Section 141. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.359,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.359 Procedure for determining state financial
13 support and annual apportionment of state funds to each
14 community college district.--The procedure for determining
15 state financial support and the annual apportionment to each
16 community college district authorized to operate a community
17 college under the provisions of s. 240.313 shall be as
18 follows:

19 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE
20 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
21 PROGRAM.--

22 (a) The Department of Education shall determine
23 annually from an analysis of operating costs, prepared in the
24 manner prescribed by rules of the State Board of Education,
25 the costs per full-time equivalent student served in courses
26 and fields of study offered in community colleges. This
27 information and current college operating budgets shall be
28 submitted to the Executive Office of the Governor with the
29 legislative budget request prior to each regular session of
30 the Legislature.

31

1 (b) The allocation of funds for community colleges
2 shall be based on advanced and professional disciplines,
3 college-preparatory programs, and other programs for adults
4 funded pursuant to s. 239.115.

5 (c) The category of lifelong learning is for students
6 enrolled pursuant to s. 239.301. A student shall also be
7 reported as a lifelong learning student for his or her
8 enrollment in any course that he or she has previously taken,
9 unless it is a credit course in which the student earned a
10 grade of D or F.

11 ~~(d) If an adult student has been determined to be a~~
12 ~~disabled student eligible for an approved educational program~~
13 ~~for disabled adults provided pursuant to s. 239.301 and rules~~
14 ~~of the State Board of Education and is enrolled in a class~~
15 ~~with curriculum frameworks developed for the program, state~~
16 ~~funding for that student shall be provided at a level double~~
17 ~~that of a student enrolled in a special adult general~~
18 ~~education program provided by a community college.~~

19 (d)(e) The State Board of Education shall adopt rules
20 to implement s. 9(d)(8)f., Art. XII of the State Constitution.
21 These rules shall provide for the use of the funds available
22 under s. 9(d)(8)f., Art. XII by an individual community
23 college for operating expense in any fiscal year during which
24 the State Board of Education has determined that all major
25 capital outlay needs have been met. Highest priority for the
26 use of these funds for purposes other than financing approved
27 capital outlay projects shall be for the proper maintenance
28 and repair of existing facilities for projects approved by the
29 State Board of Education. However, in any fiscal year in which
30 funds from this source are authorized for operating expenses
31 ~~expense~~ other than approved maintenance and repair projects,

1 the allocation of community college program funds shall be
2 reduced by an amount equal to the sum used for such operating
3 expenses ~~expense~~ for that community college that year, and
4 that amount shall not be released or allocated among the other
5 community colleges that year.

6 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
7 OUTLAY AND DEBT SERVICE.--The amount included for capital
8 outlay and debt service shall be as determined and provided in
9 s. 18, Art. XII of the State Constitution of 1885, as adopted
10 by s. 9(d), Art. XII of the 1968 revised State Constitution
11 and State Board of Education rules.

12 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

13 (a) By December 15 of each year, the Department of
14 Education shall estimate the annual enrollment of each
15 community college for the current fiscal year and for the 6
16 subsequent fiscal years. These estimates shall be based upon
17 prior years' enrollments, upon the initial fall term
18 enrollments for the current fiscal year for each college, and
19 upon each community college's estimated current enrollment and
20 demographic changes in the respective community college
21 districts.

22 (b) The apportionment to each community college from
23 the Community College Program Fund shall be determined
24 annually in the General Appropriations Act. In determining
25 each college's apportionment, the Legislature shall consider
26 the following components:

27 1. Base budget, which includes the state appropriation
28 to the Community College Program Fund in the current year plus
29 the related student matriculation and tuition fees assigned in
30 the current General Appropriations Act.

31

1 2. The cost-to-continue allocation, which consists of
2 incremental changes to the base budget, including salaries,
3 price levels, and other related costs.

4 3. Enrollment workload adjustment, which shall be
5 determined as follows:

6 a. The actual full-time equivalent enrollment for the
7 prior year, as accepted or modified by the Legislature, shall
8 be the assigned enrollment and the basis for allocating
9 appropriated funds for enrollment workload. If the enrollment
10 workload allocation to a college is determined to be less than
11 zero, the reduction in allocation shall be implemented over a
12 2-year period.

13 b. The systemwide average direct instructional cost
14 level of each program of study shall be used to calculate the
15 enrollment workload adjustment. This amount, multiplied by a
16 factor of 1.3, for support services shall be multiplied by the
17 change in enrollment as determined in sub-subparagraph a.
18 From this amount, student matriculation and tuition fees
19 generated by the change in assigned enrollment shall be
20 deducted and the remaining amount shall be the state
21 allocation to each community college for enrollment workload.

22 c. Students enrolled in a recreation and leisure
23 program and students enrolled in a lifelong learning program
24 may not be counted as full-time equivalent enrollments for
25 purposes of enrollment workload adjustments.

26 4. Operating costs of new facilities adjustments,
27 which shall be provided, from funds available, for each new
28 facility that is owned by the community college and is
29 recommended in accordance with s. 235.15.

30 5. New and improved program enhancements, which shall
31 be determined by the Legislature.

1
2 Student fees in the base budget plus student fee revenues
3 generated by increases in fee rates shall be deducted from the
4 sum of the components determined in subparagraphs 1.-5. The
5 amount remaining shall be the net annual state apportionment
6 to each community college.

7 (c) No community college shall commit funds for the
8 employment of personnel or resources in excess of those
9 required to continue the same level of support for either the
10 previously approved enrollment or the revised enrollment,
11 whichever is lower.

12 (d) The apportionment to each community college
13 district for capital outlay and debt service shall be the
14 amount determined in accordance with subsection (2). This
15 amount, less any amount determined as necessary for
16 administrative expense by the State Board of Education and any
17 amount necessary for debt service on bonds issued by the State
18 Board of Education, shall be transmitted to the community
19 college district board of trustees to be expended in a manner
20 prescribed by rules of the State Board of Education.

21 (e) Community colleges shall seek to maintain an
22 unencumbered fund balance of between 4 percent and 10 percent
23 of the funds available in the current general fund of the
24 operating budget. If the 10-percent upper level is exceeded
25 for 2 consecutive years, the appropriation to the community
26 college in a succeeding fiscal year shall be reduced by the
27 average of the excess of the fund balance over the 10 percent
28 for the 2 years. In exceptional cases, when fund balances
29 greater than 10 percent are necessary for a community college,
30 prior approval shall be obtained from the State Board of
31 Education ~~Community Colleges~~.

1 (f) Expenditures for apprenticeship programs shall be
2 reported separately.

3 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
4 allocated herein to any district for a public community
5 college shall be expended only for the purpose of supporting
6 that community college.

7 (5) REPORT OF REMEDIAL EDUCATION.--Each community
8 college shall report the volume and cost of remedial education
9 activities as a separate item in its annual cost accounting
10 system.

11 Section 142. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.36,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.36 Dr. Philip Benjamin Matching Grant Academic
17 ~~Improvement~~ Program for Community Colleges.--

18 (1) There is created the Dr. Philip Benjamin Matching
19 Grant Academic Improvement Program for Community Colleges as a
20 single matching gifts program that encompasses the goals
21 originally set out in the Academic Improvement Program, the
22 Scholarship Matching Program, and the Health Care Education
23 Quality Enhancement Challenge Grant. The program shall to be
24 administered according to rules of the State Board of
25 Education and Community Colleges. This program shall be used
26 to encourage private support in enhancing public community
27 colleges by providing the community college system with the
28 opportunity to receive and match challenge grants.

29 (2) Each district board of trustees and respective
30 college president receiving state appropriations under this
31 program shall approve each gift to ensure alignment with the

1 unique institutional mission of the community college.
2 Institutions must link all requests for a state match to the
3 goals and mission statement. The Florida Community College
4 Foundation Board and the Director of the Division of Community
5 Colleges receiving state appropriations under this program
6 shall approve each gift to ensure alignment with its goals and
7 mission statement.~~For every year in which there is a~~
8 ~~legislative appropriation to the program, no less than \$25,000~~
9 ~~must be reserved to permit each community college and the~~
10 ~~State Board of Community Colleges, which shall be an eligible~~
11 ~~community college entity for the purposes of this section, an~~
12 ~~opportunity to match challenge grants. The balance of the~~
13 ~~funds shall be available for matching by any eligible~~
14 ~~community college entity. Funds which remain unmatched by~~
15 ~~contribution on March 1 of any year shall also be available~~
16 ~~for matching by any community college entity. The State Board~~
17 ~~of Community Colleges shall adopt rules providing all~~
18 ~~community college entities with an opportunity to apply for~~
19 ~~excess funds prior to the awarding of such funds. However, no~~
20 ~~community college may receive more than its percentage of the~~
21 ~~total full-time equivalent enrollment or 15 percent, whichever~~
22 ~~is greater, of the funds appropriated to the program for that~~
23 ~~fiscal year and, likewise, the State Board of Community~~
24 ~~Colleges may not receive more than 15 percent of the funds~~
25 ~~appropriated to the program for that fiscal year. A community~~
26 ~~college entity shall place all funds it receives in excess of~~
27 ~~the first challenge grant and its matching funds in its~~
28 ~~endowment fund and only the earnings on that amount may be~~
29 ~~spent for approved projects. A community college entity may~~
30 ~~spend the first challenge grant and its matching funds as cash~~
31 ~~for any approved project, except scholarships. If a community~~

1 ~~college entity proposes to use any amount of the grant or the~~
2 ~~matching funds for scholarships, it must deposit that amount~~
3 ~~in its endowment in its academic improvement trust fund and~~
4 ~~use the earnings of the endowment to provide scholarships.~~

5 (3) Upon approval by the institutional board and the
6 state Board of Education, the ordering of donations for
7 priority listing of unmatched gifts should be determined by
8 the submitting institution.~~Challenge grants shall be~~
9 ~~proportionately allocated from the program on the basis of~~
10 ~~matching each \$4 of state funds with \$6 of local or private~~
11 ~~funds. To be eligible, a minimum of \$4,500 must be raised from~~
12 ~~private sources.~~

13 (4) Each year, eligible contributions received by a
14 college's foundation or the State Board of Education by
15 February 1 shall be eligible for state matching funds.

16 (a) Each district board of trustees and respective
17 college president or, when applicable, the Florida Community
18 College Foundation Board receiving state appropriations under
19 this program shall also certify in an annual report to the
20 State Board of Education the receipt of eligible cash
21 contributions that were previously unmatched by the state. The
22 State Board of Education shall adopt rules providing all
23 community college entities with an opportunity to apply for
24 excess funds before the awarding of such funds.

25 (b) Institutions must submit to the State Board of
26 Education an annual expenditure report tracking the use of all
27 matching funds.

28 (c) The audit of each foundation receiving state funds
29 from this program must include a certification of accuracy in
30 the amount reported for matching funds.

31

1 (5) Funds shall be proportionately allocated to the
2 colleges on the basis of matching each \$4 of state funds with
3 \$6 of local or private funds, except for donations received
4 for scholarships, loans, or need-based grants. For all
5 scholarships, loans, or need-based grants, the matching ratio
6 shall be \$1 of state funds to \$1 of local private funds. The
7 determination of whether the need-based scholarships and
8 scholarships that are not need-based awarded through the
9 combined program are endowed should be left to the
10 institutions.

11 (6)(a)(4) Funds sufficient to provide the match shall
12 be transferred from the state appropriation to the local
13 community college foundation or the statewide community
14 college foundation upon notification that a proportionate
15 amount has been received and deposited by the community
16 college entity in its own trust fund.

17 (b) If state funds appropriated for the program are
18 insufficient to match contributions, the amount allocated
19 shall be reduced in proportion to its share of the total
20 eligible contributions. However, in making proportional
21 reductions, every college shall receive a minimum of \$75,000
22 in state matching funds if its eligible contributions would
23 have generated an amount at least equal to \$75,000. All unmet
24 contributions shall be eligible for state matching funds in
25 subsequent fiscal years.

26 (7)(5) Each community college entity shall establish
27 its own matching grant program ~~academic improvement trust fund~~
28 as a depository for the private contributions and matching
29 state funds provided under this section. The foundations of
30 the community college entities are responsible for the
31

1 maintenance, investment, and administration of their matching
2 grant program academic improvement trust funds.

3 (8) The Division of Community Colleges may receive
4 submissions of requests for matching funds and documentation
5 relating to those requests, may approve requests for matching
6 funds, and may allocate such funds to the community colleges.

7 (9)(6)(a) Each community college district ~~The board of~~
8 ~~trustees and the State Board of Education shall determine of~~
9 ~~the community college and the State Board of Community~~
10 ~~Colleges are responsible for determining the uses for the~~
11 ~~proceeds of their respective trust funds. Such uses of the~~
12 ~~proceeds shall include, but not be limited to, expenditure of~~
13 ~~the funds for:~~

14 (a)1. Scientific and technical equipment.

15 (b)2. Other activities that will benefit future
16 students as well as students currently enrolled at the
17 community college; ~~and that~~ will improve the quality of
18 education at the community college or in the community college
19 system; and will enhance economic development in the
20 community.

21 (c)3. Scholarships, loans, or need-based grants.

22 ~~(b) If a community college includes scholarships,~~
23 ~~loans, or need-based grants in its proposal, it shall create~~
24 ~~an endowment in its academic improvement trust fund and use~~
25 ~~the earnings of the endowment to provide scholarships, loans,~~
26 ~~or need-based grants.~~

27 ~~(c) Proposals for use of the trust fund shall be~~
28 ~~submitted to the State Board of Community Colleges for~~
29 ~~approval. Any proposal not acted upon in 60 days shall be~~
30 ~~considered not approved.~~

31

1 ~~(7) The State Board of Community Colleges shall~~
2 ~~establish rules to provide for the administration of this~~
3 ~~program. Such rules shall establish the minimum challenge~~
4 ~~grant reserved for each community college entity and the~~
5 ~~maximum amount which a community college entity may receive~~
6 ~~from a legislative appropriation in any fiscal year in~~
7 ~~accordance with the provisions of the General Appropriations~~
8 ~~Act.~~

9 Section 143. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.361,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.361 Budgets for community colleges.--The president
15 of each community college shall recommend to the district
16 board of trustees a budget of income and expenditures at such
17 time and in such form as the state board may prescribe. Upon
18 approval of a budget by the district board of trustees, such
19 budget shall be transmitted to the Division ~~State Board~~ of
20 Community Colleges ~~and the Department of Education~~ for review
21 ~~and approval~~. Rules ~~and regulations~~ of the State Board of
22 Education shall prescribe procedures for effecting budget
23 amendments subsequent to the final approval of a budget for a
24 given year.

25 Section 144. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.363,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.363 Financial accounting and expenditures.--All
31 funds accruing to a community college must be received,

1 accounted for, and expended in accordance with rules of the
2 State Board of Education Community Colleges. A direct-support
3 organization shall have sole responsibility for the acts,
4 debts, liabilities, and obligations of the organization. A
5 community college shall have no responsibility for such acts,
6 debts, liabilities, or obligations incurred or assumed by a
7 direct-support organization solely by reason of certification.
8 Each community college district board of trustees may adopt
9 rules ~~policies~~ that provide procedures for transferring
10 contributions made to the community college to the
11 direct-support organization of that community college ~~for~~
12 ~~administration by such organization contributions made to the~~
13 ~~community college.~~

14 Section 145. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.364,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted to read:

18 240.364 Prohibited expenditures.--No community college
19 or direct-support organization shall expend any funds,
20 regardless of source, to purchase membership in, or goods and
21 services from, any organization which discriminates on the
22 basis of race, national origin, sex, or religion.

23 Section 146. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.365,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted to read:

27 240.365 Delinquent accounts.--

28 (1) The district board of trustees shall exert every
29 effort to collect all delinquent accounts.

30
31

1 (2) The district board of trustees is authorized to
2 charge off such accounts as may prove uncollectible in
3 accordance with rules and regulations of the state board.

4 (3) The district board of trustees is authorized to
5 employ the services of a collection agency when deemed
6 advisable in collecting delinquent accounts.

7 Section 147. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.367,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.367 Current loans to community college district
13 boards of trustees.--

14 (1) At any time the current funds on hand are
15 insufficient to pay obligations created by the district board
16 of trustees of any community college district in accordance
17 with the approved budget of the community college, the
18 district board of trustees may request approval by the
19 Commissioner of Education of a proposal to negotiate a current
20 loan, with provisions for the repayment of such loan during
21 the fiscal year in which the loan is made, in order to meet
22 these obligations.

23 (2) The State Board of Education ~~department~~ shall
24 approve such proposal when, in its opinion, the proposal is
25 reasonable and just, the expenditure is necessary, and
26 revenues sufficient to meet the requirements of the loan can
27 reasonably be anticipated.

28 Section 148. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.369,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31 scheduled by that law, but that section is reenacted to read:

1 240.369 Exemption from county civil service
2 commissions.--

3 (1) Any community college located in a county which
4 has either a budget commission or a civil service commission
5 is exempt from the regulation, supervision, and control of any
6 such commission.

7 (2) Any general or special law conflicting with this
8 section is repealed to the extent that said law conflicts with
9 this section.

10 Section 149. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.371,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.371 Transfer of benefits arising under local or
15 special acts.--All local or special acts in force on July 1,
16 1968, which provide benefits for a community college through a
17 school board shall continue in full force and effect, and such
18 benefits shall be transmitted to the community college
19 district board of trustees.

20 Section 150. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.375,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.375 Payment of costs of civil actions against
26 officers, employees, or agents of district board of
27 trustees.--Whenever any civil action has been brought against
28 any officer of the district board of trustees, including a
29 board member, or any person employed by or agent of the
30 district board of trustees, of any public community college
31 for any act or omission arising out of and in the course of

1 the performance of his or her duties and responsibilities, the
2 district board of trustees may defray all costs of defending
3 such action, including reasonable attorney's fees and expenses
4 together with costs of appeal, if any, and may save harmless
5 and protect such person from any financial loss resulting
6 therefrom; and the board of trustees is authorized to be
7 self-insured, to enter into risk management programs, or to
8 purchase insurance for whatever coverage it may choose, or to
9 have any combination thereof, to cover all such losses and
10 expenses. However, any attorney's fees paid from public funds
11 for any officer, employee, or agent who is found to be
12 personally liable by virtue of acting outside the scope of his
13 or her employment or acting in bad faith, with malicious
14 purpose, or in a manner exhibiting wanton and willful
15 disregard of human rights, safety, or property may be
16 recovered by the state, county, municipality, or political
17 subdivision in a civil action against such officer, employee,
18 or agent. Failure by a district board of trustees to perform
19 any act authorized by this section shall not constitute a
20 cause of action against the community college or its trustees,
21 officers, employees, agents, or members.

22 Section 151. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.376,
24 Florida Statutes, shall not stand repealed January 7, 2003, as
25 scheduled by that law, but that section is reenacted and
26 amended to read:

27 240.376 Provisions for the protection of property by
28 district boards of trustees.--The district boards of trustees
29 shall be responsible for managing and protecting real and
30 personal property acquired or held in trust for use by and for
31 the benefit of such community college. To that end, any board

1 is authorized to be self-insured, to enter into risk
2 management programs, or to purchase insurance for whatever
3 coverage it may choose, or to have any combination thereof, in
4 anticipation of any loss, damage, or destruction.

5 Section 152. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.3763,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.3763 Expenditures for self-insurance services;
11 special account.--

12 (1) The district boards of trustees, singly or
13 collectively, may ~~are authorized to~~ contract with an
14 administrator or service company approved by the Department of
15 Insurance pursuant to chapter 626 to provide self-insurance
16 services, including, but not limited to, the evaluation,
17 settlement, and payment of self-insurance claims on behalf of
18 the district board or a consortium of boards.

19 (2) Pursuant to such a contract, a district board may
20 advance money to the administrator or service company to be
21 deposited in a special account for paying claims against the
22 board under its self-insurance program. The special account
23 shall be maintained in a designated depository as provided by
24 s. 136.01. The district board may replenish such account as
25 often as necessary upon the presentation by the administrator
26 or service company of documentation for claims paid in an
27 amount equal to the amount of the requested reimbursement. Any
28 contract for disbursement of funds from the special account
29 shall ensure that the payments are subject to proper
30 disbursement controls and accounting procedures.

31

1 Section 153. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.377,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.377 Promotion and public relations funding.--Each
7 community college district board of trustees may ~~is authorized~~
8 ~~to~~ budget and use a portion of the funds accruing to it from
9 auxiliary enterprises and undesignated gifts for promotion and
10 public relations as prescribed by rules ~~regulations~~ of the
11 State Board of Education. Such funds may be used to provide
12 expenditures for hospitality of business guests at the
13 community college or elsewhere. However, such hospitality
14 expenses may not exceed the amount authorized for such
15 contingency fund as prescribed by rules of the State Board of
16 Education.

17 Section 154. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.379,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.379 Certain chapters inapplicable to community
22 colleges.--Chapters 231, 233, 234, 236, and 237 are not
23 applicable to community colleges, except for those sections
24 specifically referred to in this part and in the State Board
25 of Education rules.

26 Section 155. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.38,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted and
30 amended to read:

31 240.38 Community college police.--

1 (1) As used in this section, the term "campus" means
2 any property or facilities of the community college or any
3 direct support organization certified by the community
4 college.

5 ~~(2)(1)~~ Each community college may ~~is permitted and~~
6 ~~empowered to~~ employ police officers for the community college,
7 who must be designated community college police.

8 ~~(3)(2)~~ Each community college police officer is a law
9 enforcement officer of the state and a conservator of the
10 peace who has the authority to arrest, in accordance with the
11 laws of this state, any person for a violation of state law or
12 applicable county or municipal ordinance if that violation
13 occurs on or in any property or facilities of the community
14 college by which he or she is employed. A community college
15 police officer may also arrest a person off campus for a
16 violation committed on campus after a hot pursuit of that
17 person which began on campus. A community college police
18 officer may bear arms in the performance of his or her duties
19 and carry out a search pursuant to a search warrant on the
20 campus where he or she is employed. Community college police,
21 upon request of the sheriff or local police authority, may
22 serve subpoenas or other legal process and may make arrests of
23 persons against whom arrest warrants have been issued or
24 against whom charges have been made for violations of federal
25 or state laws or county or municipal ordinances.

26 ~~(4)(3)~~ Community college police shall promptly deliver
27 all persons arrested and charged with felonies to the sheriff
28 of the county within which the community college is located
29 and all persons arrested and charged with misdemeanors to the
30 applicable authority as provided by law, but otherwise to the
31

1 sheriff of the county in which the community college is
2 located.

3 (5)~~(4)~~ Community college police must meet the minimum
4 standards established by the Police Standards and Training
5 Commission of the Department of Law Enforcement and chapter
6 943 for law enforcement officers. Each community college
7 police officer must, before entering into the performance of
8 his or her duties, take the oath of office established by the
9 community college. Each community college that employs police
10 officers may obtain and approve a bond on each police officer,
11 conditioned upon the officer's faithful performance of his or
12 her duties, which bond must be payable to the Governor. The
13 community college may determine the amount of the bond. In
14 determining the amount of the bond, the community college may
15 consider the amount of money or property likely to be in the
16 custody of the officer at any one time. The community college
17 shall provide a uniform set of identifying credentials to each
18 community college police officer it employs.

19 (6)~~(5)~~ In performance of any of the powers, duties,
20 and functions authorized by law, community college police have
21 the same rights, protections, and immunities afforded other
22 law enforcement officers.

23 ~~(6) The community college, with the approval of the~~
24 ~~Department of Law Enforcement, shall adopt rules, including,~~
25 ~~without limitation, rules for the appointment, employment, and~~
26 ~~removal of community college police in accordance with the~~
27 ~~state Career Service System and shall establish in writing a~~
28 ~~policy manual, that includes, without limitation, procedures~~
29 ~~for managing routine law enforcement situations and emergency~~
30 ~~law enforcement situations. The community college shall~~

31

1 ~~furnish a copy of the policy manual to each of the police~~
2 ~~officers it employs.~~

3 Section 156. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.3815,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted to read:

7 240.3815 Report of campus crime statistics.--Each
8 community college shall prepare annually a report of
9 statistics of crimes committed on its campus for the preceding
10 3 years. The community college shall give students and
11 prospective students notice that this report is available upon
12 request.

13 Section 157. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.382,
15 Florida Statutes, shall not stand repealed January 7, 2003, as
16 scheduled by that law, but that section is reenacted and
17 amended to read:

18 240.382 Establishment of child development training
19 centers at community colleges.--

20 (1) The Legislature recognizes the importance of
21 preschool developmental education and the need for adult
22 students with limited economic resources to have access to
23 high-quality, affordable child care at variable hours for
24 their children. It is therefore the intent of the Legislature
25 that community colleges provide high-quality, affordable child
26 care to the children of adult students enrolled in community
27 colleges. The primary purpose of these child development
28 training centers is to provide affordable child care for
29 children of adult students, particularly those who demonstrate
30 financial need, as well as for employees and staff of the
31 institution. Further, the child development training centers

1 are intended to provide both preschool instruction to the
2 children and clinical experiences for prospective child care
3 and early childhood instructional and administrative
4 personnel. A secondary mission of the centers shall be to
5 provide instruction in parenting skills for the clients of the
6 center as well as for the community.

7 (2) In consultation with the student government
8 association or a recognized student group representing the
9 student body, the district board of trustees of any community
10 college may establish a child development training center in
11 accordance with this section. Each child development training
12 center shall be a child care center established to provide
13 child care during the day and at variable hours, including
14 evenings and weekends, for the children of students. Emphasis
15 should be placed on serving students who demonstrate financial
16 need as defined by the district board of trustees. At least 50
17 percent of the child care slots must be made available to
18 students, and financially needy students, as defined by the
19 district board of trustees, shall receive child care slots
20 first. The center may serve the children of staff, employees,
21 and faculty; however, a designated number of child care slots
22 shall not be allocated for employees. Whenever possible, the
23 center shall be located on the campus of the community
24 college. However, the district board may elect to provide
25 child care services for students through alternative
26 mechanisms, which may include contracting with private
27 providers.

28 (3) There shall be a board of directors of each child
29 development training center, consisting of the president or
30 his or her designee, the student government president or his
31 or her designee, the chair of the department participating in

1 the center or his or her designee, and one parent for each 25
2 children enrolled in the center, elected by the parents of the
3 children enrolled in the center. There shall be a director of
4 each center, selected by the board of directors of the center.
5 The director shall be an ex officio, nonvoting member of the
6 board. The district board of trustees shall establish local
7 policies and perform local oversight and operational guidance
8 for the center.

9 (4) Each center may charge fees for the care and
10 services it provides. Each district board of trustees shall
11 establish mechanisms to facilitate access to center services
12 for students with financial need, which shall include a
13 sliding fee scale and other methods adopted by the district
14 board to reduce or defray payment of fees for students. The
15 district board of trustees is authorized to seek and receive
16 grants and other resources to support the operation of the
17 child development center.

18 (5) In addition to revenues derived from child care
19 fees charged to parents and other external resources, each
20 child development training center may be funded by a portion
21 of funds from the student activity and service fee authorized
22 by s. 240.35(6)~~s. 240.35(10)~~ and the capital improvement fee
23 authorized by s. 240.35(10)~~s. 240.35(14)~~. Community colleges
24 are authorized to transfer funds as necessary from the
25 community college's general fund to support the operation of
26 the child development training center.

27 (6) This section does not preclude the continuation of
28 or in any way affect child care centers operated by community
29 colleges which were established by the district board of
30 trustees prior to July 1, 1994.

31

1 Section 158. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.383,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.383 State Community College ~~System~~ Facility
7 Enhancement Challenge Grant Program.--

8 (1) The Legislature recognizes that the ~~Florida~~
9 community colleges do ~~College System does~~ not have sufficient
10 physical facilities to meet the current demands of its
11 instructional and community programs. It further recognizes
12 that, to strengthen and enhance ~~the Florida~~ community colleges
13 ~~College System~~, it is necessary to provide facilities in
14 addition to those currently available from existing revenue
15 sources. It further recognizes that there are sources of
16 private support that, if matched with state support, can
17 assist in constructing much needed facilities and strengthen
18 the commitment of citizens and organizations in promoting
19 excellence throughout the ~~state~~ community colleges. Therefore,
20 it is the intent of the Legislature to establish a program to
21 provide the opportunity for each community college through its
22 direct-support organization to receive and match challenge
23 grants for instructional and community-related capital
24 facilities within the community college.

25 (2) There is established the State Community College
26 ~~System~~ Facility Enhancement Challenge Grant Program for the
27 purpose of assisting the ~~Florida~~ community colleges ~~College~~
28 ~~System~~ in building high priority instructional and
29 community-related capital facilities consistent with s.
30 240.301, including common areas connecting such facilities.
31 The direct-support organizations that serve the community

1 colleges shall solicit gifts from private sources to provide
2 matching funds for capital facilities. For the purposes of
3 this section, private sources of funds shall not include any
4 federal or state government funds that a community college may
5 receive.

6 (3) The Community College Capital Facilities Matching
7 Program shall provide funds to match private contributions for
8 the development of high priority instructional and
9 community-related capital facilities, including common areas
10 connecting such facilities, within the ~~Florida~~ community
11 colleges ~~College System~~.

12 (4) Within the direct-support organization of each
13 community college there must be established a separate capital
14 facilities matching account for the purpose of providing
15 matching funds from the direct-support organization's
16 unrestricted donations or other private contributions for the
17 development of high priority instructional and
18 community-related capital facilities, including common areas
19 connecting such facilities. The Legislature shall appropriate
20 funds for distribution to a community college after matching
21 funds are certified by the direct-support organization and
22 community college. The Public Education Capital Outlay and
23 Debt Service Trust Fund shall not be used as the source of the
24 state match for private contributions.

25 (5) A project may not be initiated unless all private
26 funds for planning, construction, and equipping the facility
27 have been received and deposited in the direct-support
28 organization's matching account and the state's share for the
29 minimum amount of funds needed to begin the project has been
30 appropriated by the Legislature. The Legislature may
31 appropriate the state's matching funds in one or more fiscal

1 years for the planning, construction, and equipping of an
2 eligible facility. However, these requirements shall not
3 preclude the community college or direct-support organization
4 from expending available funds from private sources to develop
5 a prospectus, including preliminary architectural schematics
6 and ~~and/or~~ models, for use in its efforts to raise private
7 funds for a facility. Additionally, any private sources of
8 funds expended for this purpose are eligible for state
9 matching funds should the project materialize as provided for
10 in this section.

11 (6) To be eligible to participate in the State
12 Community College ~~System~~ Facility Enhancement Challenge Grant
13 Program, a community college, through its direct-support
14 organization, shall raise a contribution equal to one-half of
15 the total cost of a facilities construction project from
16 private sources which shall be matched by a state
17 appropriation equal to the amount raised for a facilities
18 construction project, subject to the General Appropriations
19 Act.

20 (7) If the state's share of the required match is
21 insufficient to meet the requirements of subsection (6), the
22 community college shall renegotiate the terms of the
23 contribution with the donors. If the project is terminated,
24 each private donation, plus accrued interest, reverts to the
25 direct-support organization for remittance to the donor.

26 (8) By September 1 of each year, the director of the
27 Division of Community Colleges shall transmit to the
28 Legislature a list of projects which meet all eligibility
29 requirements to participate in the State Community College
30 ~~System~~ Facility Enhancement Challenge Grant Program and a
31

1 budget request which includes the recommended schedule
2 necessary to complete each project.

3 (9) In order for a project to be eligible under this
4 program, it must be survey recommended under the provisions of
5 s. 235.15 and included in the ~~Florida~~ community college ~~System~~
6 5-year capital improvement plan, and it must receive prior
7 approval from the State Board of Education ~~Community Colleges~~.

8 (10) A community college project may not be removed
9 from the approved 3-year PECO priority list because of its
10 successful participation in this program until approved by the
11 Legislature and provided for in the General Appropriations
12 Act. When such a project is completed and removed from the
13 list, all other projects shall move up on the 3-year PECO
14 priority list.

15 (11) Any project funds that are unexpended after a
16 project is completed shall revert to the community college's
17 direct-support organization capital facilities matching
18 account. Fifty percent of such unexpended funds shall be
19 reserved for the community college which originally received
20 the private contribution for the purpose of providing private
21 matching funds for future facility construction projects as
22 provided in this section. The balance of such unexpended
23 funds shall be returned to the General Revenue Fund.

24 (12) The surveys, architectural plans, facility, and
25 equipment shall be the property of the participating community
26 college. A facility constructed under this section may be
27 named in honor of a donor at the option of the community
28 college district board of trustees. A facility may not be
29 named after a living person without prior approval by the
30 State Board of Education ~~Community Colleges~~.

31

1 Section 159. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.3836,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.3836 Site-determined baccalaureate degree
7 access.--

8 (1) The Legislature recognizes that public and private
9 postsecondary education institutions play essential roles in
10 improving the quality of life and economic well-being of the
11 state and its residents. The Legislature also recognizes that
12 economic development needs and the educational needs of
13 place-bound, nontraditional students have increased the demand
14 for local access to baccalaureate degree programs. In some,
15 but not all, geographic regions, baccalaureate degree programs
16 are being delivered successfully at the local community
17 college through agreements between the community college and
18 4-year postsecondary institutions within or outside of the
19 state. It is therefore the intent of the Legislature to
20 further expand access to baccalaureate degree programs through
21 the use of community colleges.

22 (2) A community college may be authorized by the State
23 ~~Florida~~ Board of Education to offer a limited number of
24 baccalaureate degrees designed to meet local workforce needs
25 through one of the following processes:

26 (a) A community college may enter into a formal
27 agreement with the state university or college in its service
28 area for the community college to deliver specified
29 baccalaureate degree programs. The agreement must be submitted
30 to the State ~~Florida~~ Board of Education for approval. The
31

1 community college's proposal must include the following
2 information:

3 1. Demand for the baccalaureate degree program is
4 identified by the workforce development board, local
5 businesses and industry, local chambers of commerce, and
6 potential students.

7 2. Unmet need for graduates of the proposed degree
8 program is substantiated.

9 3. The community college has the facilities and
10 academic resources to deliver the program.

11

12 The proposal must be submitted to the Council for Education
13 Policy Research and Improvement for review and comment. Upon
14 approval of the State ~~Florida~~ Board of Education for the
15 specific degree program or programs, the community college
16 shall pursue regional accreditation by the Commission on
17 Colleges of the Southern Association of Colleges and Schools.
18 Any additional baccalaureate degree programs the community
19 college wishes to offer must be approved by the State ~~Florida~~
20 Board of Education.

21 (b) A community college may develop a proposal to
22 deliver specified baccalaureate degree programs in its
23 district. The proposal must be submitted to the State ~~Florida~~
24 Board of Education for approval. The community college's
25 proposal must include the following information:

26 1. Demand for the baccalaureate degree program is
27 identified by the workforce development board, local
28 businesses and industry, local chambers of commerce, and
29 potential students.

30 2. Unmet need for graduates of the proposed degree
31 program is substantiated.

1 3. The community college has the facilities and
2 academic resources to deliver the program.

3
4 The proposal must be submitted to the Council for Education
5 Policy Research and Improvement for review and comment. Upon
6 approval of the State ~~Florida~~ Board of Education for the
7 specific degree program or programs, the community college
8 shall pursue regional accreditation by the Commission on
9 Colleges of the Southern Association of Colleges and Schools.
10 Any additional baccalaureate degree programs the community
11 college wishes to offer must be approved by the State ~~Florida~~
12 Board of Education.

13 (3) A community college may not terminate its
14 associate in arts or associate in science degree programs as a
15 result of the authorization provided in subsection (2). The
16 Legislature intends that the primary mission of a community
17 college, including a community college that offers
18 baccalaureate degree programs, continues to be the provision
19 of associate degrees that provide access to a university or
20 college.

21 Section 160. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.384,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted and
25 amended to read:

26 240.384 Training school consolidation pilot
27 projects.--

28 (1) ESTABLISHMENT.--To consolidate and more
29 efficiently use state and taxpayer resources by combining
30 training programs, pilot training centers are established to
31 provide public criminal justice training in Leon and St. Johns

1 Counties. The following pilot training centers are
2 established:

3 (a) The Pat Thomas Center at Tallahassee Community
4 College.

5 (b) The Criminal Justice Academy at St. Johns River
6 Community College.

7 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
8 PROGRAMS.--Notwithstanding ss. 229.551(1)(g), 230.02, 230.35,
9 and 230.64, or any other provision of law to the contrary,
10 criminal justice training programs in the pilot counties shall
11 ~~will~~ transfer to community colleges, ~~effective July 1, 1999,~~
12 ~~at which time~~ Responsibility for the provision of basic
13 recruit, advanced, career development, and continuing training
14 courses and programs offered in public criminal justice
15 training programs and for the operation of existing public
16 criminal justice training programs shall ~~will~~ be shifted from
17 the school district to the community college in whose service
18 area the public criminal justice training program is located.
19 Certification of the program granted by the Criminal Justice
20 Standards and Training Commission shall ~~will~~ be transferred to
21 the respective community college and the community college
22 must continue to meet the requirements of the commission.

23 (3) FACILITIES.--

24 (a) Criminal justice training program educational
25 facilities, educational plants, and related equipment as
26 defined in s. 235.011(6) and (7) which are owned by the state
27 and paid for with only state funds shall be transferred to the
28 community college, except that, if such an educational
29 facility or educational plant or part of such facility or
30 plant is used for other purposes in addition to public
31 criminal justice training, the Criminal Justice Standards and

1 Training Commission shall mediate the transfer or a suitable
2 multiuse arrangement.

3 (b) Criminal justice training program educational
4 facilities, educational plants, and related equipment as
5 defined in s. 235.011(6) and (7) which are owned by the school
6 district and paid for in whole or in part with local tax funds
7 shall be leased to the community college. However, if such an
8 educational facility or educational plant, or part of such
9 facility or plant, is used for other purposes in addition to
10 public criminal justice training, the Criminal Justice
11 Standards and Training Commission shall mediate a suitable
12 lease agreement. If a school district and a community college
13 cannot agree on the terms and conditions of the lease
14 agreement, the Criminal Justice Standards and Training
15 Commission shall finalize the agreement and report its
16 decision to the Legislature. The Department of Education,
17 Office of Educational Facilities, shall conduct an analysis
18 ~~by December 31, 1999,~~ to determine the amount of local tax
19 contribution used in the construction of a
20 school-district-owned criminal justice training program,
21 educational facility, or educational plant affected by the
22 transfer. This analysis shall be used to establish a purchase
23 price for the facility or plant. The local community college
24 district board of trustees may make a legislative budget
25 request through the State Board of Education Community
26 ~~Colleges~~ to purchase the facility or plant, or it may continue
27 to lease the facility or plant.

28 (4) PROGRAM REQUIREMENTS.--Each pilot training center
29 shall ~~will~~ be regional in nature, as defined by the Criminal
30 Justice Standards and Training Commission. Each community
31

1 college with responsibility for a public criminal justice
2 training program must:

3 (a) Establish a pilot training center advisory
4 committee made up of professionals from the field of each
5 training program included in the pilot project.

6 (b) Provide certificate and noncredit options for
7 students and training components of the pilot training center
8 that so require.

9 (c) Develop an articulation agreement with the
10 universities or colleges ~~State University System~~ to facilitate
11 the transfer of graduates of a community college degree
12 training program to the upper division of a state university
13 or college with a corresponding program.

14 (5) STAFFING.--The community college board of trustees
15 may provide for school district public criminal justice
16 training staff employed in full-time budgeted positions to be
17 transferred into the community college personnel system at the
18 same rate of salary. Retirement and leave provisions shall
19 ~~will~~ be transferred according to law.

20 (6) FUNDING.--~~Beginning July 1, 1999,~~The Department
21 of Education shall shift funds generated by students in the
22 pilot training centers established by this section, including
23 workforce development recurring and nonrecurring funds, from
24 the appropriate school district to the respective community
25 college. The community college shall qualify for future
26 facilities funding upon transfer of the facility.

27 (a) Consistent with s. 236.081(7), school districts
28 that transfer programs shall ~~will~~ receive an amount equal to
29 15 percent of the funding generated for the program under the
30 FEFP in 1996-1997.

31

1 (b) Reflecting the lower program costs in the
2 community colleges ~~College System~~, notwithstanding the funding
3 generated in paragraph (a), community colleges shall ~~will~~
4 receive 90 percent of the funding generated for the program
5 under the FEFP in 1996-1997. The school district shall ~~will~~
6 retain the remaining 10 percent.

7 (c) Notwithstanding ss. 239.115(6)(a) and
8 239.117(6)(a), or any other provision of law to the contrary,
9 fees for continuing workforce education for public law
10 enforcement officers at these pilot centers shall not exceed
11 25 percent of the cost of the course, and state funding shall
12 not under any circumstances exceed 50 percent of the cost of
13 the course.

14 Section 161. Part IV of chapter 240, Florida Statutes,
15 is redesignated as "State-funded Student Assistance."

16 Section 162. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.40,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.40 State Student Financial Assistance Trust
21 Fund.--

22 (1) The State Student Financial Assistance Trust Fund
23 is hereby created, to be administered by the Department of
24 Education. Funds shall be credited to the trust fund as
25 provided in the General Appropriations Act or similar
26 legislation, to be used for the purposes set forth therein.

27 (2) The department may transfer into this trust fund
28 general revenue, private donations for the purpose of matching
29 state funds, and federal receipts for scholarships and grant
30 programs. An individual account code shall be established for
31

1 each funded scholarship and grant program for auditing
2 purposes.

3 (3) Notwithstanding the provisions of s. 216.301, and
4 pursuant to s. 216.351, any balance in the trust fund at the
5 end of any fiscal year shall remain in the trust fund and
6 shall be available for carrying out the purposes of the trust
7 fund.

8 Section 163. Subsections (3), (4), and (8) of section
9 240.4015, Florida Statutes, are amended to read:

10 240.4015 Florida Bright Futures Scholarship Testing
11 Program.--

12 (3) Beginning with initial award recipients for the
13 2002-2003 academic year and continuing thereafter, students
14 eligible for a Florida Academic Scholars award or a Florida
15 Medallion ~~Merit~~ Scholars award who are admitted to and enroll
16 in a community college or state university shall, prior to
17 registering for courses that may be earned through a CLEP
18 examination and no later than registration for their second
19 term, complete at least five examinations from those specified
20 in subsection (1) in the following areas: English; humanities;
21 mathematics; natural sciences; and social sciences. Successful
22 completion of dual enrollment courses, Advanced Placement
23 examinations, and International Baccalaureate examinations
24 taken prior to high school graduation satisfy this
25 requirement. The Articulation Coordinating Committee shall
26 identify the examinations that satisfy each component of this
27 requirement.

28 (4) Initial award recipients for the 2001-2002
29 academic year who are eligible for a Florida Academic Scholars
30 award or a Florida Medallion ~~Merit~~ Scholars award and who are
31 admitted to and enroll in a community college or state

1 university may choose, prior to registering for courses that
2 may be earned through CLEP examination, to complete up to five
3 CLEP examinations, one in each of the following areas:
4 English; humanities; mathematics; natural sciences; and social
5 sciences.

6 (8) Beginning with the 2002-2003 award recipients, the
7 Department of Education shall track and annually report on the
8 effectiveness of the program, and include information on the
9 number of students participating in the program; the CLEP
10 examinations taken and the passage rate of Florida Academic
11 Scholars and Florida Medallion ~~Merit~~ Scholars award
12 recipients; the use of Advanced Placement and International
13 Baccalaureate examinations and dual enrollment courses to
14 satisfy the requirements of the program; and the course credit
15 provided.

16 Section 164. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.40201,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.40201 Florida Bright Futures Scholarship
22 Program.--

23 (1) The Florida Bright Futures Scholarship Program is
24 created to establish a lottery-funded scholarship program to
25 reward any Florida high school graduate who merits recognition
26 of high academic achievement and who enrolls in a degree
27 program, certificate program, or applied technology diploma
28 program at an eligible Florida public or private postsecondary
29 education institution within ~~7~~ 3 years after of graduation
30 from high school. An award may not be provided to a student
31

1 beyond 7 years after high school graduation, regardless of the
2 year in which the student first receives scholarship funding.

3 (2) The Bright Futures Scholarship Program consists of
4 three types of awards, the Florida Academic Scholarship, the
5 Florida Medallion ~~Merit~~ Scholarship, and the Florida
6 ~~Vocational~~ Gold Seal Vocational Scholarship.

7 (3) The Department of Education shall administer the
8 Bright Futures Scholarship Program according to rules and
9 procedures established by the State Board ~~Commissioner~~ of
10 Education. A single application must be sufficient for a
11 student to apply for any of the three types of awards. The
12 department must advertise the availability of the scholarship
13 program and must notify students, teachers, parents, guidance
14 counselors, and principals or other relevant school
15 administrators of the criteria and application procedures. The
16 department must begin this process of notification no later
17 than January 1 of each year.

18 (4) Funding for the Bright Futures Scholarship Program
19 must be allocated from the Education Enhancement Trust Fund
20 and must be provided before allocations from that fund are
21 calculated for disbursement to other educational entities.

22 (a) If funds appropriated are not adequate to provide
23 the maximum allowable award to each eligible applicant, awards
24 in all three components of the program must be prorated using
25 the same percentage reduction.

26 (b) Notwithstanding s. 216.301, if all funds allocated
27 to the Bright Futures Scholarship Program are not used in any
28 fiscal year, up to 10 percent of the total allocation may be
29 carried forward and used for awards in the following year.

30 (5) The department shall issue awards from the
31 scholarship program annually. ~~Annual awards may be for up to~~

1 ~~45 semester credit hours or the equivalent.~~ Before the
2 registration period each semester, the department shall
3 transmit payment for each award to the president or director
4 of the postsecondary education institution, or his or her
5 representative, except that the department may withhold
6 payment if the receiving institution fails to report or to
7 make refunds to the department as required by law ~~in this act~~.

8 (a) Within 30 days after the end of regular
9 registration each semester, the educational institution shall
10 certify to the department the eligibility status of each
11 student who receives an award. After the end of the drop and
12 add period, an institution is not required to reevaluate or
13 revise a student's eligibility status, but must make a refund
14 to the department if a student who receives an award
15 disbursement terminates enrollment for any reason during an
16 academic term and a refund is permitted by the institution's
17 refund policy.

18 (b) An institution that receives funds from the
19 program shall certify to the department the amount of funds
20 disbursed to each student and shall remit to the department
21 any undisbursed advances within 60 days after the end of
22 regular registration.

23 (c) Each institution that receives moneys through this
24 program shall prepare an annual report that includes an
25 independent external audit or an audit prepared by the Office
26 of the Auditor General. The report shall include an audit of
27 the institution's administration of the program and a complete
28 accounting of the moneys for the program. This report must be
29 submitted to the department annually by March 1. The
30 department may conduct its own annual audit of an
31 institution's administration of the program. The department

1 may request a refund of any moneys overpaid to the institution
2 for the program. The department may suspend or revoke an
3 institution's eligibility to receive future moneys for the
4 program if the department finds that an institution has not
5 complied with this section. The institution must remit within
6 60 days any refund requested in accordance with this
7 subsection.

8 (6) A student enrolled in 6 to 8 semester credit hours
9 may receive up to one-half of the maximum award; a student
10 enrolled in 9 to 11 credit hours may receive up to
11 three-fourths of the maximum award; and a student enrolled in
12 12 or more credit hours may receive up to the full award.

13 (7) A student may receive only one type of award from
14 the Florida Bright Futures Scholarship Program at a time, but
15 may transfer from one type of award to another through the
16 renewal application process, if the student's eligibility
17 status changes. However, a student is not eligible to transfer
18 from a Florida Medallion Merit Scholarship or a Florida
19 ~~Vocational~~ Gold Seal Vocational Scholarship to a Florida
20 Academic Scholarship. A student who receives an award from the
21 program may also receive a federal family education loan or a
22 federal direct loan, and the value of the award must be
23 considered in the certification or calculation of the
24 student's loan eligibility.

25 (8) If a recipient transfers from one eligible
26 institution to another and continues to meet eligibility
27 requirements, the award must be transferred with the student.

28 (9) A student may use an award for summer term
29 enrollment if funds are available.

30
31

1 (10) Funds from any scholarship within the Florida
2 Bright Futures Scholarship Program may not be used to pay for
3 remedial or college-preparatory coursework.

4 (11) A student who graduated from high school in 1997
5 or earlier and who is eligible for the Florida Undergraduate
6 Scholar's Program pursuant to s. 240.402, Florida Statutes,
7 1996 Supplement, is eligible for the Florida Academic Scholars
8 award as provided in this chapter. A student who graduated
9 from high school in 1997 or earlier and who is eligible for
10 the Florida Gold Seal Vocational Endorsement Scholarship award
11 pursuant to s. 240.40201, Florida Statutes, 1996 Supplement,
12 is eligible for the Florida Gold Seal Vocational Scholarship
13 award as provided in this chapter. Award eligibility ends 7
14 years after high school graduation.

15 Section 165. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.40202,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted and
19 amended to read:

20 240.40202 Florida Bright Futures Scholarship Program;
21 student eligibility requirements for initial awards.--

22 (1) To be eligible for an initial award from any of
23 the three types of scholarships under the Florida Bright
24 Futures Scholarship Program, a student must:

25 (a) Be a Florida resident as defined in s. 240.404 and
26 rules of the State Board of Education.

27 (b) Earn a standard Florida high school diploma or its
28 equivalent as described in s. 232.246 or s. 229.814 unless:

29 1. The student is enrolled full time in the early
30 admission program of an eligible postsecondary education
31

1 institution or completes a home education program according to
2 s. 232.0201; or

3 2. The student earns a high school diploma from a
4 non-Florida school while living with a parent or guardian who
5 is on military or public service assignment away from Florida.
6 The term "public service assignment," as used in this
7 subparagraph, means the occupational assignment outside this
8 state of a person who is a permanent resident of this state
9 and who is employed by the United States Government or the
10 State of Florida conditioned upon assignment outside this
11 state.

12 (c) Be accepted by and enroll in an eligible Florida
13 public or independent postsecondary education institution.

14 (d) Be enrolled for at least 6 semester credit hours
15 or the equivalent in quarter hours or clock hours.

16 (e) Not have been found guilty of, or plead nolo
17 contendere to, a felony charge, unless the student has been
18 granted clemency by the Governor and Cabinet sitting as the
19 Executive Office of Clemency.

20 (f) Apply for a scholarship from the program within 2
21 years after ~~by April 1 of the last semester before~~ high school
22 graduation.

23 (2) ~~A student is eligible to accept an initial award~~
24 ~~for 3 years following high school graduation and to accept a~~
25 ~~renewal award for 7 years following high school graduation.~~A
26 student who applies for an award ~~by April 1~~ and who meets all
27 ~~other~~ eligibility requirements, but who does not accept his or
28 her award during the first year of eligibility after high
29 school graduation, may apply for reinstatement of the award
30 for use within 7 ~~reapply during subsequent application periods~~
31 ~~up to 3 years after high school graduation.~~ Reinstatement

1 applications must be received by the deadline established by
2 the Department of Education.

3 (3) For purposes of calculating the grade point
4 average to be used in determining initial eligibility for a
5 Florida Bright Futures scholarship, the department shall
6 assign additional weights to grades earned in the following
7 courses:

8 (a) Courses identified in the course code directory as
9 Advanced Placement, pre-International Baccalaureate, or
10 International Baccalaureate.

11 (b) Courses designated as academic dual enrollment
12 courses in the statewide course numbering system.

13
14 The department may assign additional weights to courses, other
15 than those described in paragraphs (a) and (b), that are
16 identified by the Articulation Coordinating Committee as
17 containing rigorous academic curriculum and performance
18 standards. The additional weight assigned to a course pursuant
19 to this subsection shall not exceed 0.5 per course. ~~The~~
20 ~~weighted system shall be developed and distributed to all high~~
21 ~~schools in the state prior to January 1, 1998.~~The department
22 may determine a student's eligibility status during the senior
23 year before graduation and may inform the student of the award
24 at that time.

25 (4) A student who wishes to qualify for a particular
26 award within the Florida Bright Futures Scholarship Program,
27 but who does not meet all of the requirements for that level
28 of award, may, nevertheless, receive the award if the
29 principal of the student's school or the district
30 superintendent verifies that the deficiency is caused by the
31 fact that school district personnel provided inaccurate or

1 incomplete information to the student. The school district
2 must provide a means for the student to correct the
3 deficiencies and the student must correct them, either by
4 completing comparable work at the postsecondary institution or
5 by completing a directed individualized study program
6 developed and administered by the school district. If the
7 student does not complete the requirements by December 31
8 immediately following high school graduation, the student is
9 ineligible to participate in the program.

10 Section 166. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.40203,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.40203 Florida Bright Futures Scholarship Program;
16 student eligibility requirements for renewal, reinstatement,
17 and restoration awards.--

18 (1) After the first year of eligibility, if a student
19 wishes to receive ~~To be eligible to renew~~ a scholarship from
20 any of the three types of scholarships under the Florida
21 Bright Futures Scholarship Program, the a student must meet
22 the following requirements for either renewal, reinstatement,
23 or restoration:

24 (a) Renewal applies to a student who received an award
25 for at least one term during the previous academic year. For
26 renewal, a student must complete at least 12 semester credit
27 hours or the equivalent in the last academic year in which the
28 student earned a scholarship and-

29 ~~(b)~~ maintain the cumulative grade point average
30 required by the scholarship program, except that:

31

1 1. If a recipient's grades fall beneath the average
2 required to renew a Florida Academic Scholarship, but are
3 sufficient to renew a Florida Medallion Merit Scholarship ~~or a~~
4 ~~Florida Vocational Gold Seal Scholarship~~, the Department of
5 Education may grant a renewal from the Florida Medallion
6 Scholarship Program ~~one of those other scholarship programs,~~
7 ~~if the student meets the renewal eligibility requirements; or~~

8 2. If, upon renewal evaluation ~~at any time during the~~
9 ~~eligibility period~~, a student's grades or hours, or both, are
10 not sufficient ~~insufficient~~ to renew the scholarship, the
11 student may use the cumulative grades or hours, or both,
12 earned during the following summer to renew the scholarship
13 ~~restore eligibility by improving the grade point average to~~
14 ~~the required level. A student is eligible for such a~~
15 ~~reinstatement only once.~~The Legislature encourages education
16 institutions to assist students to calculate whether or not it
17 is possible to raise the grade point average during the summer
18 term. ~~If the institution determines that it is possible, the~~
19 ~~education institution may so inform the department, which may~~
20 ~~reserve the student's award if funds are available.~~The
21 renewal, however, must not be granted until the student
22 achieves the required cumulative grade point average and earns
23 the required number of credit hours. If during the summer term
24 the student does not earn ~~is not sufficient~~ hours or to raise
25 the grade point average to the required renewal level, the
26 student is not eligible for an award ~~student's next~~
27 ~~opportunity for renewal is the fall semester of the following~~
28 academic year.

29 (b) Reinstatement applies to a student who was
30 eligible for, but did not receive, an award during the
31 previous academic year or years and who may apply to

1 reestablish use of the scholarship. For reinstatement, a
2 student must have been eligible at the time of the student's
3 most recent Bright Futures eligibility determination. The
4 student must apply for reinstatement by submitting a
5 reinstatement application by the deadline established by the
6 Department of Education.

7 (c) Restoration applies to a student who did not meet
8 renewal grade-point-average or hours-earned requirements at a
9 prior evaluation period. A student may restore eligibility by
10 meeting the required renewal grade-point average at a
11 subsequent renewal evaluation period. A student is eligible
12 for restoration only once. The student must submit a
13 restoration application by the deadlines established by the
14 Department of Education.

15 (2) A student who is enrolled in a program that
16 terminates in an associate degree or a baccalaureate degree
17 may receive an award for a maximum of 110 percent of the
18 number of credit hours required to complete the program. A
19 student who is enrolled in a program that terminates in a
20 technical certificate may receive an award for a maximum of
21 110 percent of the credit hours or clock hours required to
22 complete the program up to 90 credit hours. A student who
23 transfers from one of these program levels to another becomes
24 eligible for the higher of the two credit hour limits.
25 Effective for students who receive an initial award in 2002
26 and thereafter, a student may receive an award for the
27 undergraduate portion of a program that terminates in the
28 simultaneous award of a baccalaureate and postbaccalaureate
29 degree or only a postbaccalaureate degree but may not generate
30 funds from the Bright Futures Program for enrollment in
31

1 courses that are designated at the postbaccalaureate degree
2 level.

3 Section 167. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.40204,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.40204 Florida Bright Futures Scholarship Program;
9 eligible postsecondary education institutions.--A student is
10 eligible for an award or the renewal of an award from the
11 Florida Bright Futures Scholarship Program if the student
12 meets the requirements for the program as described in this
13 act and is enrolled in a postsecondary education institution
14 that meets the description in any one of the following
15 subsections:

16 (1) A Florida public university, college,community
17 college, or technical center.

18 (2) An independent Florida college or university that
19 is accredited by an accrediting association whose standards
20 are comparable to the minimum standards required to operate an
21 institution at that level in this state, as determined by
22 rules of the Commission for Independent Education,~~a member of~~
23 ~~the Commission on Recognition of Postsecondary Accreditation~~
24 and that ~~which~~ has operated in the state for at least 3 years.

25 (3) An independent Florida postsecondary education
26 institution that is licensed by the Commission for Independent
27 Education ~~State Board of Independent Colleges and Universities~~
28 and that ~~which~~:

29 (a) Is authorized to grant degrees;

30 (b)~~(a)~~ Shows evidence of sound financial condition;

31 and

1 (c)(b) Has operated in the state for at least 3 years
2 without having its approval, accreditation, or license placed
3 on probation.

4 (4) A Florida independent postsecondary education
5 institution that offers a nursing diploma approved by the
6 Board of Nursing.

7 (5) A Florida independent postsecondary education
8 institution that is licensed by the Commission for Independent
9 Education State Board of Nonpublic Career Education and that
10 which:

11 (a) Is authorized to award certificates or credentials
12 other than degrees;

13 (b)(a) Has a program completion and placement rate of
14 at least the rate required by the current Florida Statutes,
15 the Florida Administrative Code, or the Department of
16 Education for an institution at its level; and

17 (c)(b) Shows evidence of sound financial condition;
18 and either:

19 1. Is accredited at the institutional level by an
20 accrediting agency recognized by the United States Department
21 of Education and has operated in the state for at least 3
22 years during which there has been no complaint for which
23 probable cause has been found; or

24 2. Has operated in Florida for 5 years during which
25 there has been no complaint for which probable cause has been
26 found.

27 Section 168. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.40205,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted and
31 amended to read:

1 240.40205 Florida Academic Scholars award.--

2 (1) A student is eligible for a Florida Academic
3 Scholars award if the student meets the general eligibility
4 requirements for the Florida Bright Futures Scholarship
5 Program and the student:

6 (a) Has achieved a 3.5 weighted grade point average as
7 calculated pursuant to s. 240.40202, or its equivalent, in
8 high school courses that are designated by the State Board of
9 Education ~~adopted by the Board of Regents and recommended by~~
10 ~~the State Board of Community Colleges~~ as college-preparatory
11 academic courses; and

12 ~~(b)~~ has attained at least the score identified by
13 rules of the State Board ~~Department~~ of Education on the
14 combined verbal and quantitative parts of the Scholastic
15 Aptitude Test, the Scholastic Assessment Test, or the
16 recentered Scholastic Assessment Test of the College Entrance
17 Examination, or an equivalent score on the American College
18 Testing Program; or

19 ~~(b)~~~~(c)~~ Has attended a home education program according
20 to s. 232.0201 during grades 11 and 12 or has completed the
21 International Baccalaureate curriculum but failed to earn the
22 International Baccalaureate Diploma, and has attained at least
23 the score identified by rules of the State Board ~~Department~~ of
24 Education on the combined verbal and quantitative parts of the
25 Scholastic Aptitude Test, the Scholastic Assessment Test, or
26 the recentered Scholastic Assessment Test of the College
27 Entrance Examination, or an equivalent score on the American
28 College Testing Program; or

29 ~~(c)~~~~(d)~~ Has been awarded an International Baccalaureate
30 Diploma from the International Baccalaureate Office; or

31

1 (d)~~(e)~~ Has been recognized by the merit or achievement
2 programs of the National Merit Scholarship Corporation as a
3 scholar or finalist; or

4 (e)~~(f)~~ Has been recognized by the National Hispanic
5 Recognition Program as a scholar recipient.

6
7 ~~Effective with the 1998-1999 school year.~~A student must
8 complete a program of community service work, as approved by
9 the district school board or the administrators of a nonpublic
10 school, which shall include a minimum of 75 hours of service
11 work and require the student to identify a social problem that
12 interests him or her, develop a plan for his or her personal
13 involvement in addressing the problem, and, through papers or
14 other presentations, evaluate and reflect upon his or her
15 experience.

16 (2) A Florida Academic Scholar who is enrolled in a
17 public postsecondary education institution is eligible for an
18 award equal to the amount required to pay matriculation, fees,
19 and \$600 for college-related expenses annually. A student who
20 is enrolled in a nonpublic postsecondary education institution
21 is eligible for an award equal to the amount that would be
22 required to pay for the average matriculation and fees of a
23 public postsecondary education institution at the comparable
24 level, plus the annual \$600.

25 (3) To be eligible for a renewal award as a Florida
26 Academic Scholar, a student must maintain the equivalent of a
27 grade point average of 3.0 on a 4.0 scale for all
28 postsecondary education work attempted, with an opportunity
29 for one restoration ~~reinstatement~~ as provided in this chapter
30 act.

31

1 (4) In each school district, the Florida Academic
2 Scholar with the highest academic ranking shall be designated
3 as an Academic Top Scholar and shall be entitled to receive an
4 additional award of \$1,500 for college-related expenses. This
5 award must be funded from the Florida Bright Futures
6 Scholarship Program.

7 Section 169. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.40206,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 240.40206 Florida Medallion ~~Merit~~ Scholars award.--

13 (1) A student is eligible for a Florida Medallion
14 ~~Merit~~ Scholars award if the student meets the general
15 eligibility requirements for the Florida Bright Futures
16 Scholarship Program and the student:

17 (a) Has achieved a weighted grade point average of 3.0
18 as calculated pursuant to s. 240.40202, or the equivalent, in
19 high school courses that are designated by the State Board of
20 Education adopted by the Board of Regents and recommended by
21 ~~the State Board of Community Colleges~~ as college-preparatory
22 academic courses; and

23 ~~(b)~~ has attained at least the score identified by
24 rules of the State Board ~~Department~~ of Education on the
25 combined verbal and quantitative parts of the Scholastic
26 Aptitude Test, the Scholastic Assessment Test, or the
27 recentered Scholastic Assessment Test of the College Entrance
28 Examination, or an equivalent score on the American College
29 Testing Program; ~~or~~

30 (b)(c) Has attended a home education program according
31 to s. 232.0201 during grades 11 and 12 or has completed the

1 International Baccalaureate curriculum but failed to earn the
2 International Baccalaureate Diploma, and has attained at least
3 the score identified by rules of the State Board ~~Department~~ of
4 Education on the combined verbal and quantitative parts of the
5 Scholastic Aptitude Test, the Scholastic Assessment Test, or
6 the recentered Scholastic Assessment Test of the College
7 Entrance Examination, or an equivalent score on the American
8 College Testing Program; ~~-~~

9 (c) Has been recognized by the merit or achievement
10 programs of the National Merit Scholarship Corporation as a
11 scholar or finalist but has not completed a program of
12 community service as provided in s. 240.40205; or

13 (d) Has been recognized by the National Hispanic
14 Recognition Program as a scholar, but has not completed a
15 program of community service as provided in s. 240.40205.

16 (2) A Florida Medallion ~~Merit~~ Scholar is eligible for
17 an award equal to the amount required to pay 75 percent of
18 matriculation and fees, if the student is enrolled in a public
19 postsecondary education institution. A student who is enrolled
20 in a nonpublic postsecondary education institution is eligible
21 for an award equal to the amount that would be required to pay
22 75 percent of the matriculation and fees of a public
23 postsecondary education institution at the comparable level.

24 (3) To be eligible for a renewal award as a Florida
25 Merit Scholar, a student must maintain the equivalent of a
26 grade point average of 2.75 on a 4.0 scale for all
27 postsecondary education work attempted, with an opportunity
28 for restoration ~~reinstatement~~ one time as provided in this
29 chapter act.

30 Section 170. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.40207,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted and
3 amended to read:

4 240.40207 Florida Gold Seal Vocational Scholars
5 award.--The Florida Gold Seal Vocational Scholars award is
6 created within the Florida Bright Futures Scholarship Program
7 to recognize and reward academic achievement and vocational
8 preparation by high school students who wish to continue their
9 education.

10 (1) A student is eligible for a Florida Gold Seal
11 Vocational Scholars award if the student meets the general
12 eligibility requirements for the Florida Bright Futures
13 Scholarship Program and the student:

14 (a) ~~Completes the secondary school portion of a~~
15 ~~sequential program of studies that requires at least three~~
16 consecutive secondary school vocational credits.~~taken over at~~
17 ~~least 2 academic years, and is continued in a planned, related~~
18 ~~postsecondary education program. If the student's school does~~
19 ~~not offer such a two-plus-two or tech-prep program, the~~
20 ~~student must complete a job-preparatory career education~~
21 ~~program selected by the Workforce Estimating Conference or~~
22 ~~Workforce Florida, Inc., for its ability to provide high wage~~
23 ~~employment in an occupation with high potential for employment~~
24 ~~opportunities.~~On-the-job training may not be substituted for
25 any of the three required vocational credits.

26 (b) Demonstrates readiness for postsecondary education
27 by earning a passing score on the Florida College Entry Level
28 Placement Test or its equivalent as identified by the
29 Department of Education.

30 (c) Earns a minimum cumulative weighted grade point
31 average of 3.0, as calculated pursuant to s. 240.40202, on all

1 subjects required for a standard high school diploma,
2 excluding elective courses.

3 (d) Earns a minimum unweighted grade point average of
4 3.5 on a 4.0 scale for secondary vocational courses comprising
5 the vocational program.

6 ~~(e) Completes the requirements of a vocational-ready
7 diploma program, as defined by rules of the State Board of
8 Education.~~

9 (2) A Florida Gold Seal Vocational Scholar is eligible
10 for an award equal to the amount required to pay 75 percent of
11 matriculation and fees, if the student is enrolled in a public
12 postsecondary education institution. A student who is enrolled
13 in a nonpublic postsecondary education institution is eligible
14 for an award equal to the amount that would be required to pay
15 75 percent of the matriculation and mandatory fees of a public
16 postsecondary education institution at the comparable level.

17 (3) To be eligible for a renewal or restoration award
18 as a Florida Gold Seal Vocational Scholar, a student must meet
19 the requirements of s. 240.40203 and the ~~maintain the~~
20 ~~equivalent of a~~ grade point average requirement of 2.75 on a
21 4.0 scale for all postsecondary education work attempted. A
22 student has, ~~with~~ an opportunity for restoration reinstatement
23 ~~one time~~ as provided in this chapter act.

24 (4) A student may earn a Florida Gold Seal Vocational
25 Scholarship for 110 percent of the number of credit hours
26 required to complete the program, up to 90 credit hours or the
27 equivalent. A Florida Gold Seal Vocational Scholar who meets
28 all renewal requirements for a Florida Medallion Scholars
29 award has a cumulative grade point average of 2.75 in all
30 ~~postsecondary education work attempted~~ may apply for a Florida
31 Medallion Merit Scholars award at any renewal period, or the

1 department may transfer the student to the Florida Medallion
2 Scholars award during any renewal period. All other provisions
3 of that program apply, and the credit-hour limitation must be
4 calculated by subtracting from the student's total eligibility
5 the number of credit hours the student attempted while earning
6 the Gold Seal Vocational Scholarship.

7 Section 171. Section 240.40208, Florida Statutes, as
8 amended by section 26 of chapter 2001-61, Laws of Florida, is
9 repealed.

10 Section 172. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.40209,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted and
14 amended to read:

15 240.40209 Bright Futures Scholarship recipients
16 attending nonpublic institutions; calculation of
17 awards.--Notwithstanding ss. 240.40201, 240.40205, 240.40206,
18 and 240.40207, a student who receives any award under the
19 Florida Bright Futures Scholarship Program, who is enrolled in
20 a nonpublic postsecondary education institution, and who is
21 assessed tuition and fees that are the same as those of a
22 full-time student at that institution, shall receive a fixed
23 award calculated by using the average matriculation and fee
24 calculation as prescribed by the Department of Education for
25 full-time attendance at a public postsecondary education
26 institution at the comparable level. If the student is
27 enrolled part-time and is assessed tuition and fees at a
28 reduced level, the award shall be either one-half of the
29 maximum award or three-fourths of the maximum award, depending
30 on the level of fees assessed.

31

1 Section 173. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.40242,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.40242 Use of certain scholarship funds by children
6 of deceased or disabled veterans.--The criteria for the use of
7 scholarship funds which apply to students under the Florida
8 Bright Futures Scholarship Program shall also apply to the
9 children of deceased or disabled veterans who receive
10 scholarships under chapter 295.

11 Section 174. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.404,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted and
15 amended to read:

16 240.404 General requirements for student eligibility
17 for state-funded student assistance ~~state financial aid~~.--

18 (1)(a) The general requirements for eligibility of
19 students for state financial aid awards consist of the
20 following:

21 1. Achievement of the academic requirements of and
22 acceptance at a state university or community college; a
23 nursing diploma school approved by the Florida Board of
24 Nursing; a Florida college, university, or community college
25 which is accredited by an accrediting agency whose standards
26 are comparable to the minimum standards required to operate a
27 nonpublic institution in this state ~~a member of the Commission~~
28 ~~on Recognition of Postsecondary Accreditation; any Florida~~
29 ~~institution the credits of which are acceptable for transfer~~
30 ~~to state universities; any area technical center; or any~~
31 nonpublic ~~private~~ vocational-technical institution accredited

1 by an accrediting association recognized by the United States
2 Department of Education ~~a member of the Commission on~~
3 ~~Recognition of Postsecondary Accreditation.~~

4 2. Residency in this state for no less than 1 year
5 preceding the award of aid for a program established pursuant
6 to s. 240.409, ~~s. 240.4095, s. 240.4097,~~s. 240.412, s.
7 240.4125, s. 240.413, s. 240.4987, s. 240.499 ~~s. 240.605~~, or
8 s. 240.4993 ~~s. 240.606~~. Residency in this state must be for
9 purposes other than to obtain an education. Resident status
10 for purposes of receiving state financial aid awards shall be
11 determined in the same manner as resident status for tuition
12 purposes pursuant to s. 240.1201 and rules of the State Board
13 of Education. A person who has been properly classified as a
14 resident by a postsecondary education institution for initial
15 receipt of state-funded student financial assistance and found
16 to be eligible to participate in a financial assistance
17 program may continue to qualify as a resident for state-funded
18 financial aid programs if the student maintains continuous
19 enrollment at the postsecondary education institution, with no
20 break in enrollment greater than 12 consecutive months.

21 3. Submission of certification attesting to the
22 accuracy, completeness, and correctness of information
23 provided to demonstrate a student's eligibility to receive
24 state financial aid awards. Falsification of such information
25 shall result in the denial of any pending application and
26 revocation of any award currently held to the extent that no
27 further payments shall be made. Additionally, students who
28 knowingly make false statements in order to receive state
29 financial aid awards shall be guilty of a misdemeanor of the
30 second degree subject to the provisions of s. 837.06 and shall
31

1 | be required to return all state financial aid awards
2 | wrongfully obtained.

3 | (b)1. Eligibility for the renewal of undergraduate
4 | financial aid awards shall be evaluated at the end of the
5 | second semester or third quarter of each academic year. As a
6 | condition for renewal, a student shall:

7 | a. Have earned a minimum cumulative grade point
8 | average of 2.0 on a 4.0 scale; and

9 | b. Have earned, for full-time study, 12 credits per
10 | term or the equivalent for the number of terms for which aid
11 | was received.

12 | 2. A student who earns the minimum number of credits
13 | required for renewal, but who fails to meet the minimum 2.0
14 | cumulative grade point average, may be granted a probationary
15 | award for up to the equivalent of 1 academic year and shall be
16 | required to earn a cumulative grade point average of 2.0 on a
17 | 4.0 scale by the end of the probationary period to be eligible
18 | for subsequent renewal. A student who receives a probationary
19 | award and who fails to meet the conditions for renewal by the
20 | end of his or her probationary period shall be ineligible to
21 | receive additional awards for the equivalent of 1 academic
22 | year following his or her probationary period. Each such
23 | student may, however, reapply for assistance during a
24 | subsequent application period and may be eligible for an award
25 | if he or she has earned a cumulative grade point average of
26 | 2.0 on a 4.0 scale.

27 | 3. A student who fails to earn the minimum number of
28 | credits required for renewal shall lose his or her eligibility
29 | for renewal for a period equivalent to 1 academic year.
30 | However, the student may reapply during a subsequent
31 | application period and may be eligible for an award if he or

1 she has earned a minimum cumulative grade point average of 2.0
2 on a 4.0 scale.

3 4. Students who receive state student aid and
4 subsequently fail to meet state academic progress requirements
5 due to verifiable illness or other emergencies may be granted
6 an exception from the academic requirements. Such students
7 shall make a written appeal to the institution. The appeal
8 shall include a description and verification of the
9 circumstances. Verification of illness or other emergencies
10 may include but not be limited to a physician's statement or
11 written statement of a parent or college official. The
12 institution shall recommend exceptions with necessary
13 documentation to the department. The department may accept or
14 deny such recommendations for exception from the institution.

15 (2) These requirements do not preclude higher
16 standards specified in other sections of this part, in rules
17 of the state board, or in rules of a participating
18 institution.

19 (3) Undergraduate students shall be eligible to
20 receive financial aid for a maximum of 8 semesters or 12
21 quarters. However, undergraduate students participating in
22 college-preparatory instruction, students requiring additional
23 time to complete the college-level communication and
24 computation skills testing programs, or students enrolled in a
25 5-year undergraduate degree program shall be eligible to
26 receive financial aid for a maximum of 10 semesters or 15
27 quarters.

28 (4) A ~~No~~ student is not ~~shall be~~ eligible to receive
29 more than one state scholarship that is based on academic
30 merit. Students who qualify for more than one such
31 scholarship shall be notified of all awards for which they

1 qualify and shall be provided the opportunity to accept one of
2 their choosing.

3 Section 175. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.40401,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.40401 State-funded student ~~financial~~ assistance
9 database.--

10 (1) The Department of Education, in conjunction with
11 the Florida Advisory Council for State-Funded ~~of~~ Student
12 Assistance ~~Financial Aid Advisors~~, staff of the Executive
13 Office of the Governor, the Legislature, the Council for
14 Education Policy Research and Improvement, the Division of
15 Colleges and Universities, the Division of Community Colleges
16 ~~the Postsecondary Education Planning Commission, the Board of~~
17 ~~Regents, the State Board of Community Colleges~~, and the three
18 largest student loan lenders by volume serving Florida
19 students as of the effective date of this act, shall design a
20 student financial assistance database that can be used to
21 support all aspects of the administration and delivery of
22 state-funded student financial aid. In addition, the database
23 must have the capability of providing policymakers with
24 comprehensive information regarding the various financial
25 assistance programs available to students attending Florida
26 postsecondary education institutions.

27 (2) For purposes of this section, financial assistance
28 includes:

29 (a) For all students, any scholarship, grant, loan,
30 fee waiver, tuition assistance payment, or other form of
31 compensation provided from state or federal funds.

1 (b) For students attending public institutions, any
2 scholarship, grant, loan, fee waiver, tuition assistance
3 payment, or other form of compensation supported by
4 institutional funds.

5 (3) The database must include records on any student
6 receiving any form of financial assistance as described in
7 subsection (2). Institutions participating in any state
8 financial assistance program shall annually submit such
9 information to the Department of Education in a format
10 prescribed by the department and consistent with the
11 provisions of s. 228.093.

12 Section 176. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.4041,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted to read:

16 240.4041 State financial aid; students with a
17 disability.--Notwithstanding the provisions of s.
18 240.404(1)(b)1.b. regarding the number of credits earned per
19 term, or other financial aid eligibility requirements related
20 to the number of required credits earned per term, a student
21 with a documented disability, as defined by the Americans with
22 Disabilities Act, shall be eligible to be considered for state
23 financial aid while attending an eligible postsecondary
24 institution on a part-time basis. The State Board of Education
25 shall establish the necessary criteria for documentation of
26 the student's disability and the postsecondary institution
27 shall make the determination as to whether or not the
28 disability is such that part-time status is a necessary
29 accommodation. For the purposes of this section, financial
30 aid funds may be prorated based on the number of credit hours
31 taken.

1 Section 177. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.4042,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.4042 Financial aid appeal process.--

6 (1) The State Board of Education shall adopt, by rule,
7 a procedure for the appeal of errors in eligibility
8 determinations, or failure to transfer awards between eligible
9 institutions, made by the Office of Student Financial
10 Assistance, Department of Education, regarding applicants'
11 eligibility for receiving state student financial aid awards.
12 The procedure must provide for establishment of a committee to
13 consider appeals that are not resolved by other administrative
14 action. Each committee must be comprised of four members
15 appointed by the Commissioner of Education, including one
16 representative of the Office of Student Financial Assistance;
17 two practicing financial aid administrators from public or
18 private postsecondary institutions in this state, one of whom
19 must be from an institution other than one to which the
20 applicant is seeking admission; and one student enrolled in a
21 public postsecondary institution in this state, nominated by
22 the Florida Student Association. An applicant for state
23 student financial aid who believes an error has been made in
24 determining eligibility for student financial assistance or
25 who believes the department has failed to transfer an award
26 between eligible institutions may appeal the decision in
27 writing to the Office of Student Financial Assistance. The
28 Office of Student Financial Assistance shall investigate the
29 complaint and take appropriate action within 30 days after its
30 receipt of the appeal. If the student wishes further review of
31 the appeal, the Office of Student Financial Assistance shall

1 forward the appeal to the committee. Within 30 days after the
2 receipt of a request for a hearing, a final decision shall be
3 rendered by the committee established under this section, and
4 a copy of the decision shall be provided to the applicant.
5 The decision rendered by the committee constitutes final
6 agency action. A description of the financial aid appeals
7 process shall be included in the application form for each
8 state student financial aid program.

9 (2) The president of each state university and each
10 community college shall establish a procedure for appeal, by
11 students, of grievances related to the award or administration
12 of financial aid at the institution.

13 (3) A student involved in a financial aid appeal
14 proceeding is eligible for a deferral of registration and fee
15 payments pursuant to s. 240.235(2).

16 Section 178. Section 240.4043, Florida Statutes, is
17 created to read:

18 240.4043 State-funded student fees.--

19 (1) The following fee waivers are available to
20 students enrolled in state universities:

21 (a) A state university may grant a fee waiver for up
22 to 6 credit hours per term to a full-time employee of the
23 university who meets academic requirements, if space is
24 available in the course.

25 (b) A state university may grant a waiver of
26 state-resident fees to a student who is 60 years of age or
27 older who attends classes but does not intend to accrue credit
28 hours for those classes. A university may not award credit for
29 attendance in classes for which fees are waived under this
30 authority. A university may grant this privilege only if space
31 is available in classes that are not filled at the close of

1 registration. A university may limit or deny the privilege for
2 courses in programs that have selective admissions criteria.
3 Persons paying full fees and state employees have priority
4 over these noncredit students.

5 (c) A state university may waive out-of-state tuition
6 fees for nondegree-seeking students if the earned student
7 credit hours generated by those students are nonfundable and
8 the direct cost for the program of study is recovered from the
9 fees charged to all students.

10 (d) A graduate student enrolled in a state-approved
11 school psychology training program is entitled to a waiver of
12 registration fees for internship credit hours applicable to an
13 internship in the public school system under the supervision
14 of a school psychologist certified by the Department of
15 Education and employed by the school system.

16 (e) A state university shall waive matriculation and
17 other mandatory fees for persons who supervise student
18 interns, under conditions and limitations provided by the
19 State Board of Education.

20 (2) The following fee waivers are available to
21 students enrolled in any type of public postsecondary
22 education institution:

23 (a) A state employee may receive a voucher, grant, or
24 waiver of state-resident tuition fees to attend work-related
25 courses at public postsecondary education institutions.
26 Student credit hours generated by students receiving these
27 benefits are fundable credit hours. The Department of
28 Management Services may provide the vouchers, grants, or
29 waivers from funds appropriated for this purpose or, if
30 insufficient funds are appropriated to the department, each
31

1 state agency may support the training and education needs of
2 its employees from funds appropriated to the agency.

3 (b) A student for whom the state is paying a board
4 payment for foster care under s. 409.145(3) or parts II and
5 III of chapter 39, for whom the permanency planning goal
6 pursuant to part III of chapter 39 is long-term foster care or
7 independent living, or who is adopted from the Department of
8 Children and Family Services after May 5, 1997, is exempt from
9 the payment of undergraduate fees, including fees associated
10 with enrollment in vocational-preparatory or
11 college-preparatory instruction.

12 1. The student must apply for other federal and state
13 grants that are authorized to pay fees, and the postsecondary
14 education institution must exempt the student only from the
15 portion of fees not paid by another state or federal program.

16 2. Eligibility for the exemption ends 7 years after
17 graduation from high school, and a student may not use the
18 exemption for more than 110 percent of the number of hours
19 required to complete the program, including any required
20 vocational-preparatory or college-preparatory enrollment.

21 3. A student must earn a grade-point average of 2.0 or
22 higher for the previous term, maintain a cumulative
23 grade-point average of 2.0 or higher for all postsecondary
24 education courses attempted, or have a grade-point average
25 below 2.0 only for the previous term.

26 (c) A student enrolled in a dual enrollment or early
27 admission programs is exempt from the payment of registration,
28 tuition, and laboratory fees.

29 (d) Each public postsecondary education institution
30 shall waive one-half of tuition and course-related fees for
31 certain members of the active Florida National Guard who are

1 eligible for the tuition-assistance program under rules of the
2 Adjutant General authorized by s. 250.10(7) and (8).

3 (e) Any proprietor, owner, or worker of a company
4 whose business has been at least 50-percent negatively
5 financially impacted by the buyout of property around Lake
6 Apopka by the State of Florida is exempt from the payment of
7 registration, matriculation, and laboratory fees. A student
8 receiving a fee exemption in accordance with this paragraph
9 must not have received compensation because of the buyout,
10 must be designated a Florida resident for tuition purposes
11 pursuant to s. 240.1201, and must first have applied for and
12 been denied financial aid, pursuant to s. 240.404, which would
13 have provided, at a minimum, payment of all student fees. The
14 student must provide evidence to the postsecondary education
15 institution verifying that the conditions of this paragraph
16 have been met, including support documentation provided by the
17 Department of Revenue. The student must be currently enrolled
18 in, or begin coursework within, a program area by fall
19 semester 2000. The exemption is valid for 4 years following
20 the date that the postsecondary education institution confirms
21 that the conditions of this paragraph have been met.

22 (f) A university, community college, college, or
23 technical center may defer matriculation and other mandatory
24 fees for a student whose state or federal financial-assistance
25 payment is delayed, if the delay is beyond the student's
26 control and the student meets the program requirements,
27 including the application deadline. Veterans and others
28 receiving benefits under chapter 30, chapter 31, chapter 32,
29 chapter 34, or chapter 35 of Title 38 U.S.C., or under chapter
30 106 of Title 10 U.S.C., are entitled to one deferment each

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1 academic year and an additional deferment each time those
2 benefits are delayed.

3 (3) The following fee exemptions are available to
4 students enrolled in adult general education programs or
5 workforce development education programs at public technical
6 centers or community colleges:

7 (a) A student enrolled in an approved apprenticeship
8 program, as defined in s. 446.021, or enrolled in an
9 employment and training program under the welfare transition
10 program is exempt from registration, matriculation, and
11 laboratory fees.

12 (b) A student is exempt from registration,
13 matriculation, and laboratory fees if the student lacks a
14 fixed, regular, and adequate nighttime residence or uses as a
15 primary nighttime residence a public or private shelter
16 designed to provide temporary residence for individuals
17 intended to be institutionalized, or a public or private place
18 not designed for, or ordinarily used as, a regular sleeping
19 accommodation for human beings.

20 (c) A student is exempt from fees for enrollment in
21 adult basic instruction if the student demonstrates literacy
22 skills below the eighth grade level.

23 (d) A student is exempt from fees for enrollment in
24 adult basic or secondary education if the student has not
25 obtained a high school diploma.

26 Section 179. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.405,
28 Florida Statutes, shall not stand repealed on January 7, 2003,
29 as scheduled by that law, but that section is reenacted and
30 amended to read:

31 (Substantial rewording of section. See

1 s. 240.405, F.S., for present text.)
2 240.405 State-funded assistance for school
3 employees.--State-funded assistance for school employees is
4 provided to attract capable and promising students to
5 employment in the public school system, especially to areas of
6 projected or current critical shortage. Funds appropriated by
7 the Legislature or repaid by students for the programs
8 governed by this section must be deposited in the State
9 Student Financial Assistance Trust Fund. Any balance at the
10 end of a fiscal year remains in the trust fund and is
11 available for the individual programs in future years. This
12 section shall be implemented only to the extent specifically
13 funded and authorized by law. Pursuant to ss. 120.536(1) and
14 120.54, the State Board of Education shall adopt rules
15 necessary to identify the areas of critical shortage and to
16 administer the programs. The Department of Education shall
17 administer the programs or shall delegate administrative
18 responsibility as required in this section or rules of the
19 State Board of Education.
20 (1) The reimbursement program for college expenses is
21 established to encourage qualified personnel to seek
22 employment in areas in which critical shortages exist in
23 publicly funded schools. For purposes of this chapter, a
24 school is publicly funded if it receives at least 75 percent
25 of its operating costs from governmental agencies and operates
26 its educational program under contract with a public school
27 district or the Department of Education. The two components of
28 the program are for repayment of student loans or for tuition
29 reimbursement, as follows:
30 (a) Loan repayments are intended to be made to
31 qualified applicants who begin employment for the first time

1 in designated shortage areas and who apply during their first
2 year of teaching as certified teachers or licensed therapists
3 in these areas. Repayment is limited to loans from a federal
4 program or a commercial lending institution. A student who
5 receives a scholarship loan or a fellowship loan provided
6 under this section is not eligible to receive a loan repayment
7 from the program. From the funds available, the Department of
8 Education may make loan principal repayments as follows:

9 1. Up to \$2,500 a year for up to 4 years on behalf of
10 selected graduates of state-approved undergraduate
11 postsecondary teacher preparation programs; persons certified
12 to teach pursuant to any applicable teacher certification
13 requirements; selected teacher preparation graduates from any
14 state participating in the Interstate Agreement on the
15 Qualification of Educational Personnel; or selected graduates
16 of accredited programs for undergraduate preparation of
17 occupational therapists or physical therapists. A licensed
18 occupational therapist assistant or licensed physical
19 therapist assistant is eligible for an award for up to 2
20 years.

21 2. Up to \$5,000 a year for up to 2 years on behalf of
22 selected graduates of state-approved graduate postsecondary
23 teacher preparation programs, persons with graduate degrees
24 certified to teach pursuant to any applicable teacher
25 certification requirements, or selected teacher preparation
26 graduates from any state participating in the Interstate
27 Agreement on the Qualification of Educational Personnel.

28
29 All repayments are contingent on continued proof of employment
30 in the designated areas in this state and shall be made
31 directly to the holder of the loan or, if the loan is paid in

1 full, directly to the teacher or therapist. The state is not
2 responsible for collecting any interest charges or other
3 remaining balance. If the State Board of Education changes the
4 designated critical shortage areas, an employee remains
5 eligible for loan repayment as long as he or she continues
6 employment in the area for which the original loan repayment
7 was made and otherwise meets all conditions of eligibility.

8 (b) Tuition reimbursement is intended for current
9 employees or persons preparing for employment in critical
10 shortage areas. Any full-time certified teacher, licensed
11 physical therapist or assistant, or licensed occupational
12 therapist or assistant in a publicly funded school or
13 developmental research school in this state is eligible for
14 tuition reimbursement for the following courses in areas of
15 critical shortage:

16 1. Graduate-level courses leading to a master's,
17 specialist, or doctoral degree;

18 2. Graduate-level courses leading to a new
19 certification area; or

20 3. State-approved undergraduate courses leading to an
21 advanced degree or new certification area.

22
23 Participants may receive tuition reimbursement payments for up
24 to 9 semester hours, or the equivalent in quarter hours, per
25 year, at a rate not to exceed \$78 per semester hour, up to a
26 total of 36 semester hours. Tuition reimbursements are
27 contingent on passing an approved course with a minimum
28 grade-point average of 3.0 or its equivalent.

29 (2) The forgivable loan program for school employees
30 in areas of critical shortage is intended to make
31 undergraduate-level and graduate-level forgivable loans

1 available to eligible students entering programs of study
2 which lead to a degree in a program in an area of critical
3 shortage in the public school system. A person is not eligible
4 for both a forgivable loan and a reimbursement of college
5 expenses under this section.

6 (a) The Legislature finds that reimbursement of
7 college expenses is a more effective method of meeting the
8 needs of the state than are forgivable loans. The Legislature
9 intends to phase out the forgivable loan program.

10 (b) To be eligible for a loan under this program, a
11 candidate must:

12 1. Be a full-time student at the upper-division
13 undergraduate or graduate level in a state-approved teacher
14 preparation program leading to certification in a critical
15 teacher shortage subject area, or be a full-time student in a
16 therapy assistant program or in the upper division or higher
17 level in an occupational therapist or physical therapist
18 educational program. Occupational therapist and occupational
19 therapy assistant programs must be accredited by the American
20 Medical Association in collaboration with the American
21 Occupational Therapy Association. Physical therapist and
22 physical therapist assistant programs must be accredited by
23 the American Physical Therapy Association.

24 2. Have declared an intent to be employed, for at
25 least the number of years for which a forgivable loan is
26 received, in publicly funded elementary or secondary schools
27 in this state in a critical shortage area identified by the
28 State Board of Education.

29 3. Meet the general requirements for student
30 eligibility as provided in s. 240.404.

31

1 4. If applying for an undergraduate forgivable loan
2 for employment as a teacher, have maintained a minimum
3 cumulative grade-point average of 2.5 on a 4.0 scale for all
4 undergraduate work.

5 5. If applying for an undergraduate forgivable loan
6 for employment as an occupational therapist, physical
7 therapist, or therapist assistant, have maintained a minimum
8 cumulative grade-point average of 2.0 on a 4.0 scale for all
9 undergraduate work.

10 6. If applying for renewal of an undergraduate loan,
11 have maintained a minimum cumulative grade-point average of at
12 least a 2.5 on a 4.0 scale for all undergraduate work and have
13 earned at least 12 semester credits per term, or the
14 equivalent.

15 7. If applying for a graduate forgivable loan for any
16 eligible employment, have maintained an undergraduate
17 cumulative grade-point average of at least a 3.0 on a 4.0
18 scale or have attained a Graduate Record Examination score of
19 at least 1,000. Renewal applicants for graduate loans shall
20 maintain a minimum cumulative grade-point average of at least
21 a 3.0 on a 4.0 scale for all graduate work and have earned at
22 least 9 semester credits per term, or the equivalent.

23 (c) An undergraduate forgivable loan may be awarded
24 for 2 undergraduate years, not to exceed \$4,000 per year, or
25 for a maximum of 3 years for programs requiring a fifth year
26 of instruction to obtain initial teaching certification.

27 (d) A graduate forgivable loan may be awarded for 2
28 graduate years and may not exceed \$8,000 per year for a
29 teacher and \$4,000 per year for a therapist or therapist
30 assistant. At the graduate level, a loan recipient must meet
31

1 the educational and general criteria required of an
2 undergraduate recipient and must also:

3 1. Hold a bachelor's degree from a college or
4 university accredited by the Commission on Colleges of the
5 Southern Association of Colleges and Schools, the American
6 Physical Therapy Association, or the American Medical
7 Association in collaboration with the American Occupational
8 Therapy Association.

9 2. Not already hold a teaching certificate or therapy
10 license resulting from an undergraduate degree in education or
11 therapy in an area of critical shortage as designated by the
12 State Board of Education.

13 3. Not have received a forgivable loan from this
14 program at the undergraduate level.

15 (e) Recipients of the Paul Douglas Teacher Scholarship
16 Loan Program as authorized under Title IV, part D, subpart 1
17 of the Higher Education Act of 1965, as amended, are not
18 eligible to participate in the Florida Critical Teacher
19 Shortage Forgivable Loan Program.

20 (f) A forgivable loan must be repaid within 10 years
21 after completion of a program of studies.

22 1. Credit for repayment of an undergraduate or
23 graduate forgivable loan shall be in an amount not to exceed
24 \$4,000 in loan principal, plus applicable accrued interest,
25 for each full year of eligible teaching service. However,
26 credit in an amount not to exceed \$8,000 in loan principal,
27 plus applicable accrued interest, shall be given for each full
28 year of eligible teaching service completed at a high-density,
29 low-economic urban school or at a low-density, low-economic
30 rural school, as identified by the State Board of Education.

31

1 2. Any forgivable loan recipient who fails to teach in
2 a publicly funded elementary or secondary school in this state
3 is responsible for repaying the loan plus accrued interest at
4 8 percent annually.

5 3. Forgivable loan recipients may receive loan
6 repayment credit for teaching service rendered at any time
7 during the scheduled repayment period. However, this repayment
8 credit is applicable only to the current principal and accrued
9 interest balance that remains at the time the repayment credit
10 is earned. A loan recipient may not be reimbursed for previous
11 cash payments of principal and interest.

12 (3)(a) The grant program for teachers preparing for
13 exceptional student education is designed for teachers who:

14 1. Hold a full-time contract to teach in a district
15 school system, a state-operated or state-supported program, or
16 an agency or organization under contract with the Department
17 of Education;

18 2. Hold a valid Florida educator's certificate that
19 does not reflect an exceptional-student-education coverage or
20 endorsement that is appropriate for the teacher's assignment;
21 and

22 3. Satisfactorily complete the eligible courses.

23 (b) The Department of Education shall establish rates
24 to determine grant amounts.

25 (4) The "Chappie" James Most Promising Teacher
26 Scholarship shall be offered to a top graduating senior from
27 each publicly funded secondary school in the state. An
28 additional number of "Chappie" James Most Promising Teacher
29 Scholarship awards shall be offered annually to graduating
30 seniors from nonpublic secondary schools in the state which
31 are listed with the Department of Education and accredited by

1 the Southern Association of Colleges and Schools or any other
2 private statewide accrediting agency that makes public its
3 standards, procedures, and member schools. The nonpublic
4 secondary schools must be in compliance with regulations of
5 the Office for Civil Rights. The number of awards to nonpublic
6 secondary school students shall be proportional to the number
7 of awards available to public secondary school students and
8 shall be calculated as the ratio of the number of nonpublic to
9 public secondary school seniors in the state multiplied by the
10 number of public secondary schools in the state.

11 (a) The scholarship may be used for attendance at a
12 state university, a community college, or an independent
13 institution eligible for the William L. Boyd, IV, Florida
14 Resident Access Grant.

15 (b) The amount of the scholarship is \$1,500 and may be
16 renewed for 1 year if the student earns a 2.5 cumulative
17 grade-point average and 12 credit hours per term and meets the
18 eligibility requirements for renewal of the award.

19 (c) To be eligible for the scholarship, a student must
20 be ranked within the top quartile of the senior class; have
21 been an active member of a high school future teacher
22 organization, if such organization exists in the student's
23 school; have earned a minimum unweighted cumulative
24 grade-point average of 3.0 on a 4.0 scale; file an application
25 within the application period; meet the general requirements
26 for student eligibility as provided in s. 240.404, except as
27 otherwise provided in this section; and have the intent to
28 enter the public teaching profession in this state.

29 (d) Three candidates from each public secondary school
30 and one candidate from each nonpublic secondary school in this
31 state shall be nominated by the principal and a committee of

1 teachers, based on criteria that includes, but need not be
2 limited to, rank in class, standardized test scores,
3 cumulative grade-point average, extracurricular activities,
4 letters of recommendation, an essay, and a declaration of
5 intention to teach in a public school in this state.

6 (e) From public secondary school nominees, the
7 Commissioner of Education shall select a graduating senior
8 from each public high school to receive a scholarship.
9 Selection of recipients from nonpublic secondary schools shall
10 be made by a committee, appointed by the Commissioner of
11 Education, comprised of representatives from nonpublic
12 secondary schools and the Department of Education.

13 (f) Fifteen percent of scholarships awarded shall be
14 to minority students. However, if fewer than 15 percent of the
15 total eligible nominees are minority students, the
16 commissioner may allocate all award funds as long as a
17 scholarship loan is reserved for each eligible minority
18 nominee.

19 (5) The minority teacher education scholars program is
20 a collaborative performance-based scholarship program for
21 African-American, Hispanic-American, Asian-American, and
22 Native American students. The participants in the program
23 include the state's public community colleges and its public
24 and private universities that have teacher education programs.

25 (a) The minority teacher education scholars program
26 provides an annual scholarship of \$4,000 for each approved
27 minority teacher education scholar who is enrolled in one of
28 the state's public or private universities in the junior year
29 and is admitted into a teacher education program.

30 (b) To assist each participating education institution
31 in recruiting and retaining minority teacher scholars, the

1 administrators of the Florida Fund for Minority Teachers,
2 Inc., shall implement a systemwide training program. The
3 training program must include an annual conference or series
4 of conferences for students who are in the program or who are
5 identified by a high school or a community college as likely
6 candidates for the program. The training program must also
7 include research about and dissemination of information
8 concerning successful activities or programs that recruit
9 minority students for teacher education and retain them
10 through graduation, certification, and employment. Staff
11 employed by the corporation may work with each participating
12 education institution to assure that local faculty and
13 administrators receive the benefit of all available research
14 and resources to increase retention of their minority teacher
15 education scholars.

16 (c) The total amount appropriated annually for new
17 scholarships in the program must be divided by \$4,000 and by
18 the number of participating colleges and universities. Each
19 participating institution has access to the same number of
20 scholarships and may award all of them to eligible minority
21 students. If a college or university does not award all of its
22 scholarships by the date set by the program administration at
23 the Florida Fund for Minority Teachers, Inc., the remaining
24 scholarships must be transferred to another institution that
25 has eligible students.

26 (d) A student may receive a scholarship from the
27 program for 3 consecutive years if the student remains
28 enrolled full-time in the program and makes satisfactory
29 progress toward a baccalaureate degree with a major in
30 education.

31

1 (e) If a minority teacher education scholar graduates
2 and is employed as a teacher in a publicly funded school in
3 this state, the scholar is not required to repay the
4 scholarship amount so long as the scholar teaches in a
5 publicly funded school. A scholar may repay the entire
6 scholarship amount by remaining employed as a teacher for 1
7 year for each year he or she received the scholarship.

8 (f) If a minority teacher education scholar does not
9 graduate within 3 years, or if the scholar graduates but does
10 not teach in a publicly funded school in this state, the
11 scholar must repay the total amount awarded, plus annual
12 interest of 8 percent.

13 1. Interest begins accruing the first day of the 13th
14 month after the month in which the recipient completes an
15 approved teacher education program or after the month in which
16 enrollment as a full-time student is terminated. Interest does
17 not accrue during any period of deferment or eligible teaching
18 service.

19 2. The repayment period begins the first day of the
20 13th month after the month in which the recipient completes an
21 approved teacher education program or after the month in which
22 enrollment as a full-time student is terminated.

23 3. The terms and conditions of the scholarship
24 repayment must be contained in a promissory note and a
25 repayment schedule. The loan must be paid within 10 years
26 after the date of graduation or termination of full-time
27 enrollment, including any periods of deferment. A shorter
28 repayment period may be granted. The minimum monthly repayment
29 is \$50 or the unpaid balance, unless otherwise approved,
30 except that the monthly payment may not be less than the
31

1 accruing interest. The recipient may prepay any part of the
2 scholarship without penalty.

3 4. The holder of the promissory note may grant a
4 deferment of repayment for a recipient who is a full-time
5 student, who is unable to secure a teaching position that
6 would qualify as repayment, who becomes disabled, or who
7 experiences other hardships. Such a deferment may be granted
8 for a total of 24 months.

9 5. If a student defaults on the scholarship, the
10 entire unpaid balance, including interest accrued, becomes due
11 and payable at the option of the holder of the promissory
12 note, or when the recipient is no longer able to pay or no
13 longer intends to pay. The recipient shall pay all reasonable
14 attorney's fees and other costs and charges necessary for
15 administering the collection process.

16 (g) The Florida Fund for Minority Teachers, Inc.,
17 shall report annually to the Department of Education any data
18 required to respond to requests for information by the
19 Legislature or the public. The department may define the
20 required information, but may not require data other than what
21 is commonly reported in the annual financial aid report for
22 other state-funded student assistance programs.

23 Section 180. Sections 240.4063, 240.4064, and
24 240.4065, Florida Statutes, are repealed.

25 Section 181. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.4067,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.4067 Medical Education Reimbursement and Loan
30 Repayment Program.--

31

1 (1) To encourage qualified medical professionals to
2 practice in underserved locations where there are shortages of
3 such personnel, there is established the Medical Education
4 Reimbursement and Loan Repayment Program. The function of the
5 program is to make payments that offset loans and educational
6 expenses incurred by students for studies leading to a medical
7 or nursing degree, medical or nursing licensure, or advanced
8 registered nurse practitioner certification or physician
9 assistant licensure. The following licensed or certified
10 health care professionals are eligible to participate in this
11 program: medical doctors with primary care specialties,
12 doctors of osteopathic medicine with primary care specialties,
13 physician's assistants, licensed practical nurses and
14 registered nurses, and advanced registered nurse practitioners
15 with primary care specialties such as certified nurse
16 midwives. Primary care medical specialties for physicians
17 include obstetrics, gynecology, general and family practice,
18 internal medicine, pediatrics, and other specialties which may
19 be identified by the Department of Health.

20 (2) From the funds available, the Department of Health
21 shall make payments to selected medical professionals as
22 follows:

23 (a) Up to \$4,000 per year for licensed practical
24 nurses and registered nurses, up to \$10,000 per year for
25 advanced registered nurse practitioners and physician's
26 assistants, and up to \$20,000 per year for physicians.
27 Penalties for noncompliance shall be the same as those in the
28 National Health Services Corps Loan Repayment Program.
29 Educational expenses include costs for tuition, matriculation,
30 registration, books, laboratory and other fees, other

31

1 educational costs, and reasonable living expenses as
2 determined by the Department of Health.

3 (b) All payments shall be contingent on continued
4 proof of primary care practice in an area defined in s.
5 395.602(2)(e), or an underserved area designated by the
6 Department of Health, provided the practitioner accepts
7 Medicaid reimbursement if eligible for such reimbursement.
8 Correctional facilities, state hospitals, and other state
9 institutions that employ medical personnel shall be designated
10 by the Department of Health as underserved locations.
11 Locations with high incidences of infant mortality, high
12 morbidity, or low Medicaid participation by health care
13 professionals may be designated as underserved.

14 (c) The Department of Health may use funds
15 appropriated for the Medical Education Reimbursement and Loan
16 Repayment Program as matching funds for federal loan repayment
17 programs such as the National Health Service Corps State Loan
18 Repayment Program.

19 (3) The Department of Health may adopt any rules
20 necessary for the administration of the Medical Education
21 Reimbursement and Loan Repayment Program. The department may
22 also solicit technical advice regarding conduct of the program
23 from the Department of Education and Florida universities and
24 community colleges. The Department of Health shall submit a
25 budget request for an amount sufficient to fund medical
26 education reimbursement, loan repayments, and program
27 administration.

28 Section 182. Section 240.40685, Florida Statutes, is
29 repealed.

30 Section 183. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.4069,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted and
3 amended to read:

4 240.4069 Virgil Hawkins Fellows Assistance Program.--

5 (1) The Virgil Hawkins Fellows Assistance Program
6 shall provide financial assistance for study in law to
7 minority students at the public law schools in this state
8 ~~Florida State University College of Law and minority students~~
9 ~~at the University of Florida College of Law.~~ For the purposes
10 of this section, a minority student qualified to receive
11 assistance from the Virgil Hawkins Fellows Assistance Program
12 shall be identified pursuant to policies adopted by the State
13 Board of Education Regents.

14 (2) Each student who is awarded a fellowship may ~~shall~~
15 ~~be entitled to~~ receive an award under this section ~~act~~ for
16 each academic term that the student is in good standing as
17 approved by the ~~Board of Regents~~ Office for Equal Opportunity
18 Programs within the Division of Colleges and Universities and
19 the dean at the law school ~~Florida State University College of~~
20 ~~Law or at the University of Florida College of Law.~~

21 (3) If a fellowship vacancy occurs, that slot shall be
22 reassigned and funded as a continuing fellowship for the
23 remainder of the period for which the award was originally
24 designated.

25 (4) The State Board of Education Regents shall adopt
26 policies and the Division of Colleges and Universities shall
27 administer the Virgil Hawkins Fellows Assistance Program.

28 Section 184. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.4075,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31 scheduled by that law, but that section is reenacted to read:

1 240.4075 Nursing Student Loan Forgiveness Program.--
2 (1) To encourage qualified personnel to seek
3 employment in areas of this state in which critical nursing
4 shortages exist, there is established the Nursing Student Loan
5 Forgiveness Program. The primary function of the program is
6 to increase employment and retention of registered nurses and
7 licensed practical nurses in nursing homes and hospitals in
8 the state and in state-operated medical and health care
9 facilities, public schools, birth centers, federally sponsored
10 community health centers, family practice teaching hospitals,
11 and specialty children's hospitals by making repayments toward
12 loans received by students from federal or state programs or
13 commercial lending institutions for the support of
14 postsecondary study in accredited or approved nursing
15 programs.
16 (2) To be eligible, a candidate must have graduated
17 from an accredited or approved nursing program and have
18 received a Florida license as a licensed practical nurse or a
19 registered nurse or a Florida certificate as an advanced
20 registered nurse practitioner.
21 (3) Only loans to pay the costs of tuition, books, and
22 living expenses shall be covered, at an amount not to exceed
23 \$4,000 for each year of education towards the degree obtained.
24 (4) Receipt of funds pursuant to this program shall be
25 contingent upon continued proof of employment in the
26 designated facilities in this state. Loan principal payments
27 shall be made by the Department of Health directly to the
28 federal or state programs or commercial lending institutions
29 holding the loan as follows:
30
31

1 (a) Twenty-five percent of the loan principal and
2 accrued interest shall be retired after the first year of
3 nursing;

4 (b) Fifty percent of the loan principal and accrued
5 interest shall be retired after the second year of nursing;

6 (c) Seventy-five percent of the loan principal and
7 accrued interest shall be retired after the third year of
8 nursing; and

9 (d) The remaining loan principal and accrued interest
10 shall be retired after the fourth year of nursing.

11
12 In no case may payment for any nurse exceed \$4,000 in any
13 12-month period.

14 (5) There is created the Nursing Student Loan
15 Forgiveness Trust Fund to be administered by the Department of
16 Health pursuant to this section and s. 240.4076 and department
17 rules. The Comptroller shall authorize expenditures from the
18 trust fund upon receipt of vouchers approved by the Department
19 of Health. All moneys collected from the private health care
20 industry and other private sources for the purposes of this
21 section shall be deposited into the Nursing Student Loan
22 Forgiveness Trust Fund. Any balance in the trust fund at the
23 end of any fiscal year shall remain therein and shall be
24 available for carrying out the purposes of this section and s.
25 240.4076.

26 (6) In addition to licensing fees imposed under part I
27 of chapter 464, there is hereby levied and imposed an
28 additional fee of \$5, which fee shall be paid upon licensure
29 or renewal of nursing licensure. Revenues collected from the
30 fee imposed in this subsection shall be deposited in the
31 Nursing Student Loan Forgiveness Trust Fund of the Department

1 of Health and will be used solely for the purpose of carrying
2 out the provisions of this section and s. 240.4076. Up to 50
3 percent of the revenues appropriated to implement this
4 subsection may be used for the nursing scholarship program
5 established pursuant to s. 240.4076.

6 (7)

7 (a) Funds contained in the Nursing Student Loan
8 Forgiveness Trust Fund which are to be used for loan
9 forgiveness for those nurses employed by hospitals, birth
10 centers, and nursing homes must be matched on a
11 dollar-for-dollar basis by contributions from the employing
12 institutions, except that this provision shall not apply to
13 state-operated medical and health care facilities, public
14 schools, county health departments, federally sponsored
15 community health centers, teaching hospitals as defined in s.
16 408.07, family practice teaching hospitals as defined in s.
17 395.805, or specialty hospitals for children as used in s.
18 409.9119. If in any given fiscal quarter there are
19 insufficient funds in the trust fund to grant all eligible
20 applicant requests, awards shall be based on the following
21 priority of employer: county health departments; federally
22 sponsored community health centers; state-operated medical and
23 health care facilities; public schools; teaching hospitals as
24 defined in s. 408.07; family practice teaching hospitals as
25 defined in s. 395.805; specialty hospitals for children as
26 used in s. 409.9119; and other hospitals, birth centers, and
27 nursing homes.

28 (b) All Nursing Student Loan Forgiveness Trust Fund
29 moneys shall be invested pursuant to s. 18.125. Interest
30 income accruing to that portion of the trust fund not matched
31 shall increase the total funds available for loan forgiveness

1 and scholarships. Pledged contributions shall not be eligible
2 for matching prior to the actual collection of the total
3 private contribution for the year.

4 (8) The Department of Health may solicit technical
5 assistance relating to the conduct of this program from the
6 Department of Education.

7 (9) The Department of Health is authorized to recover
8 from the Nursing Student Loan Forgiveness Trust Fund its costs
9 for administering the Nursing Student Loan Forgiveness
10 Program.

11 (10) The Department of Health may adopt rules
12 necessary to administer this program.

13 (11) This section shall be implemented only as
14 specifically funded.

15 Section 185. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.4076,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted to read:

19 240.4076 Nursing scholarship program.--

20 (1) There is established within the Department of
21 Health a scholarship program for the purpose of attracting
22 capable and promising students to the nursing profession.

23 (2) A scholarship applicant shall be enrolled as a
24 full-time or part-time student in the upper division of an
25 approved nursing program leading to the award of a
26 baccalaureate degree or graduate degree to qualify for a
27 nursing faculty position or as an advanced registered nurse
28 practitioner or be enrolled as a full-time or part-time
29 student in an approved program leading to the award of an
30 associate degree in nursing.

31

1 (3) A scholarship may be awarded for no more than 2
2 years, in an amount not to exceed \$8,000 per year. However,
3 registered nurses pursuing a graduate degree for a faculty
4 position or to practice as an advanced registered nurse
5 practitioner may receive up to \$12,000 per year. Beginning
6 July 1, 1998, these amounts shall be adjusted by the amount of
7 increase or decrease in the consumer price index for urban
8 consumers published by the United States Department of
9 Commerce.

10 (4) Credit for repayment of a scholarship shall be as
11 follows:

12 (a) For each full year of scholarship assistance, the
13 recipient agrees to work for 12 months in a faculty position
14 in a college of nursing or community college nursing program
15 in this state or at a health care facility in a medically
16 underserved area as approved by the Department of Health.
17 Scholarship recipients who attend school on a part-time basis
18 shall have their employment service obligation prorated in
19 proportion to the amount of scholarship payments received.

20 (b) Eligible health care facilities include nursing
21 homes and hospitals in this state, state-operated medical or
22 health care facilities, public schools, county health
23 departments, federally sponsored community health centers,
24 colleges of nursing in universities in this state, and
25 community college nursing programs in this state, family
26 practice teaching hospitals as defined in s. 395.805, or
27 specialty children's hospitals as described in s. 409.9119.
28 The recipient shall be encouraged to complete the service
29 obligation at a single employment site. If continuous
30 employment at the same site is not feasible, the recipient may
31

1 apply to the department for a transfer to another approved
2 health care facility.

3 (c) Any recipient who does not complete an appropriate
4 program of studies or who does not become licensed shall repay
5 to the Department of Health, on a schedule to be determined by
6 the department, the entire amount of the scholarship plus 18
7 percent interest accruing from the date of the scholarship
8 payment. Moneys repaid shall be deposited into the Nursing
9 Student Loan Forgiveness Trust Fund established in s.
10 240.4075. However, the department may provide additional time
11 for repayment if the department finds that circumstances
12 beyond the control of the recipient caused or contributed to
13 the default.

14 (d) Any recipient who does not accept employment as a
15 nurse at an approved health care facility or who does not
16 complete 12 months of approved employment for each year of
17 scholarship assistance received shall repay to the Department
18 of Health an amount equal to two times the entire amount of
19 the scholarship plus interest accruing from the date of the
20 scholarship payment at the maximum allowable interest rate
21 permitted by law. Repayment shall be made within 1 year of
22 notice that the recipient is considered to be in default.
23 However, the department may provide additional time for
24 repayment if the department finds that circumstances beyond
25 the control of the recipient caused or contributed to the
26 default.

27 (5) Scholarship payments shall be transmitted to the
28 recipient upon receipt of documentation that the recipient is
29 enrolled in an approved nursing program. The Department of
30 Health shall develop a formula to prorate payments to
31

1 scholarship recipients so as not to exceed the maximum amount
2 per academic year.

3 (6) The Department of Health shall adopt rules,
4 including rules to address extraordinary circumstances that
5 may cause a recipient to default on either the school
6 enrollment or employment contractual agreement, to implement
7 this section and may solicit technical assistance relating to
8 the conduct of this program from the Department of Health.

9 (7) The Department of Health is authorized to recover
10 from the Nursing Student Loan Forgiveness Trust Fund its costs
11 for administering the nursing scholarship program.

12 Section 186. Section 240.4082, Florida Statutes, is
13 repealed.

14 Section 187. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.409,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 (Substantial rewording of section. See
20 s. 240.409, F.S., for present text.)

21 240.409 Florida Student Assistance Grant Program;
22 eligibility for grants.--

23 (1) The Florida Student Assistance Grant Program is
24 for full-time degree-seeking students who meet the general
25 requirements for student eligibility provided in s. 240.404. A
26 student is eligible to receive the award for not more than 110
27 percent of the length of the program in which the student is
28 enrolled. The program consists of three components, which
29 shall be administered according to rules of the State Board of
30 Education. A student may not simultaneously receive an award
31 from more than one component of the program.

1 (a) The Florida Public Student Assistance Grant
2 Program shall be administered by public universities,
3 colleges, and community colleges in this state.

4 (b) The Florida Private Student Assistance Grant
5 Program shall be administered by nonpublic postsecondary
6 education institutions that are under the jurisdiction of the
7 Division of Colleges and Universities within the Department of
8 Education and that are baccalaureate-degree-granting nonprofit
9 colleges or universities, accredited by the Commission on
10 Colleges of the Southern Association of Colleges and Schools,
11 and located in and chartered as domestic corporations in this
12 state.

13 (c) The Florida Postsecondary Student Assistance Grant
14 Program shall be administered by nonpublic institutions that
15 are located in this state and that:

16 1. Offer a nursing diploma and are approved by the
17 Board of Nursing; or

18 2. Are under the jurisdiction of the Commission for
19 Independent Education and are licensed or otherwise authorized
20 without restriction to grant degrees above the specialized
21 associate degree level.

22 (2)(a) Student assistance grants through the program
23 shall be awarded annually for the amount of demonstrated unmet
24 need for the cost of education, or as specified in the General
25 Appropriations Act. However, a grant to a recipient enrolled
26 in a public postsecondary education institution may not exceed
27 the average prior academic-year cost of matriculation fees and
28 other registration fees for 30 credit hours at state
29 universities, and a grant to a recipient enrolled in a
30 nonpublic postsecondary education institution may exceed that
31 average by not more than \$1,000. A student whose demonstrated

1 unmet need is less than \$200 is ineligible for a student
2 assistance grant. A student is eligible for the award for 110
3 percent of the number of credit hours required to complete the
4 program, except as provided by law for students in 5-year
5 undergraduate programs or for students who require additional
6 time to complete college preparatory coursework or prepare for
7 the College Level Academic Skills Test.

8 (b) An applicant for a student assistance grant must
9 apply for the Pell Grant. The institution shall consider the
10 the student's entitlement to the Pell Grant when assessing the
11 financial resources available to each student.

12 (c) Students with the lowest total family resources
13 have priority in the distribution of grant funds. Institutions
14 must use a nationally recognized system of need analysis to
15 determine the student needs, and an institution may not make a
16 grant to a student whose expected family contribution exceeds
17 the level established by the department. An institution may
18 not impose additional criteria to determine a student's
19 eligibility to receive a grant award.

20 (d) Each participating institution shall report to the
21 department, by the established date, the eligible students to
22 whom grant moneys are disbursed each academic term. Each
23 institution shall also report to the department necessary
24 demographic and eligibility data concerning the recipients.

25 (3) Based on the unmet financial need of an eligible
26 applicant, the amount of a student assistance grant must be
27 between \$200 and the weighted average of the cost of
28 matriculation and other registration fees for 30 credit hours
29 at state universities per academic year or the amount
30 specified in the General Appropriations Act.

31

1 (4)(a) The funds appropriated for each component of
2 the Florida Student Assistance Grant Program shall be
3 distributed to eligible institutions in accordance with a
4 formula recommended by the Department of Education's Florida
5 Advisory Council for State-Funded Student Assistance and
6 reviewed by the Council for Education Policy Research and
7 Improvement, the Division of Colleges and Universities, and
8 the Division of Community Colleges. The formula must consider
9 at least the prior year's distribution of funds for students
10 in each sector, the number of full-time eligible applicants
11 who did not receive awards, the standardization of the
12 expected family contribution, and provisions for unused funds.

13 (b) Payment of student assistance grants shall be
14 transmitted to the president of the college, university, or
15 community college, or to his or her representative, in advance
16 of the registration period. Institutions shall notify students
17 of the amount of their awards.

18 (c) By the end of the regular registration period,
19 including any drop-add period, an institution must determine
20 the eligibility status of each applicant. Institutions are not
21 required to reevaluate a student's eligibility status after
22 this date for purposes of changing eligibility determinations
23 previously made.

24 (d) Institutions shall certify to the department the
25 amount of funds disbursed to each student and shall remit to
26 the department any undisbursed advances by June 1 of each
27 year.

28 (5) Funds appropriated by the Legislature for student
29 assistance grants shall be deposited in the State Student
30 Financial Assistance Trust Fund. Notwithstanding s. 216.301
31 and pursuant to s. 216.351, any balance in the trust fund at

1 the end of any fiscal year which has been allocated to the
2 Florida Student Assistance Grant Program shall remain in the
3 trust fund and shall be available for carrying out the
4 purposes of this section.

5 (6) The State Board of Education shall adopt rules
6 necessary to administer this section.

7 Section 188. Sections 240.4095 and 240.4097, Florida
8 Statutes, are repealed.

9 Section 189. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.4098,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.4098 State-funded ~~State~~ student ~~financial~~
15 assistance; authorization for use in program of study in
16 another state or foreign country.--A student who is enrolled
17 in a public or private college or university in this state may
18 apply state-funded ~~state~~ student ~~financial~~ assistance towards
19 the cost of a program of study in another state or a foreign
20 country for a period of up to 1 year, if the program of study
21 is offered or promoted by the Florida institution as an
22 integral part of the academic studies of that degree-seeking
23 student or as a program that would enhance the student's
24 academic experience. This program must be approved by the
25 president of the public or private college or university in
26 this state or by his or her designee; however, private,
27 postsecondary Florida institutions with out-of-state
28 subsidiary institutions are not authorized to make Florida
29 residents attending their out-of-state subsidiary institutions
30 eligible for Florida financial assistance.

31

1 Section 190. Section 240.40985, Florida Statutes, is
2 repealed.

3 Section 191. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.412,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.412 Jose Marti Scholarship Challenge Grant
9 Program.--

10 (1) There is ~~hereby~~ established a Jose Marti
11 Scholarship Challenge Grant Program to be administered by the
12 Department of Education pursuant to this section and rules of
13 the State Board of Education. The program shall provide
14 matching grants for private sources that raise money for
15 scholarships to be awarded to Hispanic-American students.

16 (2) Funds appropriated by the Legislature for the
17 program shall be deposited in the State Student Financial
18 Assistance Trust Fund. The Comptroller shall authorize
19 expenditures from the trust fund upon receipt of vouchers
20 approved by the Department of Education. All moneys collected
21 from private sources for the purposes of this section shall be
22 deposited into the trust fund. Any balance in the trust fund
23 at the end of any fiscal year that has been allocated to the
24 program shall remain therein and shall be available for
25 carrying out the purposes of the program.

26 (3) The Legislature shall designate funds to be
27 transferred to the trust fund for the program from the General
28 Revenue Fund. Such funds shall be divided into challenge
29 grants to be administered by the Department of Education. All
30 appropriated funds deposited into the trust fund for the
31 program shall be invested pursuant to the provisions of s.

1 18.125. Interest income accruing to that portion of the funds
2 that are allocated to the program in the trust fund and not
3 matched shall increase the total funds available for the
4 program.

5 (4) The amount appropriated to the trust fund for the
6 program shall be allocated by the department on the basis of
7 one \$5,000 challenge grant for each \$2,500 raised from private
8 sources. Matching funds shall be generated through
9 contributions made after July 1, 1986, and pledged for the
10 purposes of this section. Pledged contributions shall not be
11 eligible for matching prior to the actual collection of the
12 total funds.

13 (5)(a) In order to be eligible to receive a
14 scholarship pursuant to this section, an applicant shall:

15 1. Be a Hispanic-American, or a person of Spanish
16 culture with origins in Mexico, South America, Central
17 America, or the Caribbean, regardless of race.

18 2. Be a citizen of the United States and meet the
19 general requirements for student eligibility as provided in s.
20 240.404, except as otherwise provided in this section.

21 3. Be accepted at a state university or community
22 college or any Florida college or university that is
23 accredited by an association whose standards are comparable to
24 the minimum standards required to operate a postsecondary
25 education institution at that level in this state accredited
26 ~~by a member of the Commission on Recognition of Postsecondary~~
27 ~~Accreditation the credits of which are acceptable without~~
28 ~~qualification for transfer to state universities.~~

29 4. Enroll as a full-time undergraduate ~~or graduate~~
30 student.

31

1 5. Earn a 3.0 unweighted grade point average on a 4.0
2 scale, or the equivalent for high school subjects creditable
3 toward a diploma. ~~If an applicant applies as a graduate~~
4 ~~student, he or she shall have earned a 3.0 cumulative grade~~
5 ~~point average for undergraduate college-level courses.~~

6 (b) In order to renew a scholarship awarded pursuant
7 to this section, a student must:

8 1. Earn a grade point average of at least 3.0 on a 4.0
9 scale for the previous term, maintain at least a 3.0 average
10 for college work, or have an average below 3.0 only for the
11 previous term and be eligible for continued enrollment at the
12 institution.

13 2. Maintain full-time enrollment.

14 (6) The annual scholarship to each recipient shall be
15 \$2,000. Priority in the distribution of scholarships shall be
16 given to students with the lowest total family resources.
17 Renewal scholarships shall take precedence over new awards in
18 any year in which funds are not sufficient to meet the total
19 need. No undergraduate student shall receive an award for
20 more than the equivalent of 8 semesters or 12 quarters over a
21 period of no more than 6 consecutive years, except as
22 otherwise provided in s. 240.404(3). ~~No graduate student~~
23 ~~shall receive an award for more than the equivalent of 4~~
24 ~~semesters or 6 quarters.~~

25 (7) The criteria and procedure for establishing
26 standards of eligibility shall be determined by the
27 department. The department is directed to establish a rating
28 system upon which to base the approval of grants. Such system
29 shall include a certification of acceptability by the
30 postsecondary institution of the applicant's choice.

31

1 (8) Payment of scholarships shall be transmitted to
2 the president of the postsecondary institution that the
3 recipient is attending or to the president's designee. Should
4 a recipient terminate his or her enrollment during the
5 academic year, the president or his or her designee shall
6 refund the unused portion of the scholarship to the department
7 within 60 days. In the event that a recipient transfers from
8 one eligible institution to another, his or her scholarship
9 shall be transferable upon approval of the department.

10 (9) This section shall be implemented ~~during the~~
11 ~~1986-1987 academic year and thereafter~~ to the extent funded
12 and authorized by law.

13 Section 192. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.4125,
15 Florida Statutes, shall not stand repealed January 7, 2003, as
16 scheduled by that law, but that section is reenacted to read:

17 240.4125 Mary McLeod Bethune Scholarship Program.--

18 (1) There is established the Mary McLeod Bethune
19 Scholarship Program to be administered by the Department of
20 Education pursuant to this section and rules of the State
21 Board of Education. The program shall provide matching grants
22 for private sources that raise money for scholarships to be
23 awarded to students who attend Florida Agricultural and
24 Mechanical University, Bethune-Cookman College, Edward Waters
25 College, or Florida Memorial College.

26 (2) Funds appropriated by the Legislature for the
27 program shall be deposited in the State Student Financial
28 Assistance Trust Fund. The Comptroller shall authorize
29 expenditures from the trust fund upon receipt of vouchers
30 approved by the Department of Education. The Department of
31 Education shall receive all moneys collected from private

1 sources for the purposes of this section and shall deposit
2 such moneys into the trust fund. Notwithstanding the
3 provisions of s. 216.301 and pursuant to s. 216.351, any
4 balance in the trust fund at the end of any fiscal year that
5 has been allocated to the program shall remain in the trust
6 fund and shall be available for carrying out the purposes of
7 the program.

8 (3) The Legislature shall appropriate moneys to the
9 trust fund for the program from the General Revenue Fund. Such
10 moneys shall be applied to scholarships to be administered by
11 the Department of Education. All moneys deposited into the
12 trust fund for the program shall be invested pursuant to the
13 provisions of s. 18.125. Interest income accruing to the
14 program shall be expended to increase the total moneys
15 available for scholarships.

16 (4) The moneys in the trust fund for the program shall
17 be allocated by the department among the institutions of
18 higher education listed in subsection (1) on the basis of one
19 \$2,000 challenge grant for each \$1,000 raised from private
20 sources. Matching funds shall be generated through
21 contributions made after July 1, 1990, and pledged for the
22 purposes of this section. Pledged contributions shall not be
23 eligible for matching prior to the actual collection of the
24 total funds. The department shall allocate to each of those
25 institutions a proportionate share of the contributions
26 received on behalf of those institutions and a share of the
27 appropriations and matching funds generated by such
28 institution.

29 (5)(a) In order to be eligible to receive a
30 scholarship pursuant to this section, an applicant must:

31

- 1 1. Meet the general eligibility requirements set forth
- 2 in s. 240.404.
- 3 2. Be a resident for tuition purposes pursuant to s.
- 4 240.1201.
- 5 3. Be accepted at Florida Agricultural and Mechanical
- 6 University, Bethune-Cookman College, Edward Waters College, or
- 7 Florida Memorial College.
- 8 4. Enroll as a full-time undergraduate student.
- 9 5. Earn a 3.0 grade point average on a 4.0 scale, or
- 10 the equivalent, for high school subjects creditable toward a
- 11 diploma.
- 12 (b) In order to renew a scholarship awarded pursuant
- 13 to this section, a student must earn a minimum cumulative
- 14 grade point average of 3.0 on a 4.0 scale and complete 12
- 15 credits each term for which the student received the
- 16 scholarship.
- 17 (6) The amount of the scholarship to be granted to
- 18 each recipient is \$3,000 annually. Priority in the awarding
- 19 of scholarships shall be given to students having financial
- 20 need as determined by the institution. If funds are
- 21 insufficient to provide the full amount of the scholarship
- 22 authorized in this section to each eligible applicant, the
- 23 institution may prorate available funds and make a partial
- 24 award to each eligible applicant. A student may not receive an
- 25 award for more than the equivalent of 8 semesters or 12
- 26 quarters over a period of 6 consecutive years, except that a
- 27 student who is participating in college-preparatory
- 28 instruction or who requires additional time to complete the
- 29 college-level communication and computation skills testing
- 30 program may continue to receive a scholarship while enrolled
- 31

1 for the purpose of receiving college-preparatory instruction
2 or while completing the testing program.

3 (7) The criteria and procedure for establishing
4 standards of eligibility shall be determined by the
5 department. The department shall establish a rating system
6 upon which the institutions shall award the scholarships. The
7 system must require a certification of eligibility issued by
8 the postsecondary institution selected by the applicant.

9 (8) Scholarship moneys shall be transmitted to the
10 president or the president's designee of the postsecondary
11 institution that the recipient is attending. The president or
12 his or her designee shall submit a report annually to the
13 Department of Education on the scholarships. If a recipient
14 terminates his or her enrollment during the academic year, the
15 president or his or her designee shall refund the unused
16 portion of the scholarship to the department within 60 days.
17 If a recipient transfers from one of the institutions listed
18 in subsection (1) to another of those institutions, the
19 recipient's scholarship is transferable upon approval of the
20 department.

21 (9) This section shall be implemented in any academic
22 year to the extent funded and authorized by law.

23 (10) The State Board of Education may adopt any rules
24 necessary to implement the provisions of this section.

25 Section 193. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.4126,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but, effective July 1, 2002, that
29 section is reenacted and amended to read:

30 240.4126 Rosewood Family Scholarship Program.--
31

1 (1) There is created a Rosewood Family Scholarship
2 Program for minority persons with preference given to the
3 direct descendants of the Rosewood families, not to exceed 25
4 scholarships per year. However, if more than 25 eligible
5 applicants are direct descendants of Rosewood families, the
6 department shall equitably disburse funds available to each of
7 them. Funds appropriated by the Legislature for the program
8 shall be deposited in the State Student Financial Assistance
9 Trust Fund.

10 (2) The Rosewood Family Scholarship Program shall be
11 administered by the Department of Education. The State Board
12 of Education shall adopt rules for administering this program
13 which shall at a minimum provide for the following:

14 (a) The annual award to a student shall be up to
15 \$4,000 ~~but should not exceed an amount in excess of tuition~~
16 ~~and registration fees.~~

17 (b) If funds are insufficient to provide a full
18 scholarship to each eligible applicant, the department may
19 prorate available funds and make a partial award to each
20 eligible applicant.

21 (c) The department shall rank eligible initial
22 applicants for the purposes of awarding scholarships with
23 preference being given to the direct descendants of the
24 Rosewood families. The remaining applicants shall be ranked
25 based on need as determined by the Department of Education.

26 (d) Payment of an award shall be transmitted in
27 advance of the registration period each semester on behalf of
28 the student to the president of the university or community
29 college, or his or her representative, or to the director of
30 the area vocational-technical school which the recipient is
31 attending.

1 (3) ~~Beginning with the 1994-1995 academic year,~~The
2 department ~~may is authorized to~~ make awards for undergraduate
3 study to students who:

4 (a) Meet the general requirements for student
5 eligibility as provided in s. 240.404, except as otherwise
6 provided in this section;

7 (b) File an application for the scholarship within the
8 established time limits; and

9 (c) Enroll as certificate-seeking or degree-seeking
10 students at a public university, community college, or area
11 vocational-technical school authorized by law.

12 Section 194. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.4128,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted to read:

16 240.4128 Minority teacher education scholars
17 program.--There is created the minority teacher education
18 scholars program, which is a collaborative performance-based
19 scholarship program for African-American, Hispanic-American,
20 Asian-American, and Native American students. The participants
21 in the program include Florida's public community colleges and
22 its public and private universities that have teacher
23 education programs.

24 (1) The minority teacher education scholars program
25 shall provide an annual scholarship of \$4,000 for each
26 approved minority teacher education scholar who is enrolled in
27 one of Florida's public or private universities in the junior
28 year and is admitted into a teacher education program.

29 (2) To assist each participating education institution
30 in the recruitment and retention of minority teacher scholars,
31 the administrators of the Florida Fund for Minority Teachers,

1 Inc., shall implement a systemwide training program. The
2 training program must include an annual conference or series
3 of conferences for students who are in the program or who are
4 identified by a high school or a community college as likely
5 candidates for the program. The training program must also
6 include research about and dissemination concerning successful
7 activities or programs that recruit minority students for
8 teacher education and retain them through graduation,
9 certification, and employment. Staff employed by the
10 corporation may work with each participating education
11 institution to assure that local faculty and administrators
12 receive the benefit of all available research and resources to
13 increase retention of their minority teacher education
14 scholars.

15 (3) The total amount appropriated annually for new
16 scholarships in the program must be divided by \$4,000 and by
17 the number of participating colleges and universities. Each
18 participating institution has access to the same number of
19 scholarships and may award all of them to eligible minority
20 students. If a college or university does not award all of its
21 scholarships by the date set by the program administration at
22 the Florida Fund for Minority Teachers, Inc., the remaining
23 scholarships must be transferred to another institution that
24 has eligible students.

25 (4) A student may receive a scholarship from the
26 program for 3 consecutive years if the student remains
27 enrolled full-time in the program and makes satisfactory
28 progress toward a baccalaureate degree with a major in
29 education.

30 (5) If a minority teacher education scholar graduates
31 and is employed as a teacher by a Florida district school

1 board, the scholar is not required to repay the scholarship
2 amount so long as the scholar teaches in a Florida public
3 school. A scholar may repay the entire scholarship amount by
4 remaining employed as a Florida public school teacher for 1
5 year for each year he or she received the scholarship.

6 (6) If a minority teacher education scholar does not
7 graduate within 3 years, or if the scholar graduates but does
8 not teach in a Florida public school, the scholar must repay
9 the total amount awarded, plus annual interest of 8 percent.

10 (a) Interest begins accruing the first day of the 13th
11 month after the month in which the recipient completes an
12 approved teacher education program or after the month in which
13 enrollment as a full-time student is terminated. Interest does
14 not accrue during any period of deferment or eligible teaching
15 service.

16 (b) The repayment period begins the first day of the
17 13th month after the month in which the recipient completes an
18 approved teacher education program or after the month in which
19 enrollment as a full-time student is terminated.

20 (c) The terms and conditions of the scholarship
21 repayment must be contained in a promissory note and a
22 repayment schedule. The loan must be paid within 10 years
23 after the date of graduation or termination of full-time
24 enrollment, including any periods of deferment. A shorter
25 repayment period may be granted. The minimum monthly repayment
26 is \$50 or the unpaid balance, unless otherwise approved,
27 except that the monthly payment may not be less than the
28 accruing interest. The recipient may prepay any part of the
29 scholarship without penalty.

30 (d) The holder of the promissory note may grant a
31 deferment of repayment for a recipient who is a full-time

1 student, who is unable to secure a teaching position that
2 would qualify as repayment, who becomes disabled, or who
3 experiences other hardships. Such a deferment may be granted
4 for a total of 24 months.

5 (e) If a student defaults on the scholarship, the
6 entire unpaid balance, including interest accrued, becomes due
7 and payable at the option of the holder of the promissory
8 note, or when the recipient is no longer able to pay or no
9 longer intends to pay. The recipient is responsible for paying
10 all reasonable attorney's fees and other costs and charges
11 necessary for administration of the collection process.

12 Section 195. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.4129,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.4129 Florida Fund for Minority Teachers, Inc.--

18 (1) There is created the Florida Fund for Minority
19 Teachers, Inc., which is a not-for-profit statutory
20 corporation housed in the College of Education at the
21 University of Florida. The corporation shall administer and
22 manage the minority teacher education scholars program.

23 (2) The corporation shall submit an annual budget
24 projection to the Department of Education to be included in
25 the annual legislative budget request. The projection must be
26 based on a 7-year plan that would be capable of awarding the
27 following schedule of scholarships:

28 (a) In the initial year, 700 scholarships of \$4,000
29 each to scholars in the junior year of college.

30
31

1 (b) In the second year, 350 scholarships to new
2 scholars in their junior year and 700 renewal scholarships to
3 the rising seniors.

4 (c) In each succeeding year, 350 scholarships to new
5 scholars in the junior year and renewal scholarships to the
6 350 rising seniors.

7 (3) A board of directors shall administer the
8 corporation. The Governor shall appoint to the board at least
9 15 but not more than 25 members, who shall serve terms of 3
10 years, ~~except that 4 of the initial members shall serve 1-year~~
11 ~~terms and 4 shall serve 2-year terms.~~ At least 4 members must
12 be employed by public community colleges and at least 11
13 members must be employed by public or private postsecondary
14 institutions that operate colleges of education. At least one
15 member must be a financial aid officer employed by a
16 postsecondary education institution operating in Florida. The
17 Commissioner of Education and the executive director of the
18 Commission for Independent Education Board of Regents, the
19 ~~State Board of Community Colleges, and the State Board of~~
20 ~~Independent Colleges and Universities~~ shall collaborate to
21 provide the Governor with a list of at least 15
22 recommendations of members to be appointed to the board.
23 Administrative costs for support of the Board of Directors and
24 the Florida Fund for Minority Teachers may not exceed 5
25 percent of funds allocated for the program. The board shall:

26 (a) Hold meetings to implement this section.

27 (b) Select a chairperson annually.

28 (c) Make rules for its own government.

29 (d) Appoint an executive director to serve at its
30 pleasure. The executive director shall be the chief
31 administrative officer and agent of the board.

1 (e) Maintain a record of its proceedings.
2 (f) Delegate to the chairperson the responsibility for
3 signing final orders.

4 (g) Carry out the training program as required for the
5 minority teacher education scholars program. No more than 5
6 percent of the funds appropriated for the minority teacher
7 education scholars program may be expended for administration,
8 including administration of the required training program.

9 Section 196. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.413,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.413 Seminole and Miccosukee Indian Scholarships.--

15 (1) There is created a Seminole and Miccosukee Indian
16 Scholarship Program to be administered by the Department of
17 Education in accordance with rules established by the State
18 Board of Education. The Seminole Tribe of Florida and the
19 Miccosukee Tribe of Indians of Florida shall act in an
20 advisory capacity in the development of the rules.

21 (2) The department shall award scholarships ~~shall be~~
22 ~~awarded by the department~~ to students who:

23 (a) Have graduated from high school, have earned an
24 equivalency diploma issued by the Department of Education
25 pursuant to s. 229.814, have earned an equivalency diploma
26 issued by the United States Armed Forces Institute, or have
27 been accepted through an early admission program;

28 (b) Are enrolled at a state university or community
29 college authorized by Florida law; a nursing diploma school
30 approved by the Board of Nursing; any Florida college,
31 university, or community college ~~which is~~ accredited by an

1 accrediting association whose standards are comparable to the
2 minimum standards required to operate an institution at that
3 level in this state, as determined by rules of the Commission
4 for Independent Education ~~a member of the Commission on~~
5 ~~Recognition of Postsecondary Accreditation; or any Florida~~
6 ~~institution the credits of which are acceptable for transfer~~
7 ~~to state universities;~~

8 (c) Are enrolled as either full-time or part-time
9 undergraduate or graduate students and make satisfactory
10 academic progress as defined by the college or university;

11 (d) Have been recommended by the Seminole Tribe of
12 Florida or the Miccosukee Tribe of Indians of Florida; and

13 (e) Meet the general requirements for student
14 eligibility as provided in s. 240.404, except as otherwise
15 provided in this section.

16 (3) Recommendation by the Seminole Tribe of Florida or
17 the Miccosukee Tribe of Indians of Florida shall:

18 (a) Be based upon established standards of financial
19 need as determined by the respective tribe and the department;

20 (b) Be based upon such other eligibility requirements
21 for student financial assistance as are adopted by the
22 respective tribe; and

23 (c) Include certification of membership or eligibility
24 for membership in the Seminole Tribe of Florida or the
25 Miccosukee Tribe of Indians of Florida.

26 (4) The amount of the scholarship shall be determined
27 by the Seminole Tribe of Florida or the Miccosukee Tribe of
28 Indians of Florida, for its respective applicants, within the
29 amount of funds appropriated for this purpose. The amount
30 shall be prorated accordingly for part-time students. At the
31 beginning of each semester or quarter, the department shall

1 certify the name of each scholarship holder eligible to
2 receive funds for that registration period to the Comptroller,
3 who shall draw a warrant in favor of each scholarship
4 recipient. Each recipient shall be eligible to have the
5 scholarship renewed from year to year, provided all academic
6 and other requirements of the college or university and rules
7 established by the State Board of Education are met.

8 (5) The Commissioner of Education shall include
9 amounts sufficient for continuation of this program in the
10 legislative budget requests of the department.

11 (6) Funds appropriated by the Legislature for the
12 program shall be deposited in the State Student Financial
13 Assistance Trust Fund.

14 Section 197. Effective July 1, 2002, sections 240.414,
15 240.4145, 240.4146, and 240.417, Florida Statutes, are
16 repealed.

17 Section 198. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.418,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.418 Need-based financial aid; no preference to
22 students receiving other aid.--From the funds collected by
23 state universities and community colleges as a financial aid
24 fee and from other funds appropriated by the Legislature for
25 financial aid from the Educational Enhancement Trust Fund,
26 institutions shall expend those moneys designated as
27 need-based financial aid with no preference given to students
28 who also qualify for merit-based or other financial aid
29 awards.

30 Section 199. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.421,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted and
3 amended to read:

4 240.421 Florida Advisory Council for State-Funded of
5 Student Assistance Financial Aid Advisors.--

6 (1) ~~There is created~~ The Florida Advisory Council for
7 State-Funded of Student Assistance shall advise Student
8 ~~Financial Aid Advisors for the purpose of advising~~ the State
9 Board of Education, the Legislature, the Division of Colleges
10 and Universities, the Division of Community Colleges, and the
11 Council for Education Policy Research and Improvement Board of
12 ~~Regents, the State Board of Community Colleges, and the~~
13 ~~Postsecondary Education Planning Commission~~ on policy matters
14 related to student assistance financial aid.

15 (a) The council shall be composed of the directors of
16 the Division of Colleges and Universities, the Division of
17 Community Colleges, the Independent Colleges and Universities
18 of Florida, the Association of Postsecondary Schools and
19 Colleges, or their designees ~~Chancellor of the State~~
20 ~~University System, or his or her designee, the Executive~~
21 ~~Director of the Division of Community Colleges, or his or her~~
22 ~~designee, the Executive Director of the Independent Colleges~~
23 ~~and Universities of Florida, the Executive Director of the~~
24 ~~Florida Association of Postsecondary Schools and Colleges, or~~
25 ~~his or her designee, and 14 members who shall be~~ appointed by
26 the Commissioner of Education. The commissioner's appointees
27 ~~membership of the council appointed by the Commissioner of~~
28 ~~Education~~ shall include:

29 1. Two persons from the commercial financial community
30 in this state.

31

1 2. Two persons from the postsecondary education
2 community in this state who must be either the president,
3 chief academic officer, or principal administrator for student
4 services of a postsecondary educational institution.

5 3. Two practicing financial aid administrators for
6 accredited nonpublic ~~private~~ postsecondary institutions in
7 this state.

8 4. Two practicing financial aid administrators for
9 public community colleges in this state.

10 5. Two practicing financial aid administrators for
11 state universities in this state.

12 6. Two practicing financial aid administrators for
13 postsecondary career schools or technical ~~degree career~~
14 ~~education~~ centers in this state, one of whom shall represent
15 proprietary schools.

16 7. One lay citizen who does not derive a majority of
17 his or her income from education or the commercial financial
18 field.

19 8. One full-time student enrolled in postsecondary
20 education in this state.

21 (b) The Commissioner of Education ~~in appointing the~~
22 ~~members specified in subparagraphs (a)3.-5.~~ shall consider any
23 membership recommendations submitted by the Florida
24 Association of Student Financial Aid Administrators.

25 (c) At no time may more than one person from the same
26 institution serve as a member of the council, with the
27 exception of the student member, who shall be selected at
28 large.

29 (d) The terms of members shall be 4 years, except for
30 the full-time student member, who shall serve for 2 years, ~~but~~
31 ~~the terms of new members shall be fixed by the commissioner in~~

1 ~~such manner as will provide for the expiration every 2 years~~
2 ~~of the terms of seven members.~~

3 (e) Any vacancy shall be filled by the appointment of
4 a person of the same classification or status as his or her
5 predecessor, and such appointee shall hold office for the
6 balance of the unexpired term.

7 (2)(a) The council shall elect a recording secretary,
8 a vice chairperson, and a chairperson from its membership who
9 shall be its principal officers. The council shall meet no
10 less frequently than quarterly at the call of its chairperson;
11 at the request of a majority of its membership; at the request
12 of the Commissioner of Education, the State Board of
13 Education, the Legislature, or the Governor; or at such times
14 as may be prescribed by its rules. Minutes of all meetings of
15 the council must be submitted to the department, each member
16 of the council, the financial aid director of each community
17 college and state university, and to the financial aid
18 directors of each independent postsecondary institution that
19 requests the minutes.

20 (b) The members of the council shall receive no
21 compensation for their services, but they shall be entitled to
22 per diem and travel expenses, as provided in s. 112.061, when
23 actually engaged in discharging their duties as members of the
24 council.

25 (3) The council shall:

26 (a) Prepare and submit to the State Board of
27 Education, the President of the Senate, the Speaker of the
28 House of Representatives, the Governor, and the Council for
29 Education Policy Research and Improvement Board of Regents,
30 ~~the State Board of Community Colleges, and the Postsecondary~~
31 ~~Education Planning Commission,~~ long-range plans and annual

1 reports for state-funded student assistance ~~financial aid in~~
2 ~~this state~~. The long-range plans shall establish goals and
3 objectives for providing a comprehensive program of assistance
4 ~~financial aid~~ for students in this state and shall be updated
5 every 5 years. The council shall also prepare an annual
6 report that includes an assessment of progress made in
7 achieving goals and objectives established in the long-range
8 plans and includes recommendations for repealing or modifying
9 existing financial aid programs or establishing new programs.
10 A long-range plan shall be submitted by January 1, 1993, and
11 every 5 years thereafter. An annual report shall be submitted
12 on January 1, 1994, and in each successive year that a
13 long-range plan is not submitted.

14 (b) Review biennial financial aid reports of the
15 department, required by this chapter, prior to their
16 submission to the Legislature and the State Board of
17 Education.

18 (c) Review and make recommendations to the Legislature
19 related to proposed financial aid legislation.

20 (d) Meet at least once annually with the Commissioner
21 of Education.

22 Section 200. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.424,
24 Florida Statutes, shall not stand repealed January 7, 2003, as
25 scheduled by that law, but that section is reenacted and
26 amended to read:

27 240.424 Duties of the department.--The duties of the
28 department ~~shall~~ include:

29 (1) Administration of this part and rules adopted by
30 the State Board of Education.

31

1 (2) Administration of federal funding, insurance, or
2 reinsurance in full compliance with applicable federal laws
3 and regulations.

4 (3) Development of written administrative procedures
5 and controls for the administration of each financial aid
6 program conducted by the office, maintenance of program
7 records and documents, timely collection and remittance of
8 insurance premiums, and timely assignment of defaulted loans
9 to collection agencies.

10 (4) Annual compilation of sources of financial aid
11 available to students in this state.

12 (5) Biennial analysis of the amount of available
13 financial aid moneys and the effect of such moneys on student
14 access to postsecondary institutions.

15 (6) Biennial internal evaluation of the administrative
16 efficiency and effectiveness of the office.

17 (7) Annual assessment of the accuracy of eligibility
18 information from a random sample of award recipients.

19 (8) Annual review of procedures for the distribution
20 of state financial aid funds.

21 (9) Development and submission of an annual ~~a~~ report,
22 ~~by March 1, 1988, and annually thereafter,~~to the State Board
23 of Education, the President of the Senate, and the Speaker of
24 the House of Representatives,which includes ~~shall include,~~
25 ~~but not be limited to,~~recommendations for the distribution of
26 state financial aid funds.

27 (10) Development and evaluation of a comprehensive,
28 long-range program of all sources of student financial aid.

29 (11) Dissemination of information on available
30 financial aid programs to superintendents of schools and other
31 persons who request such information.

1 (12) Calculation of the amount of need-based,
2 state-funded student assistance financial aid required to
3 offset fee increases recommended by the state universities and
4 community colleges ~~Board of Regents and State Board of~~
5 ~~Community Colleges~~ and inclusion of such amount within the
6 legislative budget request for student assistance grant
7 programs.

8 Section 201. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.429,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted to read:

12 240.429 Assistance programs and activities of the
13 department.--

14 (1) The department may contract for the administration
15 of the student financial assistance programs as specifically
16 provided in ss. 240.413, 240.417, 240.439, and 295.01.

17 (2) The department may contract to provide the
18 planning and development activities required pursuant to the
19 provisions of this part.

20 (3) The department shall administer the guarantee of
21 student loans made by participating commercial financial
22 institutions in such a manner as to fully comply with
23 applicable provisions of the Higher Education Act of 1965, as
24 amended, relating to loan reinsurance.

25 (4) The department shall maintain records on the
26 student loan default rate of each Florida postsecondary
27 institution and report that information annually to both the
28 institution and the respective sector board.

29 Section 202. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.431,

31

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.431 Funding for programs administered by the
4 department.--

5 (1) In the preparation of its annual budget, the
6 department shall request that the Legislature continue to
7 provide funding for applicable programs from the General
8 Revenue Fund.

9 (2) The department is authorized to expend moneys from
10 available trust funds in applicable student financial
11 assistance programs.

12 (3) There is created a Student Loan Guaranty Reserve
13 Fund, which shall be administered by the department in
14 carrying out the provisions of this act.

15 (4) The principal sources of operating funds shall be
16 from the earnings from the temporary investment of the Student
17 Loan Guaranty Reserve Fund and from compensation for services
18 performed under contract for the administration of student
19 financial assistance programs pursuant to s. 240.429.

20 (5) The department is authorized to accept grant funds
21 under the State Student Incentive Grant Program of the Federal
22 Government, as provided by the Higher Education Act of 1965,
23 as amended.

24 (6) The department is authorized to accept federal
25 advances for the establishment of the Student Loan Guaranty
26 Reserve Fund pursuant to the Higher Education Act of 1965, as
27 amended, under agreement with the United States Commissioner
28 of Education and to maintain such advances until recalled by
29 the United States Commissioner of Education.

30 (7) The department is authorized to assess a student
31 loan insurance premium on each loan guaranteed by the

1 department. The amount of insurance premium will be determined
2 by the department in the amount sufficient to maintain the
3 pledged level of reserve funds but in no event may the amount
4 of the insurance premium exceed the maximum provided by
5 federal law.

6 (8) The department shall invest, or contract for the
7 temporary investment of, any unencumbered cash, and the
8 interest earned therefrom, except as otherwise provided for by
9 law or covenant, shall accrue to the Student Loan Guaranty
10 Reserve Fund or for the administration of financial aid
11 programs.

12 Section 203. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.437,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.437 State-funded student assistance ~~financial aid~~
18 planning and development.--

19 (1) There is created a ~~student financial aid~~ planning
20 and development program ~~which shall be~~ administered by the
21 Department of Education. ~~It is the intent of~~ The Legislature
22 intends that a specific sum of funds be allocated each year to
23 sponsor ~~for the purpose of sponsoring~~ the design, development,
24 and implementation of a comprehensive program of state-funded
25 student assistance ~~financial aid~~ and of ~~initiating~~
26 of inservice training for student financial aid administrators
27 and activities to encourage maximum lender participation in
28 guaranteed loans. The Florida Advisory Council for
29 State-Funded ~~of Student Assistance Financial Aid Advisors~~
30 shall serve as the advisory body to the Department of
31

1 Education in the development of a comprehensive program of
2 student assistance ~~financial aid~~.

3 (2) The objective of a state program is the
4 maintenance of a state-funded ~~state~~ student assistance
5 ~~financial aid~~ program to supplement a basic national program
6 in order to ~~which will~~ provide equal access to postsecondary
7 education for ~~to~~ citizens of this state who have the ability
8 and motivation to benefit from a postsecondary education. In
9 the development of a state program to achieve this objective,
10 it shall be the policy that:

11 (a) State student assistance ~~financial aid~~ be provided
12 primarily on the basis of financial need;

13 (b) Students receiving need-based assistance ~~financial~~
14 ~~aid~~ be expected to contribute toward their cost of education
15 through self-help resources such as savings, work, and loans;

16 (c) Student assistance ~~financial aid~~ be available to
17 state residents for attendance at accredited public or private
18 institutions of higher education in this state;

19 (d) Student assistance ~~financial aid~~ be provided for
20 all levels of postsecondary education; and

21 (e) State student assistance ~~financial aid~~ be
22 administered by a central state agency.

23

24 Planning and development must be in accordance with the
25 foregoing objective and policies.

26 (3) The planning and development procedures shall
27 provide for:

28 (a) The review of public policy;

29 (b) The development of performance objectives;

30 (c) The development of alternate approaches;

31 (d) The evaluation of performance; and

1 (e) The participation and involvement in the planning
2 process of representatives of the groups affected by
3 state-funded ~~a state program of student assistance financial~~
4 ~~aid.~~

5 (4) The state board shall adopt rules providing for
6 the verification of the independent status of ~~state financial~~
7 aid recipients of state-funded student assistance.

8 (5) The department shall encourage industry and
9 education linkages through the development of temporary
10 employment opportunities for students attending postsecondary
11 institutions in this state.

12 (6) State-funded student ~~Effective July 1, 1992, all~~
13 ~~new and existing financial~~ assistance programs authorized
14 under this part which are not funded for 3 consecutive years
15 after enactment shall stand repealed. ~~Financial aid programs~~
16 ~~provided under this part on July 1, 1992, which lose funding~~
17 ~~for 3 consecutive years shall stand repealed. The Office of~~
18 ~~Student Financial Assistance of The Department of Education~~
19 shall annually review the legislative appropriation of
20 financial aid to identify such programs.

21 Section 204. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.439,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted to read:

25 240.439 Student Loan Program.--There is hereby created
26 a Student Loan Program, referred to in ss. 240.439-240.463 as
27 the program.

28 Section 205. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.441,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31 scheduled by that law, but that section is reenacted to read:

1 240.441 Issuance of revenue bonds pursuant to s. 15,
2 Art. VII, State Constitution.--

3 (1) The issuance of revenue bonds to finance the
4 establishment of the program, to be payable primarily from
5 payments of interest, principal, and handling charges to the
6 program from the recipients of the loans, and with the other
7 revenues authorized hereby being pledged as additional
8 security, is hereby authorized, subject and pursuant to the
9 provisions of s. 15, Art. VII, State Constitution; the State
10 Bond Act, ss. 215.57-215.83; and ss. 240.439-240.463.

11 (2) The amount of such revenue bonds to be issued
12 shall be determined by the Division of Bond Finance of the
13 State Board of Administration. However, the total principal
14 amount outstanding shall not exceed \$80 million, other than
15 refunding bonds issued pursuant to s. 215.79.

16 Section 206. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.447,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.447 Approval of loans; administration of
21 program.--

22 (1) The loans to be made with the proceeds of the
23 program shall be determined and approved by the Department of
24 Education, pursuant to rules promulgated by the State Board of
25 Education. The program shall be administered by the
26 Department of Education as provided by law and the proceeds
27 thereof shall be maintained and secured in the same manner as
28 other public trust funds.

29 (2) The Department of Education is authorized to
30 contract for the purchase of federally insured student loans
31 to be made by other eligible lenders under the guaranteed

1 student loan program; however, any such loans must comply with
2 all applicable requirements of s. 15, Art. VII of the State
3 Constitution, ss. 240.439-240.463, the rules of the State
4 Board of Education relating to the guaranteed student loan
5 program, and the proceedings authorizing the student loan
6 revenue bonds, and the loans so purchased shall have been made
7 during the period specified in the contract.

8 (3) The Department of Education is authorized to sell
9 loan notes acquired pursuant to ss. 240.439-240.463 to the
10 federally created Student Loan Marketing Association or
11 another federally authorized holder of such notes. The
12 department may also repurchase loan notes from authorized
13 holders of such notes. The department shall comply with
14 applicable federal law and regulations and the provisions of
15 any agreement with the Student Loan Marketing Association or
16 the other authorized holders.

17 Section 207. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.449,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.449 Loan agreements.--The Department of Education
22 is hereby authorized to enter into loan agreements between the
23 department and the recipients of loans from the program for
24 such periods and under such other terms and conditions as may
25 be prescribed by the applicable rules and regulations and
26 mutually agreed upon by the parties thereto in order to carry
27 out the purposes of s. 15, Art. VII, State Constitution and
28 ss. 240.439-240.463.

29 Section 208. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.451,
31

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.451 Terms of loans.--The term of all authorized
4 loans shall be fixed by rules adopted by the state board and
5 the loan agreements to be entered into with the student
6 borrowers.

7 Section 209. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.453,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.453 Rate of interest and other charges.--The
12 Department of Education shall from time to time fix the
13 interest and other charges to be paid for any student loan, at
14 rates sufficient to pay the interest on revenue bonds issued
15 pursuant to ss. 240.439-240.463, plus any costs incident to
16 issuance, sale, security, and retirement thereof, including
17 administrative expenses.

18 Section 210. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.457,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted to read:

22 240.457 Procurement of insurance as security for
23 loans.--The Department of Education may contract with any
24 insurance company or companies licensed to do business in the
25 state for insurance payable in the event of the death or total
26 disability of any student borrower in an amount sufficient to
27 retire the principal and interest owed under a loan made as
28 provided in ss. 240.439-240.463. The cost of any insurance
29 purchased under this section shall be paid by the student
30 borrower as a part of the handling charges for the loan or as
31 a separate item to be paid in connection with the loan.

1 Section 211. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.459,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.459 Participation in guaranteed student loan
6 program.--The state board shall adopt rules necessary for
7 participation in the guaranteed student loan program, as
8 provided by the Higher Education Act of 1965 (20 U.S.C. ss.
9 1071 et seq.), as amended or as may be amended. The intent of
10 this act is to authorize student loans when this state,
11 through the Department of Education, has become an eligible
12 lender under the provisions of the applicable federal laws
13 providing for the guarantee of loans to students and the
14 partial payment of interest on such loans by the United States
15 Government.

16 Section 212. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.4595,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.4595 Student Loan Operating Trust Fund.--

21 (1) The Student Loan Operating Trust Fund is hereby
22 created, to be administered by the Department of Education.
23 Funds shall be credited to the trust fund pursuant to the
24 Higher Education Act of 1965, as amended, from loan processing
25 and issuance fees, administrative cost allowances, account
26 maintenance fees, default aversion fees, amounts remaining
27 from collection of defaulted loans, amounts borrowed from the
28 Student Loan Guaranty Reserve Fund, and other amounts
29 specified in federal regulation. The purpose of the trust fund
30 is to segregate funds used for administration of the
31 guaranteed student loan program from the reserve funds used to

1 guarantee student loans contained in the Student Loan Guaranty
2 Reserve Fund. The fund is exempt from the service charges
3 imposed by s. 215.20.

4 (2) Notwithstanding the provisions of s. 216.301 and
5 pursuant to s. 216.351, any balance in the trust fund at the
6 end of any fiscal year shall remain in the trust fund at the
7 end of the year and shall be available for carrying out the
8 purposes of the trust fund.

9 (3) Pursuant to the provisions of s. 19(f)(2), Art.
10 III of the State Constitution, the trust fund shall, unless
11 terminated sooner, be terminated on July 1, 2003. However,
12 prior to its scheduled termination, the trust fund shall be
13 reviewed as provided in s. 215.3206(1) and (2).

14 Section 213. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.461,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted to read:

18 240.461 Provisions of ss. 240.439-240.463
19 cumulative.--The provisions of ss. 240.439-240.463 shall be in
20 addition to the other provisions of this chapter and shall not
21 be construed to be in derogation thereof, except as otherwise
22 expressly provided hereby.

23 Section 214. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.463,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted to read:

27 240.463 Validation of bonds.--Revenue bonds issued
28 pursuant to ss. 240.439-240.463 shall be validated in the
29 manner provided by chapter 75. In actions to validate such
30 revenue bonds, the complaint shall be filed in the circuit
31 court of the county where the seat of state government is

1 situated, the notice required by s. 75.06 to be published
2 shall be published only in the county where the complaint is
3 filed, and the complaint and order of the circuit court shall
4 be served only on the attorney of the circuit in which the
5 action is pending.

6 Section 215. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.465,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted and
10 amended to read:

11 240.465 Delinquent accounts.--

12 (1) The Department of Education is directed to exert
13 every lawful and reasonable effort to collect all delinquent
14 unpaid and uncanceled scholarship loan notes, student loan
15 notes, and defaulted guaranteed loan notes.

16 (2) The department is authorized to establish a
17 recovery account into which unpaid and uncanceled scholarship
18 loan note, student loan note, and defaulted guaranteed loan
19 note accounts may be transferred.

20 (3) The department is authorized to settle any
21 delinquent unpaid and uncanceled scholarship loan notes,
22 student loan notes, and defaulted guaranteed loan notes and to
23 employ the service of a collection agent when deemed advisable
24 in collecting delinquent or defaulted accounts. However, no
25 collection agent may be paid a commission in excess of 35
26 percent of the amount collected. Any expense incurred by the
27 department in enforcing the collection of a loan note may be
28 borne by the signer of the note and may be added to the amount
29 of the principal of such note.

30 (4) The department is authorized to charge off unpaid
31 and uncanceled scholarship loan notes and student loan notes

1 which are at least 3 years delinquent and which prove
2 uncollectible after good faith collection efforts. However, a
3 delinquent account with a past due balance of \$25 or less may
4 be charged off as uncollectible when it becomes 6 months past
5 due and the cost of further collection effort or assignment to
6 a collection agent would not be warranted.

7 ~~(5) No individual borrower who has been determined to~~
8 ~~be in default in making legally required scholarship loan,~~
9 ~~student loan, or guaranteed loan repayments shall be furnished~~
10 ~~with his or her academic transcripts or other student records~~
11 ~~until such time as the loan is paid in full or the default~~
12 ~~status has been removed.~~

13 (5)(6) The department is authorized to charge an
14 individual borrower who has been determined to be in default
15 in making legally required loan repayments the maximum
16 interest rate authorized by law.

17 (6)(7) The State Board of Education shall adopt such
18 rules as are necessary to regulate the collection, settlement,
19 and charging off of delinquent unpaid and uncanceled
20 scholarship loan notes, student loan notes, and defaulted
21 guaranteed loan notes.

22 Section 216. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.47,
24 Florida Statutes, shall not stand repealed January 7, 2003, as
25 scheduled by that law, but that section is reenacted to read:

26 240.47 Short title.--Sections 240.47-240.497 may be
27 cited as the "Florida Higher Education Loan Authority Act."

28 Section 217. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.471,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31 scheduled by that law, but that section is reenacted to read:

1 240.471 Purpose.--It is the purpose of this act to
2 provide assistance and an additional method of financing the
3 cost of higher education to students and the families of
4 students attending institutions of higher education in this
5 state and to encourage investment of private capital to
6 provide funds for financing student loans.

7 Section 218. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.472,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.472 Definitions.--As used in this act:

12 (1) "Authority" means any public corporation created
13 by s. 240.473 or any board, body, commission, department, or
14 officer of the county succeeding to the principal functions
15 thereof or to whom the powers conferred upon an authority by
16 this act are given by this act.

17 (2) "Authority loan" means any loan by an authority to
18 an institution of higher education for the purpose of funding
19 education loans.

20 (3) "Bond" or "revenue bond" means any revenue bond of
21 an authority issued under the provisions of this act,
22 including any revenue-refunding bond, notwithstanding that the
23 bond may be secured by mortgage or the full faith and credit
24 of a participating institution of higher education or any
25 other lawfully pledged security of a participating institution
26 of higher education.

27 (4) "Bond resolution" means the resolution of an
28 authority and the trust agreement, if any, and any supplement
29 or amendment to the foregoing, authorizing the issuance of,
30 and providing for the terms and conditions applicable to,
31 obligations.

1 (5) "Bond service charge" means the principal
2 (including mandatory sinking fund requirements for retirement
3 of obligations) and interest, and redemption premium, if any,
4 required to be paid by an authority on obligations.

5 (6) "Borrower" means any student who has received an
6 education loan or any parent who has received or agreed to pay
7 an education loan.

8 (7) "Clerk" means the clerk of a commission or the
9 county officer charged with the duties customarily imposed
10 upon the clerk.

11 (8) "Commission" means a board of county commissioners
12 or other body charged with governing the county.

13 (9) "Default insurance" means insurance insuring
14 education loans, authority loans, or obligations against
15 default.

16 (10) "Default reserve fund" means a fund established
17 pursuant to a bond resolution for the purpose of securing
18 education loans, authority loans, or obligations.

19 (11) "Education loan" means a loan which is made by an
20 institution to a student or the parents of a student, or both,
21 in an amount not in excess of the maximum amount specified in
22 regulations to be formulated by the authority, in order to
23 finance all or any part of the cost of the student's
24 attendance at such institution.

25 (12) "Education loan series portfolio" means all
26 educational loans made by a specific institution which are
27 funded from the proceeds of an authority loan to such
28 institution out of the proceeds of a related specific issue of
29 obligations through the authority.

30 (13) "Institution" means any college or university
31 which, by virtue of law or charter, is accredited by and holds

1 membership in the Commission on Recognition of Postsecondary
2 Accreditation; which grants baccalaureate or associate
3 degrees; which is not a pervasively sectarian institution; and
4 which does not discriminate in the admission of students on
5 the basis of race, color, religion, sex, or creed.

6 (14) "Loan funding deposit" means moneys or other
7 property which is deposited by an institution with the
8 authority or a trustee for the purpose of:

- 9 (a) Providing security for obligations;
10 (b) Funding a default reserve fund;
11 (c) Acquiring default insurance; or
12 (d) Defraying costs of the authority, and

13

14 which shall be in such amounts as are deemed necessary by the
15 authority as a condition for participation by such institution
16 in the program of the authority.

17 (15) "Obligation" means any revenue bond, note, or
18 other evidence of indebtedness of an authority, including any
19 interest coupon pertaining thereto, issued under this act,
20 including any refunding bond.

21 (16) "Parent" means any parent or guardian of a
22 student at an institution.

23 (17) "Participating institution" means an institution
24 of higher education which, pursuant to the provisions of this
25 act, undertakes the financing of an educational student loan
26 program or undertakes the refunding or refinancing of
27 obligations, a mortgage, or advances as provided in and
28 permitted by this act.

29 (18) "Person" means any person, firm, partnership,
30 association, corporation, or other body, public or private.

31

1 Section 219. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.473,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.473 Authority; creation, membership, terms of
6 members, expenses.--

7 (1) In each county there is created a public body
8 corporate and politic to be known as the "... County
9 Education Loan Authority." Each such authority is constituted
10 as a public instrumentality, and its exercise of the powers
11 conferred by this act shall be deemed the performance of an
12 essential public function. No authority shall transact any
13 business or exercise any power pursuant to this act until the
14 commission by ordinance or resolution declares that there is a
15 need for an authority to function in such county.

16 (2) The commission may adopt such an ordinance or
17 resolution of need if it finds that the youth of the county
18 and state do not have the opportunity to attend institutions
19 of higher learning located within the county because of their
20 inability to obtain financing for the cost of such education
21 and the inability of such institutions to provide adequate
22 financial aid to their students.

23 (3) In any suit, action, or proceeding involving the
24 validity or enforcement of or relating to any contract of the
25 authority, the authority shall be conclusively deemed to have
26 been established and authorized to transact business and
27 exercise its powers hereunder upon proof of the adoption of an
28 ordinance or resolution by the commission declaring the need
29 for the authority. Such ordinance or resolution shall be
30 sufficient if it declares that there is such a need for an
31 authority in the county. A copy of such ordinance or

1 resolution certified by the clerk shall be admissible in
2 evidence in any suit, action, or proceeding.

3 (4) The ordinance or resolution shall designate five
4 persons as members of the authority. The membership of the
5 authority shall include:

6 (a) A trustee, director, officer, or employee of an
7 institution located in such county.

8 (b) One lay citizen who does not derive a majority of
9 his or her income from education or an education-related
10 field.

11 (c) Two persons from the commercial financial
12 community in the county, each of whom has a favorable
13 reputation for skill, knowledge, and experience in the field
14 of state and municipal finance.

15 (d) One person from the commercial financial community
16 or educational community in the state who has a favorable
17 reputation for skill, knowledge, and experience in the field
18 of higher education loan finance.

19 (5) Of the members first appointed, one shall serve
20 for 1 year, one for 2 years, one for 3 years, one for 4 years,
21 and one for 5 years, in each case until his or her successor
22 is appointed and has qualified. Thereafter, the commission
23 shall appoint for terms of 5 years each members to succeed
24 those whose terms will expire. The commission shall fill any
25 vacancy for the unexpired portion of the term. Any member of
26 the authority may be reappointed. Any member of the authority
27 may be removed by the commission for misfeasance, malfeasance,
28 or willful neglect of duty. Before entering upon his or her
29 duties, each member of the authority shall take and subscribe
30 to the oath or affirmation required by the State Constitution.
31

1 A record of each such oath shall be filed with the Department
2 of State and with the clerk.

3 (6) The authority shall annually elect one of its
4 members as chair and one as vice chair and shall also appoint
5 an executive director who shall not be a member of the
6 authority and who shall serve at the pleasure of the authority
7 and receive such compensation as fixed by the authority.

8 (7) The executive director shall keep a record of the
9 proceedings of the authority and shall be custodian of all
10 books, documents, and papers filed with the authority; the
11 minute book or journal of the authority; and its official
12 seal. The director may have copies made of all minutes and
13 other records and documents of the authority and may give
14 certificates under the official seal of the authority to the
15 effect that such copies are true copies, and any person
16 dealing with the authority may rely upon any such certificate.

17 (8) Three members of the authority shall constitute a
18 quorum, and the affirmative vote of a majority of the members
19 present at a meeting shall be necessary for any action to be
20 taken; however, any action may be taken by an authority with
21 the unanimous consent of all of the members. A vacancy in the
22 membership of the authority shall not impair the right of a
23 quorum to exercise the rights or perform the duties of the
24 authority. The majority shall not include any member who has a
25 conflict of interest, and a statement by a member of a
26 conflict of interest is conclusive for this purpose. Any
27 action taken by the authority under the provisions of this act
28 may be authorized by resolution at any regular or special
29 meeting. Each such resolution shall take effect immediately
30 and need not be published or posted.

31

1 (9) The members of the authority shall receive no
2 compensation for the performance of their duties, but each
3 member, when engaged in the performance of such duties, shall
4 be entitled to per diem and travel expenses as provided in s.
5 112.061.

6 (10) Notwithstanding any other law to the contrary, it
7 shall not be, nor shall it constitute, a conflict of interest
8 for a trustee, director, officer, or employee of an
9 institution to serve as a member of the authority.

10 Section 220. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.474,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.474 Functions and powers of authority.--Each
15 authority shall have the following functions and powers:

16 (1) To adopt rules for the regulation of its affairs
17 and the conduct of its business.

18 (2) To adopt an official seal.

19 (3) To maintain an office at a place it designates.

20 (4) To sue and be sued in its own name and to plead
21 and be impleaded.

22 (5) To establish rules for the use of education loan
23 financing programs and to designate a participating
24 institution as its agent to establish rules for the use of a
25 program undertaken by such participating institution.

26 (6) To issue obligations for the purpose of making
27 authority loans to participating institutions for the purpose
28 of providing education loans utilizing such eligibility
29 standards for borrowers as the authority determines to be
30 necessary, but such standards shall include the following:

31

1 (a) Each student shall have a certificate of admission
2 or enrollment at a participating institution;

3 (b) Each student or his or her parents shall satisfy
4 such financial qualifications as the authority shall
5 establish; and

6 (c) Each student and his or her parents shall submit
7 such information to the applicable institution as may be
8 required by the authority.

9 (7) To contract with financial institutions and other
10 qualified loan origination and servicing organizations, which
11 shall assist in prequalifying borrowers for education loans
12 and which shall service and administer each education loan and
13 the respective loan series portfolio of each institution, and
14 to establish sufficient fees for each educational loan to
15 cover the applicable pro rata cost of such servicing and
16 originating organizations.

17 (8) To establish criteria governing the eligibility of
18 institutions to participate in its programs, the making and
19 allocation of authority loans and education loans, provisions
20 for default, the establishment of default reserve funds, the
21 purchase of default insurance, the provision of prudent debt
22 service reserves, and the furnishing by participating
23 institutions of such additional guarantees of the education
24 loans, authority loans, or obligations as the authority shall
25 determine necessary to assure the marketability of the
26 obligations and the adequacy of the security therefor;
27 however, the provisions applicable to participation by Florida
28 public participating institutions in the financing programs of
29 the authority shall be subject to approval and authorization
30 by the budgetary and other state agencies having jurisdiction
31 over those institutions.

1 (9) To fix, revise, charge, and collect rates, fees,
2 and charges for services furnished by the authority and to
3 contract with any person in respect thereto, including any
4 financial institution, loan originator, servicer,
5 administrator, issuer of letters of credit, or insurer.

6 (10) To employ consultants, attorneys, accountants,
7 financial experts, loan processors, bankers, managers, and
8 such other employees and agents as may be necessary and to fix
9 their compensation.

10 (11) To receive and accept, from any source, loans,
11 contributions, or grants for or in aid of an authority
12 education loan financing program or any portion thereof and,
13 when required, to use such funds, property, or labor only for
14 the purposes for which it was loaned, contributed, or granted.

15 (12) To make authority loans to institutions and
16 require that the proceeds thereof be used solely for making
17 education loans or for costs and fees in connection therewith
18 and to require institutions to obtain certification from each
19 borrower that proceeds from any education loan are used solely
20 for the purpose intended by this act.

21 (13) To charge to and apportion among participating
22 institutions administrative and operating costs and expenses
23 incurred in the exercise of the powers and duties conferred by
24 this act.

25 (14) To borrow working capital funds and other funds
26 as may be necessary for startup and continuing operations,
27 provided that such funds are borrowed solely in the name of
28 the authority. Such borrowings shall be limited obligations of
29 the character described in s. 240.479 and shall be payable
30 solely from revenues of the authority or proceeds of
31 obligations pledged for that purpose.

1 (15) Notwithstanding any other provisions of this act,
2 to commingle and pledge as security for a series or issue of
3 obligations, with the consent of all of the institutions which
4 are participating in such series or issue:

5 (a) The education loan series portfolios and some or
6 all future education loan series portfolios of such
7 institutions; and

8 (b) The loan funding deposits of such institutions,
9 except that education loan series portfolios and other
10 security and moneys set aside in any fund pledged for any
11 series or issue of obligations shall be held for the sole
12 benefit of such series or issue separate and apart from
13 education loan series portfolios and other security and moneys
14 pledged for any other series of issue of obligations of the
15 authority. Obligations may be issued in series under one or
16 more resolutions or trust agreements in the discretion of the
17 authority.

18 (16) To examine records and financial reports of
19 participating institutions and to examine records and
20 financial reports of any contractor organization or
21 institution retained by the authority under the provisions of
22 this act.

23 (17) To make loans to a participating institution to
24 refund outstanding obligations, mortgages, or advances issued,
25 made, or given by such institution for authority loans; and
26 whenever such refunding obligations are issued to refund
27 obligations, the proceeds of which were used to make authority
28 loans, the authority may reduce the amount of interest owed to
29 it by the institution which had received authority loans from
30 the proceeds of the refunded obligations. Such institution
31 may use this reduced amount to reduce the amount of interest

1 being paid on education loans which the institution had made
2 pursuant to the authority loans from the proceeds of the
3 refunded obligations.

4 (18) To authorize its officers, agents, and employees
5 to take any other action which is necessary in order to carry
6 out the purposes of this act.

7 Section 221. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.475,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.475 Expenses of authority.--All expenses incurred
12 in carrying out the provisions of this act shall be payable
13 solely from funds provided under the provisions of this act;
14 and, except as specifically authorized under this act, no
15 liability shall be incurred by an authority beyond the extent
16 to which moneys have been provided under this act.

17 Section 222. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.476,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted to read:

21 240.476 Higher education facilities authority as
22 higher education loan authority.--As an alternative to the
23 creation of an authority, a commission may confer all rights,
24 powers, privileges, duties, and immunities of an authority
25 upon any entity in existence on July 1, 1982, which has been
26 authorized by law to function as a higher education facilities
27 authority pursuant to the provisions of chapter 243. Any such
28 entity which has been vested with the rights, powers,
29 privileges, duties, and immunities of a higher education loan
30 authority shall be subject to all provisions and
31 responsibilities imposed by this act, notwithstanding any

1 provisions to the contrary in any law which established the
2 entity. Nothing in this act shall be construed to impair or
3 diminish any powers of any other entity in existence on July
4 1, 1982, or to repeal, modify, or amend any law establishing
5 such entity, except as specifically set forth herein.

6 Section 223. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.477,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted to read:

10 240.477 Moneys, endowments, properties; acquisition,
11 deposit, and guarantees.--Each authority is authorized to
12 establish specific guidelines relating to the deposits of
13 moneys, endowments, or properties by institutions which
14 moneys, endowments, or properties would provide prudent
15 security for education loan funding programs, authority loans,
16 education loans, or obligations; and it may establish
17 guidelines relating to guarantees of, or contracts to
18 purchase, education loans or obligations by such institutions,
19 financial institutions, or others. A default reserve fund may
20 be established for each series or issue of obligations. In
21 this regard, the authority is empowered to receive such
22 moneys, endowments, properties, and guarantees as it deems
23 appropriate and, if necessary, to take title in the name of
24 the authority or in the name of a participating institution or
25 a trustee, subject, however, to the limitations applicable to
26 public participating institutions set forth in s. 240.474(8).

27 Section 224. Notwithstanding subsection (7) of section
28 3 of chapter 2000-321, Laws of Florida, section 240.478,
29 Florida Statutes, shall not stand repealed January 7, 2003, as
30 scheduled by that law, but that section is reenacted to read:

31

1 240.478 Conveyance of loan funding deposit to
2 participating institutions.--When the principal of and
3 interest on obligations of an authority issued to finance the
4 cost of an education loan financing program, including any
5 refunding obligations issued to refund and refinance such
6 obligations, have been fully paid and retired or when adequate
7 provision has been made to fully pay and retire the
8 obligations and all other conditions of the bond resolution
9 have been satisfied and the lien created by such bond
10 resolution has been released in accordance with the provisions
11 thereof, the authority shall promptly do such things and
12 execute such deeds and conveyances as are necessary to convey
13 any remaining moneys, properties, and other assets comprising
14 loan funding deposits to the institutions in proportion to the
15 amounts furnished by the respective institutions.

16 Section 225. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.479,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.479 Notes of authority.--An authority may issue
21 its negotiable notes for any corporate purpose and renew any
22 notes by the issuance of new notes, whether or not the notes
23 to be renewed have matured. The authority may issue notes
24 partly to renew notes or to discharge other obligations then
25 outstanding and partly for any other purpose. The notes may be
26 authorized, sold, executed, and delivered in the same manner
27 as bonds. Any resolution authorizing notes of the authority
28 or any issue thereof may contain any provisions which the
29 authority is authorized to include in any resolution
30 authorizing revenue bonds or any issue thereof, and the
31 authority may include in any notes any terms, covenants, or

1 conditions which it is authorized to include in any bonds.
2 All such notes shall be payable solely from the revenues of
3 the authority, subject only to any contractual rights of the
4 holders of any of its notes or other obligations then
5 outstanding.

6 Section 226. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.48,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted to read:

10 240.48 Issuance of obligations.--

11 (1) An authority may issue its negotiable revenue
12 obligations for any corporate purpose. In anticipation of the
13 sale of such obligations, the authority may issue negotiable
14 bond anticipation notes and may renew them, but the maximum
15 maturity of any such note, including renewals thereof, shall
16 not exceed 5 years from the date of issue of the original
17 note. Such notes shall be paid from revenues of the authority
18 available therefor and not otherwise pledged or from the
19 proceeds of sale of the revenue bonds of the authority in
20 anticipation of which they were issued. The notes shall be
21 issued in the same manner as the revenue bonds. Such notes and
22 the resolution authorizing them may contain any provisions,
23 conditions, or limitations which a bond resolution of the
24 authority may contain.

25 (2) Each issue of obligations shall be payable solely
26 out of those revenues of the authority that pertain to the
27 program relating to such issue, including principal and
28 interest on authority loans and education loans; payments by
29 institutions of higher education, banks, insurance companies,
30 or others pursuant to letters of credit or purchase
31 agreements; investment earnings from funds or accounts

1 maintained pursuant to the bond resolution; insurance
2 proceeds; loan funding deposits; proceeds of sales of
3 education loans; proceeds of refunding obligations; and fees,
4 charges, and other revenues of the authority from such
5 program, subject only to any agreements with the holders of
6 particular revenue bonds or notes pledging any particular
7 reserves.

8 (3) The obligations may be issued as serial
9 obligations or as term obligations, or in both forms. The
10 obligations shall be authorized by a bond resolution of the
11 authority and shall bear such dates; mature at such times, not
12 to exceed the year following the last year in which the final
13 payments in an education loan series portfolio are due or 30
14 years, whichever is sooner, from their respective dates of
15 issue; bear interest at such rates; be payable at such times;
16 be in such denominations; be in such form, either coupon or
17 fully registered; carry such registration and conversion
18 privileges; be payable in lawful money of the United States of
19 America at such places; and be subject to such terms of
20 redemption as such bond resolution may provide. Obligations
21 shall be executed by the manual or facsimile signatures of
22 such officers of the authority as shall be designated by the
23 authority. Obligations may be sold at public or private sale
24 in such manner and for such price as the authority shall
25 determine. Pending preparation of the definitive bonds, the
26 authority may issue interim receipts or certificates which
27 shall be exchanged for such definitive bonds.

28 (4) Any bond resolution may contain provisions, which
29 shall be a part of the contract with the holders of the
30 obligations to be authorized, as to:

31

1 (a) The pledging or assigning of all or part of the
2 revenues derived from the authority loans and education loans
3 to secure the payment of the obligations to be issued.

4 (b) The fees and other amounts to be charged; the sums
5 to be raised in each year thereby; and the use, investment,
6 and disposition of such sums.

7 (c) The setting aside of loan funding deposits, debt
8 service reserves, capitalized interest accounts, cost of
9 insurance accounts, and sinking funds and the regulation,
10 investment, and disposition thereof.

11 (d) Limitations on the right of the authority or its
12 agent to restrict and regulate the use of education loans.

13 (e) Limitations on the purpose to which the proceeds
14 of sale of any issue of obligations then or thereafter to be
15 issued may be invested or applied.

16 (f) Limitations on the issuance of additional
17 obligations; the terms upon which additional obligations may
18 be issued and secured; the terms upon which additional
19 obligations may rank on a parity with, or be subordinate or
20 superior to, other obligations; and the refunding of
21 outstanding obligations.

22 (g) The procedure, if any, by which the terms of any
23 contract with bondholders may be amended or abrogated, the
24 amount of obligations the holders of which must consent
25 thereto, and the manner in which such consent may be given.

26 (h) Limitations on the amount of moneys derived from
27 the loan program to be expended for operating, administrative,
28 or other expenses of the authority.

29 (i) Defining the acts or omissions to act which
30 constitute a default in the duties of the authority to holders
31

1 of obligations and providing the rights or remedies of such
2 holders in the event of a default.

3 (j) Providing for guarantees, pledges or endowments,
4 letters of credit, property, or other security for the benefit
5 of the holders of such obligations.

6 (k) Any other matters relating to the obligations
7 which the authority deems desirable to include in the bond
8 resolution.

9 (5) Neither the members of the authority nor any
10 person executing the obligations shall be liable personally on
11 the obligations or be subject to any personal liability or
12 accountability by reason of the issuance thereof.

13 (6) The authority shall have power to purchase its
14 obligations out of any funds available therefor. The
15 authority may hold, pledge, cancel, or resell such obligations
16 subject to and in accordance with agreements with bondholders.

17 (7) The authority shall have the power to refund any
18 of its obligations. Such refunding obligations shall be
19 issued in the same manner as other obligations of the
20 authority.

21 Section 227. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.481,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted to read:

25 240.481 Trust agreement to secure obligations.--In the
26 discretion of the authority, any obligations issued under the
27 provisions of this act may be secured by a trust agreement by
28 and between the authority and a corporate trustee, which may
29 be any trust company or bank having the powers of a trust
30 company within or without the state. The trust agreement may
31 pledge or assign the revenues to be received by the authority;

1 may contain such provisions for protecting and enforcing the
2 rights and remedies of the bondholders as may be reasonable
3 and proper and not in violation of law, particularly including
4 such provisions as have hereinabove been specifically
5 authorized to be included in any bond resolution of the
6 authority; and may restrict individual rights of action by
7 bondholders. Any bank or trust company incorporated under the
8 laws of this state which may act as depository of the proceeds
9 of bonds or of revenues or other moneys may furnish such
10 indemnifying bonds or pledge such securities as may be
11 required by the authority. Any such trust agreement may set
12 forth the rights and remedies of the bondholders and of the
13 trustee. In addition, any trust agreement may contain such
14 other provisions as the authority may deem reasonable and
15 proper for the security of the bondholders. All expenses
16 incurred in carrying out the provisions of the trust agreement
17 may be treated as part of the cost of the operation of an
18 education loan program.

19 Section 228. Notwithstanding subsection (7) of section
20 3 of chapter 2000-321, Laws of Florida, section 240.482,
21 Florida Statutes, shall not stand repealed January 7, 2003, as
22 scheduled by that law, but that section is reenacted to read:

23 240.482 Payment of obligations.--Obligations issued
24 under the provisions of this act shall not be deemed to
25 constitute a debt or liability of the state or the county or a
26 pledge of the faith and credit of the state or any county, but
27 such obligations shall be payable solely from the funds herein
28 provided therefor from revenues. Each such obligation shall
29 contain on its face a statement to the effect that neither the
30 county nor the authority shall be obligated to pay the same or
31 the interest thereon except from revenues of the loan program

1 for which it is issued and that neither the faith and credit
2 nor the taxing power of the state or of any political
3 subdivision thereof is pledged to the payment of the principal
4 of or the interest on such bonds. The issuance of obligations
5 under the provisions of this act shall not directly,
6 indirectly, or contingently obligate the state or any
7 political subdivision thereof to levy or pledge any form of
8 taxation whatever therefor or to make any appropriation for
9 their payment.

10 Section 229. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.483,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.483 Pledge of revenues.--Each authority shall fix,
15 revise, charge, and collect fees, and it is empowered to
16 contract with any person in respect thereof. Each agreement
17 entered into by the authority with an institution shall
18 provide that the fees and other amounts payable by the
19 institution of higher education with respect to any program of
20 the authority shall be sufficient at all times to:

21 (1) Pay the institution's share of the administrative
22 costs and expenses of such program;

23 (2) Pay the principal of, the premium, if any, on, and
24 the interest on outstanding obligations of the authority which
25 have been issued in respect of such program to the extent that
26 other revenues of the authority pledged for the payment of the
27 obligations are insufficient to pay the obligations as they
28 become due and payable;

29 (3) Create and maintain reserves which may, but need
30 not, be required or provided for in the bond resolution
31 relating to such obligations of the authority; and

1 (4) Establish and maintain whatever education loan
2 servicing, control, or audit procedures are deemed necessary
3 to the prudent operations of the authority.
4

5 The authority shall pledge the revenues from each program as
6 security for the issue of obligations relating to such
7 program. Such pledge shall be valid and binding from the time
8 the pledge is made; the revenues so pledged by the authority
9 shall immediately be subject to the lien of such pledge
10 without any physical delivery thereof or further act, and the
11 lien of any such pledge shall be valid and binding against all
12 parties having claims of any kind in tort, in contract, or
13 otherwise against the authority or any participating
14 institution, irrespective of whether such parties have notice
15 thereof.

16 Section 230. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.484,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.484 Funds as trust funds.--All moneys received by
21 or on behalf of an authority pursuant to this act, whether as
22 proceeds from the sale of obligations or as revenues, shall be
23 deemed to be trust funds to be held and applied solely as
24 provided in this act. Any officer with whom, or any bank or
25 trust company with which, such moneys are deposited shall act
26 as trustee of such moneys and shall hold and apply the same
27 for the purposes of this act, subject to such regulations as
28 this act and the bond resolution authorizing the issue of any
29 obligations may provide.

30 Section 231. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.485,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.485 Obligations; qualities of investment
4 securities.--All obligations issued under the provisions of
5 this act, regardless of form or terms, shall have all the
6 qualities and incidents, including negotiability, of
7 investment securities under the Uniform Commercial Code.
8 Compliance with the provisions of such code respecting the
9 filing of a financing statement to perfect a security interest
10 is not necessary for perfecting any security interest granted
11 by an authority.

12 Section 232. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.486,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted to read:

16 240.486 Rights of holders of obligations.--Any holder
17 of obligations issued pursuant to this act or a trustee under
18 a trust agreement entered into pursuant to this act, except to
19 the extent that the rights herein given may be restricted by
20 any bond resolution or trust agreement, may, by any suitable
21 form of legal proceedings:

22 (1) Protect and enforce any and all rights under the
23 laws of this state or granted hereunder or by the bond
24 resolution or trust agreement;

25 (2) Enjoin unlawful activities; and

26 (3) In the event of default with respect to the
27 payment of any principal of, premiums, if any, on, and
28 interest on any obligation or in the performance of any
29 covenant or agreement on the part of the authority in the bond
30 resolution, apply to the circuit court to appoint a receiver
31 to administer and operate the education loan program or

1 programs, the revenues of which are pledged to the payment of
2 principal of, premium, if any, on, and interest on such
3 obligations, with full power to pay, and to provide for
4 payment of, principal of, premium, if any, on, and interest on
5 such obligations and with such powers, subject to the
6 direction of the court, as are permitted by law and are
7 accorded receivers, excluding any power to pledge additional
8 revenues of the authority to the payment of such principal,
9 premium, and interest.

10 Section 233. Notwithstanding subsection (7) of section
11 3 of chapter 2000-321, Laws of Florida, section 240.487,
12 Florida Statutes, shall not stand repealed January 7, 2003, as
13 scheduled by that law, but that section is reenacted to read:

14 240.487 Refunding obligations; purpose, proceeds;
15 investment of proceeds.--

16 (1) An authority may provide for the issuance of
17 obligations for the purpose of refunding any of its
18 obligations then outstanding, including the payment of any
19 redemption premium thereon and any interest accrued or to
20 accrue to the earliest or any subsequent date of redemption,
21 purchase, or maturity of such obligations.

22 (2) The proceeds of any such obligations issued for
23 the purpose of refunding outstanding obligations may, in the
24 discretion of the authority, be applied to the purchase or
25 retirement at maturity or redemption of such outstanding
26 obligations either on their earliest or any subsequent
27 redemption date or upon the purchase or at the maturity
28 thereof and may, pending such application, be placed in escrow
29 to be applied to such purchase or retirement at maturity or
30 redemption on such date as may be determined by the authority.

31

1 (3) Any such escrowed proceeds, pending such use, may
2 be invested and reinvested in direct obligations of the United
3 States of America or in certificates of deposit or time
4 deposits of financial institutions secured as to principal by
5 such direct obligations, which direct obligations,
6 certificates of deposit, or time deposits mature at such time
7 as shall be appropriate to assure the prompt payment, as to
8 principal, interest, and redemption premium, if any, of the
9 outstanding obligations to be so refunded. The interest,
10 income, and profits, if any, earned or realized on any such
11 investment may also be applied to the payment of the
12 outstanding obligations to be so refunded. After the terms of
13 the escrow have been fully satisfied and carried out, any
14 balance of such proceeds and interest, income, and profits, if
15 any, earned or realized on the investments thereof shall be
16 returned to the authority for use in any lawful manner.

17 (4) All such refunding bonds shall be subject to this
18 act in the same manner and to the same extent as other revenue
19 bonds issued pursuant to this act.

20 Section 234. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.488,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted to read:

24 240.488 Investment of funds of authority.--Except as
25 otherwise provided in s. 240.487(3), an authority may invest
26 any funds in:

27 (1) Direct obligations of the United States of
28 America;

29 (2) Obligations as to which the timely payment of
30 principal and interest is fully guaranteed by the United
31 States of America;

1 (3) Obligations of the Federal Intermediate Credit
2 Banks, Federal Banks for Cooperatives, Federal Land Banks,
3 Federal Home Loan Banks, Federal National Mortgage
4 Association, Government National Mortgage Association, and
5 Student Loan Marketing Association;

6 (4) Certificates of deposit or time deposits
7 constituting direct obligations of any financial institution
8 as defined by the financial institutions codes, as now or
9 hereafter amended, except that investments may be made only in
10 those certificates of deposit or time deposits in financial
11 institutions which are insured by the appropriate federal
12 regulatory agency as defined in s. 655.005; and

13 (5) Withdrawable capital accounts or deposits of state
14 or federally chartered savings and loan associations which are
15 insured by an agency of the Federal Government. Any such
16 securities may be purchased at the offering or market price
17 thereof at the time of such purchase. All such securities so
18 purchased shall mature or be redeemable on a date prior to the
19 time when, in the judgment of the authority, the funds so
20 invested will be required for expenditure. The express
21 judgment of the authority as to the time when any funds will
22 be required for expenditure or be redeemable is final and
23 conclusive.

24 Section 235. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.489,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted to read:

28 240.489 Obligations as legal investments.--Any bank,
29 banker, trust company, savings bank or institution, building
30 and loan association, savings and loan association, investment
31 company, or other person carrying on a banking business or

1 investment business; insurance company or insurance
2 association; executor, administrator, guardian, trustee, or
3 other fiduciary; or public officer or public body of the state
4 or its political subdivisions may legally invest any sinking
5 funds, moneys, or other funds belonging to it or within its
6 control in any obligations issued pursuant to this act.

7 Section 236. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.49,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.49 Validation of bonds and proceedings.--A higher
12 education loan authority shall determine its authority to
13 issue any of its bonds, and the legality of all proceedings in
14 connection therewith, as provided in chapter 75.

15 Section 237. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.491,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted to read:

19 240.491 Actions to contest validity of bonds.--An
20 action or proceeding to contest the validity of any bond
21 issued under this act, other than a proceeding pursuant to s.
22 240.49, shall be commenced within 30 days after notification,
23 in a newspaper of general circulation within the area, of the
24 passage by the authority of the resolution authorizing the
25 issuance of such bond.

26 Section 238. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.492,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.492 Annual report.--Each authority shall keep an
31 accurate account of all of its activities and shall annually

1 provide a report thereof to the commission and to the
2 Commissioner of Education. Such report shall be a public
3 record and open for inspection at the offices of the authority
4 during normal business hours. The report shall include:
5 (1) Summaries of all applications by institutions of
6 higher education for education loan financing assistance
7 presented to the authority during such fiscal year;
8 (2) Summaries of all education loan programs which
9 have received any form of financial assistance from the
10 authority during such year;
11 (3) The nature and amount of all education loan
12 financing assistance;
13 (4) A report concerning the financial condition of the
14 various education loan series portfolios; and
15 (5) Projected activities of the authority for the next
16 fiscal year, including projections of the total amount of
17 financial assistance anticipated and the amount of obligations
18 that will be necessary to provide the projected level of
19 assistance during the next fiscal year.

20 Section 239. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.493,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted to read:

24 240.493 Act as alternative method.--This act shall be
25 deemed to provide a complete, additional, and alternative
26 method for the doing of the things authorized hereby and shall
27 be regarded as supplemental and additional to powers or rights
28 conferred by other laws; however, the issuance of obligations
29 and refunding obligations under this act need not comply with
30 the requirements of any other law applicable to the issuance
31 of obligations. Except as otherwise expressly provided in

1 this act, none of the powers granted to an authority under
2 this act shall be subject to the supervision or regulation, or
3 require the approval or consent, of any municipality or
4 political subdivision or any department, division, commission,
5 board, body, bureau, official, or agency thereof or of the
6 state.

7 Section 240. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.494,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.494 State agreement.--The state does hereby pledge
12 to and agree with the holders of any obligations issued under
13 this act, and with those parties who may enter into contracts
14 with an authority pursuant to the provisions of this act, that
15 the state will not limit or alter the rights hereby vested in
16 the authority until such obligations, together with the
17 interest thereon, are fully met and discharged and such
18 contracts are fully performed on the part of the authority;
19 however, nothing herein contained shall preclude such
20 limitation or alteration if adequate provision is made by law
21 for the protection of the holders of such obligations of an
22 authority or those entering into such contracts with an
23 authority. An authority is authorized to include this pledge
24 and undertaking for the state in such obligations or
25 contracts.

26 Section 241. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.495,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.495 Conflicts of interest.--

31

1 (1) If any member, officer, or employee of an
2 authority has an interest, either direct or indirect, in any
3 contract to which the authority is, or is to be, a party or in
4 any institution requesting an authority loan from the
5 authority, such interest shall be disclosed to the authority
6 in writing and shall be set forth in the minutes of the
7 authority. The person having such interest shall not
8 participate in any action by the authority with respect to
9 such contract or such institution.

10 (2) Nothing in this section shall be construed to
11 limit the right of any member, officer, or employee of an
12 authority to acquire an interest in bonds of the authority or
13 to have an interest in any banking institution in which the
14 bonds of the authority are, or are to be, deposited or which
15 is, or is to be, acting as trustee or paying agent under any
16 bond resolution, trust indenture, or similar instrument to
17 which the authority is a party.

18 Section 242. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.496,
20 Florida Statutes, shall not stand repealed January 7, 2003, as
21 scheduled by that law, but that section is reenacted to read:

22 240.496 Liberal construction.--This act, being
23 necessary for the welfare of the state and its inhabitants,
24 shall be liberally construed to effect its purpose.

25 Section 243. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.497,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted to read:

29 240.497 Tax exemption.--Neither an authority nor its
30 agent or trustee shall be required to pay any taxes or
31 assessments upon any transactions, or any property acquired or

1 used by the authority or its agents or trustees under the
2 provisions of this act or upon the income therefrom. Any
3 bonds, notes, or other obligations issued under the provisions
4 of this act and their transfer and the income therefrom,
5 including any profit made on the sale thereof, shall at all
6 times be exempt from taxation of any kind by the state or any
7 of its political subdivisions. The exemption granted by this
8 section shall not be applicable to any tax imposed by chapter
9 220 on interest, income, or profits on debt obligations owned
10 by corporations.

11 Section 244. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.4975,
13 Florida Statutes, shall not stand repealed January 7, 2003, as
14 scheduled by that law, but that section is reenacted to read:

15 240.4975 State Board of Administration authority to
16 borrow and lend funds to finance student loans; conditions and
17 limitations.--

18 (1) The State of Florida, acting through the State
19 Board of Administration, is authorized to borrow funds to
20 finance student loans and to lend such funds to eligible
21 lenders described under the provisions of the Higher Education
22 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
23 be amended, or other federal laws providing for the guarantee
24 of loans to students and the partial payment of interest on
25 such loans by the United States Government.

26 (2) In order to obtain such funds, the State of
27 Florida, acting through the State Board of Administration, is
28 authorized to enter into loan agreements and interlocal
29 agreements with any county, municipality, special district, or
30 other local governmental body. Such agreements shall be for
31 such periods and under such terms and conditions as may be

1 mutually agreed upon by the parties thereto in order to carry
2 out the purposes of s. 15, Art. VII of the State Constitution.
3 The loans shall be repaid only from the proceeds received
4 under loan agreements with eligible lenders or from the
5 proceeds received from the repayment of the student loans.

6 Such agreements shall provide that the loans to the state will
7 not constitute a general or moral obligation or a pledge of
8 the faith and credit or the taxing power of the state.

9 (3) The State of Florida, acting through the State
10 Board of Administration, is further authorized to enter into
11 loan agreements or other contracts under which the state will
12 loan the funds obtained from the local governments to eligible
13 lenders as defined in s. 435(g)(1)(D) of the Higher Education
14 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
15 be amended, or other federal laws providing for the guarantee
16 of loans to students and the partial payment of interest on
17 such loans by the United States Government. Such agreements
18 or contracts shall be for such periods and under such terms
19 and conditions as may be mutually agreed upon by the parties
20 thereto in order to carry out the purposes of s. 15, Art. VII
21 of the State Constitution. Higher Education Loan Program of
22 Florida, Inc., a Florida nonprofit corporation, is hereby
23 designated an eligible lender hereunder, and any other lender,
24 to the extent permitted under s. 435(g)(1)(D) of the Higher
25 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
26 or as may be amended, or other federal laws providing for the
27 guarantee of loans to students and the partial payment of
28 interest on such loans by the United States Government, may be
29 designated by the Governor, with the concurrence of the State
30 Board of Administration, as an eligible lender hereunder.

31

1 (4) The State of Florida, acting through the State
2 Board of Administration, is further authorized to enter into
3 such further contracts and to take such further actions as may
4 be necessary or convenient in order to carry out the purposes
5 of this section.

6 (5) Notice shall be published in a newspaper of
7 general circulation within the territorial jurisdiction of the
8 governmental body following adoption by the local governmental
9 body of a resolution authorizing a loan agreement or
10 interlocal agreement under this section. An action or
11 proceeding to contest the validity of any such loan agreement
12 or interlocal agreement must be commenced within 30 days after
13 publication of such notice.

14 (6) The provisions of this section shall be liberally
15 construed in order to effectively carry out its purposes.
16 This section shall be deemed to provide an additional and
17 alternative method for the doing of the things authorized
18 hereby and shall be regarded as supplemental to powers
19 conferred by other laws, and shall not be regarded as in
20 derogation of any powers now existing.

21 Section 245. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.498,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted and
25 amended to read:

26 240.498 Florida Education Fund.--

27 (1) This section shall be known and may be cited as
28 the "Florida Education Fund Act."

29 (2)(a) The Florida Education Fund, a not-for-profit
30 statutory corporation, is created from a challenge endowment
31 grant from the McKnight Foundation and operates on income

1 derived from the investment of endowment gifts and other gifts
2 as provided by state statute and appropriate matching funds as
3 provided by the state.

4 (b) The amount appropriated to the fund shall be on
5 the basis of \$1 for each \$2 contributed by private sources.
6 The Florida Education Fund shall certify to the Legislature
7 the amount of donations contributed between July 1, 1990, and
8 June 30, 1991. Only the new donations above the certified base
9 shall be calculated for state matching funds during the first
10 year of the program. In subsequent years, only the new
11 donations above the certified prior year base shall be
12 calculated for state matching funds.

13 (3) The Florida Education Fund shall use the income of
14 the fund to provide for programs which seek to:

15 (a) Enhance the quality of higher educational
16 opportunity in this state;

17 (b) Enhance equality by providing access to effective
18 higher education programs by minority and economically
19 deprived individuals in this state, with particular
20 consideration to be given to the needs of both blacks and
21 women; and

22 (c) Increase the representation of minorities in
23 faculty and administrative positions in higher education in
24 this state and to provide more highly educated minority
25 leadership in business and professional enterprises in this
26 state.

27 (4) The Florida Education Fund shall be administered
28 by a board of directors, which is hereby established.

29 (a) The board of directors shall consist of 12
30 members, to be appointed as follows:

31 1. Two laypersons appointed by the Governor;

1 2. Two laypersons appointed by the President of the
2 Senate;

3 3. Two laypersons appointed by the Speaker of the
4 House of Representatives;

5 4. Two representatives of the state universities ~~State~~
6 ~~University System~~ appointed by the director of the Division of
7 Colleges and Universities and two representatives of the state
8 community colleges appointed by the director of the Division
9 of Community Colleges; and ~~Board of Regents~~;

10 ~~5. Two representatives of the Florida Community~~
11 ~~College System~~ appointed by the ~~State Board of Community~~
12 ~~Colleges~~; and

13 ~~5.6. One representative~~ Two representatives of
14 independent colleges or universities appointed by the
15 Commission for Independent Education and one representative of
16 independent colleges and universities appointed by the ~~State~~
17 ~~Board of Independent Colleges and Universities~~ of Florida.

18
19 The board of directors may appoint to the board an additional
20 five members from the private sector for the purpose of
21 assisting in the procurement of private contributions. Such
22 members shall serve as voting members of the board.

23 (b) Each of the educational sectors in paragraph (a)
24 shall be represented by a president and a faculty member of
25 the corresponding institutions.

26 (c) Each director shall hold office for a term of 3
27 years or until resignation or removal for cause. A director
28 may resign at any time by filing his or her written
29 resignation with the executive secretary for the board. The
30 terms of the directors shall be staggered so that the terms of
31 one-third of the directors will expire annually.

1 (d) In the event of a vacancy on the board caused by
2 other than the expiration of a term, a new member shall be
3 appointed by the appointing entity in the sector of which the
4 vacancy occurs.

5 (e) Each member is accountable to the Governor for the
6 proper performance of the duties of his or her office. The
7 Governor shall cause any complaint or unfavorable report
8 received concerning an action of the board or any of its
9 members to be investigated and shall take appropriate action
10 thereon. The Governor may remove any member from office for
11 malfeasance, misfeasance, neglect of duty, incompetence, or
12 permanent inability to perform his or her official duties or
13 for pleading nolo contendere to, or being found guilty of, a
14 crime.

15 (5) The Board of Directors of the Florida Education
16 Fund shall review and evaluate initial programs created by the
17 McKnight Foundation and continue funding the Black Doctorate
18 Fellowship Program and the Junior Fellowship Program if the
19 evaluation is positive, and the board shall identify,
20 initiate, and fund new and creative programs and monitor,
21 review, and evaluate those programs. The purpose of this
22 commitment is to broaden the participation and funding
23 potential for further significant support of higher education
24 in this state. In addition, the board shall:

25 (a) Hold such meetings as are necessary to implement
26 the provisions of this section.

27 (b) Select a chairperson annually.

28 (c) Adopt and use an official seal in the
29 authentication of its acts.

30 (d) Make rules for its own government.

31 (e) Administer this section.

1 (f) Appoint an executive director to serve at its
2 pleasure and perform all duties assigned by the board. The
3 executive director shall be the chief administrative officer
4 and agent of the board.

5 (g) Maintain a record of its proceedings.

6 (h) Delegate to the chairperson of the board the
7 responsibility for signing final orders.

8 (i) Utilize existing higher education organizations,
9 associations, and agencies to carry out its educational
10 programs and purposes with minimal staff employment.

11 (j) Be empowered to enter into contracts with the
12 Federal Government, state agencies, or individuals.

13 (k) Receive bequests, gifts, grants, donations, and
14 other valued goods and services. Such bequests and gifts
15 shall be used only for the purpose or purposes stated by the
16 donor.

17 (6) The board of directors is authorized to establish
18 a trust fund from the proceeds of the Florida Education Fund.
19 All funds deposited into the trust fund shall be invested
20 pursuant to the provisions of s. 215.47. Interest income
21 accruing to the unused portion of the trust fund shall
22 increase the total funds available for endowments. The
23 Department of Education may, at the request of the board of
24 directors, administer the fund for investment purposes.

25 (7) It is the intent of the Legislature that the Board
26 of Directors of the Florida Education Fund recruit eligible
27 residents of the state before it extends its search to
28 eligible nonresidents. However, for the purposes of subsection
29 (8), the board of directors shall recruit eligible residents
30 only. It is further the intent of the Legislature that the

31

1 board of directors establish service terms, if any, that
2 accompany the award of moneys from the fund.

3 (8) There is created a legal education component of
4 the Florida Education Fund to provide the opportunity for
5 minorities to attain representation within the legal
6 profession proportionate to their representation within the
7 general population. The legal education component of the
8 Florida Education Fund includes a law school program and a
9 pre-law program.

10 (a) The law school scholarship program of the Florida
11 Education Fund is to be administered by the Board of Directors
12 of the Florida Education Fund for the purpose of increasing by
13 200 the number of minority students enrolled in law schools in
14 this state. Implementation of this program is to be phased in
15 over a 3-year period.

16 1. The board of directors shall provide financial,
17 academic, and other support to students selected for
18 participation in this program from funds appropriated by the
19 Legislature.

20 2. Student selection must be made in accordance with
21 rules adopted by the board of directors for that purpose and
22 must be based, at least in part, on an assessment of potential
23 for success, merit, and financial need.

24 3. Support must be made available to students who
25 enroll in private, as well as public, law schools in this
26 state which are accredited by the American Bar Association.

27 4. Scholarships must be paid directly to the
28 participating students.

29 5. Students who participate in this program must agree
30 in writing to sit for The Florida Bar examination and, upon
31 successful admission to The Florida Bar, to either practice

1 law in the state for a period of time equal to the amount of
2 time for which the student received aid, up to 3 years, or
3 repay the amount of aid received.

4 6. Annually the board of directors shall compile a
5 report that includes a description of the selection process,
6 an analysis of the academic progress of all scholarship
7 recipients, and an analysis of expenditures. This report must
8 be submitted to the President of the Senate, the Speaker of
9 the House of Representatives, and the Governor.

10 (b) The minority pre-law scholarship loan program of
11 the Florida Education Fund is to be administered by the Board
12 of Directors of the Florida Education Fund for the purpose of
13 increasing the opportunity of minority students to prepare for
14 law school.

15 1. From funds appropriated by the Legislature, the
16 board of directors shall provide for student fees, room,
17 board, books, supplies, and academic and other support to
18 selected minority undergraduate students matriculating at
19 eligible public and independent colleges and universities in
20 Florida.

21 2. Student selection must be made in accordance with
22 rules adopted by the board of directors for that purpose and
23 must be based, at least in part, on an assessment of potential
24 for success, merit, and financial need.

25 3. To be eligible, a student must make a written
26 agreement to enter or be accepted to enter a law school in
27 this state within 2 years after graduation or repay the
28 scholarship loan amount plus interest at the prevailing rate.

29 4. Recipients who fail to gain admission to a law
30 school within the specified period of time, may, upon
31

1 admission to law school, be eligible to have their loans
2 canceled.

3 5. Minority pre-law scholarship loans shall be
4 provided to 34 minority students per year for up to 4 years
5 each, for a total of 136 scholarship loans. To continue
6 receipt of scholarship loans, recipients must maintain a 2.75
7 grade point average for the freshman year and a 3.25 grade
8 point average thereafter. Participants must also take
9 specialized courses to enhance competencies in English and
10 logic.

11 6. The board of directors shall maintain records on
12 all scholarship loan recipients. Participating institutions
13 shall submit academic progress reports to the board of
14 directors following each academic term. Annually, the board
15 of directors shall compile a report that includes a
16 description of the selection process, an analysis of the
17 academic progress of all scholarship loan recipients, and an
18 analysis of expenditures. This report must be submitted to
19 the President of the Senate, the Speaker of the House of
20 Representatives, and the Governor.

21 Section 246. Section 240.4986, Florida Statutes, is
22 repealed.

23 Section 247. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.4987,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.4987 Florida Minority Medical Education Program.--

29 (1) There is created a Florida Minority Medical
30 Education Program to be administered by the Department of
31 Education in accordance with rules established by the State

1 Board of Education. The program shall provide scholarships to
2 enable minority students to pursue a medical education at
3 Florida State University, the University of Florida, the
4 University of South Florida, the University of Miami, or
5 Southeastern University of the Health Sciences, for the
6 purpose of addressing the primary health care needs of
7 underserved groups.

8 (2) In order to be eligible to receive a scholarship
9 pursuant to this section, an applicant shall:

10 (a) Be a racial or ethnic minority student.

11 (b) Be a citizen of the United States and meet the
12 general eligibility requirements as provided in s. 240.404,
13 except as otherwise provided in this section.

14 (c) Have maintained residency in this state for no
15 less than 1 year preceding the award.

16 (d) Be accepted by, and enroll as a full-time student
17 in, a Florida medical school.

18 (e) Have an undergraduate grade point average
19 established by rule.

20 (f) Have received scores on selected examinations
21 established by rule.

22 (g) Meet financial need requirements established by
23 rule.

24 (h) Agree to serve in a medical corps for a period of
25 not less than 2 years for the purpose of providing health care
26 to underserved individuals in the State of Florida.

27 (3) In order to renew a scholarship awarded pursuant
28 to this section, a student shall maintain full-time student
29 status and a cumulative grade point average established by
30 rule.

31

1 (4) The number of scholarships annually awarded shall
2 be three per school. Priority in the distribution of
3 scholarships shall be given to students with the lowest total
4 family resources.

5 (5) Funds appropriated by the Legislature for the
6 program shall be deposited in the State Student Financial
7 Assistance Trust Fund. Interest income accruing to the program
8 from funds of the program in the trust fund not allocated
9 shall increase the funds available for scholarships. Any
10 balance in the trust fund at the end of any fiscal year that
11 has been allocated to the program shall remain in the trust
12 fund and shall be available for carrying out the purposes of
13 this section.

14 (6) A scholarship recipient who, upon graduation,
15 defaults on the commitment to serve in the medical corps for
16 the full 2 years shall be required to repay all scholarship
17 money plus interest.

18 (7) The State Board of Education shall adopt rules
19 necessary to implement the provisions of this section.

20 Section 248. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.4988,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted to read:

24 240.4988 The Theodore R. and Vivian M. Johnson
25 Scholarship Program.--

26 (1) There is established the Theodore R. and Vivian M.
27 Johnson Scholarship Program to be administered by the Board of
28 Regents. The program shall provide scholarships to students
29 attending a State University System institution. The program
30 shall be funded by contributions from the Theodore R. and
31 Vivian M. Johnson Scholarship Foundation and from state

1 matching funds to be allocated from the Trust Fund for Major
2 Gifts.

3 (2) The amount to be allocated to the program shall be
4 on the basis of a 50-percent match of funds from the Trust
5 Fund for Major Gifts for each contribution received from the
6 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
7 funds allocated to the program, including the corpus and
8 interest income, shall be expended for scholarships to benefit
9 disabled students of the State University System.

10 (3) Students eligible for receipt of scholarship funds
11 shall provide documentation of a disability and shall have a
12 demonstrated financial need for the funds.

13 Section 249. Notwithstanding subsection (7) of section
14 3 of chapter 2000-321, Laws of Florida, section 240.4989,
15 Florida Statutes, shall not stand repealed January 7, 2003, as
16 scheduled by that law, but that section is reenacted to read:

17 240.4989 Educational leadership enhancement grants.--

18 (1) State universities and public community colleges
19 may submit proposals for educational leadership enhancement
20 grants to the Commissioner of Education. Proposals shall be
21 funded competitively.

22 (2) To be eligible for funding, proposals must create
23 programs designed to strengthen the academic and professional
24 coursework or executive management preparation of women and
25 minorities.

26 (3) Each proposal must include specific measurable
27 goals and objectives.

28 (4) The State Board of Education may adopt any rules
29 necessary to implement the provisions of this grant program.

30 (5) The grant program shall be implemented to the
31 extent funded in the General Appropriations Act.

1 Section 250. Section 240.499, Florida Statutes, is
2 created to read:

3 240.499 The William L. Boyd, IV, Florida resident
4 access grants.--

5 (1) The Legislature finds that independent, nonprofit
6 colleges and universities that are eligible to participate in
7 the William L. Boyd, IV, Florida Resident Access Grant Program
8 are an integral part of the higher education system in this
9 state and that a significant number of state residents choose
10 this form of higher education. The Legislature further finds
11 that a strong and viable system of independent, nonprofit
12 colleges and universities reduces the tax burden on the
13 residents of this state.

14 (2) The William L. Boyd, IV, Florida Resident Access
15 Grant Program shall be administered by the Department of
16 Education. The State Board of Education shall adopt rules for
17 administering the program.

18 (3) The department shall issue through the program a
19 William L. Boyd, IV, Florida resident access grant to any
20 full-time, degree-seeking undergraduate student registered at
21 an independent, nonprofit college or university that is
22 located in and chartered by the state; that is accredited by
23 the Commission on Colleges of the Southern Association of
24 Colleges and Schools; that grants baccalaureate degrees; that
25 is not a state university or state community college; and that
26 has a secular purpose, so long as the receipt of state aid by
27 students at the institution would not have the primary effect
28 of advancing or impeding religion or result in an excessive
29 entanglement between the state and any religious sect. Any
30 independent college or university that was eligible to receive
31 tuition vouchers on January 1, 1989, and that continues to

1 meet the criteria under which its eligibility was established,
2 shall remain eligible to receive William L. Boyd, IV, Florida
3 resident access grant payments.

4 (4) A person is eligible to receive a William L. Boyd,
5 IV, Florida resident access grant if he or she meets the
6 general requirements, including residency, for student
7 eligibility as provided in s. 240.404, except as otherwise
8 provided in this section, and if he or she:

9 (a) Is enrolled as a full-time undergraduate student
10 at an eligible college or university;

11 (b) Is not enrolled in a program of study leading to a
12 degree in theology or divinity; and

13 (c) Is making satisfactory academic progress as
14 defined by the college or university in which he or she is
15 enrolled.

16 (5)(a) Funding for the William L. Boyd, IV, Florida
17 Resident Access Grant Program shall be based on a formula
18 composed of planned enrollment and the state cost of funding
19 undergraduate enrollment at public institutions under s.
20 240.271. The amount of the William L. Boyd, IV, Florida
21 resident access grant issued to a full-time student shall be
22 an amount specified in the General Appropriations Act. The
23 William L. Boyd, IV, Florida resident access grant may be paid
24 on a prorated basis in advance of the registration period. The
25 department shall make such payments to the college or
26 university in which the student is enrolled for credit to the
27 student's account for payment of tuition and fees.

28 Institutions shall certify to the department the amount of
29 funds disbursed to each student and shall remit to the
30 department any undisbursed advances or refunds within 60 days
31 after the end of regular registration. A student is not

1 eligible to receive the award for more than 9 semesters or 14
2 quarters, except as otherwise provided in s. 240.404(3).

3 (b) If the combined amount of the William L. Boyd, IV,
4 Florida resident access grant issued under this section and
5 all other scholarships and grants for tuition or fees exceeds
6 the amount charged to the student for tuition and fees, the
7 department shall reduce the William L. Boyd, IV, Florida
8 resident access grant issued under this section by an amount
9 equal to such excess.

10 (6) Funds appropriated by the Legislature for the
11 William L. Boyd, IV, Florida Resident Access Grant Program
12 shall be deposited in the State Student Financial Assistance
13 Trust Fund. Notwithstanding s. 216.301 and pursuant to s.
14 216.351, any balance in the trust fund at the end of any
15 fiscal year which has been allocated to the William L. Boyd,
16 IV, Florida Resident Access Grant Program shall remain in the
17 trust fund and shall be available for carrying out the
18 purposes of this section. If the number of eligible students
19 exceeds the total authorized in the General Appropriations
20 Act, an institution may use its own resources to assure that
21 each eligible student receives the full benefit of the grant
22 amount authorized.

23 Section 251. Section 240.4991, Florida Statutes, is
24 created to read:

25 240.4991 Ethics in Business Scholarship Program.--The
26 Division of Colleges and Universities shall administer the
27 Ethics in Business Scholarship Program. The division shall use
28 moneys appropriated and allocated to the program to create
29 endowments that provide scholarships to undergraduate college
30 students enrolled in public postsecondary education

31

1 institutions. First priority for the award of a scholarship is
2 to students who demonstrate financial need.

3 Section 252. Section 240.4992, Florida Statutes, is
4 created to read:

5 240.4992 Ethics in business scholarships.--When the
6 Department of Insurance receives a \$6 million settlement as
7 specified in the Consent Order of the Treasurer and Insurance
8 Commissioner, case number 18900-96-c, that portion of the \$6
9 million not used to satisfy the requirements of section 18 of
10 the Consent Order must be transferred from the Insurance
11 Commissioner's Regulatory Trust Fund to the State Student
12 Financial Assistance Trust Fund and is appropriated from the
13 State Student Financial Assistance Trust Fund to provide
14 Ethics in Business scholarships to students enrolled in public
15 community colleges and independent postsecondary education
16 institutions eligible to participate in the William L. Boyd,
17 IV, Florida Resident Access Grant Program. The funds shall be
18 allocated to institutions for scholarships in the following
19 ratio: Two-thirds for community colleges and one-third for
20 eligible independent institutions. The Department of Education
21 shall administer the scholarship program for students
22 attending community colleges and independent institutions.
23 These funds must be allocated to institutions that provide an
24 equal amount of matching funds generated by private donors for
25 the purpose of providing Ethics in Business scholarships.
26 Public funds and funds collected for other purposes may not be
27 used to provide the match. Notwithstanding any other law, the
28 State Board of Administration may invest the funds
29 appropriated under this section. The State Board of Education
30 may adopt rules for administering the program.

31

1 Section 253. Section 240.4993, Florida Statutes, is
2 created to read:

3 240.4993 Florida Work Experience Program.--

4 (1) The Florida Work Experience Program is established
5 and shall be administered by the Department of Education. The
6 purpose of the program is to introduce eligible students to
7 work experience that will complement and reinforce their
8 educational program and career goals and provide a self-help
9 student aid program. The program shall be available to any
10 student attending:

11 (a) A state university or community college authorized
12 by state law; or

13 (b) A nonprofit postsecondary education institution in
14 this state which is eligible to participate in the Florida
15 Private Student Assistance Grant Program or the Florida
16 Postsecondary Student Grant Program under s. 240.409.

17 (2)(a) A participating institution may use up to 25
18 percent of its program allocation for student employment
19 within the institution.

20 (b) A participating institution may use up to 10
21 percent of its program allocation for program administration.

22 (3) Each participating institution may enter into
23 contractual agreements with private or public employers for
24 the purpose of establishing a Florida work experience program.

25 (4) Each participating postsecondary educational
26 institution shall reimburse employers for student wages from
27 moneys it receives from the trust fund, as authorized in this
28 section. Public elementary or secondary school employers shall
29 be reimbursed for 100 percent of the student's wages by the
30 participating institution. All other employers shall be
31 reimbursed for 70 percent of the student's wages. When a

1 college or university employs a student on campus through this
2 program, other student financial aid funds may not be used to
3 fund the institution's 30-percent portion of the student's
4 wages.

5 (5) The employer shall furnish the full cost of any
6 mandatory benefits. Such benefits may not be considered part
7 of the 30-percent wage requirement total for matching
8 purposes.

9 (6) A student is eligible to participate in the
10 Florida Work Experience Program if the student:

11 (a) Is enrolled at an eligible college or university
12 as no less than a half-time undergraduate student in good
13 standing. However, a student may be employed during the break
14 between two consecutive terms or employed, although not
15 enrolled, during a term if the student was enrolled at least
16 half time during the preceding term and preregisters as no
17 less than a half-time student for the subsequent academic
18 term. A student who attends an institution that does not
19 provide preregistration shall provide documentation of intent
20 to enroll as no less than a half-time student for the
21 subsequent academic term;

22 (b) Meets the general requirements for student
23 eligibility as provided in s. 240.404, except as otherwise
24 provided in this section;

25 (c) Demonstrates financial need; and

26 (d) Maintains a 2.0 cumulative grade-point average on
27 a 4.0 scale for all college work.

28 (7) The Department of Education shall prescribe rules
29 that are necessary for administering the program, for
30 determining eligibility and selecting institutions to receive
31 funds for students, for ensuring the proper expenditure of

1 funds, and for providing an equitable distribution of funds
2 between students at public and independent colleges and
3 universities.

4 (8) Funds appropriated by the Legislature for the
5 Florida Work Experience Program shall be deposited into the
6 State Student Financial Assistance Trust Fund. The Comptroller
7 shall authorize expenditures from the trust fund upon receipt
8 of vouchers approved by the Department of Education.

9 Notwithstanding s. 216.301 and pursuant to s. 216.351, any
10 balance in the trust fund at the end of any fiscal year which
11 has been allocated to the program shall remain in the trust
12 fund and shall be available for carrying out the purposes of
13 the program.

14 Section 254. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.501,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 240.501 Assent to Smith-Lever Act ~~provisions of Act of~~
20 ~~Congress approved May 8, 1914;~~ board of trustees ~~Regents~~
21 authorized to receive grants, etc.--The Legislature, in behalf
22 of and for the state, assents to, and gives its assent to, the
23 provisions and requirements of an a certain Act of Congress
24 commonly known as the "Smith-Lever Act," and all acts
25 supplemental thereto, approved by the President May 8, 1914,
26 ~~being entitled "An Act to provide for cooperative agricultural~~
27 ~~extension work between the agricultural colleges in the~~
28 ~~several states receiving the benefits of the Act of Congress,~~
29 ~~approved July 2, 1862, and of acts supplementary thereto, and~~
30 ~~the United States Department of Agriculture"~~ and the Board of
31 Trustees of the University of Florida ~~Regents~~, having

1 supervision over and control of the University of Florida,
2 located at Gainesville, may receive the grants of money
3 appropriated under that ~~said~~ Act of Congress and organize and
4 conduct agricultural and home economics extension work, which
5 shall be carried on in connection with the Institute of Food
6 and Agricultural Sciences at the University of Florida, in
7 accordance with the terms and conditions expressed in that
8 ~~said~~ Act of Congress.

9 Section 255. Section 240.503, Florida Statutes, is
10 repealed.

11 Section 256. Section 240.504, Florida Statutes, is
12 created to read:

13 240.504 Assent to Sections 1444 and 1445 of the Food
14 and Agricultural Act of 1977; board of trustees authorized to
15 receive grants.--The assent of the Legislature is given to the
16 provisions and requirements of ss. 1444 and 1445 of the Act of
17 Congress commonly known as the "Food and Agricultural Act of
18 1977," and all acts supplemental thereto. The Board of
19 Trustees of Florida Agricultural and Mechanical University may
20 receive grants of money appropriated under the act and may
21 organize and conduct agricultural research, which shall be
22 carried on in conjunction with the College of Engineering
23 Services, Sciences, Technology, and Agriculture at Florida
24 Agricultural and Mechanical University, in accordance with the
25 terms and conditions in that Act of Congress.

26 Section 257. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.505,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted and
30 amended to read:

31

1 240.505 County or area extension programs; cooperation
2 between counties, the ~~and~~ University of Florida, and Florida
3 Agricultural and Mechanical University.--

4 (1) The Florida Cooperative Extension Service shall be
5 administered through the University of Florida and receive
6 program support from the University of Florida and Florida
7 Agricultural and Mechanical University, in collaboration with
8 individual county governments.County or area extension
9 programs will be developed, based on local situations, needs,
10 and problems, supported by scientific and technical
11 information developed by the University of Florida, Florida
12 Agricultural and Mechanical University,the United States
13 Department of Agriculture, and other sources of research
14 information. This information will be made available through
15 the local program, with the aid of research scientists and
16 extension specialists of the University of Florida,the
17 Institute of Food and Agricultural Sciences, and Florida
18 Agricultural and Mechanical University.

19 (2) In each county or other geographic subdivision the
20 board of county commissioners or other legally constituted
21 governing body will annually determine the extent of its
22 financial participation in cooperative extension work. The
23 extent of such financial participation by the counties will
24 influence the number of county extension agents and clerical
25 staff employed and the scope of the local extension program.

26 (3) Boards of county commissioners or other legally
27 constituted governing bodies will approve or disapprove of
28 persons recommended for extension positions in the county. If
29 the governing body of the county notifies the extension
30 service by resolution that it wants a list of three qualified
31 candidates, then the extension service shall, for each

1 position, make its recommendation by submitting a list of not
2 fewer than three qualified persons, or all qualified persons
3 if three or fewer. From this list, the board of county
4 commissioners, or other legally constituted governing body,
5 shall make its selection. If none of the persons recommended
6 are approved, the extension service shall continue to submit
7 lists of not fewer than three additional qualified persons
8 until one person is selected. If the governing body of the
9 county does not forward such a resolution to the extension
10 service, the extension service shall recommend one qualified
11 candidate to the governing body. If a person recommended is
12 not approved, the extension service shall recommend another
13 qualified candidate and shall repeat this procedure as
14 necessary until one person is selected. Extension agents so
15 appointed shall ~~will~~ be faculty ~~staff~~ members of the
16 University of Florida or Florida Agricultural and Mechanical
17 University, depending on the source of funds. It is the
18 responsibility of the cooperative extension service to
19 determine qualifications for positions.

20 (4) Although county extension agents are jointly
21 employed by the state universities and federal, ~~state,~~ and
22 county governments for the purposes of administration of the
23 cooperative extension service, the personnel policies and
24 procedures of the Board of Trustees of Regents ~~and the~~
25 University of Florida or the Board of Trustees of Florida
26 Agricultural and Mechanical University, depending on the
27 appointment, shall ~~will~~ apply except in those instances when
28 federal legislation or the basic memorandum of understanding
29 is applicable.

30 (5) The University of Florida shall ~~will~~ provide ~~the~~
31 ~~staff~~ of county extension personnel in the county with

1 supervision and resources for planning and programming, ~~and-~~
2 ~~The university~~ is responsible for the programming process. The
3 Florida Cooperative Extension Service shall ~~it will~~ make
4 available needed program materials to the extension agents
5 through the subject matter specialists or through other
6 resource persons available from within the university. The
7 Florida Cooperative Extension Service shall maintain ~~it will~~
8 ~~be responsible for maintaining~~ a high level of technical
9 competence in the county extension staff through a continuous
10 program of inservice training.

11 (6) The county extension director shall ~~will~~ report
12 periodically to the board of county commissioners or other
13 legally constituted governing body on programs underway and
14 results in the county. Each board of county commissioners or
15 other legally constituted governing body shall ~~will~~ develop a
16 plan that enables ~~which will enable~~ it to be kept informed on
17 the progress and results of the local extension program so
18 that its own knowledge of program needs and problems ~~may~~
19 become a part of the educational work carried on by the
20 agents. Such plan shall provide for a means of communicating
21 the board's satisfaction with the extension program to the
22 county extension director and the cooperative extension
23 service.

24 Section 258. Notwithstanding subsection (7) of section
25 3 of chapter 2000-321, Laws of Florida, section 240.507,
26 Florida Statutes, shall not stand repealed January 7, 2003, as
27 scheduled by that law, but that section is reenacted and
28 amended to read:

29 240.507 Extension personnel; federal health insurance
30 programs notwithstanding the provisions of s. 110.123.--The
31 Institute of Food and Agricultural Sciences at the University

1 of Florida may ~~is authorized to~~ pay the employer's share of
2 premiums to the Federal Health Benefits Insurance Program from
3 its appropriated budget for any cooperative extension employee
4 of the institute having ~~both~~ state university and federal
5 appointments and participating in the Federal Civil Service
6 Retirement System.

7 Section 259. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, section 240.5095,
9 Florida Statutes, shall not stand repealed January 7, 2003, as
10 scheduled by that law, but that section is reenacted to read:

11 240.5095 Pari-mutuel wagering funded research and
12 development programs.--Each fiscal year, the first \$250,000 of
13 the funds credited to the Pari-mutuel Wagering Trust Fund
14 shall be used to fund the establishment and implementation of
15 research and development programs at the University of
16 Florida. The University of Florida shall administer the
17 distribution of the funds. These programs must include, but
18 are not limited to:

19 (1) Research related to the breeding, health, feeding,
20 or training of dogs and horses.

21 (2) Development of continuing education programs for
22 individuals involved in the care and treatment of dogs and
23 horses at pari-mutuel facilities.

24 (3) Establishment of a postmortem evaluation program
25 for break-down injuries of dogs and horses.

26 (4) Research and development of helmet safety and the
27 improvement of jai alai equipment.

28 Section 260. Notwithstanding subsection (7) of section
29 3 of chapter 2000-321, Laws of Florida, section 240.511,
30 Florida Statutes, shall not stand repealed January 7, 2003, as
31

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.511 Agricultural experiment stations; assent to
4 Act of Congress; federal appropriation.--The objects and
5 purposes contained in the Act of Congress entitled "An Act to
6 provide for an increased annual appropriation for agricultural
7 experiment stations and regulating the expenditure thereof"
8 are assented to; and the Board of Trustees of the University
9 of Florida may ~~Department of Education is authorized to accept~~
10 and receive the annual appropriations for the use and benefit
11 of the agricultural experiment station fund of the Institute
12 of Food and Agricultural Sciences at Agricultural Department
13 ~~of~~ the University of Florida, located at Gainesville, upon the
14 terms and conditions contained in said Act of Congress.

15 Section 261. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.5111,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted and
19 amended to read:

20 240.5111 Multidisciplinary Center for Affordable
21 Housing.--

22 (1) The ~~Board of Regents shall establish the~~
23 Multidisciplinary Center for Affordable Housing is established
24 within the School of Building Construction of the College of
25 Architecture of the University of Florida with the
26 collaboration of other related disciplines such as
27 agriculture, business administration, engineering, law, and
28 medicine. The center shall work in conjunction with other
29 state universities and colleges in the State University
30 ~~System~~. The Multidisciplinary Center for Affordable Housing
31 shall:

1 (a) Conduct research relating to the problems and
2 solutions associated with the availability of affordable
3 housing in the state for families who are below the median
4 income level and widely disseminate the results of such
5 research to appropriate public and private audiences in the
6 state. Such research shall emphasize methods to improve the
7 planning, design, and production of affordable housing,
8 including, but not limited to, the financial, maintenance,
9 management, and regulatory aspects of residential development.

10 (b) Provide public services to local, regional, and
11 state agencies, units of government, and authorities by
12 helping them create regulatory climates that are amenable to
13 the introduction of affordable housing within their
14 jurisdictions.

15 (c) Conduct special research relating to firesafety.

16 (d) Provide a focus for the teaching of new technology
17 and skills relating to affordable housing in the state.

18 (e) Develop a base of informational and financial
19 support from the private sector for the activities of the
20 center.

21 (f) Develop prototypes for both multifamily and
22 single-family units.

23 (g) Establish a research agenda and general work plan
24 in cooperation with the Department of Community Affairs which
25 is the state agency responsible for research and planning for
26 affordable housing and for training and technical assistance
27 for providers of affordable housing.

28 (h) Submit a report to the Governor, the President of
29 the Senate, and the Speaker of the House of Representatives by
30 January 1 of each year. The annual report shall include
31 information relating to the activities of the center,

1 including collaborative efforts with public and private
2 entities, affordable housing models, and any other findings
3 and recommendations related to the production of safe, decent,
4 and affordable housing.

5 (2) The Director of the Multidisciplinary Center for
6 Affordable Housing shall be appointed by the Dean of the
7 College of Architecture of the University of Florida.

8 Section 262. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.512,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.512 H. Lee Moffitt Cancer Center and Research
14 Institute.--There is established the H. Lee Moffitt Cancer
15 Center and Research Institute at the University of South
16 Florida.

17 (1) The State Board of Education ~~Board of Regents~~
18 shall enter into an agreement for the use ~~utilization~~ of the
19 lands and facilities on the campus of the University of South
20 Florida to be known as the H. Lee Moffitt Cancer Center and
21 Research Institute, including all furnishings, equipment, and
22 other chattels used in the operation of said facilities, with
23 a Florida not-for-profit corporation organized solely for the
24 purpose of governing and operating the H. Lee Moffitt Cancer
25 Center and Research Institute. The ~~This~~ not-for-profit
26 corporation, ~~acting as an instrumentality of the State of~~
27 ~~Florida,~~ shall govern and operate the H. Lee Moffitt Cancer
28 Center and Research Institute in accordance with the terms of
29 the agreement between the State Board of Education ~~Regents~~ and
30 the not-for-profit corporation. The not-for-profit corporation
31 may, with the prior approval of the State Board of Education

1 ~~Regents~~, create not-for-profit corporate subsidiaries to
2 fulfill its mission. The not-for-profit corporation and its
3 not-for-profit subsidiaries shall be corporations primarily
4 acting as instrumentalities of the state, pursuant to s.
5 768.28(2), for purposes of sovereign immunity.The
6 not-for-profit corporation and its subsidiaries may ~~are~~
7 ~~authorized~~ to receive, hold, invest, and administer property
8 and any moneys received from private, local, state, and
9 federal sources, as well as technical and professional income
10 generated or derived from practice activities of the
11 institute, for the benefit of the institute and the
12 fulfillment of its mission. The affairs of the corporation
13 shall be managed by a board of directors who shall serve
14 without compensation. The President of the University of South
15 Florida and the chair of the State Board of Education ~~Board of~~
16 ~~Regents~~, or his or her designee, shall be directors of the
17 not-for-profit corporation, together with 5 representatives
18 from other state universities and colleges of the State
19 ~~University System~~ and no more than 14 nor fewer than 10
20 directors who are not medical doctors or state employees. Each
21 director shall have only one vote, shall serve a term of 3
22 years, and may be reelected to the board. Other than the
23 President of the University of South Florida and the chair of
24 the State Board of Education ~~board of Regents~~, directors shall
25 be elected by a majority vote of the board. The chair of the
26 board of directors shall be selected by majority vote of the
27 directors.

28 (2) The State Board of Education ~~Regents~~ shall provide
29 in the agreement with the not-for-profit corporation for the
30 following:
31

1 (a) Approval of the articles of incorporation of the
2 not-for-profit corporation by the State Board of Education
3 ~~Regents~~.

4 (b) Approval of the articles of incorporation of any
5 not-for-profit corporate subsidiary created by the
6 not-for-profit corporation.

7 (c) Utilization of lands, hospital facilities, and
8 personnel by the not-for-profit corporation and its
9 subsidiaries for mutually approved teaching and research
10 programs conducted by the University of South Florida or other
11 accredited medical schools or research institutes.

12 (d) Preparation of an annual postaudit of the
13 not-for-profit corporation's financial accounts and the
14 financial accounts of any subsidiaries to be conducted by an
15 independent certified public accountant. The annual audit
16 report shall include management letters and shall be submitted
17 to the Auditor General and the State Board of Education ~~Board~~
18 ~~of Regents~~ for review. The State Board of Education ~~Board of~~
19 ~~Regents~~, the Auditor General, and the Office of Program Policy
20 Analysis and Government Accountability may ~~shall have the~~
21 ~~authority to~~ require and receive from the not-for-profit
22 corporation and any subsidiaries or from their independent
23 auditor any detail or supplemental data relative to the
24 operation of the not-for-profit corporation or subsidiary.

25 (e) Provision by the not-for-profit corporation and
26 its subsidiaries of equal employment opportunities to all
27 persons regardless of race, color, religion, sex, age, or
28 national origin.

29 (3) The State Board of Education ~~may Regents is~~
30 ~~authorized to~~ secure comprehensive general liability
31 protection, including professional liability protection, for

1 the not-for-profit corporation and its subsidiaries pursuant
2 to s. 240.213.

3 (4) ~~If in the event that~~ the agreement between the
4 not-for-profit corporation and the State Board of Education
5 ~~Regents~~ is terminated for any reason, the State Board of
6 Education Regents shall assume ~~resume~~ governance and operation
7 of the said facilities.

8 (5) The institute shall be administered by a chief
9 executive officer ~~center director~~ who shall serve at the
10 pleasure of the board of directors of the not-for-profit
11 corporation and who shall have the following powers and duties
12 subject to the approval of the board of directors:

13 (a) The chief executive officer ~~center director~~ shall
14 establish programs that ~~which~~ fulfill the mission of the
15 institute in research, education, treatment, prevention, and
16 the early detection of cancer; however, the chief executive
17 officer may ~~center director shall~~ not establish academic
18 programs for which academic credit is awarded and which
19 terminate in the conference of a degree without prior approval
20 of the State Board of Education Regents.

21 (b) The chief executive officer ~~center director~~ shall
22 have control over the budget and the dollars appropriated or
23 donated to the institute from private, local, state, and
24 federal sources, as well as technical and professional income
25 generated or derived from practice activities of the
26 institute. However, professional income generated by
27 university faculty from practice activities at the institute
28 shall be shared between the institute and the university as
29 determined by the chief executive officer ~~center director~~ and
30 the appropriate university dean or vice president ~~department~~
31 ~~chair~~.

1 (c) The chief executive officer ~~center director~~ shall
2 appoint members to carry out the research, patient care, and
3 educational activities of the institute and determine
4 compensation, benefits, and terms of service. Members of the
5 institute shall be eligible to hold concurrent appointments at
6 affiliated academic institutions. University faculty shall be
7 eligible to hold concurrent appointments at the institute.

8 (d) The chief executive officer ~~center director~~ shall
9 have control over the use and assignment of space and
10 equipment within the facilities.

11 (e) The chief executive officer ~~center director~~ shall
12 have the power to create the administrative structure
13 necessary to carry out the mission of the institute.

14 (f) The chief executive officer ~~center director~~ shall
15 have a reporting relationship to the State Board of Education
16 ~~Chancellor of the State University System~~.

17 (g) The chief executive officer ~~center director~~ shall
18 provide a copy of the institute's annual report to the
19 Governor and Cabinet, the President of the Senate, the Speaker
20 of the House of Representatives, and the chair of the State
21 Board of Education ~~Board of Regents~~.

22 (6) The board of directors of the not-for-profit
23 corporation shall create a council of scientific advisers to
24 the chief executive officer ~~center director~~ comprised of
25 leading researchers, physicians, and scientists. This council
26 shall review programs and recommend research priorities and
27 initiatives so as to maximize the state's investment in the
28 institute. The council shall be appointed by the board of
29 directors of the not-for-profit corporation ~~and shall include~~
30 ~~five appointees of the Board of Regents~~. Each member of the
31

1 council shall be appointed to serve a 2-year term and may be
2 reappointed to the council.

3 (7) In carrying out the provisions of this section,
4 the not-for-profit corporation and its subsidiaries are not
5 "agencies" within the meaning of s. 20.03(11).

6 (8)(a) Records of the not-for-profit corporation and
7 of its subsidiaries are public records unless made
8 confidential or exempt by law.

9 (b) Proprietary confidential business information is
10 confidential and exempt from the provisions of s. 119.07(1)
11 and s. 24(a), Art. I of the State Constitution. However, the
12 Auditor General, the Office of Program Policy Analysis and
13 Government Accountability, and State Board of Education
14 ~~Regents~~, pursuant to their oversight and auditing functions,
15 must be given access to all proprietary confidential business
16 information upon request and without subpoena and must
17 maintain the confidentiality of information so received. As
18 used in this paragraph, the term "proprietary confidential
19 business information" means information, regardless of its
20 form or characteristics, which is owned or controlled by the
21 not-for-profit corporation or its subsidiaries; is intended to
22 be and is treated by the not-for-profit corporation or its
23 subsidiaries as private and the disclosure of which would harm
24 the business operations of the not-for-profit corporation or
25 its subsidiaries; has not been intentionally disclosed by the
26 corporation or its subsidiaries unless pursuant to law, an
27 order of a court or administrative body, a legislative
28 proceeding pursuant to s. 5, Art. III of the State
29 Constitution, or a private agreement that provides that the
30 information may be released to the public; and which is
31 information concerning:

- 1 1. Internal auditing controls and reports of internal
2 auditors;
- 3 2. Matters reasonably encompassed in privileged
4 attorney-client communications;
- 5 3. Contracts for managed-care arrangements, including
6 preferred provider organization contracts, health maintenance
7 organization contracts, and exclusive provider organization
8 contracts, and any documents directly relating to the
9 negotiation, performance, and implementation of any such
10 contracts for managed-care arrangements;
- 11 4. Bids or other contractual data, banking records,
12 and credit agreements the disclosure of which would impair the
13 efforts of the not-for-profit corporation or its subsidiaries
14 to contract for goods or services on favorable terms;
- 15 5. Information relating to private contractual data,
16 the disclosure of which would impair the competitive interest
17 of the provider of the information;
- 18 6. Corporate officer and employee personnel
19 information;
- 20 7. Information relating to the proceedings and records
21 of credentialing panels and committees and of the governing
22 board of the not-for-profit corporation or its subsidiaries
23 relating to credentialing;
- 24 8. Minutes of meetings of the governing board of the
25 not-for-profit corporation and its subsidiaries, except
26 minutes of meetings open to the public pursuant to subsection
27 (9);
- 28 9. Information that reveals plans for marketing
29 services that the corporation or its subsidiaries reasonably
30 expect to be provided by competitors;
- 31

1 10. Trade secrets as defined in s. 688.002, including
2 reimbursement methodologies or rates; or

3 11. The identity of donors or prospective donors of
4 property who wish to remain anonymous or any information
5 identifying such donors or prospective donors. The anonymity
6 of these donors or prospective donors must be maintained in
7 the auditor's report.

8
9 As used in this paragraph, the term "managed care" means
10 systems or techniques generally used by third-party payors or
11 their agents to affect access to and control payment for
12 health care services. Managed-care techniques most often
13 include one or more of the following: prior, concurrent, and
14 retrospective review of the medical necessity and
15 appropriateness of services or site of services; contracts
16 with selected health care providers; financial incentives or
17 disincentives related to the use of specific providers,
18 services, or service sites; controlled access to and
19 coordination of services by a case manager; and payor efforts
20 to identify treatment alternatives and modify benefit
21 restrictions for high-cost patient care.

22 (9) Meetings of the governing board of the
23 not-for-profit corporation and meetings of the subsidiaries of
24 the not-for-profit corporation at which the expenditure of
25 dollars appropriated to the not-for-profit corporation by the
26 state are discussed or reported must remain open to the public
27 in accordance with s. 286.011 and s. 24(b), Art. I of the
28 State Constitution, unless made confidential or exempt by law.
29 Other meetings of the governing board of the not-for-profit
30 corporation and of the subsidiaries of the not-for-profit

31

1 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
2 the State Constitution.

3 Section 263. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.5121,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.5121 Cancer control and research.--

9 (1) SHORT TITLE.--This section ~~shall be known and~~ may
10 be cited as the "Cancer Control and Research Act."

11 (2) LEGISLATIVE INTENT.--It is the finding of the
12 Legislature that:

13 (a) Advances in scientific knowledge have led to the
14 development of preventive and therapeutic capabilities in the
15 control of cancer. Such knowledge and therapy must be made
16 available to all citizens of this state through educational
17 and therapeutic programs.

18 (b) The present state of our knowledge concerning the
19 prevalence, cause or associated factors, and treatment of
20 cancer have resulted primarily from a vast federal investment
21 into basic and clinical research, some of which is expended in
22 this state. These research activities must continue, but
23 programs must be established to extend this knowledge in
24 preventive measures and patient treatment throughout the
25 state.

26 (c) Research in cancer has implicated the environment
27 as a causal factor for many types of cancer, i.e., sunshine, X
28 rays, diet, smoking, etc., and programs are needed to further
29 document such cause and effect relationships. Proven causes
30 of cancer should be publicized and be the subject of
31 educational programs for the prevention of cancer.

1 (d) An effective cancer control program would mobilize
2 the scientific, educational, and medical resources that
3 presently exist into an intense attack against this dread
4 disease.

5 (3) DEFINITIONS.--~~As~~ The following words and phrases
6 ~~when used in this section have, the term unless the context~~
7 ~~clearly indicates otherwise, the meanings given to them in~~
8 ~~this subsection:~~

9 (a) "Cancer" means all malignant neoplasms, regardless
10 of the tissue of origin, including lymphoma and leukemia.

11 (b) "Council" means the Florida Cancer Control and
12 Research Advisory Council, which is an advisory body appointed
13 to function on a continuing basis for the study of cancer and
14 which recommends solutions and policy alternatives to the
15 State Board of Education Regents and the secretary and which
16 is established by this section.

17 (c) "Department" means the Department of Health.

18 (d) "Fund" means the Florida Cancer Control and
19 Research Fund established by this section.

20 (e) "Qualified nonprofit association" means any
21 association, incorporated or unincorporated, that has received
22 tax-exempt status from the Internal Revenue Service.

23 (f) "Secretary" means the Secretary of Health.

24 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
25 COUNCIL; CREATION; COMPOSITION.--

26 (a) There is created within the H. Lee Moffitt Cancer
27 Center and Research Institute, Inc., the Florida Cancer
28 Control and Research Advisory Council. The council shall
29 consist of 35 members, which includes the chairperson, all of
30 whom must be residents of this state. All members, except
31 those appointed by the Speaker of the House of Representatives

1 and the President of the Senate, must be appointed by the
2 Governor. At least one of the members appointed by the
3 Governor must be 60 years of age or older. One member must be
4 a representative of the American Cancer Society; one member
5 must be a representative of the Florida Tumor Registrars
6 Association; one member must be a representative of the
7 Sylvester Comprehensive Cancer Center of the University of
8 Miami; one member must be a representative of the Department
9 of Health; one member must be a representative of the
10 University of Florida Shands Cancer Center; one member must be
11 a representative of the Agency for Health Care Administration;
12 one member must be a representative of the Florida Nurses
13 Association; one member must be a representative of the
14 Florida Osteopathic Medical Association; one member must be a
15 representative of the American College of Surgeons; one member
16 must be a representative of the School of Medicine of the
17 University of Miami; one member must be a representative of
18 the College of Medicine of the University of Florida; one
19 member must be a representative of NOVA Southeastern College
20 of Osteopathic Medicine; one member must be a representative
21 of the College of Medicine of the University of South Florida;
22 one member must be a representative of the College of Public
23 Health of the University of South Florida; one member must be
24 a representative of the Florida Society of Clinical Oncology;
25 one member must be a representative of the Florida Obstetric
26 and Gynecologic Society who has had training in the specialty
27 of gynecologic oncology; one member must be a representative
28 of the Florida Medical Association; one member must be a
29 member of the Florida Pediatric Society; one member must be a
30 representative of the Florida Radiological Society; one member
31 must be a representative of the Florida Society of

1 Pathologists; one member must be a representative of the H.
2 Lee Moffitt Cancer Center and Research Institute, Inc.; three
3 members must be representatives of the general public acting
4 as consumer advocates; one member must be a member of the
5 House of Representatives appointed by the Speaker of the
6 House; one member must be a member of the Senate appointed by
7 the President of the Senate; one member must be a
8 representative of the Department of Education; one member must
9 be a representative of the Florida Dental Association; one
10 member must be a representative of the Florida Hospital
11 Association; one member must be a representative of the
12 Association of Community Cancer Centers; one member shall be a
13 representative from a statutory teaching hospital affiliated
14 with a community-based cancer center; one member must be a
15 representative of the Florida Association of Pediatric Tumor
16 Programs, Inc.; one member must be a representative of the
17 Cancer Information Service; one member must be a
18 representative of the Florida Agricultural and Mechanical
19 University Institute of Public Health; and one member must be
20 a representative of the Florida Society of Oncology Social
21 Workers. Of the members of the council appointed by the
22 Governor, at least 10 must be individuals who are minority
23 persons as defined by s. 288.703(3).

24 (b) The terms of the members shall be 4 years from
25 their respective dates of appointment.

26 (c) A chairperson shall be appointed by the Governor
27 for a term of 2 years. The chairperson shall appoint an
28 executive committee of no fewer than three persons to serve at
29 the pleasure of the chairperson. This committee will prepare
30 material for the council but make no final decisions.

31

1 (d) The council shall meet no less than semiannually
2 at the call of the chairperson or, in his or her absence or
3 incapacity, at the call of the secretary. Sixteen members
4 constitute a quorum for the purpose of exercising all of the
5 powers of the council. A vote of the majority of the members
6 present is sufficient for all actions of the council.

7 (e) The council members shall serve without pay.
8 Pursuant to the provisions of s. 112.061, the council members
9 may be entitled to be reimbursed for per diem and travel
10 expenses.

11 (f) No member of the council shall participate in any
12 discussion or decision to recommend grants or contracts to any
13 qualified nonprofit association or to any agency of this state
14 or its political subdivisions with which the member is
15 associated as a member of the governing body or as an employee
16 or with which the member has entered into a contractual
17 arrangement.

18 (g) The council may prescribe, amend, and repeal
19 bylaws governing the manner in which the business of the
20 council is conducted.

21 (h) The council shall advise the State Board of
22 Education ~~Regents~~, the secretary, and the Legislature with
23 respect to cancer control and research in this state.

24 (i) The council shall approve each year a program for
25 cancer control and research to be known as the "Florida Cancer
26 Plan" which shall be consistent with the State Health Plan and
27 integrated and coordinated with existing programs in this
28 state.

29 (j) The council shall formulate and recommend to the
30 secretary a plan for the care and treatment of persons
31 suffering from cancer and recommend the establishment of

1 standard requirements for the organization, equipment, and
2 conduct of cancer units or departments in hospitals and
3 clinics in this state. The council may recommend to the
4 secretary the designation of cancer units following a survey
5 of the needs and facilities for treatment of cancer in the
6 various localities throughout the state. The secretary shall
7 consider the plan in developing departmental priorities and
8 funding priorities and standards under chapter 395.

9 (k) The council is responsible for including in the
10 Florida Cancer Plan recommendations for the coordination and
11 integration of medical, nursing, paramedical, lay, and other
12 plans concerned with cancer control and research. Committees
13 shall be formed by the council so that the following areas
14 will be established as entities for actions:

15 1. Cancer plan evaluation: tumor registry, data
16 retrieval systems, and epidemiology of cancer in the state and
17 its relation to other areas.

18 2. Cancer prevention.

19 3. Cancer detection.

20 4. Cancer patient management: treatment,
21 rehabilitation, terminal care, and other patient-oriented
22 activities.

23 5. Cancer education: lay and professional.

24 6. Unproven methods of cancer therapy: quackery and
25 unorthodox therapies.

26 7. Investigator-initiated project research.

27 (l) In order to implement in whole or in part the
28 Florida Cancer Plan, the council shall recommend to the Board
29 of Regents or the secretary the awarding of grants and
30 contracts to qualified profit or nonprofit associations or
31 governmental agencies in order to plan, establish, or conduct

1 programs in cancer control or prevention, cancer education and
2 training, and cancer research.

3 (m) If funds are specifically appropriated by the
4 Legislature, the council shall develop or purchase
5 standardized written summaries, written in layperson's terms
6 and in language easily understood by the average adult
7 patient, informing actual and high-risk breast cancer
8 patients, prostate cancer patients, and men who are
9 considering prostate cancer screening of the medically viable
10 treatment alternatives available to them in the effective
11 management of breast cancer and prostate cancer; describing
12 such treatment alternatives; and explaining the relative
13 advantages, disadvantages, and risks associated therewith.
14 The breast cancer summary, upon its completion, shall be
15 printed in the form of a pamphlet or booklet and made
16 continuously available to physicians and surgeons in this
17 state for their use in accordance with s. 458.324 and to
18 osteopathic physicians in this state for their use in
19 accordance with s. 459.0125. The council shall periodically
20 update both summaries to reflect current standards of medical
21 practice in the treatment of breast cancer and prostate
22 cancer. The council shall develop and implement educational
23 programs, including distribution of the summaries developed or
24 purchased under this paragraph, to inform citizen groups,
25 associations, and voluntary organizations about early
26 detection and treatment of breast cancer and prostate cancer.

27 (n) The council shall have the responsibility to
28 advise the State Board of Education ~~Regents~~ and the secretary
29 on methods of enforcing and implementing laws already enacted
30 and concerned with cancer control, research, and education.

31

1 (o) The council may recommend to the State Board of
2 Education ~~Regents~~ or the secretary rules not inconsistent with
3 law as it may deem necessary for the performance of its duties
4 and the proper administration of this section.

5 (p) The council shall formulate and put into effect a
6 continuing educational program for the prevention of cancer
7 and its early diagnosis and disseminate to hospitals, cancer
8 patients, and the public information concerning the proper
9 treatment of cancer.

10 (q) The council shall be physically located at the H.
11 Lee Moffitt Cancer Center and Research Institute, Inc., at the
12 University of South Florida.

13 (r) On February 15 of each year, the council shall
14 report to the Governor and to the Legislature.

15 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION
16 ~~REGENTS~~, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH
17 INSTITUTE, INC., AND THE SECRETARY.--

18 (a) The State Board of Education ~~Regents~~ or the
19 secretary, after consultation with the council, shall award
20 grants and contracts to qualified nonprofit associations and
21 governmental agencies in order to plan, establish, or conduct
22 programs in cancer control and prevention, cancer education
23 and training, and cancer research.

24 (b) The H. Lee Moffitt Cancer Center and Research
25 Institute, Inc., shall provide such staff, information, and
26 other assistance as reasonably necessary for the completion of
27 the responsibilities of the council.

28 (c) The State Board of Education ~~Regents~~ or the
29 secretary, after consultation with the council, may adopt
30 rules necessary for the implementation of this section.

31

1 (d) The secretary, after consultation with the
2 council, shall make rules specifying to what extent and on
3 what terms and conditions cancer patients of the state may
4 receive financial aid for the diagnosis and treatment of
5 cancer in any hospital or clinic selected. The department may
6 furnish to citizens of this state who are afflicted with
7 cancer financial aid to the extent of the appropriation
8 provided for that purpose in a manner which in its opinion
9 will afford the greatest benefit to those afflicted and may
10 make arrangements with hospitals, laboratories, or clinics to
11 afford proper care and treatment for cancer patients in this
12 state.

13 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

14 (a) There is created the Florida Cancer Control and
15 Research Fund consisting of funds appropriated therefor from
16 the General Revenue Fund and any gifts, grants, or funds
17 received from other sources.

18 (b) The fund shall be used exclusively for grants and
19 contracts to qualified nonprofit associations or governmental
20 agencies for the purpose of cancer control and prevention,
21 cancer education and training, cancer research, and all
22 expenses incurred in connection with the administration of
23 this section and the programs funded through the grants and
24 contracts authorized by the Board of Regents or the secretary.

25 Section 264. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.513,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.513 University of Florida; J. Hillis Miller Health
31 Center.--

1 (1) There is established the J. Hillis Miller Health
2 Center at the University of Florida, including campuses at
3 Gainesville and Jacksonville and affiliated teaching
4 hospitals, which shall include the following colleges:

5 (a) College of Dentistry.

6 (b) College of Health ~~Health-Related~~ Professions.

7 (c) College of Medicine.

8 (d) College of Nursing.

9 (e) College of Pharmacy.

10 (f) College of Veterinary Medicine and related
11 teaching hospitals.

12 (2) Each college of the health center shall be so
13 maintained and operated as to comply with the standards
14 approved by a nationally recognized association for
15 accreditation.

16 (3)(a) The University of Florida Health Center
17 Operations and Maintenance Trust Fund shall ~~is hereby created,~~
18 ~~to~~ be administered by the Board of Trustees of the University
19 of Florida ~~Department of Education~~. Funds shall be credited to
20 the trust fund from the sale of goods and services performed
21 by the University of Florida Veterinary Medicine Teaching
22 Hospital. The purpose of the trust fund is to support the
23 instruction, research, and service missions of the University
24 of Florida College of Veterinary Medicine.

25 (b) Notwithstanding ~~the provisions of~~ s. 216.301, and
26 pursuant to s. 216.351, any balance in the trust fund at the
27 end of any fiscal year shall remain in the trust fund and
28 shall be available for carrying out the purposes of the trust
29 fund.

30 (4)(a) The State Board of Education shall lease the
31 hospital facilities of the health center, known as the Shands

1 Teaching Hospital and Clinics, ~~and consisting of Building 446~~
2 ~~and parts of Buildings 204 and 205~~ on the campus of the
3 University of Florida and all furnishings, equipment, and
4 other chattels or choses in action used in the operation of
5 the hospital, to a private not-for-profit ~~nonprofit~~
6 corporation organized solely for the purpose of operating the
7 hospital and ancillary health care facilities of the health
8 center and other health care facilities and programs
9 determined to be necessary by the board of the not-for-profit
10 ~~nonprofit~~ corporation. The rental for the hospital facilities
11 shall be an amount equal to the debt service on bonds or
12 revenue certificates issued solely for capital improvements to
13 the hospital facilities ~~or as otherwise provided by law. The~~
14 ~~board shall request recommendations from the Board of Regents~~
15 ~~of the State University System as to the terms of the lease~~
16 ~~not otherwise provided for in this act.~~

17 (b) The Board of Trustees of the University of Florida
18 shall provide in the lease or by separate contract or
19 agreement with the not-for-profit ~~nonprofit~~ corporation for
20 the following:

21 1. Approval of the articles of incorporation of the
22 not-for-profit ~~nonprofit~~ corporation by the Board of Trustees
23 of the University of Florida ~~Regents~~ and the governance of the
24 not-for-profit ~~nonprofit~~ corporation by a board of directors
25 appointed by the President of the University of Florida and
26 chaired by the President. The Vice President for Health
27 Affairs of the University of Florida shall be the vice chair
28 of the board of directors.

29 2. ~~The orderly and just transition of hospital~~
30 ~~employees from state to corporate employment with the same or~~
31 ~~equivalent seniority, earnings, and benefits.~~

1 ~~2.3.~~ The appropriate use of hospital facilities and
2 personnel in support of the research programs and of the
3 teaching role of the health center.

4 ~~4.~~ ~~The continued recognition of the collective~~
5 ~~bargaining units and collective bargaining agreements as~~
6 ~~currently composed and recognition of the certified labor~~
7 ~~organizations representing those units and agreements.~~

8 ~~5.~~ ~~The use of hospital facilities and personnel in~~
9 ~~connection with research programs conducted by the health~~
10 ~~center.~~

11 ~~3.6.~~ Reimbursement to the hospital for indigent
12 patients, state-mandated programs, underfunded state programs,
13 and costs to the hospital for support of the teaching and
14 research programs of the health center. Such reimbursement
15 shall be appropriated to the health center or the hospital
16 each year by the Legislature after review and approval of the
17 request for funds.

18 ~~7.~~ ~~The transfer of funds appropriated for and~~
19 ~~accumulated from the operation of the hospital to the health~~
20 ~~center to be used to fund contracts for services with the~~
21 ~~hospital.~~

22 (c) The Board of Trustees of the University of Florida
23 ~~may, with the approval of the Legislature,~~ increase the
24 hospital facilities or remodel or renovate them, if provided
25 ~~that~~ the rental paid by the hospital for such new, remodeled,
26 or renovated facilities is sufficient to amortize the costs
27 thereof over a reasonable period of time or fund the debt
28 service for any bonds or revenue certificates issued to
29 finance such improvements.

30 (d) The Board of Trustees of the University of Florida
31 may ~~Regents is authorized to~~ provide to the not-for-profit

1 ~~nonprofit~~ corporation leasing the hospital facilities, and its
2 not-for-profit subsidiaries, comprehensive general liability
3 insurance, including professional liability, from a the
4 self-insurance program ~~trust fund~~ established pursuant to s.
5 240.213.

6 (e) ~~If in the event that~~ the lease of the hospital
7 facilities to the not-for-profit ~~nonprofit~~ corporation is
8 terminated for any reason, the Board of Trustees of the
9 University of Florida Regents shall assume ~~resume~~ management
10 and operation of the hospital facilities. In such event, the
11 Administration Commission may ~~is authorized to~~ appropriate
12 revenues generated from the operation of the hospital
13 facilities to the Board of Trustees of the University of
14 Florida Regents to pay the costs and expenses of operating the
15 hospital facility for the remainder of the fiscal year in
16 which such termination occurs.

17 Section 265. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.5135,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.5135 Shands Jacksonville Healthcare, Inc.; Board
23 of Trustees of the University of Florida Regents authorized to
24 provide insurance.--The Board of Trustees of the University of
25 Florida ~~may Regents is authorized to~~ provide to Shands
26 Jacksonville Healthcare, Inc., and its not-for-profit
27 subsidiaries and affiliates and any successor corporation that
28 acts in support of the Board of Trustees of the University of
29 Florida Regents, comprehensive general liability coverage,
30 including professional liability, from a the self-insurance
31 program ~~programs~~ established pursuant to s. 240.213.

1 Section 266. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.514,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.514 Louis de la Parte Florida Mental Health
7 Institute.--There is established the Louis de la Parte Florida
8 Mental Health Institute within the University of South
9 Florida.

10 (1) The purpose of the institute is to strengthen
11 mental health services throughout the state by providing
12 technical assistance and support services to mental health
13 agencies and mental health professionals. Such assistance and
14 services shall include:

15 (a) Technical training and specialized education.

16 (b) Development, implementation, and evaluation of
17 mental health service programs.

18 (c) Evaluation of availability and effectiveness of
19 existing mental health services.

20 (d) Analysis of factors that influence the incidence
21 and prevalence of mental and emotional disorders.

22 (e) Dissemination of information about innovations in
23 mental health services.

24 (f) Consultation on all aspects of program development
25 and implementation.

26 (g) Provisions for direct client services, provided
27 for a limited period of time either in the institute facility
28 or in other facilities within the state, and limited to
29 purposes of research or training.

30 (2) The Department of Children and Family Services may
31 ~~is authorized to~~ designate the Louis de la Parte Florida

1 Mental Health Institute a treatment facility for the purpose
2 of accepting voluntary and involuntary clients in accordance
3 with institute programs. Clients to be admitted are exempted
4 from prior screening by a community mental health center.

5 (3) The institute may provide direct services in
6 coordination with other agencies. The institute may also
7 provide support services to state agencies through joint
8 programs, collaborative agreements, contracts, and grants.

9 (4) The institute shall operate under the authority of
10 the President of the University of South Florida and shall
11 employ a mental health professional as director. The director
12 shall hold a faculty appointment in a college or department
13 related to mental health within the university. The director
14 has primary responsibility for establishing active liaisons
15 with the community of mental health professionals and other
16 related constituencies in the state and may, with approval of
17 the university president, establish appropriate statewide
18 advisory groups to assist in developing these communication
19 links.

20 ~~(5) The Louis de la Parte Florida Mental Health~~
21 ~~Institute is authorized to utilize the pay plan of the State~~
22 ~~University System.~~

23 Section 267. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.515,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted to read:

27 240.515 Florida Museum of Natural History;
28 functions.--

29 (1) The functions of the Florida Museum of Natural
30 History, located at the University of Florida, are to make
31 scientific investigations toward the sustained development of

1 natural resources and a greater appreciation of human cultural
2 heritage, including, but not limited to, biological surveys,
3 ecological studies, environmental impact assessments, in-depth
4 archaeological research, and ethnological analyses, and to
5 collect and maintain a depository of biological,
6 archaeological, and ethnographic specimens and materials in
7 sufficient numbers and quantities to provide within the state
8 and region a base for research on the variety, evolution, and
9 conservation of wild species; the composition, distribution,
10 importance, and functioning of natural ecosystems; and the
11 distribution of prehistoric and historic archaeological sites
12 and an understanding of the aboriginal and early European
13 cultures that occupied them. State institutions, departments,
14 and agencies may deposit type collections from archaeological
15 sites in the museum, and it shall be the duty of each state
16 institution, department, and agency to cooperate by depositing
17 in the museum voucher and type biological specimens collected
18 as part of the normal research and monitoring duties of its
19 staff and to transfer to the museum those biological specimens
20 and collections in its possession but not actively being
21 curated or used in the research or teaching of that
22 institution, department, or agency. The Florida Museum of
23 Natural History is empowered to accept, preserve, maintain, or
24 dispose of these specimens and materials in a manner which
25 makes each collection and its accompanying data available for
26 research and use by the staff of the museum and by cooperating
27 institutions, departments, agencies, and qualified independent
28 researchers. The biological, archaeological, and ethnographic
29 collections shall belong to the state with the title vested in
30 the Florida Museum of Natural History, except as provided in
31 s. 267.12(3). In collecting or otherwise acquiring these

1 collections, the museum shall comply with pertinent state
2 wildlife, archaeological, and agricultural laws and rules.
3 However, all collecting, quarantine, and accreditation permits
4 issued by other institutions, departments, and agencies shall
5 be granted routinely for said museum research study or
6 collecting effort on state lands or within state jurisdiction
7 which does not pose a significant threat to the survival of
8 endangered wild species, habitats, or ecosystems. In
9 addition, the museum shall develop exhibitions and conduct
10 programs which illustrate, interpret, and explain the natural
11 history of the state and region and shall maintain a library
12 of publications pertaining to the work as herein provided.
13 The exhibitions, collections, and library of the museum shall
14 be open, free to the public, under suitable rules to be
15 promulgated by the director of the museum and approved by the
16 University of Florida.

17 (2) Any gifts, transfers, bequests, or other
18 conveyances made to the Florida State Museum are deemed to
19 have been made to the Florida Museum of Natural History.

20 Section 268. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.516,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted to read:

24 240.516 Vertebrate paleontological sites and remains;
25 legislative intent and state policy.--

26 (1) It is the declared intention of the Legislature
27 that vertebrate paleontological sites be protected and
28 preserved and that, pursuant thereto, vertebrate
29 paleontological field investigation activities, including, but
30 not limited to, collection, excavation, salvage, restoration,
31 and cataloging of fossils, be discouraged except when such

1 activities are carried on in accordance with both the
2 provisions and the spirit of this act. However, it is not the
3 intention of the Legislature that the provisions of this act
4 impede mining or quarrying for rock, gravel, fill, phosphate,
5 and other minerals, or the construction of canals or similar
6 excavations, when such activities are permitted by law.
7 Rather, it is the intent of the Legislature that mine and
8 heavy equipment operators be encouraged to cooperate with the
9 state in preserving its vertebrate paleontological heritage
10 and vertebrate fossils by notifying the Florida Museum of
11 Natural History whenever vertebrate fossils are discovered
12 during mining or digging operations and by allowing such
13 fossils to be properly salvaged and that persons having
14 knowledge of vertebrate paleontological sites be encouraged to
15 communicate such information to the museum.

16 (2) It is hereby declared to be the public policy of
17 this state to protect and preserve vertebrate paleontological
18 sites containing vertebrate fossils, including bones, teeth,
19 natural casts, molds, impressions, and other remains of
20 prehistoric fauna, and to provide for the collection,
21 acquisition, and study of the vertebrate fossils of the state
22 which offer documentation of the diversity of life on this
23 planet.

24 (3) It is further declared to be the public policy of
25 the state that all vertebrate fossils found on state-owned
26 lands, including submerged lands and uplands, belong to the
27 state with title to the fossils vested in the Florida Museum
28 of Natural History for the purpose of administration of ss.
29 240.516-240.5163.

30 Section 269. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 240.5161,

1 Florida Statutes, shall not stand repealed January 7, 2003, as
2 scheduled by that law, but that section is reenacted to read:

3 240.5161 Program of vertebrate paleontology within
4 Florida Museum of Natural History.--There is established
5 within the Florida Museum of Natural History a program of
6 vertebrate paleontology, which program has the following
7 responsibilities:

8 (1) Encouraging the study of the vertebrate fossils
9 and vertebrate paleontological heritage of the state and
10 providing exhibits and other educational materials on the
11 vertebrate fauna to the universities and schools of the state.

12 (2) Developing a statewide plan, to be submitted to
13 the director of the Florida Museum of Natural History, for
14 preserving the vertebrate paleontological resources of the
15 state in a manner which is consistent with the state policies
16 in s. 240.516 and which will not unduly hamper development in
17 this state, including mining and excavating operations.

18 (3) Locating, surveying, acquiring, collecting,
19 salvaging, conserving, and restoring vertebrate fossils;
20 conducting research on the history and systematics of the
21 fossil fauna of the state; and maintaining the official state
22 depository of vertebrate fossils.

23 (4) Locating, surveying, acquiring, excavating, and
24 operating vertebrate paleontological sites and properties
25 containing vertebrate fossils, which sites and properties have
26 great significance to the scientific study of such vertebrate
27 fossils or to public representation of the faunal heritage of
28 the state.

29 (5) Enlisting the aid of professional vertebrate
30 paleontologists, mine and quarry operators, heavy digging
31 equipment operators, and qualified amateurs in carrying out

1 the provisions of subsections (1)-(4), and authorizing their
2 active support and cooperation by issuing permits to them as
3 provided in s. 240.5162.

4 (6) Cooperating and coordinating activities with the
5 Department of Environmental Protection under the provisions of
6 ss. 375.021 and 375.031 and the Department of State under
7 chapter 267 in the acquisition, preservation, and operation of
8 significant vertebrate paleontological sites and properties of
9 great and continuing scientific value, so that such sites and
10 properties may be utilized to conserve the faunal heritage of
11 this state and to promote an appreciation of that heritage.

12 (7) Designating areas as "state vertebrate
13 paleontological sites" pursuant to the provisions of this
14 section, which areas are of great and continuing significance
15 to the scientific study and public understanding of the faunal
16 history of the state. However, no privately owned site or
17 grouping of sites shall be so designated without the express
18 written consent of the private owner of the site or group of
19 sites. Upon designation of a state vertebrate paleontological
20 site, the owners and occupants of such site shall be given
21 written notification of such designation by the program. Once
22 such site has been so designated, no person may conduct
23 paleontological field investigation activities on the site
24 without first securing a permit for such activities as
25 provided in s. 240.5162.

26 (8) Arranging for the disposition of the vertebrate
27 fossils by accredited institutions and for the temporary or
28 permanent loan of such fossils for the purpose of further
29 scientific study, interpretative display, and curatorial
30 responsibilities by such institutions.

31

1 Section 270. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.5162,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted and
5 amended to read:

6 240.5162 Destruction, purchase, and sale of vertebrate
7 fossils prohibited, exceptions; field investigation permits
8 required; penalty for violation.--

9 (1) The destruction, defacement, purchase, and sale of
10 vertebrate fossils found on or under land owned or leased by
11 the state and on land in state-designated vertebrate
12 paleontological sites are prohibited, except that the Florida
13 Museum of Natural History may sell vertebrate fossils and may
14 adopt rules defining "nonessential vertebrate fossils" and
15 prescribing the conditions under which such fossils may be
16 sold or otherwise disposed of by a person holding a permit
17 issued by the Florida Museum of Natural History. Field
18 investigations of vertebrate fossils, including, but not
19 limited to, the systematic collection, acquisition,
20 excavation, salvage, exhumation, or restoration of such
21 fossils, are prohibited on all lands owned or leased by the
22 state and on lands in state-designated vertebrate
23 paleontological sites, unless such activities are conducted
24 under the authority of permits issued by the Florida Museum of
25 Natural History. A permit may be granted by the Florida
26 Museum of Natural History upon application for the permit
27 accompanied by an application fee not to exceed \$5 ~~as provided~~
28 ~~in rules adopted pursuant to s. 240.227(1) which rules are in~~
29 ~~furtherance of the preservation of the vertebrate~~
30 ~~paleontological resources of this state.~~ The privileges
31 authorized pursuant to the grant of a permit as provided in

1 this subsection may not be assigned or sublet to any other
2 party.

3 (2) Any person who, in violation of this section,
4 engages in any of the activities described in subsection (1)
5 without first having obtained a permit to engage in such
6 activity is guilty of a misdemeanor, punishable by a fine not
7 to exceed \$500 or by imprisonment in the county jail for a
8 period not to exceed 6 months, or both; and, in addition, he
9 or she shall forfeit to the state all specimens, objects, and
10 materials collected and excavated in violation of this
11 section, together with all photographs and records relating to
12 such materials.

13 (3) The Florida Museum of Natural History may
14 institute a civil action in the appropriate circuit court for
15 recovery of any unlawfully taken vertebrate fossil. The
16 fossil shall be forfeited to the state if the Florida Museum
17 of Natural History shows by the greater weight of the evidence
18 that the fossil has been taken from a particular site within
19 this state and that the person found in possession of the
20 fossil is not authorized by law to possess such fossil.

21 Section 271. Notwithstanding subsection (7) of section
22 3 of chapter 2000-321, Laws of Florida, section 240.5163,
23 Florida Statutes, shall not stand repealed January 7, 2003, as
24 scheduled by that law, but that section is reenacted to read:

25 240.5163 Certain rights of mine or quarry operators
26 and dragline or heavy equipment operators preserved.--Nothing
27 in ss. 240.516-240.5162 shall infringe upon the right of a
28 legitimate mine or quarry operator to extract rock, gravel,
29 fill, phosphate, or other minerals or infringe upon the right
30 of a legitimate operator of draglines or similar heavy
31 dredging, trenching, or digging equipment to construct

1 drainage canals or other excavations because of the actual or
2 potential destruction of vertebrate fossils.

3 Section 272. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.517,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.517 Certain books furnished by Clerk of Supreme
9 Court.--

10 (1) The Clerk of the Supreme Court of the state shall
11 furnish ~~the Board of Regents~~ three bound copies of each volume
12 of the Florida Supreme Court Reports as the reports ~~same~~ are
13 issued and published ~~to for the use of the School of Law of~~
14 the University of Florida, ~~and three bound copies of each~~
15 ~~volume of such reports for the use of the Florida State~~
16 University, Florida International University, and Florida
17 Agricultural and Mechanical University College of Law.

18 (2) The Clerk of the Supreme Court shall transmit to
19 the universities ~~Board of Regents~~ for distribution to their
20 ~~said schools of law schools~~ any law books coming into his or
21 her possession for the Supreme Court which are not necessary
22 for the ~~said~~ court. The clerk of the ~~said~~ court shall furnish
23 the ~~said~~ Supreme Court Reports and ~~said~~ surplus law books
24 without cost to the recipient universities ~~Board of Regents or~~
25 ~~said law schools.~~

26 Section 273. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.518,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.518 The Historically Black College and University
31 Library Improvement Program.--

1 (1) It is the intent of the Legislature to enhance the
2 quality of the libraries at Florida Agricultural and
3 Mechanical University, Bethune-Cookman College, Edward Waters
4 College, and Florida Memorial College.

5 (2) There is created the Historically Black College
6 and University Library Improvement Program to be administered
7 by the Department of Education. The primary objectives of the
8 program shall be to increase each library's holdings by 500 to
9 1,000 books per year, to increase library use by students and
10 faculty, and to enhance the professional growth of librarians
11 by providing inservice training. At least 50 percent of
12 library acquisitions shall be in the humanities, with the
13 balance to be in all other disciplines. It is the intent of
14 the Legislature to provide general revenue funds each year to
15 support this program.

16 (3) Each institution shall submit to the State Board
17 of Education a plan for enhancing its library through the
18 following activities:

19 (a) Each institution shall increase the number of
20 volumes by purchasing replacement books and new titles. Funds
21 shall not be used to purchase periodicals or nonprint media.
22 The goal of these purchases is to meet the needs of students
23 and faculty in disciplines that have recently been added to
24 the curriculum, in traditional academic fields that have been
25 expanded, or in academic fields in which rapid changes in
26 technology result in accelerated obsolescence of related
27 library holdings.

28 (b) A committee composed of librarians and faculty at
29 each institution shall assess the adequacy of library holdings
30 in all academic areas. The committee shall develop a list of
31 resources that need to be replaced. Based on its assessment

1 of the current collection, the committee shall develop a
2 prioritized list of recommended acquisitions and shall submit
3 such list to the college or university president.

4 Section 274. Paragraph (a) of subsection (3) and
5 subsection (5) of section 240.5185, Florida Statutes, are
6 amended to read:

7 240.5185 Community and Faith-based Organizations
8 Initiative; Community and Library Technology Access
9 Partnership.--

10 (3) AUTHORIZED ACTIVITIES.--

11 (a) Authorized activities of the initiative.--The
12 Institute on Urban Policy and Commerce at Florida Agricultural
13 and Mechanical University may conduct the following activities
14 as part of the Community and Faith-based Organizations
15 Initiative:

16 1. Create and operate training programs to enhance the
17 professional skills of individuals in community and
18 faith-based organizations.

19 2. Create and operate a program to select and place
20 students and recent graduates from business and related
21 professional schools as interns with community and faith-based
22 organizations for a period not to exceed 1 year, and provide
23 stipends for such interns.

24 3. Organize an annual conference for community and
25 faith-based organizations to discuss and share information on
26 best practices regarding issues relevant to the creation,
27 operation, and sustainability of these organizations.

28 4. Provide funding for the development of materials
29 for courses on topics in the area of community development,
30 and for research on economic, operational, and policy issues
31 relating to community development.

1 5. Provide financial assistance to community and
2 faith-based organizations through small grants for
3 partnerships with universities and colleges and the operation
4 of programs to build strong communities and future community
5 development leaders. The Institute on Urban Policy and
6 Commerce at Florida Agricultural and Mechanical University
7 shall develop selection criteria for awarding such grants
8 which are based on the goals of the initiative.

9
10 The institute, to the maximum extent possible, shall leverage
11 state funding for the initiative with any federal funding that
12 the institute may receive to support similar community-based
13 activities.

14 ~~(5) REVIEW AND EVALUATION.~~

15 ~~(a) By January 1, 2001, the Institute on Urban Policy
16 and Commerce and the Division of Library and Information
17 Services shall submit to the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives brief
19 status reports on their respective implementation of the
20 activities authorized under this section. The institute and
21 the division may elect to collaborate on the submission of a
22 combined status report covering both programs. At a minimum,
23 the status reports or combined report shall address:~~

- 24 ~~1. The activities and accomplishments to date;~~
25 ~~2. Any impediments to the effective implementation or
26 utilization of each program; and~~
27 ~~3. The initial progress toward achievement of
28 measurable program outcomes.~~

29 ~~(b) By January 1, 2002, the Institute on Urban Policy
30 and Commerce and the Division of Library and Information
31 Services shall submit to the Governor, the President of the~~

1 ~~Senate, and the Speaker of the House of Representatives final~~
2 ~~reports on the activities authorized under this section. The~~
3 ~~institute and the division may elect to collaborate on the~~
4 ~~submission of a combined final report covering both programs.~~
5 ~~In addition to updating the elements addressed under paragraph~~
6 ~~(a), the reports or combined report shall include~~
7 ~~recommendations on whether it would be sound public policy to~~
8 ~~continue the programs and recommendations on any changes~~
9 ~~designed to enhance the effectiveness of the programs.~~

10 Section 275. Subsection (10) of section 240.5186,
11 Florida Statutes, as amended by section 37 of chapter 2001-89,
12 Laws of Florida, and sections 240.519 and 240.52, Florida
13 Statutes, are repealed.

14 Section 276. Notwithstanding subsection (7) of section
15 3 of chapter 2000-321, Laws of Florida, section 240.527,
16 Florida Statutes, shall not stand repealed January 7, 2003, as
17 scheduled by that law, but that section is reenacted and
18 amended to read:

19 240.527 The University of South Florida St.
20 Petersburg.--

21 (1) The St. Petersburg campus of the University of
22 South Florida is established and shall be known as the
23 "University of South Florida St. Petersburg."

24 (a) The Legislature intends that the University of
25 South Florida St. Petersburg be operated and maintained as a
26 separate organizational and budget entity of the University of
27 South Florida, and that all legislative appropriations for the
28 University of South Florida St. Petersburg be set forth as
29 separate line items in the annual General Appropriations Act.

30 (b) The University of South Florida St. Petersburg
31 shall have a Campus Board and a Campus Executive Officer.

1 (c) As soon as possible, but no later than the
2 effective date of this act, the President of the University of
3 South Florida shall begin the process of application to the
4 Commission on Colleges of the Southern Association of Colleges
5 and Schools for separate accreditation of the University of
6 South Florida St. Petersburg. If the application is not
7 approved or is provisionally approved, the University of South
8 Florida shall correct any identified deficiencies and shall
9 continue to work for accreditation.

10 (2) The Board of Trustees of the University of South
11 Florida shall appoint to the Campus Board, from
12 recommendations of the President of the University of South
13 Florida, five residents of Pinellas County. If a resident of
14 Pinellas County is appointed to the Board of Trustees of the
15 University of South Florida, the board shall appoint that
16 member to serve jointly as a member of the Campus Board. If
17 more than one Pinellas County resident is appointed to the
18 Board of Trustees, the board shall select one joint member.
19 The Board of Trustees may reappoint a member to the Campus
20 Board for one additional term. The Campus Board has the powers
21 and duties provided by law, which include the authority to:

22 (a) Review and approve an annual legislative budget
23 request to be submitted to the Commissioner of Education. The
24 Campus Executive Officer shall prepare the legislative budget
25 request in accordance with guidelines established by the State
26 ~~Florida~~ Board of Education. This request must include items
27 for campus operations and fixed capital outlay.

28 (b) Approve and submit an annual operating plan and
29 budget for review and consultation by the Board of Trustees of
30 the University of South Florida. The campus operating budget
31 must reflect the actual funding available to that campus from

1 separate line-item appropriations contained in each annual
2 General Appropriations Act, ~~which line-item appropriations~~
3 ~~must initially reflect the funds reported to the Legislature~~
4 ~~for the University of South Florida St. Petersburg campus for~~
5 ~~fiscal year 2000-2001 and any additional funds provided in the~~
6 ~~fiscal year 2001-2002 legislative appropriation.~~

7 (c) Enter into central support services contracts with
8 the Board of Trustees of the University of South Florida for
9 any services that the St. Petersburg campus cannot provide
10 more economically, including payroll processing, accounting,
11 technology, construction administration, and other desired
12 services. However, all legal services for the campus must be
13 provided by a central services contract with the university.
14 The Board of Trustees of the University of South Florida and
15 the Campus Board shall determine in a letter of agreement any
16 allocation or sharing of student fee revenue between the
17 University of South Florida's main campus and the St.
18 Petersburg campus.

19
20 The Board of Trustees of the University of South Florida may
21 lawfully delegate other powers and duties to the Campus Board
22 for the efficient operation and improvement of the campus and
23 for the purpose of vesting in the campus the attributes
24 necessary to meet the requirements for separate accreditation
25 by the Southern Association of Colleges and Schools.

26 (3) The University of South Florida St. Petersburg
27 shall be administered by a Campus Executive Officer who shall
28 be appointed by, report directly to, and serve at the pleasure
29 of the President of the University of South Florida. The
30 President shall consult with the Campus Board before hiring or
31 terminating the Campus Executive Officer. The Campus Executive

1 Officer has authority and responsibility as provided in law,
2 including the authority to:
3 (a) Administer campus operations within the annual
4 operating budget as approved by the Campus Board.
5 (b) Recommend to the Campus Board an annual
6 legislative budget request that includes funding for campus
7 operations and fixed capital outlay.
8 (c) Recommend to the Campus Board an annual campus
9 operating budget.
10 (d) Recommend to the Campus Board appropriate services
11 and terms and conditions to be included in annual central
12 support services contracts.
13 (e) Carry out any additional responsibilities assigned
14 or delegated by the President of the University of South
15 Florida for the efficient operation and improvement of the
16 campus, especially any authority necessary for the purpose of
17 vesting in the campus attributes necessary to meet the
18 requirements for separate accreditation.
19 (4) Students enrolled at the University of South
20 Florida, including those enrolled at a branch campus, have the
21 same rights and obligations as provided by law, policy, or
22 rule adopted by the Board of Trustees of the University of
23 South Florida and the State Board of Education, ~~the Florida~~
24 ~~Department of Education, or other lawful entity~~. The
25 University of South Florida shall provide a comprehensive and
26 coordinated system of student registration so that a student
27 enrolled at any campus of the University of South Florida has
28 the ability to register for courses at any other campus of the
29 University of South Florida.
30
31

1 (5) The following entities are not affected by this
2 section and remain under the administrative control of the
3 University of South Florida:

4 (a) The University of South Florida College of Marine
5 Science, which is a component college of the main campus.

6 (b) The Florida Institute of Oceanography, which is a
7 Type One Institute.

8 (c) The University of South Florida Pediatric Research
9 Center.

10 (d) The University of South Florida/USGS joint
11 facility.

12 Section 277. Paragraphs (a) and (b) of subsection (2)
13 and subsection (4) of section 240.5275, Florida Statutes, are
14 amended to read:

15 240.5275 The University of South Florida
16 Sarasota/Manatee.--

17 (2) The Board of Trustees of the University of South
18 Florida shall appoint to the Campus Board, from
19 recommendations of the President of the University of South
20 Florida, three residents of Manatee County and two residents
21 of Sarasota County, to serve 4-year staggered terms. If one or
22 more residents of Sarasota County or Manatee County are
23 appointed to the Board of Trustees of the University of South
24 Florida, the board shall, at the next vacancy of the Campus
25 Board, appoint one of those members to serve jointly as a
26 member of the Campus Board. The Board of Trustees may
27 reappoint a member to the Campus Board for one additional
28 term. The Campus Board has the powers and duties provided by
29 law, which include the authority to:

30 (a) Review and approve an annual legislative budget
31 request to be submitted to the Commissioner of Education. The

1 Campus Executive Officer shall prepare the legislative budget
2 request in accordance with guidelines established by the State
3 ~~Florida~~ Board of Education. This request must include items
4 for campus operations and fixed capital outlay.

5 (b) Approve and submit an annual operating plan and
6 budget for review and consultation by the Board of Trustees of
7 the University of South Florida. The campus operating budget
8 must reflect the actual funding available to that campus from
9 separate line-item appropriations contained in each annual
10 General Appropriations Act, ~~which line-item appropriations~~
11 ~~must initially reflect the funds reported to the Legislature~~
12 ~~for the University of South Florida Sarasota/Manatee campus~~
13 ~~for fiscal year 2000-2001 and any additional funds provided in~~
14 ~~the fiscal year 2001-2002 legislative appropriation.~~

15
16 The Board of Trustees of the University of South Florida may
17 lawfully delegate other powers and duties to the Campus Board
18 for the efficient operation and improvement of the campus and
19 for the purpose of vesting in the campus the attributes
20 necessary to meet the requirements for separate accreditation
21 by the Southern Association of Colleges and Schools.

22 (4) Students enrolled at the University of South
23 Florida, including those enrolled at a branch campus, have the
24 same rights and obligations as provided by law, policy, or
25 rule adopted by the Board of Trustees of the University of
26 South Florida and the State Board of Education, ~~the Florida~~
27 ~~Department of Education, or other lawful entity.~~ The
28 University of South Florida shall provide a comprehensive and
29 coordinated system of student registration so that a student
30 enrolled at any campus of the University of South Florida has

31

1 the ability to register for courses at any other campus of the
2 University of South Florida.

3 Section 278. Subsections (1) and (3) of section
4 240.5277, Florida Statutes, are amended to read:

5 240.5277 New College of Florida.--

6 (1) MISSION AND GOALS.--~~As a member of the State~~
7 ~~University System of Florida,~~New College of Florida shall
8 preserve ~~preserves~~ its distinctive mission as a residential
9 liberal arts honors college. To maintain this mission, New
10 College of Florida has the following goals:

11 (a) To provide a quality education to students of high
12 ability who, because of their ability, deserve a program of
13 study that is both demanding and stimulating.

14 (b) To engage in undergraduate educational reform by
15 combining educational innovation with educational excellence.

16 (c) To provide programs of study that allow students
17 to design their educational experience as much as possible in
18 accordance with their individual interests, values, and
19 abilities.

20 (d) To challenge undergraduates not only to master
21 existing bodies of knowledge but also to extend the frontiers
22 of knowledge through original research.

23 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
24 members to the Board of Trustees, to serve 4-year staggered
25 terms, as follows:

26 (a) Three residents of Sarasota County.

27 (b) Two residents of Manatee County.

28 (c) Until the expiration date of the terms of office
29 of the members who are on the board June 30, 2001, seven
30 members selected from the Board of Trustees of the New College
31 Foundation.

1
2 In addition, a student body president shall be an ex officio,
3 a voting member of the board.

4 Section 279. Subsections (2) and (5) and paragraph (c)
5 of subsection (8) of section 240.5278, Florida Statutes, are
6 amended to read:

7 240.5278 St. Petersburg College.--

8 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
9 Petersburg Junior College is redesignated as St. Petersburg
10 College. The college shall immediately seek accreditation from
11 the Southern Association of Colleges and Schools as a
12 baccalaureate degree granting college.

13 (a) The primary mission of St. Petersburg College is
14 to provide high-quality undergraduate education at an
15 affordable price for students and the state. The purpose is to
16 promote economic development by preparing people for
17 occupations that require a bachelor's degree and are in demand
18 by existing or emerging public and private employers in this
19 state.

20 (b) St. Petersburg College shall maintain the mission
21 and policies of a Florida community college, including the
22 open-door admissions policy and the authority to offer all
23 programs consistent with a public community college's
24 authority.

25 (c) St. Petersburg College shall maintain the
26 distinction between the college and its university center. St.
27 Petersburg College is limited to community college programs
28 and to selected baccalaureate degree level programs that meet
29 community needs and are authorized as provided by this
30 section. The University Center may make available more diverse
31 program offerings, but those programs are offered by a

1 participating college or university and are not to be
2 classified or funded as programs of St. Petersburg College.

3 (d) The academic policies of the upper-division
4 program at St. Petersburg College must be in accordance with
5 rules ~~policies~~ of the State Board of Education ~~University~~
6 ~~System~~.

7 (e) Sections 240.293 and 240.2945 apply to St.
8 Petersburg College.

9 (5) BOARD ~~BOARDS~~.--

10 (a) ~~The Board of Trustees of St. Petersburg Junior~~
11 ~~College is renamed~~ The Board of Trustees of St. Petersburg
12 College shall serve ~~and serves~~ as its governing board. The
13 Governor shall appoint members as provided in s. 240.313, and
14 the board has the duties and authorities granted in ss.
15 240.315 and 240.319 and by rules of the State ~~Florida~~ Board of
16 Education.

17 (b) The Board of Trustees of St. Petersburg College
18 may authorize direct-support organizations as authorized in
19 ss. 240.299 and 240.331.

20 (c) The Board of Trustees of St. Petersburg College
21 may continue to award degrees, diplomas, and certificates as
22 authorized for St. Petersburg Junior College, and in the name
23 of St. Petersburg Junior College, until St. Petersburg College
24 receives its accreditation.

25 (d) A coordinating board shall assist the Board of
26 Trustees in its deliberations concerning issues that affect
27 the upper division of St. Petersburg College. The coordinating
28 board consists of the President of the University of South
29 Florida, the President of St. Petersburg College, the
30 President of Pasco-Hernando Community College, and the chairs
31 of the boards of trustees of those institutions.

1 (e) Beginning 4 years after the college receives
2 accreditation to offer baccalaureate degrees, the Board of
3 Trustees of St. Petersburg College may determine additional
4 programs to be offered, with the approval of the coordinating
5 board. The determination must consider community needs and
6 economic opportunities.

7 (f) The coordinating board shall meet at the request
8 of the President of the University of South Florida or the
9 President of St. Petersburg College.

10 (g) If the coordinating board cannot decide an issue
11 of importance to the programs designed for upper-division
12 students, the Commissioner of Education ~~chief educational~~
13 ~~officer of this state~~ shall resolve the issue.

14 (8) STATE FUNDING.--

15 (c) ~~During the 2001-2002 fiscal year, St. Petersburg~~
16 ~~College shall estimate the appropriate level of funding for~~
17 ~~these programs.~~By March 1, 2002, the college shall complete a
18 cost study and shall submit to the Legislature a proposal for
19 cost accounting and legislative budget requests designed to
20 acknowledge its unique classification. The cost study must
21 indicate actual costs projected for the first 4 years of
22 operation as a baccalaureate degree level institution, with
23 the first students expected to enroll in the upper division in
24 the fall semester of 2002.

25 Section 280. Section 240.528, Florida Statutes, and
26 section 240.5285, Florida Statutes, as amended by section 27
27 of chapter 2001-61 and section 82 of chapter 2001-266, Laws of
28 Florida, are repealed.

29 Section 281. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 240.529,
31 Florida Statutes, shall not stand repealed January 7, 2003, as

1 scheduled by that law, but that section is reenacted and
2 amended to read:

3 240.529 Public accountability and state approval for
4 teacher preparation programs.--

5 (1) INTENT.--The Legislature recognizes that skilled
6 teachers make an important contribution to a system that
7 allows students to obtain a high-quality education. The intent
8 of the Legislature is to establish a system for development
9 and approval of teacher preparation programs that will free
10 postsecondary teacher preparation institutions to employ
11 varied and innovative teacher preparation techniques while
12 being held accountable for producing graduates with the
13 competencies and skills necessary to achieve the state
14 education goals; help the state's diverse student population,
15 including students with limited English proficiency, meet high
16 standards for academic achievement; maintain safe, secure
17 classroom learning environments; and sustain the state system
18 of school improvement and education accountability established
19 pursuant to ss. 229.591 and 229.592. The State Board of
20 Education shall adopt rules pursuant to ss. 120.536(1) and
21 120.54 that establish uniform core curricula for each
22 state-approved teacher preparation program.

23 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
24 system developed by the Department of Education in
25 collaboration with institutions of higher education shall
26 assist departments and colleges of education in the
27 restructuring of their programs to meet the need for producing
28 quality teachers now and in the future. The system must be
29 designed to assist teacher educators in conceptualizing,
30 developing, implementing, and evaluating programs that meet
31 state-adopted standards. The Education Standards Commission

1 has primary responsibility for recommending these standards to
2 the State Board of Education for adoption. These standards
3 shall emphasize quality indicators drawn from research,
4 professional literature, recognized guidelines, Florida
5 essential teaching competencies and educator-accomplished
6 practices, effective classroom practices, and the outcomes of
7 the state system of school improvement and education
8 accountability, as well as performance measures. Departments
9 and colleges of education shall emphasize the state system of
10 school improvement and education accountability concepts and
11 standards, including Sunshine State Standards. State-approved
12 teacher preparation programs must incorporate appropriate
13 English for Speakers of Other Languages instruction so that
14 program graduates will have completed the requirements for
15 teaching limited English proficient students in Florida public
16 schools.

17 (3) INITIAL STATE PROGRAM APPROVAL.--

18 (a) A program approval process based on standards
19 adopted pursuant to subsection (2) must be established for
20 postsecondary teacher preparation programs, phased in
21 according to timelines determined by the Department of
22 Education, and fully implemented for all teacher preparation
23 programs in the state. Each program shall be approved by the
24 department, consistent with the intent set forth in subsection
25 (1) and based primarily upon significant, objective, and
26 quantifiable graduate performance measures.

27 (b) Each teacher preparation program approved by the
28 Department of Education, as provided for by this section,
29 shall require students to meet the following as prerequisites
30 for admission into the program:

31

1 1. Have a grade point average of at least 2.5 on a 4.0
2 scale for the general education component of undergraduate
3 studies or have completed the requirements for a baccalaureate
4 degree with a minimum grade point average of 2.5 on a 4.0
5 scale from any college or university accredited by a regional
6 accrediting association as defined by state board rule; and

7 2. ~~Beginning with the 2000-2001 academic year,~~
8 Demonstrate mastery of general knowledge, including the
9 ability to read, write, and compute by passing the College
10 Level Academic Skills Test, a corresponding component of the
11 National Teachers Examination series, or a similar test
12 pursuant to rules of the State Board of Education.

13
14 The State Board of Education may provide by rule for a waiver
15 of these requirements. The rule shall require that 90 percent
16 of those admitted to each teacher education program meet the
17 requirements of this paragraph and that the program implement
18 strategies to ensure that students admitted under a waiver
19 receive assistance to demonstrate competencies to successfully
20 meet requirements for certification.

21 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
22 subsection (3), failure by a public or nonpublic teacher
23 preparation program to meet the criteria for continued program
24 approval shall result in loss of program approval. The
25 Department of Education, in collaboration with the departments
26 and colleges of education, shall develop procedures for
27 continued program approval which document the continuous
28 improvement of program processes and graduates' performance.

29 (a) Continued approval of specific teacher preparation
30 programs at each public and nonpublic institution of higher
31 education within the state is contingent upon the passing of

1 the written examination required by s. 231.17 by at least 90
2 percent of the graduates of the program who take the
3 examination. On request of an institution, the Department of
4 Education shall provide an analysis of the performance of the
5 graduates of such institution with respect to the competencies
6 assessed by the examination required by s. 231.17.

7 (b) Additional criteria for continued program approval
8 for public institutions may be developed by the Education
9 Standards Commission and approved by the State Board of
10 Education. Such criteria must emphasize instruction in
11 classroom management and must provide for the evaluation of
12 the teacher candidates' performance in this area. The criteria
13 shall also require instruction in working with underachieving
14 students. Program evaluation procedures must include, but are
15 not limited to, program graduates' satisfaction with
16 instruction and the program's responsiveness to local school
17 districts. Additional criteria for continued program approval
18 for nonpublic institutions shall be developed in the same
19 manner as for public institutions; however, such criteria must
20 be based upon significant, objective, and quantifiable
21 graduate performance measures. Responsibility for collecting
22 data on outcome measures through survey instruments and other
23 appropriate means shall be shared by the institutions of
24 higher education, ~~the Board of Regents, the State Board of~~
25 ~~Independent Colleges and Universities, and~~ the Department of
26 Education, and the Commission for Independent Education. By
27 January 1 of each year, the Department of Education, in
28 cooperation with the Commission for Independent Education
29 ~~Board of Regents and the State Board of Independent Colleges~~
30 ~~and Universities~~, shall report this information for each
31 postsecondary institution that has state-approved programs of

1 teacher education to the Governor, the Commissioner of
2 Education, ~~the Chancellor of the State University System,~~ the
3 President of the Senate, the Speaker of the House of
4 Representatives, all Florida postsecondary teacher preparation
5 programs, and interested members of the public. This report
6 must analyze the data and make recommendations for improving
7 teacher preparation programs in the state.

8 (c) Continued approval for a teacher preparation
9 program is contingent upon the results of annual reviews of
10 the program conducted by the institution of higher education,
11 using procedures and criteria outlined in an institutional
12 program evaluation plan approved by the Department of
13 Education. This plan must incorporate the criteria established
14 in paragraphs (a) and (b) and include provisions for involving
15 primary stakeholders, such as program graduates, district
16 school personnel, classroom teachers, principals, community
17 agencies, and business representatives in the evaluation
18 process. Upon request by an institution, the department shall
19 provide assistance in developing, enhancing, or reviewing the
20 institutional program evaluation plan and training evaluation
21 team members.

22 (d) Continued approval for a teacher preparation
23 program is contingent upon standards being in place that are
24 designed to adequately prepare elementary, middle, and high
25 school teachers to instruct their students in higher-level
26 mathematics concepts and in the use of technology at the
27 appropriate grade level.

28 (e) ~~Beginning July 1, 2000,~~ Continued approval of
29 teacher preparation programs is contingent upon compliance
30 with the student admission requirements of subsection (3) and
31 upon the receipt of at least a satisfactory rating from public

1 schools and nonpublic schools that employ graduates of the
2 program. Employer satisfaction shall be determined by an
3 annually administered survey instrument approved by the
4 Department of Education that, at a minimum, must include
5 employer satisfaction of the graduates' ability to do the
6 following:

7 1. Write and speak in a logical and understandable
8 style with appropriate grammar.

9 2. Recognize signs of students' difficulty with the
10 reading and computational process and apply appropriate
11 measures to improve students' reading and computational
12 performance.

13 3. Use and integrate appropriate technology in
14 teaching and learning processes.

15 4. Demonstrate knowledge and understanding of Sunshine
16 State Standards.

17 (f)1. ~~Beginning with the 2000-2001 academic year,~~Each
18 Florida public and private institution that offers a
19 state-approved teacher preparation program must annually
20 report information regarding these programs to the state and
21 the general public. This information shall be reported in a
22 uniform and comprehensible manner that conforms with
23 definitions and methods proposed by the Education Standards
24 Commission, that is consistent with definitions and methods
25 approved by the Commissioner of the National Center for
26 Educational Statistics, and that is approved by the State
27 Board of Education. ~~Beginning with the 2001-2002 academic~~
28 ~~year,~~This information must include, at a minimum:

29 a. The percent of graduates obtaining full-time
30 teaching employment within the first year of graduation.

31

1 b. The average length of stay of graduates in their
2 full-time teaching positions.

3 c. Satisfaction ratings required in paragraph (e).

4 2. ~~Beginning with the 2001-2002 academic year,~~Each
5 public and private institution offering training for school
6 readiness-related professions, including training in the
7 fields of child care and early childhood education, whether
8 offering vocational credit, associate in science degree
9 programs, or associate in arts degree programs, shall annually
10 report information regarding these programs to the state and
11 the general public in a uniform and comprehensible manner that
12 conforms with definitions and methods proposed by the
13 Education Standards Commission. This information must include,
14 at a minimum:

15 a. Average length of stay of graduates in their
16 positions.

17 b. Satisfaction ratings of graduates' employers.

18
19 This information shall be reported through publications,
20 including college and university catalogs and promotional
21 materials sent to potential applicants, secondary school
22 guidance counselors, and prospective employers of the
23 institution's program graduates.

24 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
25 instructors, school district personnel and instructional
26 personnel, and school sites preparing instructional personnel
27 through preservice field experience courses and internships
28 shall meet special requirements.

29 (a) All instructors in postsecondary teacher
30 preparation programs who instruct or supervise preservice
31 field experience courses or internships shall have at least

1 one of the following: specialized training in clinical
2 supervision; a valid professional teaching certificate
3 pursuant to ss. 231.17 and 231.24; or at least 3 years of
4 successful teaching experience in prekindergarten through
5 grade 12.

6 (b) All school district personnel and instructional
7 personnel who supervise or direct teacher preparation students
8 during upper-division field experience courses or internships
9 must have evidence of "clinical educator" training and must
10 successfully demonstrate effective classroom management
11 strategies that consistently result in improved student
12 performance. The Education Standards Commission shall
13 recommend, and the state board shall approve, the training
14 requirements.

15 (c) Preservice field experience programs must provide
16 specific guidance and demonstration of effective classroom
17 management strategies, strategies for incorporating technology
18 into classroom instruction, and ways to link instructional
19 plans to the Sunshine State Standards, as appropriate. The
20 length of structured field experiences may be extended to
21 ensure that candidates achieve the competencies needed to meet
22 certification requirements.

23 (d) Postsecondary teacher preparation programs in
24 cooperation with district school boards and approved nonpublic
25 school associations shall select the school sites for
26 preservice field experience activities. These sites must
27 represent the full spectrum of school communities, including,
28 but not limited to, schools located in urban settings. In
29 order to be selected, school sites must demonstrate commitment
30 to the education of ~~public school~~ students and to the
31 preparation of future teachers.

1 ~~(6) STANDARDS OF EXCELLENCE.--The Education Standards~~
2 ~~Commission shall recommend, and the State Board of Education~~
3 ~~shall approve, standards of excellence for teacher~~
4 ~~preparation. These standards must exceed the requirements for~~
5 ~~program approval pursuant to subsection (3) and must~~
6 ~~incorporate state and national recommendations for exemplary~~
7 ~~teacher preparation programs. Approved teacher preparation~~
8 ~~programs that meet these standards of excellence shall receive~~
9 ~~public recognition as programs of excellence and may be~~
10 ~~eligible to receive teaching profession enhancement grants~~
11 ~~pursuant to s. 240.5291.~~

12 (6)~~(7)~~ NATIONAL BOARD STANDARDS.--The Education
13 Standards Commission and the State Board of Education shall
14 review standards and recommendations developed by the National
15 Board for Professional Teaching Standards and may incorporate
16 those parts deemed appropriate into criteria for continued
17 state program approval, standards of excellence, and
18 requirements for inservice education.

19 (7)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,
20 postsecondary institutions offering teacher preparation
21 programs shall establish articulation agreements on a core of
22 liberal arts courses and introductory professional courses
23 with field experience components which shall be offered at
24 community colleges.

25 (8)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
26 PROGRAMS.--Universities, colleges, and community colleges may
27 establish preteacher education and teacher education pilot
28 programs to encourage promising minority students to prepare
29 for a career in education. These pilot programs shall be
30 designed to recruit and provide additional academic, clinical,
31 and counseling support for students whom the institution

1 judges to be potentially successful teacher education
2 candidates, but who may not meet teacher education program
3 admission standards. Priority consideration shall be given to
4 those pilot programs that are jointly submitted by community
5 colleges, colleges, and universities.

6 (a) These pilot programs shall be approved by the
7 State Board of Education and shall be designed to provide help
8 and support for program participants during the preteacher
9 education period of general academic preparation at a
10 community college, college, or university and during
11 professional preparation in a state-approved teacher education
12 program. Emphasis shall be placed on development of the basic
13 skills needed by successful teachers.

14 (b) Universities, colleges, and community colleges may
15 admit into the pilot program those incoming students who
16 demonstrate an interest in teaching as a career, but who may
17 not meet the requirements for entrance into an approved
18 teacher education program.

19 1. Flexibility may be given to colleges of education
20 to develop and market innovative teacher training programs
21 directed at specific target groups such as graduates from the
22 colleges of arts and sciences, employed education
23 paraprofessionals, substitute teachers, early federal
24 retirees, and nontraditional college students. Programs must
25 be submitted to the State Board of Education for approval.

26 2. Academically successful graduates in the fields of
27 liberal arts and science may be encouraged to embark upon a
28 career in education.

29 3. Models may be developed to provide a positive
30 initial experience in teaching in order to encourage
31

1 retention. Priority should be given to models that encourage
2 minority graduates.

3 (c) In order to be certified, a graduate from a pilot
4 program shall meet all requirements for teacher certification
5 specified by s. 231.17. Should a graduate of a pilot program
6 not meet the requirements of s. 231.17, that person shall not
7 be included in the calculations required by paragraph (4)(a)
8 and State Board of Education rules for continued program
9 approval, or in the statutes used by the State Board of
10 Education in deciding which teacher education programs to
11 approve.

12 (d) Institutions participating in the pilot program
13 shall submit an annual report evaluating the success of the
14 program to the Commissioner of Education by March 1 of each
15 year. The report shall contain, but shall not be limited to:
16 the number of pilot program participants, including the number
17 participating in general education and the number admitted to
18 approved teacher education programs, the number of pilot
19 program graduates, and the number of pilot program graduates
20 who met the requirements of s. 231.17. The commissioner shall
21 consider the number of participants recruited, the number of
22 graduates, and the number of graduates successfully meeting
23 the requirements of s. 231.17 reported by each institution,
24 and shall make an annual recommendation to the state board
25 regarding the institution's continued participation in the
26 pilot program.

27 (9)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR
28 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
29 shall be established at the University of Central Florida, the
30 University of North Florida, and the University of South
31 Florida. These programs shall include a year-long paid

1 teaching assignment and competency-based learning experiences
2 and shall be designed to encourage high-achieving students, as
3 identified by the institution, to pursue a career in
4 education. Students chosen to participate in the pilot
5 programs shall agree to teach for at least 1 year after they
6 receive their degrees. Criteria for identifying
7 high-achieving students shall be developed by the institution
8 and shall include, at a minimum, requirements that the student
9 have a 3.3 grade point average or above and that the student
10 has demonstrated mastery of general knowledge pursuant to s.
11 231.17(2)(g). The year-long paid teaching assignment shall
12 begin after completion of the equivalent of 3 years of the
13 university teacher preparation program.

14 (a) Each pilot program shall be designed to include:

15 1. A year-long paid teaching assignment at a specified
16 school site during the fourth year of the university teacher
17 preparation program, which includes intense supervision by a
18 support team trained in clinical education. The support team
19 shall include a university supervisor and experienced
20 school-based mentors. A mentor teacher shall be assigned to
21 each fourth year employed teacher to implement an
22 individualized learning plan. This mentor teacher will be
23 considered an adjunct professor for purposes of this program
24 and may receive credit for time spent as a mentor teacher in
25 the program. The mentor teacher must have a master's degree
26 or above, a minimum of 3 years of teaching experience, and
27 clinical education training or certification by the National
28 Board of Professional Teaching Standards. Experiences and
29 instruction may be delivered by other mentors, assigned
30 teachers, professors, individualized learning, and

31

1 demonstrations. Students in this paid teaching assignment
2 shall assume full responsibility of all teaching duties.

3 2. Professional education curriculum requirements that
4 address the educator-accomplished practices and other
5 competencies specified in state board rule.

6 3. A modified instructional delivery system that
7 provides onsite training during the paid teaching assignment
8 in the professional education areas and competencies specified
9 in this subsection. The institutions participating in this
10 pilot program shall be given a waiver to provide a modified
11 instructional delivery system meeting criteria that allows
12 earned credit through nontraditional approaches. The modified
13 system may provide for an initial evaluation of the
14 candidate's competencies to determine an appropriate
15 individualized professional development plan and may provide
16 for earned credit by:

17 a. Internet learning and competency acquisition.

18 b. Learning acquired by observing demonstrations and
19 being observed in application.

20 c. Independent study or instruction by mentor teachers
21 or adjunct teachers.

22 4. Satisfactory demonstration of the
23 educator-accomplished practices and content area competencies
24 for program completion.

25 5. For program completion, required achievement of
26 passing scores on all tests required for certification by
27 State Board of Education rules.

28 (b) Beginning in July 2003, each institution
29 participating in the pilot program shall submit to the
30 Commissioner of Education an annual report evaluating the
31 effectiveness of the program. The report shall include, but

1 shall not be limited to, the number of students selected for
2 the pilot program, the number of students successfully
3 completing the pilot program, the number of program
4 participants who passed all required examinations, the number
5 of program participants who successfully demonstrated all
6 required competencies, and a followup study to determine the
7 number of pilot program completers who were employed in a
8 teaching position and employers' satisfaction with the
9 performance of pilot program completers.

10 (c) This subsection shall be implemented to the extent
11 specifically funded in the General Appropriations Act.

12 (10)~~(11)~~ RULES.--The State Board of Education shall
13 adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to
14 implement this section.

15 Section 282. Sections 240.52901, 240.5291, and 240.53,
16 Florida Statutes, are repealed.

17 Section 283. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.531,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.531 Establishment of educational research centers
23 for child development.--

24 (1) Upon approval of the university president, the
25 student government association of any state university ~~within~~
26 ~~the State University System~~ may establish an educational
27 research center for child development in accordance with the
28 provisions of this section. Each such center shall be a child
29 day care center established to provide care for the children
30 of students, both graduate and undergraduate, faculty, and
31 other staff and employees of the university and to provide an

1 opportunity for interested schools or departments of the
2 university to conduct educational research programs and
3 establish internship programs within such centers. Whenever
4 possible, such center shall be located on the campus of the
5 university. There shall be a director of each center,
6 selected by the board of directors of the center.

7 (2) There shall be a board of directors for each
8 educational research center for child development, consisting
9 of the president of the university or his or her designee, the
10 student government president or his or her designee, the chair
11 of each department participating in the center or his or her
12 designee, and one parent for each 50 children enrolled in the
13 center, elected by the parents of children enrolled in the
14 center. The director of the center shall be an ex officio,
15 nonvoting member of the board. The board shall establish
16 local policies and perform local oversight and operational
17 guidance for the center.

18 (3) Each center is authorized to charge fees for the
19 care and services it provides. Such fees must be approved by
20 the board of trustees of the state university ~~Regents~~ and may
21 be imposed on a sliding scale based on ability to pay or any
22 other factors deemed relevant by the board.

23 (4) Each state university board of trustees may adopt
24 ~~The Board of Regents is authorized and directed to promulgate~~
25 rules for the establishment, operation, and supervision of
26 educational research centers for child development. Such rules
27 shall include, but need not be limited to: a defined method
28 of establishment of and participation in the operation of
29 centers by the appropriate student government associations;
30 guidelines for the establishment of an intern program in each
31 center; and guidelines for the receipt and monitoring of funds

1 from grants and other sources of funds consistent with
2 existing laws.

3 (5) Each educational research center for child
4 development shall be funded by a portion of the Capital
5 Improvement Trust Fund fee ~~established by the Board of Regents~~
6 ~~pursuant to s. 240.209(3)(g)~~. Each university that ~~which~~
7 establishes a center shall receive a portion of such fees
8 collected from the students enrolled at that university,
9 usable only at that university, equal to 22.5 cents per
10 student per credit hour taken per term, based on the summer
11 term and fall and spring semesters. This allocation shall be
12 used by the university only for the establishment and
13 operation of a center as provided by this section and rules
14 adopted under this section ~~promulgated hereunder~~. The said
15 allocation may be made only after all bond obligations
16 required to be paid from such fees have been met.

17 Section 284. Notwithstanding subsection (7) of section
18 3 of chapter 2000-321, Laws of Florida, section 240.5321,
19 Florida Statutes, shall not stand repealed January 7, 2003, as
20 scheduled by that law, but that section is reenacted and
21 amended to read:

22 240.5321 Interdisciplinary Center for Brownfield
23 Rehabilitation Assistance.--The State Board of Education ~~Board~~
24 ~~of Regents~~ shall establish a Center for Brownfield
25 Rehabilitation Assistance in the Environmental Sciences and
26 Policy Program in the College of Arts and Sciences at the
27 University of South Florida with the collaboration of other
28 related disciplines such as business administration,
29 environmental science, and medicine. The center shall work in
30 conjunction with other colleges and state universities ~~in the~~
31

1 ~~State University System.~~ The Center for Brownfield
2 Rehabilitation Assistance shall:

3 (1) Conduct research relating to problems and
4 solutions associated with rehabilitation and restoration of
5 brownfield areas as defined in s. 376.79. The research must
6 include identifying innovative solutions to removing
7 contamination from brownfield sites to reduce the threats to
8 drinking water supplies and other potential public health
9 threats from contaminated sites.

10 (2) Provide public service to local, regional, and
11 state agencies, units of government, and authorities by
12 helping them to create workable mechanisms, partnerships with
13 public and private sectors, and other techniques for
14 rehabilitating brownfield areas.

15 (3) Conduct special research relating to risk-based
16 corrective actions for rehabilitation of brownfield areas.

17 (4) Develop a base of informational and financial
18 support from the private sector for the activities of the
19 center.

20 Section 285. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.5325,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.5325 Research activities relating to solid and
26 hazardous waste management.--Research, training, and service
27 activities related to solid and hazardous waste management
28 conducted by state universities shall be coordinated by the
29 State Board of Education ~~Board of Regents~~ through the Office
30 of the Commissioner of Education ~~Chancellor~~. Proposals for
31 research contracts and grants; public service assignments; and

1 responses to requests for information and technical assistance
2 by state and local government, business, and industry shall be
3 addressed by a formal Type I Center process involving an
4 advisory board of university personnel appointed by the
5 commissioner ~~chancellor~~ and chaired and directed by an
6 individual appointed by the commissioner ~~chancellor~~. The
7 commissioner ~~Board of Regents~~ shall consult with the
8 Department of Environmental Protection in developing the
9 research programs and provide the department with a copy of
10 the proposed research program for review and comment before
11 the research is undertaken. Research contracts shall be
12 awarded to independent nonprofit colleges and universities
13 within the state which are accredited by the Southern
14 Association of Colleges and Schools on the same basis as those
15 research contracts awarded to the state universities. Research
16 activities shall include, but are not limited to, the
17 following areas:

- 18 (1) Methods and processes for recycling solid and
19 hazardous waste;
20 (2) Methods of treatment for detoxifying hazardous
21 waste; and
22 (3) Technologies for disposing of solid and hazardous
23 waste.

24 Section 286. Section 240.5326, Florida Statutes, is
25 repealed.

26 Section 287. Notwithstanding subsection (7) of section
27 3 of chapter 2000-321, Laws of Florida, section 240.5329,
28 Florida Statutes, shall not stand repealed January 7, 2003, as
29 scheduled by that law, but that section is reenacted to read:

30 240.5329 Florida LAKEWATCH Program.--The Florida
31 LAKEWATCH Program is hereby created within the Department of

1 Fisheries and Aquaculture of the Institute of Food and
2 Agricultural Sciences at the University of Florida. The
3 purpose of the program is to provide public education and
4 training with respect to the water quality of Florida's lakes.

5 The Department of Fisheries and Aquaculture may, in
6 implementing the LAKEWATCH program:

7 (1) Train, supervise, and coordinate volunteers to
8 collect water quality data from Florida's lakes.

9 (2) Compile the data collected by volunteers.

10 (3) Disseminate information to the public about the
11 LAKEWATCH program.

12 (4) Provide or loan equipment to volunteers in the
13 program.

14 (5) Perform other functions as may be necessary or
15 beneficial in coordinating the LAKEWATCH program.

16

17 Data collected and compiled shall be used to establish trends
18 and provide general background information and shall in no
19 instance be used in a regulatory proceeding.

20 Section 288. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.533,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.533 Gender equity in intercollegiate athletics.--

26 (1) LEGISLATIVE INTENT.--The Legislature recognizes
27 that the educational opportunities for women athletes are
28 greatly enhanced by providing equal opportunity for women to
29 participate in intercollegiate athletics. Therefore, it is the
30 intent of the Legislature to demonstrate through financial
31 assistance to the state universities and colleges ~~State~~

1 ~~University System and the institutions therein~~ its commitment
2 to the principle of equity by assuring equal opportunity for
3 female athletes. Furthermore, it is the intent of the
4 Legislature that the Title IX regulations of the 1972
5 Educational Amendments, as amended, form the basis upon which
6 appropriations are made.

7 (2) COUNCIL.--

8 (a) There is created from among the state universities
9 and colleges ~~within the Board of Regents~~ the Council on Equity
10 in Athletics. The council shall meet at least once, but not
11 more than four times, annually. The council shall be composed
12 of:

13 ~~1. The Chancellor of the State University System or a~~
14 ~~designee, who shall serve as chair of the council.~~

15 ~~1.2.~~ The Commissioner of Education or a designee, who
16 shall serve as chair of the council.

17 ~~2.3.~~ The President of the State Council of Student
18 Body Presidents or a designee.

19 ~~3.4.~~ The Equal Employment Opportunity officer for the
20 Department of Education or a designee.

21 ~~4.5.~~ The director of the Office of Equal Opportunity
22 Programs for the Department of Education ~~Board of Regents~~.

23 ~~5.6.~~ One member from each state university and college
24 ~~institution within the State University System~~, at least five
25 of whom shall be women. Except for ~~the Chancellor or his or~~
26 ~~her designee~~, the Commissioner of Education or designee, the
27 Equal Employment Opportunity officer for the Department of
28 Education, and the Director of the ~~Board of Regents~~ Office of
29 Equal Opportunity Programs of the Department of Education, and
30 except for the President of the State Council of Student Body
31 Presidents, or a designee, who shall be appointed to a term of

1 | 1 year, ~~the terms of~~ council members ~~appointed to fill~~
2 | ~~vacancies which occur after August 1, 1991, shall be as~~
3 | ~~follows: three members shall be appointed for 2-year terms;~~
4 | ~~three members shall be appointed for 3-year terms; and three~~
5 | ~~members shall be appointed for 4-year terms. Upon expiration~~
6 | ~~of these members' terms of office, terms of office shall be~~
7 | ~~for 4 years.~~ Institutional members shall be nominated by the
8 | university or college presidents and selected by the
9 | Commissioner of Education ~~Chancellor of the State University~~
10 | ~~System.~~ If in the event of a vacancy occurs prior to
11 | expiration of a member's term, such vacancy shall be filled by
12 | the commissioner ~~Chancellor of the State University System.~~

13 | (b) The council shall have as its primary
14 | responsibilities:

15 | 1. The determination of available resources for
16 | women's intercollegiate athletics at each state university and
17 | college institution within the State University System.

18 | 2. The determination of required resources for women's
19 | intercollegiate athletics at each state university and college
20 | institution within the State University System in order to
21 | comply with this section ~~the provisions herein.~~

22 | 3. The development of a state formula for the request
23 | and allocation of funds based on the Title IX regulations,
24 | which shall assure equity for funding women's intercollegiate
25 | athletics at each state university and college institution
26 | within the State University System.

27 | 4. The advisement of the State Board of Education
28 | ~~board~~ of the required appropriation and allocation to assure
29 | equity as provided herein.

30 | (3) FUNDING.--

31 |

1 (a) An equitable portion of all separate athletic fees
2 shall be designated for women's intercollegiate athletics.

3 (b) The level of funding and percentage share of
4 support for women's intercollegiate athletics shall be
5 determined by the State Board of Education ~~Board of Regents~~,
6 in consultation with the Council on Equity in Athletics. The
7 level of funding and percentage share attained in the
8 1980-1981 fiscal year shall be the minimum level and
9 percentage maintained by each institution, except as the state
10 board ~~Board of Regents~~ otherwise directs for the purpose of
11 assuring equity. Consideration shall be given by the state
12 board ~~Board of Regents~~ to emerging athletic programs at state
13 universities and colleges that ~~which~~ may not have the
14 resources to secure external funds to provide athletic
15 opportunities for women. It is the intent that the effect of
16 any redistribution of funds among institutions shall not
17 negate the requirements as set forth in this section.

18 (c) In addition to the above amount, an amount equal
19 to the sales taxes collected from admission to athletic events
20 sponsored by a state university or college ~~an institution~~
21 ~~within the State University System~~ shall be retained and
22 utilized by each institution to support women's athletics.

23 (4) GENDER EQUITY PLAN.--

24 (a) Each state university and college shall develop a
25 gender equity plan pursuant to s. 228.2001. The council shall
26 review each ~~university's~~ plan to ensure compliance and report
27 such findings to the State Board of Education ~~Board of~~
28 ~~Regents~~.

29 (b) The plan shall include consideration of equity in
30 sports offerings, participation, availability of facilities,
31 scholarship offerings, and funds allocated for administration,

1 recruitment, comparable coaching, publicity and promotion, and
2 other support costs.

3 (c) The Commissioner of Education shall annually
4 assess the progress of each ~~university's~~ plan and ~~advise the~~
5 ~~Board of Regents~~ regarding compliance.

6 (d) The State Board of Education ~~Board of Regents~~
7 shall annually evaluate the ~~Chancellor and~~ university and
8 college presidents on the extent to which the gender equity
9 goals have been achieved.

10 (e) To determine the proper level of support for
11 women's athletic scholarships, an equity plan may determine,
12 where appropriate, that support for women's scholarships may
13 be disproportionate to the support of scholarships for men.

14 (f) ~~Effective July 1, 1994,~~ If a state university or
15 college is not in compliance with Title IX of the Education
16 Amendments of 1972 and the Florida Educational Equity Act, the
17 State Board of Education ~~Board of Regents~~ shall:

18 1. Declare the university or college ineligible for
19 competitive state grants.

20 2. Withhold funds sufficient to obtain compliance.

21

22 The university or college shall remain ineligible and the
23 funds shall not be paid until the university or college comes
24 into compliance or the Commissioner of Education ~~Chancellor~~
25 approves a plan for compliance.

26 (5) STATE BOARD OF EDUCATION ~~BOARD OF REGENTS~~.--The
27 State Board of Education ~~Board of Regents~~ shall assure equal
28 opportunity for female athletes and establish:

29 (a) Guidelines for reporting of intercollegiate
30 athletics data concerning financial, program, and facilities

31

1 information for review by the state board ~~Board of Regents~~
2 annually.

3 (b) Systematic audits for the evaluation of such data.

4 (c) Criteria for determining and assuring equity.

5 Section 289. Sections 240.5339, 240.5340, 240.5341,
6 240.5342, 240.5343, 240.5344, 240.5345, 240.5346, 240.5347,
7 240.5348, and 240.5349, Florida Statutes, are repealed.

8 Section 290. Notwithstanding subsection (7) of section
9 3 of chapter 2000-321, Laws of Florida, section 240.535,
10 Florida Statutes, shall not stand repealed January 7, 2003, as
11 scheduled by that law, but that section is reenacted and
12 amended to read:

13 240.535 New World School of the Arts.--

14 (1) This section ~~shall be known and~~ may be cited as
15 the "New World School of the Arts Act."

16 (2) As Florida strives to achieve excellence in all
17 aspects of public education, it is the intent of the
18 Legislature that specific attention be given to the needs of
19 artistically talented high school and college students. It is
20 further intended that such students who are occupationally
21 oriented to the arts be provided with the means for achieving
22 both an academic education and artistic training appropriate
23 to their gifts.

24 (3) There is ~~hereby~~ created the New World School of
25 the Arts, a center of excellence for the performing and visual
26 arts, to serve all of the State of Florida. The school shall
27 offer a program of academic and artistic studies in the visual
28 and performing arts which shall be available to talented high
29 school and college students.

30 (4)(a) For purposes of governance, the New World
31 School of the Arts is assigned to the State Board of Education

1 ~~University System~~, Miami-Dade Community College, and the
2 Miami-Dade ~~Dade~~ County School District. The State Board of
3 Education ~~Board of Regents~~ shall assign to the New World
4 School of the Arts a university partner or partners. In this
5 selection, the state board shall ~~Board of Regents will~~
6 consider the accreditation status of the core programs.
7 Florida International University, in its capacity as the
8 provider of university services to Miami-Dade ~~Dade~~ County,
9 will be a partner to serve the New World School of the Arts,
10 upon meeting the accreditation criteria. The respective boards
11 shall appoint members to an executive board for administration
12 of the school. The executive board may include community
13 members and shall reflect proportionately the participating
14 institutions. Miami-Dade Community College shall serve as
15 fiscal agent for the school.

16 (b) The New World School of the Arts Foundation is
17 ~~hereby~~ created for the purpose of providing auxiliary
18 financial support for the school's programs, including, but
19 not limited to, the promotion and sponsorship of special
20 events and scholarships. Foundation membership shall be
21 determined by the executive board.

22 (c) The school may affiliate with other public or
23 private educational or arts institutions. The school shall
24 serve as a professional school for all qualified students
25 within appropriations and limitations established by the
26 Legislature and the respective educational institutions.

27 (5) The school shall submit annually a formula-driven
28 budget request to the Commissioner of Education and the
29 Legislature. This formula shall be developed in consultation
30 with the State Board of Education ~~Department of Education, the~~
31 ~~Division of Community Colleges, the Board of Regents, and~~

1 staff of the Legislature. However, the actual funding for the
2 school shall be determined by the Legislature in the General
3 Appropriations Act.

4 (6) The State Board of Education ~~Board of Regents~~
5 shall utilize resources, programs, and faculty from the
6 various state universities in planning and providing the
7 curriculum and courses at the New World School of the Arts,
8 drawing on program strengths at each state university.

9 Section 291. Sections 240.539, 240.540, and 240.541,
10 Florida Statutes, are repealed.

11 Section 292. Paragraph (h) of subsection (2),
12 subsection (4), paragraph (b) of subsection (5), paragraph
13 (f) of subsection (6), paragraphs (d), (i), and (t) of
14 subsection (7), subsection (9), subsection (12), paragraph (e)
15 of subsection (13) and subsection and subsection (21) of
16 section 240.551, Florida Statutes, are amended, and paragraph
17 (x) is added to subsection (7) of that section, to read:

18 240.551 Florida Prepaid College Program.--

19 (2) DEFINITIONS.--

20 (h) "State postsecondary institution" means any
21 community college identified in s. 240.3031 or university or
22 college identified in s. 240.2011.

23 (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is
24 created within the State Board of Administration the Florida
25 Prepaid College Trust Fund. The fund shall consist of state
26 appropriations, moneys acquired from other governmental or
27 private sources, and moneys remitted in accordance with
28 advance payment contracts. All funds deposited into the trust
29 fund may be invested pursuant to s. 215.47. Dividends,
30 interest, and gains accruing to the trust fund shall increase
31 the total funds available for the program. Notwithstanding the

1 provisions of chapter 717, funds associated with terminated
2 contracts pursuant to subsection (12) and canceled contracts
3 for which no refunds have been claimed shall be retained by
4 the board ~~increase the total funds available for the program.~~
5 However, the board shall establish procedures for notifying
6 purchasers who subsequently cancel their contracts of any
7 unclaimed refund and shall establish a time period after which
8 no refund may be claimed by a purchaser who canceled a
9 contract. The board may transfer funds retained from such
10 terminated contracts and cancelled contracts to the Florida
11 Prepaid Tuition Scholarship Program to provide funds for
12 prepaid tuition scholarships for economically disadvantaged
13 youths who remain drug-free and crime-free. Any balance
14 contained within the fund at the end of a fiscal year shall
15 remain therein and shall be available for carrying out the
16 purposes of the program and the direct support organization
17 established pursuant to subsection (22). ~~If in the event that~~
18 ~~dividends, interest, and gains exceed the amount necessary for~~
19 ~~program administration and disbursements, the board may~~
20 ~~designate an additional percentage of the fund to serve as a~~
21 ~~contingency fund. Moneys contained within the fund shall be~~
22 ~~exempt from the investment requirements of s. 18.10. Any funds~~
23 ~~of a direct-support organization created pursuant to~~
24 ~~subsection (22) shall be exempt from the provisions of this~~
25 ~~subsection.~~

26 (5) PROGRAM ADMINISTRATION.--

27 (b) The board shall consist of seven members to be
28 composed of the Attorney General, the Chief Financial Officer,
29 the Director of the Division of Colleges and Universities, the
30 Director of the Division of Community Colleges, ~~Insurance~~
31 ~~Commissioner and Treasurer, the Comptroller, the Chancellor of~~

1 ~~the Board of Regents, the Executive Director of the State~~
2 ~~Board of Community Colleges~~, and three members appointed by
3 the Governor and subject to confirmation by the Senate. Each
4 member appointed by the Governor shall possess knowledge,
5 skill, and experience in the areas of accounting, actuary,
6 risk management, or investment management. Each member of the
7 board not appointed by the Governor may name a designee to
8 serve the board on behalf of the member; however, any designee
9 so named shall meet the qualifications required of
10 gubernatorial appointees to the board. Members appointed by
11 the Governor shall serve terms of 3 years. Any person
12 appointed to fill a vacancy on the board shall be appointed in
13 a like manner and shall serve for only the unexpired term.
14 Any member shall be eligible for reappointment and shall serve
15 until a successor qualifies. Members of the board shall serve
16 without compensation but shall be reimbursed for per diem and
17 travel in accordance with s. 112.061. Each member of the
18 board shall file a full and public disclosure of his or her
19 financial interests pursuant to s. 8, Art. II of the State
20 Constitution and corresponding statute.

21 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board
22 shall:

23 (f) Solicit proposals and contract, pursuant to s.
24 287.057, for product providers to develop investment
25 portfolios on behalf of the board to achieve the purposes of
26 this section. Product providers shall be limited to authorized
27 insurers as defined in s. 624.09, banks as defined in s.
28 658.12, associations as defined in s. 665.012, authorized
29 Securities and Exchange Commission investment advisers, and
30 investment companies as defined in the Investment Company Act
31 of 1940. All product providers shall have their principal

1 place of business and corporate charter located and registered
2 in the United States. In addition, each product provider shall
3 agree to meet the obligations of the board to qualified
4 beneficiaries if moneys in the fund fail to offset the
5 obligations of the board as a result of imprudent investing by
6 such provider. Each authorized insurer shall evidence superior
7 performance overall on an acceptable level of surety in
8 meeting its obligations to its policyholders and other
9 contractual obligations. Only qualified public depositories
10 approved by the Chief Financial Officer ~~Insurance Commissioner~~
11 ~~and Treasurer~~ shall be eligible for board consideration. Each
12 investment company shall provide investment plans as specified
13 within the request for proposals. The goals of the board in
14 selecting a product provider company shall be to provide all
15 purchasers with the most secure, well-diversified, and
16 beneficially administered postsecondary education expense plan
17 possible, to allow all qualified firms interested in providing
18 such services equal consideration, and to provide such
19 services to the state at no cost and to the purchasers at the
20 lowest cost possible. Evaluations of proposals submitted
21 pursuant to this paragraph shall include, but not be limited
22 to, the following criteria:

- 23 1. Fees and other costs charged to purchasers that
24 affect account values or operational costs related to the
25 program.
- 26 2. Past and current investment performance, including
27 investment and interest rate history, guaranteed minimum rates
28 of interest, consistency of investment performance, and any
29 terms and conditions under which moneys are held.
- 30 3. Past experience and ability to provide timely and
31 accurate service in the areas of records administration,

1 benefit payments, investment management, and complaint
2 resolution.

3 4. Financial history and current financial strength
4 and capital adequacy to provide products, including operating
5 procedures and other methods of protecting program assets.

6 (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The board
7 shall have the powers necessary or proper to carry out the
8 provisions of this section, including, but not limited to, the
9 power to:

10 (d) Establish agreements or other transactions with
11 federal, state, and local agencies, including state
12 universities, colleges, and community colleges.

13 (i) Restrict the number of participants in the
14 community college plan, university and college plan, and
15 dormitory residence plan, respectively. However, any person
16 denied participation solely on the basis of such restriction
17 shall be granted priority for participation during the
18 succeeding year.

19 (t) Endorse insurance coverage written exclusively for
20 the purpose of protecting advance payment contracts, and the
21 purchasers and beneficiaries thereof, which may be issued in
22 the form of ~~a~~ group life policies and group disability
23 policies that are ~~policy and which is~~ exempt from the
24 provisions of part V of chapter 627.

25 (x) Form strategic alliances with public and private
26 entities to provide benefits to the program and participants
27 in the program.

28 (9) PREPAID COLLEGE PLANS.--At a minimum, the board
29 shall make advance payment contracts available for two
30 independent plans to be known as the community college plan
31 and the university and college plan. The board may also make

1 advance payment contracts available for a dormitory residence
2 plan.

3 (a)1. Through the community college plan, the advance
4 payment contract shall provide prepaid registration fees for a
5 specified number of undergraduate semester credit hours not to
6 exceed the average number of hours required for the conference
7 of an associate degree. The cost of participation in the
8 community college plan shall be based primarily on the average
9 current and projected registration fees among the community
10 colleges ~~within the Florida Community College System~~ and the
11 number of years expected to elapse between the purchase of the
12 plan on behalf of a qualified beneficiary and the exercise of
13 the benefits provided in the plan by such beneficiary.
14 Qualified beneficiaries shall bear the cost of any laboratory
15 fees associated with enrollment in specific courses. Each
16 qualified beneficiary shall be classified as a resident for
17 tuition purposes, pursuant to s. 240.1201, regardless of his
18 or her actual legal residence.

19 2. ~~Effective July 1, 1998,~~The board may provide
20 advance payment contracts for additional fees delineated in s.
21 240.35, not to exceed the average number of hours required for
22 the conference of an associate degree, in conjunction with
23 advance payment contracts for registration fees. The cost of
24 purchasing such fees shall be based primarily on the average
25 current and projected fees among the community colleges ~~within~~
26 ~~the Florida Community College System~~ and the number of years
27 expected to elapse between the purchase of the plan on behalf
28 of the beneficiary and the exercise of benefits provided in
29 the plan by such beneficiary. Community college plan contracts
30 purchased prior to July 1, 1998, shall be limited to the
31 payment of registration fees as defined in subsection (2).

1 (b)1. Through the university and college plan, the
2 advance payment contract shall provide prepaid registration
3 fees for a specified number of undergraduate semester credit
4 hours not to exceed the average number of hours required for
5 the conference of a baccalaureate degree. The cost of
6 participation in the university and college plan shall be
7 based primarily on the current and projected registration fees
8 of state colleges and universities ~~within the State University~~
9 ~~System~~ and the number of years expected to elapse between the
10 purchase of the plan on behalf of a qualified beneficiary and
11 the exercise of the benefits provided in the plan by such
12 beneficiary. Qualified beneficiaries shall bear the cost of
13 any laboratory fees associated with enrollment in specific
14 courses. Each qualified beneficiary shall be classified as a
15 resident for tuition purposes pursuant to s. 240.1201,
16 regardless of his or her actual legal residence.

17 2. ~~Effective July 1, 1998,~~The board may provide
18 advance payment contracts for additional fees delineated in s.
19 240.235(2)(a)~~s. 240.235(1)~~, for a specified number of
20 undergraduate semester credit hours not to exceed the average
21 number of hours required for the conference of a baccalaureate
22 degree, in conjunction with advance payment contracts for
23 registration fees. Such contracts shall provide prepaid
24 coverage for the sum of such fees, to a maximum of 45 percent
25 of the cost of registration fees. The costs of purchasing such
26 fees shall be based primarily on the average current and
27 projected cost of these fees among the state colleges and
28 universities ~~within the State University System~~ and the number
29 of years expected to elapse between the purchase of the plan
30 on behalf of the qualified beneficiary and the exercise of the
31 benefits provided in the plan by such beneficiary. University

1 and college plan contracts purchased prior to July 1, 1998,
2 shall be limited to the payment of registration fees as
3 defined in subsection (2).

4 (c) Through the dormitory residence plan, the advance
5 payment contract may provide prepaid housing fees for a
6 maximum of 10 semesters of full-time undergraduate enrollment
7 in a state university or college. Dormitory residence plans
8 shall be purchased in increments of 2 semesters. The cost of
9 participation in the dormitory residence plan shall be based
10 primarily on the average current and projected housing fees
11 among state colleges and universities ~~within the State~~
12 ~~University System~~ and the number of years expected to elapse
13 between the purchase of the plan on behalf of a qualified
14 beneficiary and the exercise of the benefits provided in the
15 plan by such beneficiary. Qualified beneficiaries shall have
16 the highest priority in the assignment of housing within
17 university residence halls. Qualified beneficiaries shall bear
18 the cost of any additional elective charges such as laundry
19 service or long-distance telephone service. Each state college
20 and university may specify the residence halls or other
21 college or university-held residences eligible for inclusion
22 in the plan. In addition, any state college or university may
23 request immediate termination of a dormitory residence
24 contract based on a violation or multiple violations of rules
25 of the residence hall or other college or university-held
26 residences. In the event that sufficient housing is not
27 available for all qualified beneficiaries, the board shall
28 refund the purchaser or qualified beneficiary an amount equal
29 to the fees charged for dormitory residence during that
30 semester. If a qualified beneficiary fails to be admitted to a
31 state college or university or chooses to attend a community

1 college that operates one or more dormitories or residency
2 opportunities, or has one or more dormitories or residency
3 opportunities operated by the community college direct-support
4 organization, the qualified beneficiary may transfer or cause
5 to have transferred to the community college, or community
6 college direct-support organization, the fees associated with
7 dormitory residence. Dormitory fees transferred to the
8 community college or community college direct-support
9 organization may not exceed the maximum fees charged for state
10 university or college dormitory residence for the purposes of
11 this section, or the fees charged for community college or
12 community college direct-support organization dormitories or
13 residency opportunities, whichever is less.

14 (12) DURATION OF BENEFITS; ADVANCE PAYMENT

15 CONTRACT.--An advance payment contract may provide that
16 contracts which have not been terminated or the benefits
17 exercised within a specified period of time shall be
18 considered terminated. Time expended by a qualified
19 beneficiary as an active duty member of any of the armed
20 services of the United States shall be added to the period of
21 time specified pursuant to this subsection. No purchaser or
22 qualified beneficiary whose advance payment contract is
23 terminated pursuant to this subsection shall be entitled to a
24 refund. Notwithstanding chapter 717,the board shall retain
25 any moneys paid by the purchaser for an advance payment
26 contract that has been terminated in accordance with this
27 subsection. Such moneys may be transferred to the Florida
28 Prepaid Tuition Scholarship Program to provide funds for
29 prepaid tuition scholarships for economically disadvantaged
30 youths who remain drug-free and crime-free ~~retained by the~~
31 ~~board are exempt from chapter 717, and such retained moneys~~

1 ~~must be used by the board to further the purposes of this~~
2 ~~section.~~

3 (13) REFUNDS.--

4 (e) No refund shall be authorized through an advance
5 payment contract for any school year partially attended but
6 not completed. For purposes of this section, a school year
7 partially attended but not completed shall mean any one
8 semester whereby the student is still enrolled at the
9 conclusion of the official drop-add period, but withdraws
10 before the end of such semester. If a beneficiary does not
11 complete a community college plan or a university and college
12 plan for reasons other than specified in paragraph (c), the
13 purchaser shall receive a refund of the amount paid into the
14 fund for the remaining unattended years of the advance payment
15 contract pursuant to rules promulgated by the board.

16 (21) ANNUAL REPORT.--The board shall annually prepare
17 or cause to be prepared a report setting forth in appropriate
18 detail an accounting of the fund and a description of the
19 financial condition of the program at the close of each fiscal
20 year. Such report shall be submitted to the President of the
21 Senate, the Speaker of the House of Representatives, and
22 members of the State Board of Education on or before March 31
23 each year. In addition, the board shall make the report
24 available to purchasers of advance payment contracts. The
25 board shall provide to the State Board of Education ~~Board of~~
26 ~~Regents and the State Board of Community Colleges~~, by March 31
27 each year, complete advance payment contract sales
28 information, including projected postsecondary enrollments of
29 qualified beneficiaries. The accounts of the fund shall be
30 subject to annual audits by the Auditor General or his or her
31 designee.

1 Section 293. Notwithstanding subsection (7) of section
2 3 of chapter 2000-321, Laws of Florida, section 240.552,
3 Florida Statutes, shall not stand repealed January 7, 2003, as
4 scheduled by that law, but that section is reenacted to read:

5 240.552 Florida Prepaid Tuition Scholarship
6 Program.--The Florida Prepaid Tuition Scholarship Program is
7 hereby established with the intent to provide economically
8 disadvantaged youth with prepaid postsecondary tuition
9 scholarships. The direct-support organization established
10 pursuant to s. 240.551 shall administer the program with the
11 assistance and cooperation of the Department of Education to
12 achieve the following objectives:

13 (1) Provide an incentive for economically
14 disadvantaged youth to improve school attendance and academic
15 performance in order to graduate and pursue a postsecondary
16 education.

17 (2) Obtain the commitment and involvement of private
18 sector entities by virtue of funding matches with a ratio of
19 50 percent provided by the private sector and 50 percent
20 provided by the state.

21 (3) Purchase prepaid tuition scholarships for students
22 certified by the Department of Education to the direct-support
23 organization who meet minimum economic and school requirements
24 and remain drug free and crime free.

25 (a) For the purpose of this subsection, "drug free"
26 means not being convicted of, or adjudicated delinquent for,
27 any violation of chapter 893 after being designated a
28 recipient of a Florida prepaid tuition scholarship.

29 (b) For the purpose of this subsection, "crime free"
30 means not being convicted of, or adjudicated delinquent for,
31 any felony or first degree misdemeanor as defined in ss.

1 775.08 and 775.081 after being designated a recipient of a
2 Florida prepaid tuition scholarship.

3 Section 294. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.553,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.553 Florida College Savings Program.--

9 (1) LEGISLATIVE INTENT.--The Legislature recognizes
10 that affordability and accessibility of higher education are
11 essential to the welfare and well-being of the residents of
12 the state and are a critical state interest. Promoting and
13 enhancing financial access to postsecondary institutions
14 serves a legitimate public purpose. Accordingly, as a
15 supplement and alternative to existing programs that promote
16 timely planning for postsecondary attendance, it is the intent
17 of the Legislature to allow the Florida Prepaid College Board
18 to establish a Florida College Savings Program to allow
19 persons to make contributions to a trust account that is
20 established for the purpose of meeting some or all of the
21 qualified higher education expenses of a designated
22 beneficiary, consistent with federal law authorizing such
23 programs. There is not any guarantee by the state that such
24 contributions, together with the investment return on such
25 contributions, if any, will be adequate to pay for qualified
26 higher education expenses. It is the intent of the Legislature
27 that this program enable participants in the Florida College
28 Savings Program to save for qualified higher education
29 expenses. It is further the intent of the Legislature that
30 this program provide a choice to persons who determine that
31 the overall educational needs of their families are best

1 suited to a savings program or who wish to save to meet
2 postsecondary educational needs beyond the traditional 4-year
3 curriculum. Finally, it is the intent of the Legislature that
4 the program be conducted as a public-private partnership to
5 maximize program efficiency and effectiveness.

6 (2) DEFINITIONS.--As used in this section, the term:

7 (a) "Benefactor" means any person making a deposit,
8 payment, contribution, gift, or other expenditure to the
9 trust.

10 (b) "Board" means the Florida Prepaid College Board.

11 (c) "Designated beneficiary" means:

12 1. Any individual designated in the participation
13 agreement;

14 2. Any individual defined in s. 152(a)(1)-(8) of the
15 Internal Revenue Code; or

16 3. Any individual receiving a scholarship from
17 interests in the program purchased by a state or local
18 government or an organization described in s. 501(c)(3) of the
19 Internal Revenue Code.

20 (d) "Eligible educational institution" means an
21 institution of higher education that qualifies under s. 529 of
22 the Internal Revenue Code as an eligible educational
23 institution.

24 (e) "Internal Revenue Code" means the Internal Revenue
25 Code of 1986, as defined in s. 220.03(1).

26 (f) "Participation agreement" means an agreement
27 between the board and a benefactor for participation in a
28 savings plan for a designated beneficiary.

29 (g) "Program" means the Florida College Savings
30 Program.

31

1 (h) "Qualified higher education expenses" means higher
2 education expenses permitted under s. 529 of the Internal
3 Revenue Code and required for the enrollment or attendance of
4 a designated beneficiary at an eligible educational
5 institution, including undergraduate and graduate schools, and
6 any other higher education expenses that are permitted under
7 s. 529 of the Internal Revenue Code.

8 (3) FLORIDA COLLEGE SAVINGS PROGRAM; CREATION.--

9 (a) The board is authorized to create and establish
10 the Florida College Savings Program to promote and enhance the
11 affordability and accessibility of higher education in the
12 state. Such program shall enable persons to contribute funds
13 that are combined and invested to pay the subsequent qualified
14 higher education expenses of a designated beneficiary. The
15 board shall administer the program and shall perform essential
16 governmental functions, as provided in this section.

17 (b) The amounts on deposit in the program shall remain
18 therein and shall be available solely for carrying out the
19 purposes of this section. Any contract entered into by or any
20 obligation of the board on behalf of and for the benefit of
21 the program does not constitute a debt or obligation of the
22 state but is an obligation of the program. The state has no
23 obligation to any designated beneficiary or any other person
24 as a result of the program. The obligation of the program is
25 limited solely to those amounts deposited in the program. All
26 amounts obligated to be paid from the program are limited to
27 amounts available for such obligation. The amounts on deposit
28 in the program may only be disbursed in accordance with the
29 provisions of this section. Each participation agreement must
30 clearly state that the contract is only a debt or obligation
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1 of the program and is not otherwise a debt or obligation of
2 the state.

3 (c) The benefactor retains ownership of all amounts on
4 deposit in his or her account with the program up to the date
5 of distribution on behalf of a designated beneficiary.
6 Earnings derived from investment of the contributions shall be
7 considered to be held in trust in the same manner as
8 contributions, except as applied for purposes of the
9 designated beneficiary and for purposes of maintaining and
10 administering the program as provided in this section. Nothing
11 in this paragraph or in any other provision of this section
12 permits any contributions or corresponding interest in the
13 program to be used as security for a loan by a benefactor or
14 designated beneficiary.

15 (d) All amounts attributable to penalties shall be
16 used for purposes of the program, and other amounts received
17 other than contributions shall be properties of the program.
18 Proceeds from penalties shall remain with the program and may
19 be used for any costs or purposes of the program.

20 (e) The board may not receive deposits in any form
21 other than cash. A benefactor or designated beneficiary may
22 not direct the investment of any contributions or amounts held
23 in the program other than the specific fund options provided
24 by the board, if any.

25 (f) Appropriations, moneys acquired from other
26 governmental or private sources, and moneys remitted in
27 accordance with participation agreements, shall be deposited
28 into the Florida Prepaid College Trust Fund in accordance with
29 s. 240.551(4).

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1 (g) Deposits and contributions to the program, the
2 property of the board, and the earnings on the college savings
3 accounts are exempt from taxation.

4 (4) PROGRAM ADMINISTRATION.--

5 (a) The Florida College Savings Program shall be
6 administered by the Florida Prepaid College Board as an agency
7 of the state. The Florida Prepaid College Board has all the
8 powers of a body corporate for the purposes delineated in this
9 section.

10 (b) The assets of the program shall be continuously
11 invested and reinvested in a manner consistent with the
12 purposes of the program, expended on expenses incurred by the
13 operation and management of the program, or refunded to the
14 benefactor or designated beneficiary under the conditions
15 provided in the participation agreement. The board is not
16 required to invest directly in obligations of the state or any
17 political subdivision of the state or in any investment or
18 other fund administered by the state.

19 (5) FLORIDA COLLEGE SAVINGS PROGRAM; BOARD
20 DUTIES.--The board shall:

21 (a) Appoint an executive director to serve as the
22 chief administrative and operational officer of the board and
23 to perform other duties assigned to him or her by the board.

24 (b) Receive and hold all payments, deposits, and
25 contributions intended for the program, as well as gifts;
26 bequests; endowments; federal, state, or local grants; any
27 other public or private source of funds; and all earnings,
28 until disbursed to pay qualified higher education expenses or
29 refunds as authorized in this section.

30 (c) Invest the contributions in a manner reasonable
31 and appropriate to achieve the objectives of the program,

1 exercising the discretion and care of a prudent person in
2 similar circumstances with similar objectives. The board shall
3 give due consideration to rate of return, risk, term of
4 maturity, diversification of total portfolio within the
5 program, liquidity, projected disbursements and expenditures,
6 and expected payments, deposits, contributions, and gifts to
7 be received. Moneys in the program are exempt from s.
8 215.20(1), state securities law, and the investment
9 requirements of s. 18.10, but are subject to the investment
10 restrictions contained in s. 215.472.

11 (d) Solicit proposals and contract, pursuant to s.
12 287.057, for a trustee services firm to hold and maintain
13 assets of the board in conjunction with the operations of
14 product providers contracted under this section. Such firm may
15 also provide for the short-term investment of the board's
16 assets. In selecting a trustee services firm, the board shall
17 seek to obtain the highest standards of professional trustee
18 services, to allow all qualified firms interested in providing
19 such services equal consideration, and to provide such
20 services to the state at no cost and to the participants at
21 the lowest cost possible. The trustee services firm shall
22 agree to meet the obligations of the program to designated
23 beneficiaries if money in the fund fails to offset the
24 obligations of the program as a result of imprudent selection
25 or supervision of short-term investments or in the event of
26 the loss of securities by such firm. Evaluations of proposals
27 submitted under this paragraph must include, but need not be
28 limited to, the following criteria:

29 1. Adequacy of trustee services to hold and maintain
30 assets of the board, including current operations and staff
31 organization and commitment of management to the proposal.

1 2. Capability to execute program responsibilities
2 within time and regulatory constraints.
3 3. Past experience in trustee services and current
4 ability to maintain regular and continuous interactions with
5 the board and product provider.
6 4. The minimum benefactor participation assumed within
7 the proposal and any additional requirements of benefactors.
8 5. Adequacy of technical assistance and services
9 proposed for staff.
10 6. Adequacy of a management system for evaluating and
11 improving overall trustee services to the program.
12 7. Adequacy of facilities, equipment, and electronic
13 data processing services.
14 8. Detailed projections of administrative costs,
15 including the amount and type of insurance coverage, and
16 detailed projections of total costs.
17 (e) Solicit proposals and contract, pursuant to s.
18 287.057, for one or more investment consultants to advise the
19 board regarding investment management and performance. In
20 selecting investment consultants, the board shall seek to
21 obtain the highest standards of investment consulting, to
22 allow all qualified firms interested in providing such
23 services equal consideration, and to provide such services to
24 the state at no cost and to the participants at the lowest
25 cost possible. The investment consultants shall agree to meet
26 the obligations of the programs to designated beneficiaries if
27 money in the fund fails to offset the obligations of the
28 program as a result of imprudent supervision of the board's
29 investments. Evaluations of proposals submitted under this
30 paragraph must include, but need not be limited to, the
31 following criteria:

1 1. Capability to execute program responsibilities
2 within time and regulatory constraints.
3 2. Past experience in investment consulting and
4 current ability to maintain regular and continuous
5 interactions with the board and product providers.
6 3. Adequacy of technical assistance and services
7 proposed for staff.
8 4. Detailed projections of administrative costs.
9 (f) Solicit proposals and contract, pursuant to s.
10 287.057, for product providers to develop investment
11 portfolios on behalf of the board to achieve the purposes of
12 this section. Product providers shall be limited to authorized
13 insurers as defined in s. 624.09, banks as defined in s.
14 658.12, associations as defined in s. 665.012, authorized
15 Securities and Exchange Commission investment advisers, and
16 investment companies as defined in the Investment Company Act
17 of 1940. All product providers must have their principal place
18 of business and corporate charter located and registered in
19 the United States. Each product provider must agree to meet
20 the obligations of the program to designated beneficiaries if
21 moneys in the fund fail to offset the obligations of the
22 program as a result of imprudent investing by such provider.
23 Each authorized insurer must evidence superior performance
24 overall on an acceptable level of surety in meeting its
25 obligations to its policyholders and other contractual
26 obligations. Only qualified public depositories approved by
27 the State Insurance Commissioner and Treasurer are eligible
28 for consideration. Each investment company must provide
29 investment plans as specified within the request for
30 proposals. In selecting a product provider, the board shall
31 seek to provide all participants with the most secure,

1 well-diversified, and beneficially administered college
2 savings plan possible, to allow all qualified firms interested
3 in providing such services equal consideration, and to provide
4 such services to participants at the lowest cost possible.
5 Evaluations of proposals submitted under this paragraph must
6 include, but need not be limited to, the following criteria:
7 1. Fees and other costs charged to participants which
8 affect account values or operational costs related to the
9 program.
10 2. Past and current investment performance, including
11 investment and interest rate history, guaranteed minimum rates
12 of interest, consistency of investment performance, and any
13 terms and conditions under which moneys are held.
14 3. Past experience and ability to provide timely and
15 accurate service in the areas of benefit payments, investment
16 management, and complaint resolution.
17 4. Financial history and current financial strength
18 and capital adequacy to provide products, including operating
19 procedures and other methods of protecting program assets.
20 (g) Establish an investment plan for the purposes of
21 this section with the approval of the State Board of
22 Administration. The investment plan must specify the
23 investment policies to be used by the board in its
24 administration of the program. The board may place assets of
25 the program in savings accounts or purchase fixed or variable
26 life insurance or annuity contracts, securities, evidence of
27 indebtedness, or other investment products pursuant to the
28 investment plan and in the proportions that are designated or
29 approved under the investment plan. The insurance, annuity,
30 savings, or investment products must be underwritten and
31 offered in compliance with the applicable federal and state

1 laws and rules by persons who are duly authorized by
2 applicable federal and state authorities. Within the
3 investment plan, the board may authorize investment vehicles,
4 or products incident thereto, as are available or offered by
5 qualified companies or persons. A benefactor may not direct
6 the investment of his or her contribution to the program and a
7 designated beneficiary may not direct the contribution made on
8 his or her behalf to the program. Board members and employees
9 of the board are not prohibited from participating in the
10 program by virtue of their fiduciary responsibilities as
11 members of the board or official duties as employees of the
12 board.

13 (h) Administer the program in a manner that is
14 sufficiently actuarially sound to defray the obligations of
15 the trust. The board shall annually evaluate or cause to be
16 evaluated the actuarial soundness of the trust.

17 (i) Establish adequate safeguards to prevent
18 contributions on behalf of a designated beneficiary in excess
19 of those necessary to provide for the qualified higher
20 education expenses of the beneficiary.

21 (j) Maintain separate accounts for each designated
22 beneficiary and establish other accounts within the program as
23 necessary to appropriately account for all funds held in the
24 program.

25 (6) FLORIDA COLLEGE SAVINGS PROGRAM; BOARD
26 POWERS.--The board shall have the powers necessary or proper
27 to carry out the provisions of this section, including, but
28 not limited to, the power to:

29 (a) Adopt an official seal and rules.

30 (b) Sue and be sued.

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- 1 (c) Make and execute contracts and other necessary
2 instruments.
- 3 (d) Establish agreements or other transactions with
4 federal, state, and local agencies, including state
5 universities, colleges, and community colleges.
- 6 (e) Invest funds not required for immediate
7 disbursement.
- 8 (f) Appear in its own behalf before boards,
9 commissions, or other governmental agencies.
- 10 (g) Hold, buy, and sell any instruments, obligations,
11 securities, and property determined appropriate by the board.
- 12 (h) Require a reasonable length of state residence for
13 qualified beneficiaries.
- 14 (i) Segregate contributions and payments to the fund
15 into various accounts and funds.
- 16 (j) Contract for necessary goods and services; employ
17 necessary personnel; and engage the services of private
18 consultants, actuaries, managers, legal counsel, and auditors
19 for administrative or technical assistance.
- 20 (k) Solicit and accept gifts, grants, loans, and other
21 aids from any source or participate in any other way in any
22 government program to carry out the purposes of this section.
- 23 (l) Require and collect administrative fees and
24 charges in connection with any transaction and impose
25 reasonable penalties, including default, for delinquent
26 payments or for entering into a participation agreement on a
27 fraudulent basis.
- 28 (m) Procure insurance against any loss in connection
29 with the property, assets, and activities of the program or
30 the board.
- 31

1 (n) Impose reasonable time limits on use of the
2 benefits provided by the program; however, any such limitation
3 must be specified within the participation agreement.

4 (o) Delineate the terms and conditions under which
5 contributions may be withdrawn from the fund and impose
6 reasonable fees and charges for such withdrawal. Such terms
7 and conditions must be specified within the participation
8 agreement.

9 (p) Provide for the receipt of contributions in lump
10 sums or installments.

11 (q) Require that benefactors verify, under oath, any
12 requests for conversions, substitutions, transfers,
13 cancellations, refunds, or other changes to a participation
14 agreement. Verification must be accomplished as authorized and
15 provided for in s. 92.525(1)(a).

16 (r) Delegate responsibility for administering the
17 investment plan required in paragraph (5)(g) to a person the
18 board determines to be qualified. Such person shall be
19 compensated by the board. Directly or through such person, the
20 board may contract with a private corporation or institution
21 to provide the services that are a part of the investment plan
22 or that are deemed necessary or proper by the board or such
23 person, including, but not limited to, providing for
24 consolidated billing; individual and collective recordkeeping
25 and accountings; and the purchase, control, and safekeeping of
26 assets.

27 (s) Endorse insurance coverage written exclusively for
28 program participants which may be issued in the form of
29 policies and group disability policies ~~a group life policy~~ and
30 which is exempt from part V of chapter 627.

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1 (t) Solicit proposals and contract, pursuant to s.
2 287.057, for the services of a records administrator. The
3 goals of the board in selecting a records administrator shall
4 be to provide all participants with the most secure,
5 well-diversified, and beneficially administered postsecondary
6 education expense plan possible, to allow all qualified firms
7 interested in providing such services equal consideration, and
8 to provide such services to the state at no cost and to
9 participants at the lowest cost possible. Evaluations of
10 proposals submitted under this paragraph must include, but
11 need not be limited to, the following criteria:

12 1. Fees and other costs charged to purchasers which
13 affect account values or operational costs related to the
14 program.

15 2. Past experience in records administration and
16 current ability to provide timely and accurate service in the
17 areas of records administration, audit and reconciliation,
18 plan communication, participant service, and complaint
19 resolution.

20 3. Sufficient staff and computer capability for the
21 scope and level of service expected by the board.

22 4. Financial history and current financial strength
23 and capital adequacy to provide administrative services
24 required by the board.

25 (u) Solicit proposals and contract, pursuant to s.
26 287.057, for the marketing of the Florida College Savings
27 Program. Any materials produced for the purpose of marketing
28 the program must be submitted to the board for review. Such
29 materials may not be made available to the public before the
30 materials are approved by the board. An educational
31 institution may distribute marketing materials produced for

1 the program; however, all such materials must be approved by
2 the board prior to distribution. Neither the state nor the
3 board is liable for misrepresentation by a marketing agent.

4 (v) Establish other policies, procedures, and criteria
5 to implement and administer the provisions of this section.

6 (w) Form strategic alliances with public and private
7 entities to provide benefits to the program and participants
8 of the program.

9 (7) "QUALIFIED STATE TUITION PROGRAM"

10 STATUS.--Notwithstanding any other provision of this section,
11 the board may adopt rules necessary to enable the program to
12 obtain and retain status as a "qualified state tuition
13 program" for federal tax purposes under the Internal Revenue
14 Code of 1986, as defined in s. 220.03(1). The board shall
15 inform participants of changes to the tax or securities status
16 of participation agreements.

17 (8) PARTICIPATION AGREEMENTS.--

18 (a) A participation agreement may be freely amended
19 throughout its term in order to enable the benefactor to
20 increase or decrease the level of participation, change
21 designated beneficiaries, and carry out similar matters
22 permitted by this section and the Internal Revenue Code. A
23 participation agreement may provide for periodic deposits by
24 the benefactor.

25 (b) Deposits to the program by benefactors may only be
26 in cash. Benefactors may contribute in a lump sum, in
27 installments, or through electronic funds transfer or employer
28 payroll deductions.

29 (c) The board may establish plans to permit
30 benefactors to prepay the qualified higher education expenses
31 associated with enrollment in state public and private

1 colleges or universities and may establish a procedure to
2 permit account contributions in excess of such projected
3 expenses. The board shall prescribe by rule the methodology
4 and information sources that shall be used to determine the
5 projected costs of qualified higher education expenses for
6 designated beneficiaries of prescribed ages. Decisions by the
7 board regarding the need for excess account contributions are
8 subject to chapter 120.

9 (d) The board shall establish consistent provisions
10 for each participation agreement, including, but not limited
11 to:

12 1. The name, date of birth, and social security number
13 of the designated beneficiary. For newborns, the social
14 security number must be provided within 6 months after the
15 date the participation agreement is submitted.

16 2. The amount of the contribution or contributions and
17 number of contributions required from a benefactor on behalf
18 of a designated beneficiary.

19 3. The terms and conditions under which benefactors
20 shall remit contributions, including, but not limited to, the
21 date or dates upon which each contribution is due.

22 4. Provisions for late contribution charges and for
23 default.

24 5. Provisions for penalty fees for withdrawals from
25 the program.

26 6. The name of the person who may terminate
27 participation in the program. The participation agreement must
28 specify whether the account may be terminated by the
29 benefactor, the designated beneficiary, a specific designated
30 person, or any combination of these persons.

31

1 7. The terms and conditions under which an account may
2 be terminated, modified, or converted, the name of the person
3 entitled to any refund due as a result of termination of the
4 account pursuant to such terms and conditions, and the amount
5 of refund, if any, due to the person so named.

6 8. Penalties for distributions not used or made in
7 accordance with s. 529 of the Internal Revenue Code.

8 9. Any charges or fees in connection with the
9 administration of the trust.

10 10. Other terms and conditions deemed by the board to
11 be necessary or proper.

12 (e) Each participation agreement must clearly state
13 that participation in the program does not guarantee that
14 sufficient funds will be available to cover all qualified
15 higher education expenses for any designated beneficiary.

16 (f) Each participation agreement must clearly state
17 that participation in the program does not guarantee admission
18 to or continued enrollment at an eligible educational
19 institution.

20 (9) DURATION OF PARTICIPATION AGREEMENT.--The board
21 shall specify a period of time after which each participation
22 agreement shall be considered to be terminated. Upon
23 termination of an agreement, the balance of the account, after
24 notice to the benefactor, shall be declared unclaimed and
25 abandoned property and subject to disposition as such under
26 chapter 717. Time expended by a designated beneficiary as an
27 active duty member of any of the armed services of the United
28 States shall be added to the period specified pursuant to this
29 subsection.

30 (10) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
31 EXPENSES.--

1 (a) The board shall establish requirements and
2 procedures for beneficiaries to realize the benefits of
3 participation agreements. In establishing such requirements
4 and procedures, the board shall make distributions in as
5 efficient and expeditious manner as is prudent and possible.

6 (b) Each distribution of benefits from a participation
7 agreement shall consist of a pro rata distribution of
8 contributions and investment earnings or investment losses and
9 shall be consistent with the regulations of the United States
10 Treasury Department or Internal Revenue Service.

11 (c) All distributions made during a taxable year shall
12 be treated as one distribution.

13 (d) Distributions from accounts that lack a valid
14 social security number are subject to penalties and
15 withholding taxes at the time of distribution.

16 (11) REFUNDS.--

17 (a) A benefactor may request a refund of the principal
18 amount of his or her contributions, plus actual investment
19 earnings or minus actual investment losses on the
20 contributions, less any applicable penalty, and less any
21 amounts used to provide benefits to the designated
22 beneficiary.

23 (b) Notwithstanding paragraph (a), a penalty may not
24 be levied if a benefactor requests a refund from the program
25 due to:

- 26 1. Death of the beneficiary.
27 2. Total disability of the beneficiary.
28 3. Scholarship, allowance, or payment received by the
29 beneficiary to the extent that the amount of the refund does
30 not exceed the amount of the scholarship, allowance, or
31 payment in accordance with federal law.

1 (c) If a benefactor requests a refund of funds
2 contributed to the program for any cause other than those
3 listed in paragraph (b), there shall be imposed a penalty of
4 10 percent of the earnings of the account and any applicable
5 taxes, or the penalty prescribed in the Internal Revenue Code
6 or by rule of the Internal Revenue Service. Earnings shall be
7 calculated as the total value of the participation agreement,
8 less the aggregate contributions, or in the manner prescribed
9 in the Internal Revenue Code or by rule of the Internal
10 Revenue Service.

11 (12) MATERIAL MISREPRESENTATION; PENALTY.--If the
12 benefactor or the designated beneficiary makes any material
13 misrepresentation in the application for a participation
14 agreement or in any communication with the board regarding the
15 program, especially regarding the withdrawal or distribution
16 of funds therefrom, the account may be involuntarily
17 liquidated by the board. If the account is so liquidated, the
18 benefactor is entitled to a refund, subject to a 10-percent
19 penalty or the amount required by the Internal Revenue Code.

20 (13) ASSETS OF THE FUND; EXPENDITURE PRIORITY.--The
21 assets of the fund shall be maintained, invested, and expended
22 solely for the purposes of this section and may not be loaned,
23 transferred, or otherwise used by the state for any purpose
24 other than the purposes of this section. This subsection does
25 not prohibit the board from investing in, by purchase or
26 otherwise, bonds, notes, or other obligations of the state or
27 an agency or instrumentality of the state. Unless otherwise
28 specified by the board, assets of the fund shall be expended
29 in the following order of priority:

30 (a) To make payments on behalf of designated
31 beneficiaries.

1 (b) To make refunds upon termination of participation
2 in the program.

3 (c) To pay the costs of program administration and
4 operations.

5 (14) EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys paid
6 into or out of the program by or on behalf of a benefactor or
7 designated beneficiary of a participation agreement whose
8 account has not been terminated, are exempt, as provided by s.
9 222.22, from all claims of creditors of the benefactor or the
10 designated beneficiary.

11 (15) PAYROLL DEDUCTION AUTHORITY.--The state or any
12 state agency, county, municipality, or other political
13 subdivision may, by contract or collective bargaining
14 agreement, agree with any employee to remit payments toward
15 participation agreements through payroll deductions made by
16 the appropriate officer or officers of the state, state
17 agency, county, municipality, or political subdivision. Such
18 payments shall be held and administered in accordance with
19 this section.

20 (16) DISCLAIMER.--This section or any participation
21 agreement does not constitute, and may not be deemed to
22 constitute, an agreement, pledge, promise, or guarantee of
23 admission or continued enrollment of any designated
24 beneficiary or any other person to or in any eligible
25 educational institution.

26 (17) PROGRAM TERMINATION.--The program shall continue
27 in existence until its existence is terminated by law. Upon
28 termination of the program, all deposits shall be returned to
29 benefactors, to the extent possible, and any unclaimed assets
30 in the program shall revert to the state in accordance with
31 general law regarding unclaimed property. If the state

1 determines that the program is financially infeasible, the
2 state may discontinue the program.

3 (18) STATE PLEDGE.--The state pledges to benefactors
4 and designated beneficiaries of the program that the state
5 will not limit or alter the rights under this section which
6 are vested in the program until such obligations are met and
7 discharged. However, this subsection does not preclude such
8 limitation if adequate provision is made by law for the
9 protection of the benefactors and designated beneficiaries
10 pursuant to the obligations of the board, and, if the state or
11 the board determines that the program is not financially
12 feasible, the state or the board may discontinue the program.
13 If the program is discontinued, the board shall refund to
14 benefactors their contributions to the program, plus any
15 investment earnings or minus any investment losses. The board,
16 on behalf of the state, may include this pledge and
17 undertaking by the state in participation agreements.

18 (19) ANNUAL REPORT.--On or before March 31 each year,
19 the board shall prepare, or cause to be prepared, a report
20 setting forth in appropriate detail an accounting of the
21 program and a description of the financial condition of the
22 program at the close of the fiscal year. The board shall
23 submit a copy of the report to the Governor, the President of
24 the Senate, the Speaker of the House of Representatives, and
25 the minority leaders of the House and Senate and shall make
26 the report available to each benefactor and designated
27 beneficiary. The accounts of the fund are subject to annual
28 audits by the Auditor General or his or her designee.

29 (20) PROGRAM IMPLEMENTATION
30 RESTRICTIONS.--Implementation of the program may not begin
31 until the board has received the following:

1 (a) A written opinion from counsel specializing in
2 federal tax matters indicating that the program constitutes a
3 qualified state tuition program under s. 529 of the Internal
4 Revenue Code;

5 (b) A written opinion from a qualified member of the
6 United States Patent Bar indicating that the implementation of
7 the program or the operation of the program will not knowingly
8 infringe upon any patent or copyright specifically related to
9 the financing of higher education expenses;

10 (c) A written opinion of qualified counsel
11 specializing in federal securities law that the program and
12 the offering of participation in the program does not violate
13 federal securities law; and

14 (d) A written opinion from the board's litigation
15 counsel indicating that the implementation or operation of the
16 program will not adversely impact any pending litigation
17 against the board.

18 Section 295. Sections 240.6045, 240.605, 240.6054, and
19 240.606, Florida Statutes, are repealed.

20 Section 296. Notwithstanding subsection (7) of section
21 3 of chapter 2000-321, Laws of Florida, section 240.607,
22 Florida Statutes, shall not stand repealed January 7, 2003, as
23 scheduled by that law, but that section is reenacted and
24 amended to read:

25 240.607 Articulation agreements.--The community
26 college boards of trustees ~~Division of Community Colleges~~ may
27 develop and sign, either collectively or individually,
28 articulation agreements with any independent nonprofit college
29 or university that ~~which~~ is accredited by the Commission on
30 Colleges of the Southern Association of Colleges and Schools.

31

1 Section 297. Sections 240.6071, 240.6072, 240.6073,
2 240.6074, and 240.6075, Florida Statutes, and section 240.609,
3 as amended by section 84 of chapter 2001-266, Laws of Florida,
4 are repealed.

5 Section 298. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.61,
7 Florida Statutes, shall not stand repealed January 7, 2003, as
8 scheduled by that law, but that section is reenacted and
9 amended to read:

10 240.61 College reach-out program.--

11 (1) There is established a college reach-out program
12 to increase the number of low-income educationally
13 disadvantaged students in grades 6-12 who, upon high school
14 graduation, are admitted to and successfully complete
15 postsecondary education. Participants should be students who
16 otherwise would be unlikely to seek admission to a community
17 college, state college,state university, or independent
18 postsecondary institution without special support and
19 recruitment efforts. The State Board of Education shall adopt
20 rules which provide for the following:

21 (a) Definition of "low-income educationally
22 disadvantaged student."

23 (b) Specific criteria and guidelines for selection of
24 college reach-out participants.

25 (2) In developing the definition for "low-income
26 educationally disadvantaged student," the State Board of
27 Education shall include such factors as: the family's taxable
28 income; family receipt of temporary cash assistance in the
29 preceding year; family receipt of public assistance in the
30 preceding year; the student's cumulative grade point average;
31 the student's promotion and attendance patterns; the student's

1 performance on state standardized tests; the student's
2 enrollment in mathematics and science courses; and the
3 student's participation in a dropout prevention program.

4 (3) To participate in the college reach-out program, a
5 community college, a technical center, a public college or
6 university, or an independent postsecondary institution may
7 submit a proposal to the Department of Education. The State
8 Board of Education shall consider the proposals and determine
9 which proposals to implement as programs that will strengthen
10 the educational motivation and preparation of low-income
11 educationally disadvantaged students.

12 (4) Community colleges, technical centers, colleges,
13 universities, and independent postsecondary institutions that
14 participate in the program must provide procedures for
15 continuous contact with students from the point at which they
16 are selected for participation until they enroll in a
17 postsecondary education institution. These procedures must
18 assist students in selecting courses required for graduation
19 from high school and admission to a postsecondary institution
20 and ensure that students continue to participate in program
21 activities. Institutions that participate must provide
22 on-campus academic and advisory activities during summer
23 vacation and provide opportunities for interacting with
24 college, community college, technical center, and university
25 students as mentors, tutors, or role models. Proposals
26 submitted by colleges or universities and consortia involving
27 colleges and universities must provide students with an
28 opportunity to live on campus.

29 (5) In selecting proposals for approval, the State
30 Board of Education shall give preference to:

31

- 1 (a) Proposals submitted jointly by two or more
2 eligible postsecondary institutions;
- 3 (b) A program that will use institutional, federal, or
4 private resources to supplement state appropriations;
- 5 (c) An applicant that has demonstrated success in
6 conducting similar programs;
- 7 (d) A program that includes innovative approaches,
8 provides a great variety of activities, and includes a large
9 percentage of low-income educationally disadvantaged minority
10 students in the college reach-out program;
- 11 (e) An applicant that demonstrates commitment to the
12 program by proposing to match the grant funds at least
13 one-to-one in cash or services, with cash being the preferred
14 match; and
- 15 (f) An applicant that demonstrates an interest in
16 cultural diversity and that addresses the unmet regional needs
17 of varying communities. ~~and~~
- 18 ~~(g) A program that identifies participants for the~~
19 ~~college reach-out program from among students who are not~~
20 ~~already enrolled in similar programs that assist low-income~~
21 ~~educationally disadvantaged students.~~
- 22 (6) A participating college, community college,
23 technical center, or university is encouraged to use its
24 resources to meet program objectives. A participating
25 community college, technical center, college, university, or
26 independent postsecondary institution must establish an
27 advisory committee composed of high school and junior high
28 school personnel, as well as community leaders, to provide
29 advice and assistance in implementing its program.
- 30 (7) A proposal must contain the following information:
31

1 (a) A statement of purpose which includes a
2 description of the need for, and the results expected from,
3 the proposed program;

4 (b) An identification of the service area which names
5 the schools to be served, provides community and school
6 demographics, and sets forth the postsecondary enrollment
7 rates of high school graduates within the area;

8 (c) An identification of existing programs for
9 enhancing the academic performance of minority and low-income
10 educationally disadvantaged students for enrollment in
11 postsecondary education;

12 (d) A description of the proposed program which
13 describes criteria to be used to identify schools for
14 participation in the program. At least 60 percent of the
15 students recruited in any one year must be in grades 6-9;

16 (e) A description of the program activities which must
17 support the following goals:

18 1. Motivate students to pursue a postsecondary
19 education;

20 2. Enhance ~~Develop~~ students' ~~basic~~ learning skills and
21 performance;

22 3. Strengthen students' and parents' understanding of
23 the benefits of postsecondary education;

24 4. Foster academic, personal, and career development
25 through supplemental instruction; and

26 (f) An evaluation component that provides for the
27 collection, maintenance, retrieval, and analysis of the data
28 required by this paragraph. The data must be used to assess
29 the extent to which programs have accomplished specific
30 objectives and achieved the goals of the college reach-out
31 program. The ~~Postsecondary Education Planning Commission, in~~

1 ~~consultation with the~~ Department of Education, shall develop
2 specifications and procedures for the collection and
3 transmission of the data. The annual project evaluation
4 component must contain:

- 5 1. The student identification number and social
6 security number, if available; the name of the public school
7 attended; gender; ethnicity; grade level; and grade point
8 average of each participant at the time of entry into the
9 program;
- 10 2. The grade point average, grade, and promotion
11 status of each of the participants in the program at the end
12 of the academic year and any suspension or expulsion of a
13 participant, if applicable;
- 14 3. The number and percentage of high school
15 participants who satisfactorily complete 2 sequential years of
16 a foreign language and Level 2 and 3 mathematics and science
17 courses;
- 18 4. The number and percentage of participants eligible
19 for high school graduation who receive a standard high school
20 diploma or a high school equivalency diploma, pursuant to s.
21 229.814;
- 22 5. The number and percentage of 12th grade
23 participants who are accepted for enrollment and who enroll in
24 a postsecondary institution;
- 25 6. The number of participants who receive
26 scholarships, grant aid, and work-study awards;
- 27 7. The number and percentage of participants who
28 enroll in a ~~public~~ postsecondary institution and who fail to
29 achieve a passing score, as defined in State Board of
30 Education rule, on college placement tests pursuant to s.
31 240.117;

1 8. The number and percentage of participants who
2 enroll in a postsecondary institution and have a minimum
3 cumulative 2.0 grade point average on a 4.0 scale by the end
4 of the second semester; and

5 9. The number of disabled students participating in
6 the project and the nature of their disabilities.

7 (8) Proposals must be funded competitively in
8 accordance with the following methodology:

9 (a) ~~Eighty percent of~~ The appropriations must be
10 distributed to projects on the basis of minimum standards that
11 include:

12 1. A summer residency program of at least 1 week in
13 duration; and

14 2. A minimum number of hours of academic instructional
15 and developmental activities, career counseling, and personal
16 counseling.

17 (b) Subject to legislative appropriations,
18 continuation projects that satisfy the minimum requirements
19 should have their funds increased each year by the same
20 percentage as the rate of inflation. Projects funded for 3
21 consecutive years should have a cumulative institutional cash
22 match of not less than 50 percent of the total cost of the
23 project over the 3-year period. Any college reach-out program
24 project operating for 3 years which does not provide the
25 minimum 50-percent institutional cash match must not be
26 considered for continued funding.

27 (c) ~~The remaining 20 percent of the appropriations~~
28 ~~should be distributed to projects for their initiatives and~~
29 ~~performances. Projects that exceed the minimum standards~~
30 ~~should be awarded financial incentives when they demonstrate~~
31 ~~one or a combination of the following:~~

- 1 1. ~~Improvement in the success rate in preventing~~
- 2 ~~dropouts from the college reach-out program project;~~
- 3 2. ~~An increase in the number of participants who are~~
- 4 ~~admitted to colleges and universities;~~
- 5 3. ~~At least 50 percent of the parents participate in~~
- 6 ~~project activities;~~
- 7 4. ~~Provision of innovative services;~~
- 8 5. ~~Provision of summer residency for more than 1 week;~~
- 9 ~~and~~
- 10 6. ~~Provision of transportation for students and~~
- 11 ~~parents.~~

12 (9) An advisory council shall review the proposals and
13 recommend to the State Board of Education an order of priority
14 for funding the proposals. The advisory council shall consist
15 of 12 ~~10~~ members appointed by the Commissioner of Education,
16 except as provided in this subsection:

17 (a) The two equal opportunity coordinators selected
18 from state postsecondary institutions ~~for the Community~~
19 ~~College System and the State University System;~~

20 (b) Two representatives of private or community-based
21 associations that have similar programs, appointed by the
22 President of the Senate and the Speaker of the House of
23 Representatives, respectively;

24 (c) One representative from a state college or
25 university of the State University System, ~~appointed by the~~
26 ~~Chair of the Board of Regents;~~

27 (d) One representative from a community college of the
28 ~~Community College System,~~ ~~appointed by the Chair of the State~~
29 ~~Board of Community Colleges;~~

30
31

1 (e) One representative of the Independent Colleges and
2 Universities of Florida, appointed by the President of the
3 Independent Colleges and Universities of Florida;

4 (f) One representative of a public school district,
5 ~~appointed by the Commissioner of Education;~~

6 (g) One representative of the Council for Education
7 Policy Research and Improvement ~~Postsecondary Education~~
8 ~~Planning Commission~~, appointed by the chair of the council
9 ~~commission; and~~

10 (h) One layperson, appointed by the Governor;~~-~~

11 (i) One equal opportunity coordinator from an
12 independent college or university appointed by the President
13 of the Independent Colleges and Universities of Florida; and

14 (j) One representative from a technical center.

15 ~~(i0) Except for the equal opportunity coordinators for~~
16 ~~the community college and state university systems, who shall~~
17 ~~continue to serve on the council, the terms of all initial~~
18 ~~committee members holding office on September 1, 1994, expire~~
19 ~~on that date. Of those persons who are appointed to the~~
20 ~~council after that date: three members shall be appointed for~~
21 ~~2-year terms; three members shall be appointed for 3-year~~
22 ~~terms; and two members shall be appointed for 4-year terms.~~
23 ~~Thereafter,~~

24
25 Each member shall be appointed for a 4-year term of office
26 and ~~members~~ may be reappointed to the council. A vacancy must
27 be filled with a person of the same status as the original
28 appointee and must be filled for the remainder of the term.
29 Members are entitled to per diem and travel expenses as
30 provided in s. 112.061 while performing council duties.

31

1 ~~(10)(11)~~ On or before February 15 of each year, each
2 participating institution shall submit to the Department of
3 Education ~~Postsecondary Education Planning Commission~~ an
4 interim report containing program expenditures and participant
5 information as required in State Board of Education rules.

6 ~~(11)(12)~~ On or before November 1 ~~October 15~~ of each
7 year, universities, colleges, independent postsecondary
8 institutions, and community colleges participating in the
9 program shall submit to the Department of Education
10 ~~Postsecondary Education Planning Commission~~ an end-of-the-year
11 report on the effectiveness of their participation in the
12 program. The end-of-the-year report must include, without
13 limitation:

14 (a) A copy of the certificate-of-expenditures form
15 showing expenditures by category; state grant funds; and
16 institutional matching, in cash and in-kind services;

17 (b) A listing of students participating in the program
18 by grade level, sex, and race;

19 (c) A statement of how the program addresses the four
20 program goals identified in paragraph (7)(e);

21 (d) A brief description and analysis of program
22 characteristics and activities critical to program success;

23 (e) A description of the cooperation received from
24 other units or organizations; and

25 (f) An explanation of the program's outcomes,
26 including data related to student performance on the measures
27 provided for in paragraph (7)(f).

28 ~~(12)(13)~~ By February 15 of each year, the Department
29 of Education ~~Postsecondary Education Planning Commission~~ shall
30 submit to the President of the Senate, the Speaker of the
31 House of Representatives, ~~the Commissioner of Education, and~~

1 the Governor a report that evaluates the effectiveness of the
2 college reach-out program. The report must be based upon
3 information provided by participating institutions, the
4 Division of Colleges and Universities and the Division of
5 Community Colleges, ~~and the Division of Workforce Development~~
6 pursuant to subsections (7) and (11)~~(12)~~. To the extent
7 feasible, the performance of college reach-out program
8 participants must be compared to the performance of comparable
9 cohorts of students in public school and postsecondary
10 education.

11 ~~(14) Funding for the college reach-out program shall~~
12 ~~be provided in the General Appropriations Act. From these~~
13 ~~funds, an annual allocation shall be provided to the~~
14 ~~Postsecondary Education Planning Commission to conduct the~~
15 ~~annual program evaluation required by subsection (13).~~

16 Section 299. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.631,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted to read:

20 240.631 Florida Martin Luther King, Jr., Institute for
21 Nonviolence; definitions.--As used in this act:

22 (1) "Board" means the advisory board of the institute.

23 (2) "Institute" means the Florida Martin Luther King,
24 Jr., Institute for Nonviolence.

25 Section 300. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.632,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.632 Creation of institute.--

31

1 (1) There is ~~hereby~~ created the Florida Martin Luther
2 King, Jr., Institute for Nonviolence to be established at
3 Miami-Dade Community College by the State Board of Education
4 ~~Florida Community College System in conjunction with the State~~
5 ~~University System~~. The institute shall have an advisory board
6 consisting of 13 members as follows: the Attorney General, the
7 director of the Division of Colleges and Universities
8 ~~Chancellor of the State University System~~, the Commissioner of
9 Education, and 10 members to be appointed by the Governor,
10 such members to represent the population of the state based on
11 its ethnic, gender, and socioeconomic diversity. Of the
12 members appointed by the Governor, one shall be a member of
13 the Senate appointed by the Governor on the recommendation of
14 the President of the Senate; one shall be a member of the
15 Senate appointed by the Governor on the recommendation of the
16 minority leader; one shall be a member of the House of
17 Representatives appointed by the Governor on the
18 recommendation of the Speaker of the House of Representatives;
19 one shall be a member of the House of Representatives
20 appointed by the Governor on the recommendation of the
21 minority leader; and six shall be members appointed by the
22 Governor, no more than three of whom shall be members of the
23 same political party. The following groups shall be
24 represented by the six members: the Florida Sheriffs
25 Association; the Florida Association of Counties; the Florida
26 League of Cities; human services agencies; community relations
27 or human relations councils; and youth. A chairperson shall
28 be elected by the members and shall serve for a term of 3
29 years. Members of the board shall serve the following terms
30 of office which shall be staggered:
31

1 (a) A member of the Legislature appointed to the board
2 shall serve for a single term not to exceed 5 years and shall
3 serve as a member only while he or she is a member of the
4 Legislature.

5 (b) Of the six members who are not members of the
6 Legislature, three shall serve for terms of 4 years, two shall
7 serve for terms of 3 years, and one shall serve for a term of
8 1 year. Thereafter, each member, except for a member
9 appointed to fill an unexpired term, shall serve for a 5-year
10 term. No member shall serve on the board for more than 10
11 years.

12
13 In the event of a vacancy occurring in the office of a member
14 of the board by death, resignation, or otherwise, the Governor
15 shall appoint a successor to serve for the balance of the
16 unexpired term.

17 (2)(a) The board shall provide for the holding of
18 regular and special meetings. A majority of the members shall
19 constitute a quorum for the transaction of any business, and
20 the acts of a majority of the members present at a meeting at
21 which a quorum is present shall be deemed to be the acts of
22 the board.

23 (b) An executive director shall be appointed by the
24 board and shall be the chief administrative and operational
25 officer of the board. The executive director shall direct and
26 supervise administrative affairs and the general management of
27 the board. The executive director may contract with or employ
28 legal and technical experts and such other employees,
29 permanent and temporary, as shall be authorized by the board.

30
31

1 (c) Members of the board shall serve without
2 compensation, but shall be reimbursed for per diem and travel
3 expenses in accordance with s. 112.061.

4 Section 301. Notwithstanding subsection (7) of section
5 3 of chapter 2000-321, Laws of Florida, section 240.633,
6 Florida Statutes, shall not stand repealed January 7, 2003, as
7 scheduled by that law, but that section is reenacted to read:

8 240.633 Powers and duties.--The institute shall have
9 the following powers and duties:

10 (1) To conduct training, provide symposia, and develop
11 continuing education and programs to promote skills in
12 nonviolent conflict resolution for persons in government,
13 private enterprise, community groups, and voluntary
14 associations.

15 (2) To enter into formal and informal relationships
16 with other public or private institutions for purposes of
17 fulfilling the goals of the institute and to ensure geographic
18 dispersion of services to all regions of the state.

19 (3) To establish a clearinghouse to provide materials,
20 including publications, handbooks, training manuals, and
21 audiovisual materials, on the programs, studies, research,
22 training, and educational opportunities of the institute.

23 (4) To adopt, amend, and alter bylaws not inconsistent
24 with the laws of the state.

25 (5) To charge and collect subscription and other
26 participation costs and fees for its services, including
27 publications and courses of study.

28 (6) To receive and accept from any federal, state, or
29 local agency grants, or advances for, or in aid of, the
30 purposes of this act and to receive and accept contributions
31 from any source of either money, property, labor, or other

1 things of value, to be held, used, and applied for said
2 purposes.

3 (7) To do any and all lawful acts and things necessary
4 or desirable to carry out the objectives and purposes of this
5 act.

6 Section 302. Notwithstanding subsection (7) of section
7 3 of chapter 2000-321, Laws of Florida, section 240.634,
8 Florida Statutes, shall not stand repealed January 7, 2003, as
9 scheduled by that law, but that section is reenacted to read:

10 240.634 Fellowships.--The institute may establish
11 fellowships through the awarding of financial assistance to
12 individuals and organizations to enable them to pursue
13 scholarly inquiry and study other appropriate forms of
14 strategies for peace and nonviolent conflict resolution.

15 Section 303. Notwithstanding subsection (7) of section
16 3 of chapter 2000-321, Laws of Florida, section 240.636,
17 Florida Statutes, shall not stand repealed January 7, 2003, as
18 scheduled by that law, but that section is reenacted and
19 amended to read:

20 240.636 Research of Rosewood incident.--The state
21 colleges and universities ~~University System~~ shall continue the
22 research of the Rosewood incident and the history of race
23 relations in Florida and develop materials for the educational
24 instruction of these events.

25 Section 304. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 240.70,
27 Florida Statutes, shall not stand repealed January 7, 2003, as
28 scheduled by that law, but that section is reenacted and
29 amended to read:

30 240.70 Substance abuse training programs.--
31

1 (1) Each state university, college, and community
2 college may develop courses designed for public school
3 teachers, counselors, physicians, law enforcement personnel,
4 and other professionals to assist them in recognizing symptoms
5 of substance abuse impairment and identifying appropriate
6 service providers for referral and treatment.

7 (2) Such courses may be made available to students who
8 are currently enrolled and for continuing education units.

9 Section 305. Notwithstanding subsection (7) of section
10 3 of chapter 2000-321, Laws of Florida, section 240.701,
11 Florida Statutes, shall not stand repealed January 7, 2003, as
12 scheduled by that law, but that section is reenacted and
13 amended to read:

14 240.701 Incentives for urban or socially and
15 economically disadvantaged area internships.--The Legislature
16 establishes incentives for urban or socially and economically
17 disadvantaged area internships to give university and college
18 students the opportunity to study the social, economic,
19 educational, and political life of inner cities in
20 metropolitan or socially and economically disadvantaged areas
21 of the state. The incentives are for internships that are open
22 to students in all disciplines, including business, education,
23 physical science, social science, the liberal arts, and the
24 fine arts. Incentives may be given to any state university or
25 college. Incentives must be for one semester's duration, or
26 more, in which an intern may earn up to 12 hours of credit for
27 the internship. Student interns must work in teams to address
28 a specific urban or socially and economically disadvantaged
29 area social problem or carry out an urban or socially and
30 economically disadvantaged area social program. The results of
31 each team's work must be published in a report and distributed

1 to the colleges of education of the state universities and
2 colleges in the State University System.

3 Section 306. Notwithstanding subsection (7) of section
4 3 of chapter 2000-321, Laws of Florida, section 240.702,
5 Florida Statutes, shall not stand repealed January 7, 2003, as
6 scheduled by that law, but that section is reenacted and
7 amended to read:

8 240.702 Florida Conflict Resolution Consortium.--It is
9 the intent of the Legislature to reduce the public and private
10 costs of litigation; resolve public disputes, including those
11 related to growth management issues, more quickly and
12 effectively; and improve intergovernmental communications,
13 cooperation, and consensus-building. The Legislature ~~hereby~~
14 ~~formally~~ establishes the Florida Conflict Resolution
15 Consortium as a statewide center based ~~within the State~~
16 ~~University System~~ at Florida State University, or at another
17 campus as ~~may be~~ designated by the Commissioner of Education
18 ~~Chancellor~~. The purpose of the consortium is to serve as a
19 neutral resource to assist citizens and public and private
20 interests in Florida to seek cost-effective solutions to
21 public disputes and problems through the use of alternative
22 dispute resolution and consensus-building.

23 Section 307. Notwithstanding subsection (7) of section
24 3 of chapter 2000-321, Laws of Florida, section 240.705,
25 Florida Statutes, shall not stand repealed January 7, 2003, as
26 scheduled by that law, but that section is reenacted and
27 amended to read:

28 240.705 Partnerships to develop child protection
29 workers.--The Department of Children and Family Services is
30 directed to form partnerships with the schools of social work
31 of the universities and colleges of the state in order to

1 encourage the development of graduates trained to work in
2 child protection. The department shall give hiring preferences
3 for child protection jobs to graduates who have earned
4 bachelor's and master's degrees from these programs with a
5 concentration in child protection. The partnership between the
6 department and the schools of social work shall include, but
7 not be limited to, modifying existing graduate and
8 undergraduate social work curricula, providing field
9 placements for students into child protection internships in
10 the department, and collaborating in the design and delivery
11 of advanced levels of social work practice.

12 Section 308. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, section 240.706,
14 Florida Statutes, shall not stand repealed January 7, 2003, as
15 scheduled by that law, but that section is reenacted and
16 amended to read:

17 240.706 Leadership Board for Applied Research and
18 Public Service.--

19 (1) There is created the Leadership Board for Applied
20 Research and Public Service to be staffed by the Institute of
21 Science and Public Affairs at Florida State University. The
22 purpose of the board is to focus, coordinate, and maximize
23 university resources on current issues and events affecting
24 Florida's residents and elected officials. Emphasis shall be
25 placed on being responsive to and providing accurate, timely,
26 useful, and relevant information to decisionmakers in state
27 and local governments. The board shall set forth a process to
28 provide comprehensive guidance and advice for improving the
29 types and quality of services to be delivered by state
30 universities and colleges ~~the State University System~~.
31 Specifically, the board shall better identify and define the

1 missions and roles of existing institutes and centers within
2 the state universities and colleges ~~University System~~, work to
3 eliminate duplication and confusion over conflicting roles and
4 missions, involve more students in learning with applied
5 research and public service activities, and be
6 organizationally separate from academic departments. The board
7 shall meet at least quarterly. The board may create internal
8 management councils that may include working institute and
9 center directors. The board is responsible for, but is not
10 limited to:

11 (a) Providing strategic direction, planning, and
12 accompanying decisions that support a coordinated applied
13 public service and research approach in the state.

14 (b) Addressing state university and college ~~University~~
15 ~~System~~ policy matters and making recommendations to the
16 Division of Colleges and Universities ~~Board of Regents~~ as they
17 relate to applied public service and research.

18 (c) Serving as a clearinghouse for services requested
19 by public officials.

20 (d) Providing support for funding and fiscal
21 initiatives involving applied public service and research.

22 (2) Membership of the board shall be:

23 (a) The director of the Division of Colleges and
24 Universities ~~Chancellor of the Board of Regents~~, who shall
25 serve as chair.

26 (b) The director of the Office of Planning and
27 Budgeting of the Executive Office of the Governor.

28 (c) The secretary of the Department of Management
29 Services.

30 (d) The director of Economic and Demographic Research.
31

1 (e) The director of the Office of Program Policy
2 Analysis and Government Accountability.

3 (f) The President of the Florida League of Cities.

4 (g) The President for the Florida Association of
5 Counties.

6 (h) The President of the Florida School Board
7 Association.

8 (i) Five additional university president members,
9 designated by the Commissioner of Education ~~Chancellor~~, to
10 rotate annually.

11 (3) The board shall prepare a report for the State
12 Board of Education ~~Board of Regents~~ to be submitted to the
13 Governor and the Legislature by January 1 of each year which
14 summarizes the work and recommendations of the board in
15 meeting its purpose and mission.

16 Section 309. Notwithstanding subsection (7) of section
17 3 of chapter 2000-321, Laws of Florida, section 240.709,
18 Florida Statutes, shall not stand repealed January 7, 2003, as
19 scheduled by that law, but that section is reenacted and
20 amended to read:

21 240.709 Institute on Urban Policy and Commerce.--

22 (1) There is created the Institute on Urban Policy and
23 Commerce as a Type I Institute ~~under the Board of Regents~~ at
24 Florida Agricultural and Mechanical University to improve the
25 quality of life in urban communities through research,
26 teaching, and outreach activities.

27 (2) The major purposes of the institute are to pursue
28 basic and applied research on urban policy issues confronting
29 the inner-city areas and neighborhoods in the state; to
30 influence the equitable allocation and stewardship of federal,
31 state, and local financial resources; to train a new

1 generation of civic leaders and university and college
2 students interested in approaches to community planning and
3 design; to assist with the planning, development, and capacity
4 building of urban area nonprofit organizations and government
5 agencies; to develop and maintain a database relating to
6 inner-city areas; and to support the community development
7 efforts of inner-city areas, neighborhood-based organizations,
8 and municipal agencies.

9 (3) The institute shall research and recommend
10 strategies concerning critical issues facing the underserved
11 population in urban communities, including, but not limited
12 to, transportation and physical infrastructure; affordable
13 housing; tourism and commerce; environmental restoration; job
14 development and retention; child care; public health; lifelong
15 learning; family intervention; public safety; and community
16 relations.

17 (4) The institute may establish regional urban centers
18 to be located in the inner cities of St. Petersburg, Tampa,
19 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
20 Miami, Daytona Beach, and Pensacola to assist urban
21 communities on critical economic, social, and educational
22 problems affecting the underserved population.

23 (5) Before January 1 of each year, the institute shall
24 submit a report of its critical findings and recommendations
25 for the prior year to the President of the Senate, the Speaker
26 of the House of Representatives, and the appropriate
27 committees of the Legislature. The report shall be titled "The
28 State of Unmet Needs in Florida's Urban Communities" and shall
29 include, but is not limited to, a recommended list of
30 resources that could be made available for revitalizing urban
31 communities; significant accomplishments and activities of the

1 institute; and recommendations concerning the expansion,
2 improvement, or termination of the institute.

3 (6) The Governor shall submit an annual report to the
4 Legislature on the unmet needs in the state's urban
5 communities.

6 Section 310. Section 240.710, Florida Statutes, is
7 amended to read:

8 240.710 Digital Media Education Coordination Group.--

9 (1) The State Board of Education ~~Board of Regents~~
10 shall create a Digital Media Education Coordination Group
11 composed of representatives of the state universities which
12 ~~within the State University System that~~ shall work in
13 conjunction with the Department of Education, the state
14 colleges, Board of community colleges, and the Articulation
15 Coordinating Committee on the development of a plan to enhance
16 Florida's ability to meet the current and future workforce
17 needs of the digital media industry. The following purposes of
18 the group shall be included in its plan development process:

19 (a) Coordination of the use of existing academic
20 programs and research and faculty resources to promote the
21 development of a digital media industry in this state.

22 (b) Address strategies to improve opportunities for
23 interdisciplinary study and research within the emerging field
24 of digital media through the development of tracts in existing
25 degree programs, new interdisciplinary degree programs, and
26 interdisciplinary research centers.

27 (c) Address the sharing of resources among
28 universities and colleges in such a way as to allow a student
29 to take courses from multiple departments or multiple
30 educational institutions in pursuit of competency,
31

1 certification, and degrees in digital information and media
2 technology.

3 (2) Where practical, private accredited institutions
4 of higher learning in this state should be encouraged to
5 participate.

6 (3) In addition to the elements of the plan governed
7 by the purposes described in subsection (1), the plan shall
8 include, to the maximum extent practical, the coordination of
9 educational resources to be provided by distance learning and
10 shall facilitate to the maximum extent possible articulation
11 and transfer of credits between community colleges, colleges,
12 and the state universities. The plan shall address student
13 enrollment in affected programs with emphasis on enrollment
14 beginning as early as fall term, 2001.

15 ~~(4) The Digital Media Education Coordination Group~~
16 ~~shall submit its plan to the President of the Senate and the~~
17 ~~Speaker of the House of Representatives no later than January~~
18 ~~1, 2001.~~

19 Section 311. Subsection (5) of section 240.7101,
20 Florida Statutes, is amended to read:

21 240.7101 College of law at Florida International
22 University.--

23 (5) The State Board of Education ~~Board of Regents~~
24 shall commence the planning of a college of law at Florida
25 International University. In planning the college of law, ~~the~~
26 ~~Board of Regents and~~ the State Board of Education may accept
27 grants, donations, gifts, and moneys available for this
28 purpose, including moneys for planning and constructing the
29 college. The State Board of Education ~~Board of Regents~~ may
30 procure and accept any federal funds that are available for
31 the planning, creation, and establishment of the college of

1 law. Classes must commence by the fall semester 2003. If the
2 American Bar Association or any other nationally recognized
3 association for the accreditation of colleges of law issues a
4 third disapproval of an application for provisional approval
5 or for full approval or fails to grant, within 5 years
6 following the graduation of the first class, a provisional
7 approval, to the college of law at Florida International
8 University, the State Board of Education ~~Board of Regents~~
9 shall make recommendations to the Governor and the Legislature
10 as to whether the college of law will cease operations at the
11 end of the full academic year subsequent to the receipt by the
12 college of law of any such third disapproval, or whether the
13 college of law will continue operations and any conditions for
14 continued operations. If the college of law ceases operations
15 pursuant to this section, the following conditions apply:

16 (a) The authority for the college of law at Florida
17 International University and the authority of ~~the Board of~~
18 ~~Regents~~ and the State Board of Education provided in this
19 section shall terminate upon the cessation of operations of
20 the college of law at Florida International University. The
21 college of law at Florida International University shall
22 receive no moneys allocated for the planning, construction, or
23 operation of the college of law after its cessation of
24 operations other than moneys to be expended for the cessation
25 of operations of the college of law. Any moneys allocated to
26 the college of law at Florida International University not
27 expended prior to or scheduled to be expended after the date
28 of the cessation of the college of law shall be appropriated
29 for other use by the Legislature of the State of Florida.

30 (b) Any buildings of the college of law at Florida
31 International University constructed from the expenditure of

1 capital outlay funds appropriated by the Legislature shall be
2 owned and managed by the Board of Trustees of Florida
3 International University ~~Regents~~ upon the cessation of the
4 college of law.

5
6 Nothing in this section shall undermine commitments to current
7 students receiving support as of the date of the enactment of
8 this section from the law school scholarship program of the
9 Florida Education Fund as provided in s. 240.498(8). Students
10 attending the college of law at Florida International
11 University shall be eligible for financial, academic, or other
12 support from the Florida Education Fund as provided in s.
13 240.498(8) without the college's obtaining accreditation by
14 the American Bar Association.

15 Section 312. Subsection (5) of section 240.7105,
16 Florida Statutes, is amended to read:

17 240.7105 College of law at Florida Agricultural and
18 Mechanical University.--

19 (5) The State Board of Education ~~Board of Regents~~
20 shall commence the planning of a college of law under the
21 auspices of Florida Agricultural and Mechanical University to
22 be located in the I-4 corridor area. In planning the college
23 of law, ~~the Board of Regents and~~ the State Board of Education
24 may accept grants, donations, gifts, and moneys available for
25 this purpose, including moneys for planning and constructing
26 the college. The State Board of Education ~~Board of Regents~~ may
27 procure and accept any federal funds that are available for
28 the planning, creation, and establishment of the college of
29 law. Classes must commence by the fall semester 2003. If the
30 American Bar Association or any other nationally recognized
31 association for the accreditation of colleges of law issues a

1 third disapproval of an application for provisional approval
2 or for full approval or fails to grant, within 5 years
3 following the graduation of the first class, a provisional
4 approval, to the college of law at Florida Agricultural and
5 Mechanical University, the State Board of Education ~~Board of~~
6 ~~Regents~~ shall make recommendations to the Governor and
7 Legislature as to whether the college of law will cease
8 operations at the end of the full academic year subsequent to
9 the receipt by the college of law of any such third
10 disapproval, or whether the college of law will continue
11 operations and any conditions for continued operations. If the
12 college of law ceases operations of the college of law
13 pursuant to this section, the following conditions apply:

14 (a) The authority for the college of law at Florida
15 Agricultural and Mechanical University and the authority of
16 ~~the Board of Regents~~ and the State Board of Education provided
17 in this section shall terminate upon the cessation of
18 operations of the college of law at Florida Agricultural and
19 Mechanical University. The college of law at Florida
20 Agricultural and Mechanical University shall receive no moneys
21 allocated for the planning, construction, or operation of the
22 college of law after its cessation of operations other than
23 moneys to be expended for the cessation of operations of the
24 college of law. Any moneys allocated to the college of law at
25 Florida Agricultural and Mechanical University not expended
26 prior to or scheduled to be expended after the date of the
27 cessation of the college of law shall be appropriated for
28 other use by the Legislature of the State of Florida.

29 (b) Any buildings of the college of law at Florida
30 Agricultural and Mechanical University constructed from the
31 expenditure of capital outlay funds appropriated by the

1 Legislature shall be owned and managed by the Board of
2 Trustees of Florida Agricultural and Mechanical University
3 ~~Regents~~ upon the cessation of the college of law.

4
5 Nothing in this section shall undermine commitments to current
6 students receiving support as of the date of the enactment of
7 this section from the law school scholarship program of the
8 Florida Education Fund as provided in s. 240.498(8). Students
9 attending the college of law at Florida Agricultural and
10 Mechanical University shall be eligible for financial,
11 academic, or other support from the Florida Education Fund as
12 provided in s. 240.498(8) without the college's obtaining
13 accreditation by the American Bar Association.

14 Section 313. Paragraph (h) of subsection (2) of
15 section 240.711, Florida Statutes, is amended to read:

16 240.711 Ringling Center for Cultural Arts.--

17 (2)

18 (h) The John and Mable Ringling Museum of Art
19 direct-support organization shall provide for an annual
20 financial audit in accordance with s. 240.299(5)~~s.~~
21 ~~240.299(4)~~. Florida State University is authorized to require
22 and receive from the direct-support organization, or from its
23 independent auditor, any detail or supplemental data relative
24 to the operation of such organization. Information that, if
25 released, would identify donors who desire to remain
26 anonymous, is confidential and exempt from the provisions of
27 s. 119.07(1). Information that, if released, would identify
28 prospective donors is confidential and exempt from the
29 provisions of s. 119.07(1) when the direct-support
30 organization has identified the prospective donor itself and
31 has not obtained the name of the prospective donor by copying,

1 purchasing, or borrowing names from another organization or
2 source. Identities of such donors and prospective donors shall
3 not be revealed in the auditor's report.

4 Section 314. Subsection (1) of section 242.3305,
5 Florida Statutes, is amended to read:

6 242.3305 Florida School for the Deaf and the Blind;
7 responsibilities and mission.--

8 (1) The Florida School for the Deaf and the Blind is a
9 state-supported residential school for hearing-impaired and
10 visually impaired students in preschool through 12th grade.
11 The school is a part of the state system of public education
12 and shall be funded through the Division of Public Schools and
13 Community Education of the Department of Education. The school
14 shall provide educational programs and support services
15 appropriate to meet the education and related evaluation and
16 counseling needs of hearing-impaired and visually impaired
17 students in the state who meet enrollment criteria. Education
18 services may be provided on an outreach basis for
19 sensory-impaired children ages 0 through 5 years and their
20 parents. Graduates of the Florida School for the Deaf and the
21 Blind shall be eligible for the William L. Boyd, IV, Florida
22 Resident Access Grant Program as provided in s. 240.499 ~~s.~~
23 ~~240.605~~.

24 Section 315. Subsections (1), (2), and (3) of section
25 243.01, Florida Statutes, are amended to read:

26 243.01 Definitions.--The following terms, wherever
27 used or referred to in this part, shall have the following
28 meanings unless a different meaning clearly appears in the
29 context:

30
31

1 (1) The term "institution" shall mean the state
2 universities and colleges ~~any institution under the~~
3 ~~jurisdiction of the Board of Regents.~~

4 (2) The term "board" shall mean the State Board of
5 Education ~~Board of Regents.~~

6 (3) The term "revenue certificate" shall mean bonds,
7 revenue bonds, or other forms of indebtedness, or certificates
8 with respect to the repayment of any loans, issued on behalf
9 of the State Board of Education ~~Board of Regents~~ pursuant to
10 this part.

11 Section 316. Subsection (1) of section 243.105,
12 Florida Statutes, is amended to read:

13 243.105 Tax exemption and eligibility as legal
14 investments.--

15 (1) The exercise of the powers granted by this part in
16 all respects constitutes the performance of essential public
17 functions for the benefit of the people of the state. All
18 properties, revenues, or other assets of the State Board of
19 Education ~~Board of Regents~~ for which revenue certificates are
20 issued under this part, and all revenue certificates issued
21 hereunder and the interest thereon, shall be exempt from all
22 taxation by any agency or instrumentality of a county,
23 municipality, or the state. The exemption granted by this
24 section is not applicable to any tax imposed by chapter 220 on
25 interest, income, or profits on debt obligations owned by
26 corporations.

27 Section 317. Section 243.141, Florida Statutes, is
28 amended to read:

29 243.141 Board of Administration to act as fiscal
30 agent.--Prior to the issuance of any revenue certificates, the
31 State Board of Education ~~Board of Regents~~ may request the

1 State Board of Administration to advise the State Board of
2 Education Board of Regents as to the fiscal sufficiency of the
3 proposed issue. Upon sale and delivery of any revenue
4 certificates and disbursement of the proceeds thereof pursuant
5 to this part, the State Board of Administration may upon
6 request of the State Board of Education Board of Regents take
7 over the management, control, administration, custody, and
8 payment of any or all debt services or funds or assets now or
9 hereafter available for any revenue certificates issued
10 pursuant to this part. The State Board of Administration shall
11 upon request of the State Board of Education Board of Regents
12 invest all funds, including reserve funds, available for any
13 revenue certificates issued pursuant to this part in the
14 manner provided in s. 215.47. The State Board of Education
15 ~~Board of Regents~~ may from time to time provide by its duly
16 adopted resolution the duties the State Board of
17 Administration shall perform, and such duties may be changed,
18 modified, or repealed by subsequent resolution as the State
19 Board of Education Board of Regents may deem appropriate.

20 Section 318. Section 243.151, Florida Statutes, is
21 amended to read:

22 243.151 Lease agreements; land, facilities.--

23 (1) Each university and college board of trustees may
24 ~~is authorized to negotiate and~~, upon approval of the State
25 Board of Education Board of Regents, enter into agreements to
26 lease land under its jurisdiction to for-profit and nonprofit
27 corporations, registered by the Secretary of State to do
28 business in this state, for the purpose of erecting thereon
29 facilities and accommodations necessary and desirable to serve
30 the needs and purposes of the university or college, as
31 determined by the ~~systemwide~~ strategic plan adopted by the

1 State Board of Education ~~Board of Regents~~. Such agreement
2 shall will be for a term not in excess of 99 years or the life
3 expectancy of the permanent facilities constructed thereon,
4 whichever is shorter, and shall include as a part of the
5 consideration provisions for the eventual ownership of the
6 completed facilities by the state. The Board of Trustees of
7 the Internal Improvement Trust Fund upon request of the
8 university or college board of trustees shall lease any such
9 property to the university or college for sublease as
10 heretofore provided.

11 (2) Each university and college board of trustees may
12 ~~is authorized to~~ enter into agreements with for-profit and
13 nonprofit corporations, registered by the Custodian of State
14 Records ~~Secretary of State~~ to do business in this state,
15 whereby income-producing buildings, improvements, and
16 facilities necessary and desirable to serve the needs and
17 purposes of the university, as determined by the ~~systemwide~~
18 strategic plan adopted by the State Board of Education ~~Board~~
19 ~~of Regents~~, are acquired by purchase or lease-purchase by the
20 university or college board of trustees, upon approval of the
21 State Board of Education ~~Board of Regents~~ and approval of the
22 project by the Legislature. When such agreements provide for
23 lease-purchase of facilities erected on land that is not under
24 the jurisdiction of the university or college, the agreement
25 shall include as a part of the consideration provisions for
26 the eventual ownership of the land and facility by the state.
27 Agreements for lease-purchase shall not exceed 30 years or the
28 life expectancy of the permanent facility constructed,
29 whichever is shorter. Notwithstanding the provisions of any
30 other law, the State Board of Education ~~Board of Regents~~ may
31 enter into an agreement for the lease-purchase of a facility

1 under this section for a term greater than 1 year if ~~when~~ such
2 term has been approved by the Legislature as part of the
3 project. Each university and college board of trustees, upon
4 approval of the State Board of Education, may ~~Board of Regents~~
5 ~~is authorized to~~ use any auxiliary trust funds, available and
6 not otherwise obligated, to pay rent to the owner should
7 income from the facilities not be sufficient in any debt
8 payment period. The trust funds used for payment of rent shall
9 be reimbursed as soon as possible to the extent that income
10 from the facilities exceeds the amount necessary for such debt
11 payment.

12 (3) Upon approval by the State Board of Education
13 ~~Board of Regents~~, a university or college board of trustees
14 may:

15 (a) Construct educational facilities on land that is
16 owned by a direct-support organization, as defined in s.
17 240.299, or a governmental agency at the federal, state,
18 county, or municipal level, if the university or college board
19 of trustees has acquired a long-term lease for the use of the
20 land. The lease must be for at least 40 years or the expected
21 time the facilities to be constructed on the land are expected
22 to remain in a condition acceptable for use, whichever is
23 longer.

24 (b) Acquire a short-term lease from one of the
25 entities listed in paragraph (a) for the use of land, if
26 adequate temporary or relocatable facilities are available on
27 the land.

28 (c) Enter into a short-term lease for the use of land
29 and buildings upon which capital improvements may be made.

30
31

1 If sufficient land is not available from any of the entities
2 listed in paragraph (a), a university or college board of
3 trustees may acquire a short-term lease from a private
4 landowner or developer.

5 (4) Agreements as provided in this section shall be
6 entered into with an offeror resulting from publicly announced
7 competitive bids or proposals, except that the university or
8 college board of trustees may enter into an agreement with an
9 entity enumerated in paragraph (3)(a) for leasing land or with
10 a direct-support organization as provided in s. 240.299, which
11 shall enter into subsequent agreements for financing and
12 constructing the project after receiving competitive bids or
13 proposals. Any facility constructed, lease-purchased, or
14 purchased under such agreements, whether erected on land under
15 the jurisdiction of the university or college, or not, shall
16 conform to the construction standards and codes applicable to
17 university and college facilities. The State Board of
18 Education ~~Board of Regents~~ shall adopt ~~such~~ rules as ~~are~~
19 necessary to carry out its duties and responsibilities imposed
20 by this section.

21 (5) Agreements executed by the former Board of Regents
22 ~~prior to January 1, 1980,~~ for the purposes listed in this
23 section are ~~herein shall be~~ validated, and the ~~said~~ board's
24 actions ~~capacity to act~~ in such cases are ratified and
25 confirmed.

26 Section 319. Subsection (6) of section 243.52, Florida
27 Statutes, is amended to read:

28 243.52 Definitions.--As used in ss. 243.50-243.77, the
29 term:

30 (6) "Institution of higher education" means an
31 independent nonprofit college or university which is located

1 in and chartered by the state; which is accredited by the
2 Commission on Colleges of the Southern Association of Colleges
3 and Schools; which grants baccalaureate degrees; and which is
4 not a state university, state college, or state community
5 college.

6 Section 320. Subsection (9) of section 282.005,
7 Florida Statutes, is amended to read:

8 282.005 Legislative findings and intent.--The
9 Legislature finds that:

10 (9) To ensure the best management of the state's
11 information technology and notwithstanding other provisions of
12 law to the contrary, the functions of information technology
13 are ~~hereby~~ assigned to the university and college boards of
14 trustees ~~Board of Regents as the agency responsible~~ for the
15 development and implementation of policy, planning,
16 management, rulemaking, standards, and guidelines for the
17 state universities and colleges ~~State University System~~; to
18 the community college district boards of trustees ~~State Board~~
19 ~~of Community Colleges as the agency responsible~~ for
20 establishing and developing rules and policies for the
21 community colleges ~~Florida Community College System~~; to the
22 Supreme Court, for the judicial branch; to each state attorney
23 and public defender; and to the State Technology Office for
24 the executive branch of state government.

25 Section 321. Subsections (1) and (3) of section
26 282.103, Florida Statutes, are amended to read:

27 282.103 SUNCOM Network; exemptions from the required
28 use.--

29 (1) There is created within the State Technology
30 Office the SUNCOM Network which shall be developed to serve as
31 the state communications system for providing local and

1 long-distance communications services to state agencies,
2 political subdivisions of the state, municipalities, state
3 universities and colleges, and nonprofit corporations pursuant
4 to ss. 282.101-282.111. The SUNCOM Network shall be developed
5 to transmit all types of communications signals, including,
6 but not limited to, voice, data, video, image, and radio.
7 State agencies shall cooperate and assist in the development
8 and joint use of communications systems and services.

9 (3) All state agencies, state universities, and state
10 colleges are required to use the SUNCOM Network for agency,
11 university, and college communications services as the
12 services become available; however, no agency, university, or
13 college is relieved of responsibility for maintaining
14 communications services necessary for effective management of
15 its programs and functions. If a SUNCOM Network service does
16 not meet the communications requirements of an agency,
17 university, or college, the agency, university, or college
18 shall notify the State Technology Office in writing and detail
19 the requirements for that communications service. If the
20 office is unable to meet an agency's, university's, or
21 college's requirements by enhancing SUNCOM Network service,
22 the office may grant the agency, university, or college an
23 exemption from the required use of specified SUNCOM Network
24 services.

25 Section 322. Subsection (4) of section 282.105,
26 Florida Statutes, is amended to read:

27 282.105 Use of state SUNCOM Network by nonprofit
28 corporations.--

29 (4) Institutions qualified to participate in the
30 William L. Boyd, IV, Florida Resident Access Grant Program
31 pursuant to s. 240.499 ~~s. 240.605~~ shall be eligible to use the

1 state SUNCOM Network, subject to the terms and conditions of
2 the office. Such entities shall not be required to satisfy the
3 other criteria of this section.

4 Section 323. Section 282.106, Florida Statutes, is
5 amended to read:

6 282.106 Use of SUNCOM Network by libraries.--The State
7 Technology Office may provide SUNCOM Network services to any
8 library in the state, including libraries in public schools,
9 community colleges, state universities, state colleges ~~the~~
10 ~~State University System~~, and nonprofit private postsecondary
11 educational institutions, and libraries owned and operated by
12 municipalities and political subdivisions.

13 Section 324. Section 282.3031, Florida Statutes, is
14 amended to read:

15 282.3031 Assignment of information resources
16 management responsibilities.--For purposes of ss.
17 282.303-282.322, to ensure the best management of state
18 information technology resources, and notwithstanding other
19 provisions of law to the contrary, the functions of
20 information resources management are ~~hereby~~ assigned to the
21 university and college boards of trustees ~~Board of Regents as~~
22 ~~the agency responsible~~ for the development and implementation
23 of policy, planning, management, rulemaking, standards, and
24 guidelines for the state universities and colleges ~~State~~
25 ~~University System~~; to the community college district boards of
26 trustees ~~State Board of Community Colleges as the agency~~
27 ~~responsible~~ for establishing and developing rules and policies
28 for the community colleges ~~Florida Community College System~~;
29 to the Supreme Court for the judicial branch; to each state
30 attorney and public defender; and to the State Technology
31

1 Office for the agencies within the executive branch of state
2 government.

3 Section 325. Subsection (1) of section 282.3063,
4 Florida Statutes, is amended to read:

5 282.3063 Agency Annual Enterprise Resource Planning
6 and Management Report.--

7 (1) By September 1 of each year, ~~and for the State~~
8 ~~University System within 90 days after completion of the~~
9 ~~expenditure analysis developed pursuant to s. 240.271(4),~~ each
10 Agency Chief Information Officer shall prepare and submit to
11 the State Technology Office an Agency Annual Enterprise
12 Resource Planning and Management Report. Following
13 consultation with the State Technology Office and the Agency
14 Chief Information Officers Council, the Executive Office of
15 the Governor and the fiscal committees of the Legislature
16 shall jointly develop and issue instructions for the format
17 and contents of the report.

18 Section 326. Subsection (2) of section 282.310,
19 Florida Statutes, is amended to read:

20 282.310 State Annual Report on Enterprise Resource
21 Planning and Management.--

22 (2) The State Annual Report on Enterprise Resource
23 Planning and Management shall contain, at a minimum, the
24 following:

25 (a) The state vision for enterprise resource planning
26 and management.

27 (b) A forecast of the state enterprise resource
28 planning and management priorities and initiatives for the
29 ensuing 2 years.

30
31

1 (c) A summary of major statewide policies recommended
2 by the State Technology Office for enterprise resource
3 planning and management.

4 (d) A summary of memoranda issued by the Executive
5 Office of the Governor.

6 (e) An assessment of the overall progress toward an
7 integrated electronic system for deploying government
8 products, services, and information to individuals and
9 businesses and state enterprise resource planning and
10 management initiatives and priorities for the past fiscal
11 year.

12 (f) A summary of major statewide issues related to
13 improving enterprise resource planning and management by the
14 state.

15 (g) An inventory list, by major categories, of state
16 information technology resources.

17 (h) A summary of the total agency expenditures or
18 descriptions of agreements, contracts, or partnerships for
19 enterprise resource planning and management and of
20 enterprise-wide procurements done by the office on behalf of
21 the state.

22 (i) A summary of the opportunities for government
23 agencies or entities to share enterprise resource planning and
24 management projects or initiatives with other governmental or
25 private sector entities.

26
27 The state annual report shall also include enterprise resource
28 planning and management information from the annual reports
29 prepared by the state universities and colleges and the
30 community colleges ~~Board of Regents for the State University~~
31 ~~System, from the State Board of Community Colleges for the~~

1 ~~Florida Community College System~~, from the Supreme Court for
2 the judicial branch, and from the Justice Administrative
3 Commission on behalf of the state attorneys and public
4 defenders. Expenditure information shall be taken from each
5 agency's annual report as well as the annual reports of the
6 state universities and colleges and the community colleges
7 ~~Board of Regents, the State Board of Community Colleges~~, the
8 Supreme Court, and the Justice Administrative Commission.

9 Section 327. Section 284.34, Florida Statutes, is
10 amended to read:

11 284.34 Professional medical liability of the
12 university and college boards of trustees ~~Board of Regents~~ and
13 nuclear energy liability excluded.--Unless specifically
14 authorized by the Department of Insurance, no coverages shall
15 be provided by this fund for professional medical liability
16 insurance for the university and college boards of trustees
17 ~~Board of Regents~~ or the physicians, officers, employees, or
18 agents of any ~~the~~ board or for liability related to nuclear
19 energy which is ordinarily subject to the standard nuclear
20 energy liability exclusion of conventional liability insurance
21 policies. This section does ~~shall~~ not affect ~~be construed as~~
22 ~~affecting~~ the self-insurance programs of the university and
23 college boards of trustees ~~Board of Regents~~ established
24 pursuant to s. 240.213.

25 Section 328. Paragraph (a) of subsection (2) of
26 section 287.042, Florida Statutes, is amended to read:

27 287.042 Powers, duties, and functions.--The department
28 shall have the following powers, duties, and functions:

29 (2)(a) To plan and coordinate purchases in volume and
30 to negotiate and execute purchasing agreements and contracts
31 for commodities and contractual services under which state

1 agencies shall make purchases pursuant to s. 287.056, and
2 under which a federal, county, municipality, institutions
3 qualified to participate in the William L. Boyd, IV, Florida
4 Resident Access Grant Program pursuant to s. 240.499 ~~s.~~
5 ~~240.605~~, private nonprofit community transportation
6 coordinator designated pursuant to chapter 427, while
7 conducting business related solely to the Commission for the
8 Transportation Disadvantaged, or other local public agency may
9 make purchases. The department may restrict purchases from
10 some term contracts to state agencies only for those term
11 contracts where the inclusion of other governmental entities
12 will have an adverse effect on competition or to those federal
13 facilities located in this state. In such planning or
14 purchasing the Office of Supplier Diversity may monitor to
15 ensure that opportunities are afforded for contracting with
16 minority business enterprises. The department, for state term
17 contracts, and all agencies, for multiyear contractual
18 services or term contracts, shall explore reasonable and
19 economical means to utilize certified minority business
20 enterprises. Purchases by any county, municipality, private
21 nonprofit community transportation coordinator designated
22 pursuant to chapter 427, while conducting business related
23 solely to the Commission for the Transportation Disadvantaged,
24 or other local public agency under the provisions in the state
25 purchasing contracts, and purchases, from the corporation
26 operating the correctional work programs, of products or
27 services that are subject to paragraph (1)(f), are exempt from
28 the competitive sealed bid requirements otherwise applying to
29 their purchases.
30
31

1 Section 329. Subsection (2), paragraph (i) of
2 subsection (3), subsection (10), and subsection (18) of
3 section 447.203, Florida Statutes, are amended to read:

4 447.203 Definitions.--As used in this part:

5 (2) "Public employer" or "employer" means the state or
6 any county, municipality, or special district or any
7 subdivision or agency thereof which the commission determines
8 has sufficient legal distinctiveness properly to carry out the
9 functions of a public employer. With respect to all public
10 employees determined by the commission as properly belonging
11 to a statewide bargaining unit composed of State Career
12 Service System employees or Selected Professional Service
13 employees, the Governor shall be deemed to be the public
14 employer; and the university or college board of trustees
15 ~~Board of Regents~~ shall be deemed to be the public employer
16 with respect to all public employees of the respective state
17 university or college.~~within the State University System as~~
18 ~~provided in s. 240.209(3)(f), except that such employees shall~~
19 ~~have the right, in elections to be conducted at each~~
20 ~~university by the commission pursuant to its rules, to elect~~
21 ~~not to participate in collective bargaining. In the event that~~
22 ~~a majority of such voting employees at any university elect~~
23 ~~not to participate in collective bargaining, they shall be~~
24 ~~removed from the applicable Board of Regents bargaining unit.~~
25 ~~If, thereafter, by election conducted by the commission~~
26 ~~pursuant to its rules, a majority of such voting employees~~
27 ~~elect to participate in collective bargaining, they shall be~~
28 ~~included again in the applicable Board of Regents bargaining~~
29 ~~unit for such purpose.~~The board of trustees of a community
30 college shall be deemed to be the public employer with respect
31 to all employees of the community college. The district school

1 board shall be deemed to be the public employer with respect
2 to all employees of the school district. The Board of Trustees
3 of the Florida School for the Deaf and the Blind shall be
4 deemed to be the public employer with respect to the academic
5 and academic administrative personnel of the Florida School
6 for the Deaf and the Blind. The Governor shall be deemed to
7 be the public employer with respect to all employees in the
8 Correctional Education Program of the Department of
9 Corrections established pursuant to s. 944.801.

10 (3) "Public employee" means any person employed by a
11 public employer except:

12 (i) Those persons enrolled as ~~graduate students in the~~
13 ~~State University System who are employed as graduate~~
14 ~~assistants, graduate teaching assistants, graduate teaching~~
15 ~~associates, graduate research assistants, or graduate research~~
16 ~~associates and those persons enrolled as~~ undergraduate
17 students in a state university or college ~~the State University~~
18 ~~System~~ who perform part-time work for the state university or
19 college ~~State University System~~.

20 (10) "Legislative body" means the State Legislature,
21 the board of county commissioners, the district school board,
22 the governing body of a municipality, or the governing body of
23 an instrumentality or unit of government having authority to
24 appropriate funds and establish policy governing the terms and
25 conditions of employment and which, as the case may be, is the
26 appropriate legislative body for the bargaining unit. For
27 purposes of s. 447.403, the board of trustees of a state
28 university or college shall be deemed to be the legislative
29 body with respect to all employees of the state university or
30 college. For purposes of s. 447.403 the board of trustees of
31

1 a community college shall be deemed to be the legislative body
2 with respect to all employees of the community college.

3 (18) "Student representative" means the representative
4 selected by each community college, college, or university
5 student government association ~~and the council of student body~~
6 ~~presidents~~. Each representative may be present at all
7 negotiating sessions ~~that~~ which take place between the
8 appropriate public employer and an exclusive bargaining agent.
9 ~~The said~~ representative must ~~shall~~ be enrolled as a student
10 with at least 8 credit hours in the respective community
11 college, college, or university ~~or in the State University~~
12 ~~System~~ during his or her term as student representative.

13 Section 330. Subsection (5) of section 447.301,
14 Florida Statutes, is amended to read:

15 447.301 Public employees' rights; organization and
16 representation.--

17 (5) ~~In negotiations over the terms and conditions of~~
18 ~~service and other matters affecting the working environment of~~
19 ~~employees, or the learning environment of students, in~~
20 ~~institutions of higher education, one student representative~~
21 ~~selected by the council of student body presidents may, at his~~
22 ~~or her discretion, be present at all negotiating sessions~~
23 ~~which take place between the Board of Regents and the~~
24 ~~bargaining agent for an employee bargaining unit. In the case~~
25 ~~of community colleges, colleges, and universities, the student~~
26 ~~government association of each~~ community college, college, or
27 university shall establish procedures for the selection of,
28 and shall select, a student representative to be present, at
29 his or her discretion, at negotiations between the bargaining
30 agent of the employees and the board of trustees. Each
31 student representative shall have access to all written draft

1 | agreements and all other written documents pertaining to
2 | negotiations exchanged by the appropriate public employer and
3 | the bargaining agent, including a copy of any prepared written
4 | transcripts of any negotiating session. Each student
5 | representative shall have the right at reasonable times during
6 | the negotiating session to comment to the parties and to the
7 | public upon the impact of proposed agreements on the
8 | educational environment of students. Each student
9 | representative shall have the right to be accompanied by
10 | alternates or aides, not to exceed a combined total of two in
11 | number. Each student representative shall be obligated to
12 | participate in good faith during all negotiations and shall be
13 | subject to the rules and regulations of the Public Employees
14 | Relations Commission. The student representatives shall have
15 | neither voting nor veto power in any negotiation, action, or
16 | agreement. The state or any branch, agency, division, agent,
17 | or institution of the state, including community colleges,
18 | colleges, and universities, may ~~shall~~ not expend any moneys
19 | from any source for the payment of reimbursement for travel
20 | expenses or per diem to aides, alternates, or student
21 | representatives participating in, observing, or contributing
22 | to any negotiating sessions between the bargaining parties+
23 | ~~however, this limitation does not apply to the use of student~~
24 | ~~activity fees for the reimbursement of travel expenses and per~~
25 | ~~diem to the university student representative, aides, or~~
26 | ~~alternates participating in the aforementioned negotiations~~
27 | ~~between the Board of Regents and the bargaining agent for an~~
28 | ~~employee bargaining unit.~~

29 | Section 331. Subsection (4) of section 447.403,
30 | Florida Statutes, is amended to read:

31 | 447.403 Resolution of impasses.--

1 (4) If ~~in the event that either~~ the public employer or
2 the employee organization does not accept, in whole or in
3 part, the recommended decision of the special master:

4 (a) The chief executive officer of the governmental
5 entity involved shall, within 10 days after rejection of a
6 recommendation of the special master, submit to the
7 legislative body of the governmental entity involved a copy of
8 the findings of fact and recommended decision of the special
9 master, together with the chief executive officer's
10 recommendations for settling the disputed impasse issues. The
11 chief executive officer shall also transmit his or her
12 recommendations to the employee organization; ~~_. If the dispute~~
13 ~~involves employees for whom the Board of Regents is the public~~
14 ~~employer, the Governor may also submit recommendations to the~~
15 ~~legislative body for settling the disputed impasse issues;~~

16 (b) The employee organization shall submit its
17 recommendations for settling the disputed impasse issues to
18 such legislative body and to the chief executive officer;

19 (c) The legislative body or a duly authorized
20 committee thereof shall forthwith conduct a public hearing at
21 which the parties shall be required to explain their positions
22 with respect to the rejected recommendations of the special
23 master;

24 (d) Thereafter, the legislative body shall take such
25 action as it deems to be in the public interest, including the
26 interest of the public employees involved, to resolve all
27 disputed impasse issues; and

28 (e) Following the resolution of the disputed impasse
29 issues by the legislative body, the parties shall reduce to
30 writing an agreement which includes those issues agreed to by
31 the parties and those disputed impasse issues resolved by the

1 legislative body's action taken pursuant to paragraph (d). The
2 agreement shall be signed by the chief executive officer and
3 the bargaining agent and shall be submitted to the public
4 employer and to the public employees who are members of the
5 bargaining unit for ratification. If such agreement is not
6 ratified by all parties, pursuant to the provisions of s.
7 447.309, the legislative body's action taken pursuant to the
8 provisions of paragraph (d) shall take effect as of the date
9 of such legislative body's action for the remainder of the
10 first fiscal year which was the subject of negotiations;
11 however, the legislative body's action shall not take effect
12 with respect to those disputed impasse issues which establish
13 the language of contractual provisions which could have no
14 effect in the absence of a ratified agreement, including, but
15 not limited to, preambles, recognition clauses, and duration
16 clauses.

17 Section 332. Except as otherwise expressly provided in
18 this act, and except for this section, which shall take effect
19 July 1, 2002, this act shall take effect January 7, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1564

4 The committee substitute reenacts or reenacts with amendments
5 every section of chapter 240, F.S., except the sections that
6 are repealed or created. To this end, the bill:

7 Conforms references in chapter 240 to the Education Governance
8 Reorganization Implementation Act.

9 Amends the powers and duties of the state university and
10 college boards of trustees and the community college district
11 boards of trustees.

12 Amends the powers and duties of the state university, college,
13 and community college presidents.

14 Provides that each state university and college board of
15 trustees and each state university and college are
16 independent, separate, legal entities, and are not state
17 agencies unless specifically provided by law.

18 Provides that appropriations to each state university and
19 college shall be in the form of grants and aids.

20 Authorizes each state university and college to deposit funds
21 outside the State Treasury.

22 Provides that each university and college board of trustees is
23 the public employer for their employees under collective
24 bargaining.

25 Amends laws relating to state funded student assistance to
26 comply with administrative recommendations passed by the
27 Florida Senate in previous Legislative Sessions. In addition,
28 the bill clarifies that the limitation of state funded
29 assistance to undergraduate courses applies to Bright Futures
30 Scholars. Any students currently receiving an award for
31 graduate-level courses may continue to do so, but students who
 receive an initial award in 2002 will not receive it for
 graduate-level courses. Also, the bill extends the application
 deadline for a Bright Futures Scholarship to 2 years after
 high school graduation.